

APPLICATION NO.	P14/S2176/FUL
APPLICATION TYPE	Major
REGISTERED	30 July 2014
PARISH	Thame
WARD MEMBER(S)	David Dodds Ann Midwinter
APPLICANT	Rectory Homes
SITE	The Elms, Thame
PROPOSAL	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.
AMENDMENTS	Amended plans submitted – detailed in Appendix 2
GRID REFERENCE	470832 /205574
OFFICER	Emily Hamerton

1.0 INTRODUCTION

1.1 This planning application has been referred to Planning Committee at the discretion of the Planning Manager given the level of public interest.

1.2 Attached at **Appendix 1** is an OS extract plan which shows the location of the site. It lies within the centre of Thame to the west of Elms Park and is adjacent to The Elms which is a 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 is a full planning application for a total of 37 new houses and apartments, a new vehicular access from Elms Road, new pedestrian and cycle links and the creation of a new public open space.

2.2 Amended plans have been submitted twice on this application following comments raised during the original consultation period. The first set of amended plans were submitted on 13 January 2015 and all original consultees were notified and given 14 days to provide any comments to the district council. Along with concerns raised by neighbours about the allocation of this site in the TNP and the impact of the proposed development on their amenity, a number of consultees from both the district and county council had the following concerns:

- Affordable housing – the tenure mix, type and mix did not accord with policy. The proposed affordable housing units were poorly integrated
- Landscape & Forestry – Important trees would be lost, more information requested and clarification required in relation to utilities / service runs and tree root systems, the link between Elms Park and the site is degraded by the density and layout. Bin storage poorly thought out
- Highways – more information and clarification of access and parking requested

- Conservation – Objection to the principle of development on this site, proposal should increase open space, widen the crescent, widen the key pathway link between Elms park and the site.

As a result of the first amendments the number of units proposed reduced from 45 to 37. A second set of amended plans were submitted on 19 March, these were required as some of the additional information and clarification requested in relation to highways and landscaping were not provided with the first set of amendments. All original consultees were notified and given 14 days to provide any comments to the district council.

Attached at **Appendix 2** are the layout plans and elevations for the new development and a plan schedule. A copy of the supporting documents can be viewed on the council's website at www.southoxon.gov.uk.

- 2.3 The proposal involves the erection of a total of 37 new houses and apartments. Twelve of these are town houses and form part of a crescent to the east and west of the site. Eleven houses are sited adjacent to Elms Park and form two rows of terrace houses. To the north of the site are 4 apartments and 2 semi-detached houses. To the south there are two buildings, one comprising 2 apartments, the other comprises 4 apartments which adjoin 2 terrace properties. A new vehicular access will be created off Elms Road which will serve all the new houses. A new public pedestrian and cycle link will be created which will allow access from Elms Park into the site and through to either The High Street or Elms Park Road.
- 2.4 Two other planning applications relate to this proposal. Policy HA4 of the TNP requires a planning application for improvements to the park to be submitted at the same time as this application. Planning application reference P14/2310/O is an outline planning application which relates to proposals at Elms Park. Planning application reference P14/S2395/LB relates to listed building works associated with the residential proposal. The reports for Elms Park and the listed building application are included in your committee papers and whilst they will be considered separately, the Elms Park proposal, in particular is a material consideration because it is the means by which part of the development plan policy requirements are to be fulfilled.

Screening Opinion

- 2.5 In line with the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011, this development was the subject of a Screening Opinion. Although the site area of this development falls within Schedule 2 of the regulations, the proposal was not considered to have significant environmental effects on the environment, having regard to the cumulative impacts of this development and other allocated sites and schemes with planning permission nearby. Therefore an EIA was not required.

CONSULTATIONS & REPRESENTATIONS

- 3.0 Below is a summary of the responses received in relation to the original plans. A full copy can be viewed online at www.southoxon.gov.uk. The petition that was received objected to the allocation of this site within the TNP, other objection letters were received which are summarised below.

Consultee	Summary
Thame Town Council	<ul style="list-style-type: none"> • Objection • Full consideration must be given to the increase in traffic movement from any development on the site in particular that generated by construction traffic. Nelson Street, Rooks Lane, Southern Road and Upper High Street already suffer

	<p>under current traffic movements</p> <ul style="list-style-type: none"> • The adverse effect increased traffic movement will have on existing residential amenity • Consideration is given to the points made in the letter from Barton Wilmore to TTC dated 30 September 2014.
Neighbours	<ul style="list-style-type: none"> • Petition of with over 2,000 signatures received • 1048 neighbour objections received • Design of the new housing is out of keeping with the local (conservation) area. • The new housing will lead to further parking and congestion problems on neighbouring roads. • Proposed narrowing of the footpaths would be detrimental to pedestrian safety. • The Elms makes a positive contribution to the local area and the loss of this enjoyable, open ‘breathing lung’ and recreational space would be lamented. • Other locations to build new housing outside of the town centre would be preferable. • Concerns regarding the increased pressure on key utilities such as sewerage. • Increase in light, noise and air pollution caused by housing and associated cars. • Adverse harm on The Elms listed building. • Design layout would result in the housing being situated along the boundary of the site and would look overly cramped. • Loss of trees is unacceptable, would harm the appearance of the site and the balance of wildlife. • Visual impact to those who use Elms Park. • Loss of neighbour privacy given the scale and proximity of new dwellings to boundary of the site. • Proposed access route would be inadequate to serve this development. Concerns regarding access for emergency services. • Development would increase the risk of water levels rising in our garden. • It would not be feasible to development new affordable units to meet this high standard. • Height of proposals should be 2 to 2.5 storeys as expressed within the TNP. • Narrowing of the pavements would contradict the TNP which seeks to encourage walking and cycling in the town. • Urge the removal of the site from the Neighbourhood Plan. • No statement of community involvement re: Policy CLW2 in the Neighbourhood Plan • The Town Houses would contravene a condition included in the conveyance of Elms Park which states that no other occupiers of premises abutting on to the park are to be allowed private entrances to the park. • The layout of the proposal contravenes the restriction set out in the TNP to the east and south-east of the site

Thame Conservation Advisory Committee	<ul style="list-style-type: none"> • Object • Concerned about impact on Grade II listed building • Concerned about impact on Conservation Area • Concerned about impact on trees • Insufficient parking • Can sewage system in Thame cope with this • Important to retain this large house with land around it
Affordable Housing	<ul style="list-style-type: none"> • Objection – to tenure mix, unit type and lack of integration
Environmental Health Contaminated Land	<ul style="list-style-type: none"> • No strong views; considers the site suitable for the proposal residential development.
Environmental Health Air Quality	<ul style="list-style-type: none"> • No objection, condition recommended
Conservation Officer	<ul style="list-style-type: none"> • There would be undeniable harm to the setting of The Elms, Elms Barn, other nearby listed buildings and the Conservation Area as a result of development on this site. • The design of the scheme will create a contemporary residential development that would be completely unique within Thame. • Given the sensitivities of the site, this approach was deemed to be the most suitable way forward at pre-application stage. • The proposed mix of building materials compliment the palette of The Elms.
Landscape Officer	<ul style="list-style-type: none"> • Overall layout has character of its own and creates a sense of place • Density causing problems as important trees will need to be removed to accommodate layout • The path link has a tree in the middle of it • Visual and physical link degraded by density of layout
Forestry Officer	<ul style="list-style-type: none"> • Objection • Layout does not have regard to a number of the TPO trees, more information requested in relation to service runs, tree pits, species selection
Urban Design Officer	<ul style="list-style-type: none"> • Opening up the site is a positive attribute • Architectural approach with the contemporary reinterpretation works well
Environment Agency	<ul style="list-style-type: none"> • No objection • Standard advice provided
English Heritage	<ul style="list-style-type: none"> • Objection • English Heritage consider that the current proposal is based on an incorrect understanding of the setting of this building and would materially harm this setting • The heritage asset chiefly affected by this proposal is The Elms a grade II listed building.

	<ul style="list-style-type: none"> • The land sits within a conservation area but it is separated visually from the rest of this area, so the impact on the conservation area is best viewed in terms of the impact in The Elms itself. • The Elms is of historical value of a larger complete example of the house of a reasonably well-off family of the period and is a good example of the villa style architecture at the time. It also has a high degree of architectural value and is an attractive and well- designed building.
OCC – Highways	<ul style="list-style-type: none"> • Contributions requested towards highway infrastructure improvements • Further information and clarification requested in relation to the layout of the plans and parking.
OCC – Education	<ul style="list-style-type: none"> • Contributions requested for primary, secondary and SEN education
OCC – Ecology	<ul style="list-style-type: none"> • Refer to SODC Countryside Officer’s advice
OCC – Property	<ul style="list-style-type: none"> • Contributions requested towards library, waste management, museum and monitoring and administration
OCC – Archaeology	<ul style="list-style-type: none"> • Further archaeological investigation work requested.

Below is a summary of the consultation comments received on the first set of amended plans. These amendments included the following:

- Reduction in the number of units to 37
- Change the affordable housing mix, tenure and location within the site
- Changed the layout
- Changed the design of a number of the units
- Changed the landscaping plans

As a result of these amendments, the technical reports accompanying the application were also updated.

Consultee	Summary of response
Thame Town Council	<ul style="list-style-type: none"> • No response received
Neighbours	<ul style="list-style-type: none"> • Increase traffic problems along Nelson Street and neighbouring roads which are already congested • Design of properties is out of keeping with this area of Thame • Housing layout disregards the policy requirements of the Thame Neighbourhood Plan which stipulates development should be focused to the east/south-east of the site • Loss of trees within a Conservation Area is not supported, contradictory to TNP which seeks to ensure the retention of open land and mature trees to maintain the setting for The Elms and to retain trees around the boundary and within the

	<p>site.</p> <ul style="list-style-type: none">• Objections to the removal of the over-mature horse chestnut.• Townhouses would be overbearing on the park, privacy and safety of children• Limited parking spaces to serve the new houses would increase parking issues• Vehicular access to this site from Elms Road would pose a threat to those living nearby within close proximity to Windmill Road, Southern Road, Rooks Lane and Nelson Street• Loss of historical park land and open green land within Thame• The proposal needs to integrate with other road flows in the area• An increase of construction traffic to and from the site• Three storey properties are in contravention with the Thame Neighbourhood Plan and would be of a scale inappropriate in this area• The development would destroy the views of Elms House• Barrier between the park and this site would be lost• The rural character of the Elms Park would be lost• Harm to any species using the site• Narrow paths for pedestrians would be at more of a risk as a result of this development and would be contradictory to TNP which is designed to encourage walking and cycling in the town• Other, less sensitive sites on the outskirts of Thame should take housing• This development could contribute to the creation of a commuter town• The plans do not show how the traffic flow on neighbouring roads can be justified• A number of residents are reinforcing the views of English Heritage• Loss of an important open space for the community benefit – measures should be taken to maximise their community benefit rather than lose them• Destruction of important parkland ecosystem in the centre of town and nearby ecosystems along the Phoenix trail. The nearest known Great Crested Newt population is 700m away to the south-east across urban land and main roads that
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	<p>would certainly act as a total barrier to newt movement.</p> <ul style="list-style-type: none"> • Will reduce the area available for play due to the risk of damaging/nuisance to the proposed development • Increase the number of access/exit points which will further increase security risk for children in the area • Concerns over the future ownership of the fenced off woodland areas or the wall which sits between the land and the eastern side of Nelson Street
Thame Conservation Advisory Committee	<ul style="list-style-type: none"> • Original comments still stand, concerned about the proposed houses adjacent to Elms Park being able to access the park directly which is contrary to the transfer of land when given to Thame Town Council
Affordable Housing	<ul style="list-style-type: none"> • Number of units, tenure mix, unit type and location on the site agreed
Environmental Health – Environmental Protection	<ul style="list-style-type: none"> • No objection, conditions recommended
Environmental Health – Contaminated land	<ul style="list-style-type: none"> • No objection
Environmental Health – Air Quality	<ul style="list-style-type: none"> • No objection subject to conditions
Forestry Officer	<ul style="list-style-type: none"> • Objection • Further information on service runs, tree pits, species type requested • Inaccurate plans – need amending
Urban Design Officer	<ul style="list-style-type: none"> • No further comments received
Landscape Officer	<ul style="list-style-type: none"> • Further clarification and information requested (combined response with Forestry Officer)
Forestry Officer	<ul style="list-style-type: none"> • Clarification and further information still requested
Environment Agency	<ul style="list-style-type: none"> • No objection, standard advice provided
English Heritage	<ul style="list-style-type: none"> • Original objection still stands
OCC – Highways	<ul style="list-style-type: none"> • Clarification and further information still required
OCC – Education	<ul style="list-style-type: none"> • Contributions requested (reduced due to reduction in number of units)
OCC – Ecology	<ul style="list-style-type: none"> • Contributions requested (reduced due to reduction in number of units)

OCC – Property	<ul style="list-style-type: none"> • Contributions requested (reduced due to reduction in number of units)
OCC – Archaeology	<ul style="list-style-type: none"> • No objection, conditions recommended

The following is a summary of the responses received in relation to the second set of amended plans. These amended plans included the following:

- Revised landscaping plans
- Response to OCC Highways request for additional information

The relevant associated technical reports including, the Flood Risk and Design and Access Statement were also updated.

Consultee	Summary
Thame Town Council	<ul style="list-style-type: none"> • Objection • Over development
Neighbours	<ul style="list-style-type: none"> • Proximity to neighbouring Park land would result in an overbearing harm and security/privacy harm to those using the park, including children • Increase the number of entrance/exit points increasing security risk to children in the area • Location of housing in the proposed design contravenes the TNP: page 64 which states the development will be restricted to the "eastern and south-eastern side" • The current application designs and layouts are extensively different to those that have been shown at any public consultation. The "Statement of Community Engagement" clearly shows the designs that were presented to the public. They bear no relation to the proposal and therefore it can be considered that there has been no public consultation on these plans. This is clearly in contradiction to the TNP • Design, materials and height of proposed dwellings contradicts the character and appearance of nearby properties and the historic interest of Thame and TNP policy which stipulates new buildings should be generally 2-2.5 storeys in height • The proposals would be urban in design and fail to adhere to the open character of the area and spoil the view of the area • More strain on local services, including schools and doctors surgeries • Detriment to the enjoyment of those residents living nearby, along Nelson Street and Broadwaters Avenue • More appropriate sites located on the outskirts of Thame would better accommodate housing need • The park belongs to the people of Thame as it says on contract of deeds both council and rectory homes should have a copy they are available to public at county archives and land registry • The plan does not provide 1 hectare of publicly accessible open space as promised. The boundaries and roadways

	<p>should not be included and the open space created should be better designed with both the public and not just the residents of the development in mind.</p> <ul style="list-style-type: none"> • Further traffic and congestion problems along Southern Road, Rocks Lane or Nelson Street • Narrowing of pavements would contradict the provisions of the TNP which seeks to encourage walking and cycling and would further increase the harm to pedestrians using the pavements • The same approach should be taken to this proposal than that taken at the Old Creamery which was rejected for potential traffic concerns • Construction traffic would have an unacceptable impact on the local community and already damaged roads • Developers should be made to address the traffic issues in regards to public safety before any work commences • The fire station at the end of Nelson may lose time and access if needed in an emergency • Removal of significant trees which contribute to the character and tree scape of the area which contravenes the TNP which seeks the retention of open land and mature trees in such a way as to maintain an appropriate setting for The Elms and the trees around the boundary and within the site • The winter time survey of the site does not provide the best analysis of the Horse chestnut tree • The proposed development would entail the destruction of an important parkland ecosystem in the centre of the town including the felling of significant trees of great age and ecological importance
Thame Conservation Advisory Committee	<ul style="list-style-type: none"> • Comments by English Heritage endorsed
Affordable Housing	<ul style="list-style-type: none"> • No further comments
Environmental Health – Contaminated Land	<ul style="list-style-type: none"> • No objection
Environmental Health – Air Quality	<ul style="list-style-type: none"> • No further comments
Conservation Officer	<ul style="list-style-type: none"> • Objection to the proposed development, which is seen as an overdevelopment of the site which would harm setting of The Elms and this unique open space within the Thame Conservation Area. • Further advice given in relation to design and materials
Countryside Officer	<ul style="list-style-type: none"> • No further comments
Landscape Officer	<ul style="list-style-type: none"> • Plan ref RG-L04-7 Rev E 3 of 4 – hedge mix specification needs updating • Conditions recommended
Forestry Officer	<ul style="list-style-type: none"> • Soft landscaping plan RG-L04-5-REV D shows additional tree removal in the garden of The Elms, not shown previously – clarification of this required • A number of planting plans and service layout plans are

	<p>conflicting, needs resolving</p> <ul style="list-style-type: none"> • Tree pit details needed • Conditions recommended • Landscape drawing 2 of 4 tree species need revising
Urban Design Officer	<ul style="list-style-type: none"> • No further comments received
Environment Agency	<ul style="list-style-type: none"> • No objection, standard advice provided
English Heritage	<ul style="list-style-type: none"> • Original objection still stands
OCC - Highways	<ul style="list-style-type: none"> • No further comments
OCC – Education	<ul style="list-style-type: none"> • No further comments
OCC – Ecology	<ul style="list-style-type: none"> • No further comments
OCC - Property	<ul style="list-style-type: none"> • No further comments
OCC – Archaeology	<ul style="list-style-type: none"> • No objection, condition recommended

4.0 RELEVANT PLANNING HISTORY

4.1 None directly relevant to this proposal. Planning permission and listed building consent was granted in 2010 for extensions and alterations to The Elms itself. In 2011 planning permission and listed building consent was granted for the conversion of the barn which sits to the west of The Elms and was originally within the same ownership of The Elms.

5.0 POLICY & GUIDANCE

5.1 The development plan comprises:

- The South Oxfordshire Core Strategy
- The South Oxfordshire Local Plan
- The Thame Neighbourhood Plan
- The Woodcote Neighbourhood Plan
- OCC Waste and Mineral Plan 2006
- Saved Policies from South East Plan (relating to Upper Hayford and Thames Basin)

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
H8	Provide affordable housing
H9	Provide a mix of housing type
H10	Provide a Thame specific affordable housing and dwelling mix strategy
CLW4	Contributions required from developers of new housing to fund additional healthcare facilities.

ESDQ6	Improve Elms Park Recreation Area
ESDQ2	Allocated sites to provide open space in locations specified in section 3
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 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
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
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
CSM2	Transport Assessments and Travel Plans
CSH2	Density
CSH3	Affordable housing
CSH4	Meeting housing needs
CSTHA1	The strategy for Thame
CSTHA2	New allocations at Thame
CSEN1	Landscape
CSEN3	Historic environment
CSQ3	Design
CSQ4	Design briefs
CSG1	Green infrastructure
CSB1	Conservation and improvement of biodiversity
CS1I	Infrastructure provision
CSC1	Delivery and contingency

The South Oxfordshire Local Plan

Policy No	Policy Title
G2	Protection and enhancement of the environment
G5	Making the best use of land
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
D12	Public art
R1	Formal recreation
R2	Recreation
R6	Informal recreation
CF1	Safeguarding community facilities and services including recreation facilities
T1	Transport requirements for new developments
T7	Cycling and walking

6.0 PLANNING CONSIDERATIONS

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

1. Principle of the development
2. Impact on the Conservation Area
3. Impact on the setting of nearby listed buildings
4. Impact on neighbours
5. Elms Park proposal
6. Highway safety, convenience & traffic
7. Cycle and pedestrian links
8. Design
9. Drainage
10. Landscape & trees
11. Protected species & biodiversity
12. Archaeology
13. Affordable housing
14. Housing mix
15. S106 contributions
16. Other matters

6.2 The principle of the development

- 6.3 Policies CSTHA1 and CSTHA2 of the adopted Core Strategy states that land will be identified for 775 new homes through a Neighbourhood Plan. Under this policy the supporting text (para 11.15) states that the development should avoid building on areas of land within flood zones 2 and 3, provide safe pedestrian and cycle links to the town centre, and make provision or provide contributions towards such necessary supporting infrastructure as set out in the Infrastructure Delivery Plan.
- 6.4 The Thame Neighbourhood Plan (TNP) was adopted in March 2013. There was a period of time after adoption where the plan could have been challenged by a judicial review process, however no challenges were made. The document forms part of the development plan to which s. 38(6) of the Planning and Compulsory Purchase Act 2004 applies.
- 6.5 As set out in para 185 of the National Planning Policy Framework (NPPF) once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.
- 6.6 Under the heading of Policy HA4 requirements, the TNP identifies the land at the Elms to be allocated for:
- 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.
- 6.7 The policy goes onto set 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.

The following sections of my report address the above points.

6.8 Impact on the Conservation Area

The entire site is within the Thame Conservation Area and there are a number of nearby listed buildings. Neighbours and the Conservation Officer have concerns about the impact of this development on the Conservation Area.

6.9 The Thame Neighbourhood Plan allocates this site for no more than 45 dwellings. Having regard to the allocation of this site, your Officers have negotiated a scheme with the developers that has sought to overcome technical concerns and objections that were raised in relation to the original plans. This includes the layout and design, relationship with Elms Park and public links through the site.

6.10 The Supporting Heritage Statement submitted by the applicant's assesses the development of this site as 'moderate beneficial' to The Elms. One of the applicant's main supporting arguments is that the development of this site will open up and allow public access through existing private parkland. However the Conservation Officer disagrees and considers there would be undeniable harm to the existing private and open parkland setting of The Elms and this unique open space within the Thame Conservation Area. The Conservation Officer considers that the benefit of providing increased pedestrian and cycle links from the south of Thame to the Upper High Street and increased public open space is of some weight but the impact assessment over-estimates the extent to which the harm of such intensive development of the site is outweighed by this public benefit.

6.11 It is the view of the Conservation Officer that in order for the development of this allocated site to be in accordance with both Policy HA4 and the Thame Neighbourhood Plan and the Planning (Listed Buildings and Conservation Areas) Act 1990, the extent of the development would need to be significantly reduced to no more than a few dwellings in a parkland setting with nearly all of the shortfall accommodated elsewhere. It is the Conservation Officer's opinion that there is fundamental conflict caused by the allocation of this site described in the TNP and Conservation Area Character Appraisal as a sensitive and important open space and having special regard to preserving or enhancing both the setting of the listed buildings and the Conservation Area in accordance with the Act. Therefore it is their conclusion that this proposal over develops the site constituting in harm to the setting of the listed buildings and the character and appearance of this unique open space within the Thame Conservation Area. However the TNP policy allocates this site for no more than 45 dwellings. The current proposal is for 37 new homes and the amended plans have sought to address the technical concerns raised in relation to design, landscaping, trees and vehicle access and parking.

6.12 Whilst the Conservation Officer has highlighted a conflict between the allocation of this site for up to 45 new houses and the Planning (Listed Buildings and Conservation Areas) Act 1990, the TNP was the subject of examination (February 2013) recommending that the Plan proceeds for Referendum. The Examiner had to consider whether the plan met the 'basic conditions' which are set out in law following the Localism Act 2011. In order to meet the Basic Conditions, the plan must;

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development

- Be in general conformity with strategic policies of the development plan for the area – in this case, the South Oxfordshire Core Strategy (2012);
- Be compatible with the European Union (EU) and European Convention on Human Rights (ECHR) obligations.

6.13 The TNP is adopted and allocates this site for no more than 45 dwellings and the application proposes 37 houses. Although the Conservation Officer has raised fundamental concerns about the conflict of this allocation and the Listed Building and Conservation Areas Act, the TNP has been subject to examination and is adopted and the policy for this site allocates development for no more than 45 houses. I therefore consider that the conflict that the Conservation Officer identifies is outweighed by the allocation of this site within the TNP, and the design response of the scheme which has addressed the constraints of the site.

Impact on the setting of nearby listed buildings

6.14 English Heritage have objected to this proposal. They consider the heritage asset chiefly affected by this proposal is The Elms a grade II listed building, while there are other listed buildings in the area the impact of the proposals on these is very minor. Whilst they acknowledge that the site is allocated for development in the TNP, the policy requirement also states that any development must respect the setting of the Grade II listed building known as The Elms. English Heritage consider that the current proposal is based on an incorrect understanding of the setting of this building and would materially harm this setting, they do not consider that this harm is justified and therefore do not support the proposal in its current form.

6.15 It is English Heritage's view that the land sits within a conservation area but it is separated visually from the rest of this area, so the impact on the conservation area is best viewed in terms of the impact in The Elms itself. English Heritage has identified the significance of the Elms as being its historical value of a larger complete example of the house of a reasonably well-off family of the period and consider that it is a good example of the villa style architecture at the time. It also has a high degree of architectural value and is an attractive and well- designed building.

6.16 The Elms sits within what the list description describes as '8 acres of park like grounds dotted with old trees'. English Heritage consider that this effectively forms the setting for the Elms and that there is no doubt that the house was designed to respond to this naturalistic environment, hence the irregularity of massing and informality of planning.

6.17 There is disagreement between English Heritage's assessment of the land surrounding The Elms and the applicant's. English Heritage consider that the setting clearly enhances the significance of the listed building and are of the opinion that the design of the house responded to this with large windows positioned to afford views of land to the south. The applicant's Heritage Advisor takes the view that the connection between the villa and the surrounding land is essentially fortuitous and that the two were not united in a single landholding until the 20th century. To support this they cite the 1826 enclosure and the 1848 tithe maps which show the land on which the Elms now stands (the house is not shown on either document) and the surrounding land in different ownership. They also claim that the first document to show The Elms the 1881 25" OS map, indicates that both the land immediately to the south and to the south-east were separate entities. English Heritage do not agree with this assessment and consider the applicants have misinterpreted the evidence as it is not clear when the Elms was constructed (the date given in the listing is based on stylistic grounds). Also the Elms is a relatively

grand building which from its size, architectural pretensions and location would be expected to have reasonably large private grounds. Regardless of land ownership English Heritage consider that the current sense of tranquillity and seclusion should be regarded as making a positive contribution to the setting of the building regardless of ownership of the land at the time of building, which can probably never be proved conclusively.

- 6.18 Under 'key considerations' of Policy HA4 of the TNP it states that the site's sensitivities mean that residential development will be restricted to the eastern and south-eastern side, although it is not possible to define the exact extent of the built-up area and open space prior to designs being completed and agreed. English Heritage object to this proposal as the application proposes developing the whole site. They consider that development on the land to the south of The Elms would seriously harm the significance of this grade II listed building. English Heritage recommended that this application is refused as it would involve unjustified harm to the to the significance of a listed building which would be contrary to both the paragraph 134 of the NPPF and the Thame Neighbourhood Plan.
- 6.19 Para 132 of the NPPF requires any harm to a designated heritage asset to be robustly justified whilst para 134 of the NPPF requires any harm to be balanced by public benefits. English Heritage do not see any clear benefits associated with this application that would outweigh the harm and recommend refusal of the application.
- 6.20 Although English Heritage and the Conservation Officer have objected to this proposal, the allocation in the TNP is for no more than 45 dwellings. Whilst the TNP restricts development to the east and south eastern side this area was not defined. The amended proposal creates a unique crescent development, whilst English Heritage do not consider this design appropriate as it is 'highly urban'. The crescent curves round into the western edge and without this the crescent form would be lost. As the requirements of the TNP are to create public access through it, any houses on this site need to be designed in a way that would create maximum natural surveillance and in effect be double fronted as any new houses would need to address Elms Park and the site itself. The design approach that has been taken through these current plans is the most effective way of achieving this.
- 6.21 **Impact on neighbours**
There has been a petition with over 2,000 signatures and a number of neighbour objections to this development which have included concerns about traffic, impact on the conservation area, air quality concerns and concerns about the height of the buildings proposed.
- I have visited a number of neighbouring properties surrounding this site, including houses along Nelson Street, Elms Road, Park Street.
- 6.22 Nelson Street
The properties along Nelson Street have rear gardens that abut the site. Along the common boundary but within the land at The Elms 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 along this boundary the planting is sparse and therefore views into the site from some properties along Nelson Street are quite open. Also a number of trees along this boundary are deciduous, therefore there is only more substantial vegetation screening throughout part of the year.
- 6.23 Some neighbours are concerned about the overlooking from the proposed properties. There are three, 3 storey houses proposed on the western side of the

crescent. At first and second floor level there are bedrooms in the western elevation which would face the rear of the properties in Nelson Street. The back to back window distance between the properties along Nelson Street and the proposed dwellings are 35m at the closest points. This is in excess of the recommended 25m back to back distance set out in the South Oxfordshire Design Guide (SODG). Two of the proposed properties have garage / home studio buildings directly to the rear. These have first floor bay style windows which face the rear of several properties along Nelson Street. At the closest point the back to back window distance is 29m, which is in excess of the 25m recommended distance in the Design Guide. The landscape proposals includes more planting along this boundary where the vegetation is currently sparse, which will help to create a more substantial natural screen.

6.24 Park Street

There are a number of properties along Park Street that abut this site too. This includes Poplars and 87 – 93 Park Street. The boundary between these properties and the site is much more open compared to Elms Street, and there is no planting along the common boundary. Therefore there are open and clear views into and out of the site. I visited a number of properties along Park Street due to the concerns neighbours had about the open nature of the rear of their properties and the impact this development could have in terms of noise and disturbance, light pollution and over-looking. A number of residents along Park Street explained to me during my visit that they have their main habitable rooms to the rear of the house as Park Road is a busy road and the properties sit close to it. However at the rear of their property it is quieter given the parkland their plots abut.

6.25 The layout plan and amended landscape plans show that along the common boundary with the properties along Park Street, hedge and tree planting are proposed. This will help to soften the impact of the development from the nearby neighbouring properties. The closest neighbouring property to the proposed houses is The Poplars which sits approximately 31m back to back. At this distance the development is not considered oppressive or overbearing nor would it lead to a level of overlooking that would be detrimental to the amenity of nearby neighbours. The other properties along Park Street sit approximately within a range of 46m – 86m away from the proposed houses, so of which are back to side distance. Although the outlook from the nearby neighbouring properties will change and instead of open parkland there will be built development, it is not considered, for the reasons outlined above that this would cause harm to neighbours amenity.

6.26 Elms Road

I also visited several properties on Elms Road. These properties 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.

6.27 **Affordable Housing**

Policy CSH3 of the adopted Core strategy and Policy H8 of the TNP require the provision of affordable housing on developments over a certain size. Given the number of units proposed as part of this development, 40% affordable housing is required which is a total of 14.8 units. After negotiations with the applicant 14 units have been secured through the S106 agreement with a tenure mix of:

Rented	Shared ownership
1 bed apartment x 5	1 bed apartment x 1
2 bed apartment x 2	2 bed apartment x 2
2 bed house x 1	
3 bed house x 2	
4 bed house x 1	

6.28 The value of the remaining 0.8 of a unit will be collected through a commuted sum payment of £80,986, also secured in the S106 agreement.

6.29 This proposal delivers the required amount of affordable housing with an acceptable tenure split. Therefore there are no objections on affordable housing policy grounds.

6.30 **Elms Park Proposal**

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. The proposals for Elms Park should be informed by local people.

6.31 The applicants have submitted an outline planning application for Elms Park which includes an outline proposal for landscaping and improvement works to Elms Park including the provision of new paths and the relocation and / or replacement of the multi-use games area. The multi-use games area currently sits adjacent to where the new housing is proposed and will be in very close proximity and not desirable for the new occupants of the proposed houses, therefore the planning application for Elms Park provides a mechanism to relocate or re-provide it.

6.32 To date there has not been a public engagement event in Thame where members of the public can put forward suggestions to inform this planning application. However Thame Town Council are proposing to carry this out soon and money is to be secured through a S106 agreement in relation to this application which would cover the cost of a public engagement event and the cost of improving Elms Park. This would then enable local people be involved and put forward their suggestions for the park improvements.

6.33 **Highway safety, convenience and traffic**

Nearby neighbours and residents of Thame have raised concerns about the impact of traffic, due to the increase in car movements on some of the surrounding roads and also concerns about construction traffic given the narrow roads surrounding the site and access to it. 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.

6.34 OCC Highways have not raised any objection to this proposal on highway safety and convenience grounds or parking. OCC requested further information from the applicants clarifying some detailed points, which has been provided and agreed by OCC with the exception of dedicated visitor parking. OCC had requested that the visitor parking areas were designated to avoid visitors to the adjacent park using them. However the applicant did not agree to this as there is no requirement to do this, it is only desirable. There is no objection to this proposal on highway grounds subject to the recommended conditions and S106 contributions.

6.35 **Cycle and pedestrian links**

One of the requirements of the TNP is the creation of a public pedestrian and cycle link from the north –south to the adjacent Elms Park. As part of this proposal access will be possible from Elms Road, Elms Park and Upper High Street into the site. One of the wider significant public benefits of this proposal is the creation of these new links 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.

- 6.36 There were initial concerns raised by the Landscape Officer and Urban Design Officer about the legibility of the pedestrian and cycle links into the site. They consider it is important to ensure that from Elms Road and Elms Park in particular the connections appeared clearly public and that pedestrians and cyclists could enter the site and that they don't feel they were entering a private housing estate for residents only. In response to this the amended plans have
- Widened the entrance area between Elms Park and the site by removing several houses
 - Made the connecting paths between the site and Elms Park simpler and as direct as possible
 - Creation of an open access from Elms Road

The cycle and pedestrian links are considered a benefit of this development and are acceptable.

Design

- 6.37 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, this is echoed in the Core Strategy, Design Guide and TNP. Para 60 goes onto state that policies and decisions should not attempt to impose architectural styles or taste or stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 6.38 The design approach for this site is contemporary, this follows discussions between your Officers and the applicant's architects and having discussed various options for the site, the current proposal is considered the most appropriate way of responding to this site. The information provided by the applicant, included in the Design and Access Statement has demonstrated that they have considered the constraints and opportunities and site through a site analysis and responded to this. The key aims in designing this site have been to:
- Create public access through the site – opening up an existing private parkland area
 - By opening up the site and creating access through it, winden connections throughout Thame, including – from Park Street to Elms Road, between Elms Park and this site
 - Retain significant trees and vegetation which create the parkland character
 - Open up views in and out of the site
 - Retain an area of open space as a focal point
 - Use contemporary materials in a pallet that complements The Elms
- 6.39 Given the location of the site and the creation of public access through it, one of the key challenges of the overall design was ensuring natural surveillance was maintained for safety and security reasons of not just the occupants of the houses

but for anyone walking through or using the open space both at The Elms and the adjoining Elms Park. This has therefore influenced the design of the houses which have active edges (with windows and doors) on both the front and back, avoiding any fencing or boundary treatments at the 'rear'. To allow the properties to have their own private garden space, an internal courtyard area has been created.

- 6.40 The creation of a crescent has allowed a large central area of open space to be retained, which the houses overlook and address. The proposed houses to the west adjacent to the park create an edge to the site and also create natural surveillance. Currently the existing houses along Park Street back onto the park which creates an edge to this space with varied fencing and boundary treatments and little natural overlooking and surveillance. Your Officers consider that this proposal has responded to the opportunities and constraints of the site and the design proposed is contemporary, unique and original which will have a positive impact on the character of the area.

Drainage & Flooding

- 6.41 One of the requirements of the TNP, policy HA4 requires a sustainable urban drainage (SuDS) system to be designed into the open space of the site. However 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 site lies in a low flood risk area and other SuDS will be used across the site as opposed to an open system. The scheme proposes to discharge surface water run-off generated from the proposed residential development to ground by utilising sustainable infiltration techniques. This would be implemented by discharging all the developments surface water run-off into a permeable sub-base situated beneath hard standing areas. For these reasons this aspect of the proposal is considered acceptable.

6.42 **Landscape and Trees**

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.

- 6.43 The Forestry Officer questioned the accuracy of the original plans and raised concerns about the position of the proposed paths and connections to Elms Park, the drainage strategy and the impact on the trees and some of the species which had been suggested for the additional planting. Additional information and clarification was requested from the applicants to address these concerns. The Forestry Officer has not raised any objection to the removal of the TPO tree which is located where the south-eastern houses of the crescent are proposed. The council's Landscape Officer was supportive of the overall layout of the development as it created a sense of character and place. However they raised some concerns about the details of the development, such as bin stores and the path layout. The applicants has sought to address the above issues through the submission of amended plans and additional information.

Protected species and bio-diversity

- 6.44 Some objectors to the proposal raised concerns about the potential for protected species on this site in particular Great Crested Newts. In response to this the applicant submitted an Ecology Addendum to specifically deal with the suggestion that Great Crested Newts could be present on the site and nearby in the pond at John Hampden Primary School and affected by the proposed development. The

additional work completed by the applicant’s consultant demonstrates that there is very little likelihood of GCN being present on the site or affected by the development proposals. The Countryside Officer does not consider this a constraint to the development and does not have an objection.

Archaeology

6.45 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.

Housing Mix

6.46 The TNP requires a Thame specific mix for each development. This application did not include a Thame Specific Housing mix Strategy. The design of this development has dictated the housing mix to a certain extent, due to requiring active frontages to the front and rear and due to the crescent style layout which has resulted in the houses being larger. There are other developments within Thame that are delivering a variety of housing mixes, therefore overall in Thame this development would not have a detrimental impact and there is a mix of smaller apartments and larger houses as part of this proposal. There is no objection to the housing mix.

S106 contributions

6.47 Policy CS11 of the adopted Core Strategy and Policy CLW4 of the TNP requires developments to make appropriate contributions towards services and facilities which as a result of this development there will be additional demand for. The tables below set out the sums of money agreed by the applicants which will be secured through a S106 agreement. They fall into two categories, district contributions and county contributions.

District Contributions (index linked)

Provision	Amount
Affordable housing – commuted sum	£80,986.00
Burial space	£3,341.84
Cemetery (suitability testing)	£119.14
Community facilities	£36,901.58
Community safety	£2,864.51
Greenspace	£16,952.42
Green link co-ordinator	£954.82
Health	£17,238.79
Indoor sport	£36,412.16
Leisure strategy	£572.88
Monitoring fee	£1,850
Outdoor sport	£36,412.16
Park Improvements (Elms Park)	£300,000
Play facilities	£7221.35
Play facilities maintenance	£8075.23
Police	£6,678.48
Public art	£9,873.78
Public art maintenance	£1287.88

Recycling contribution	£6,855.42
Sports strategy	£2,709
Street naming	£876.65

OCC Contributions (index linked)

Provision	Amount
Admin & monitoring	£3,750.00
Adult day care	£9,592.00
Bus stop provision	£2,000
Central library	£1,799.21
Cycle route	£12,617
Junction improvements (Windmill Road, Nelson Street, Southern junction)	£24,404.09
Library	£2,098.20
Museum	£524.55
Primary school expansion	£147,091
Public transport provision	£38,193.62
Secondary school expansion	£177,628
Special Educational Needs provision	£7,755
Waste management	£6,714.24

6.48 Other Matters

The Elms Petition Group (EPG) are a local group who have concerns about the allocation of this site in the Thame Neighbourhood Plan and the proposed applications. The EPG have raised issues that relate to the propriety of the behaviour of Thame Town Council in the TNP process. **Attached** at Appendix 3 is an open letter sent to the Mayor by EPG and a copy of the Mayor's response. Although such an issue is capable of being a material consideration, in these circumstances the TNP has been found to meet the basic conditions, there were no challenges on these ground during the neighbourhood plan process or after adoption. Therefore there is no basis in your officers opinion of the application to reduce the weight to be applied by the extant development plan.

7.0 CONCLUSION

7.1 The Town Council have objected to this development and there have been a large number of objections from members of the public. English Heritage and the Conservation Officer object to this application. They consider that there is less than substantial harm identified as set out in the NPPF. The Conservation Officer recognises that some of the harm identified has been mitigated through the amended plans. However both English Heritage and the Conservation Officer do not consider that this harm is out- weighed by public benefit because the housing could be accommodated elsewhere as identified in the TNP, in addition there is no need to develop the site in order to open it up to the public and create access through it. However the site is allocated within the TNP for up to 45 dwellings. The site is in a sustainable location within the town centre and proposes a high quality contemporary design. In addition this development will deliver 40% affordable housing, improvements to the park and will mitigate any impact through the S106 contributions. Therefore balancing all these issues, I am recommending that planning permission is approved.

8.0 RECOMMENDATION

8.1 To delegate authority to grant planning permission to the Head of Planning subject to:

- i. The prior completion of S106 agreements with the County Council and the District Council requiring provisions for the terms listed in section 6.47 of the report; and**
- ii. Detailed conditions in accordance with the summary set out below.**

Conditions

- 1. Commencement three years.**
- 2. Approved plans.**
- 3. Development tied to commencement of Elms Park improvements.**
- 4. Sample materials.**
- 5. Removal of permitted development rights classes A, B, C, D, E.**
- 6. New vehicular access.**
- 7. Vision splay details.**
- 8. New estate roads.**
- 9. Estate accesses – driveway and turning areas.**
- 10. Plan of car parking provision.**
- 11. Cycle parking facilities.**
- 12. Construction traffic management.**
- 13. Surface water management.**
- 14. No surface water to drain onto highway.**
- 15. Resident info pack – travel plan.**
- 16. Archaeology.**
- 17. Signposting.**
- 18. Air quality.**
- 19. Tree pit details to be submitted.**
- 20. Revise landscaping plan – RG-L04-5-Rev D.**
- 21. Revised planting and service layout plans.**
- 22. Revised species planting plan – RG-L04-7-Rev E (3 of 4).**

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