



PROOF OF EVIDENCE OF Mr. MATTHEW SHELLUM
SITE: UNIT 2, STATION ROAD, GREAT SHELFORD,
CAMBRIDGESHIRE, CB22 5LT

CHURCHILL RETIREMENT LIVING
CHURCHILL HOUSE
PARKSIDE
RINGWOOD
BH24 3SG

JUNE 2022

TOWN & COUNTRY PLANNING ACT 1990

**APPEAL BY CHURCHILL RETIREMENT LIVING LTD AND FH GREAT SHELFORD LTD.
AGAINST SOUTH CAMBRIDGESHIRE COUNCIL'S FAILURE TO DETERMINE A PLANNING
APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT
OF THE SITE TO FORM 39 RETIREMENT LIVING APARTMENTS (C3 USE) FOR OLDER
PERSONS WITH ASSOCIATED COMMUNAL FACILITIES, ACCESS, PARKING AND
LANDSCAPING.**

SITE AT: UNIT 2, STATION ROAD, GREAT SHELFORD, CAMBRIDGE, CB22 5LT

LPA REF: 21/05276/FUL

PLANNING INSPECTORATE REF: APP/W0530/W/22/3296300

PLANNING INQUIRY DATE: 12th-16th JULY 2022

PROOF OF EVIDENCE AUTHOR:

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1.0 Executive Summary

1.1 The appeal proposal is for the redevelopment of an underused brownfield site in Great Shelford for 39 Retirement Living apartments for older persons including communal facilities, and associated parking and landscaping.

1.2 Following the Appellant's submission of the appeal on the grounds of the Council's failure to determine the application, the Council resolved at its Planning Committee of the 16th June 2022 that had it been able to determine the application it would have refused the application for the following reasons, and I summarise;

(i) The proposed development, by reason of its density of approximately 134 dwellings per hectare, cramped layout and close proximity to the boundaries with lack of landscaping, siting in close proximity to Station Road, three storey height central and rear sections, substantial size and scale, 'H' plan form, and a poor level of communal and private amenity space, is considered to result in a poor quality design and living environment which would not make a positive contribution the local and wider context. The proposal is therefore contrary to Policies S/7, H/8 and HQ/1 of the South Cambridgeshire Local Plan 2018;

(ii) The proposed development, by reason of the provision of a significant number of habitable rooms in the north and south elevations and lack of separation between the adjacent dwelling to the north and the approved care home to the south, is considered to result in overlooking and a severe loss of privacy to habitable rooms and a roof terrace which would adversely affect the amenities of neighbours. The proposal is therefore contrary to Policy HQ/1 of the South Cambridgeshire Local Plan 2018;

(iii) The proposed development, by reason of the inadequate access width and lack of kerb radius, is considered to adversely affect the functioning of the public highway along Station Road to the detriment of highway safety. Notwithstanding the above, the inadequate size of the vehicle parking spaces on site may also have implications in terms of highway safety. The proposal is therefore contrary to paragraph 111 of the National Planning Policy Framework 2021 which seeks to resist developments where there would be an unacceptable impact on highway safety; and,

(iv) The proposed development, by reason of the potential lack of developer contributions towards open space and burial sites, is not considered to sufficiently mitigate the impact of the development upon local infrastructure. The proposal is therefore contrary to Policies SC/7 and TI/8 of the South Cambridgeshire Local Plan 2018.

(i) **High Quality Design**

- 1.3 The Appellant is of the view that the proposed scheme is a high-quality design that has responded to the character and appearance of this part of Great Shelford, utilising local materials and details in a modern way to complement the existing townhouses to the north and residential developments to the south. The proposal as agreed by the Council's conservation officer would be an enhancement to the setting of the Great Shelford Conservation Area. The widening of the footway to the front of the site to 2m has a positive impact in terms of pedestrian movement and safety through the village from the train station. In townscape and urban design terms the proposal is a significant improvement on the current situation and the sites relationship to Station Road and the Great Shelford Conservation Area. The proposal is considered to comply with Policies S/7, H/8, HQ/1 of the South Cambridgeshire Local Plan.

(ii) **Neighbouring Amenity**

- 1.4 The Appellant considers that Council's adherence to separation distances set out in design guidance is misplaced and does not have regard to later national planning policy advice in respect to making effective and efficient use of land. The Appellant's evidence through Mr. Lemberg's proof identifies that the orientation and secondary nature of the windows in No.4 Station Road mean that there is no unacceptable level of overlooking to the adjoining neighbour. The Council have also not considered the amenity benefits to this neighbouring property from the removal of an unrestricted commercial use. Accordingly, the Appellant considers that the proposal complies with Policy HQ/1n of the Local Plan.

(iii) **Highways Safety**

- 1.5 The parties have continued to discuss the highways comments of the local highways authority provided during the application which formed a reason for refusal in the officer's report to committee. Following provision of additional plans and discussions over the local highways authority's comments the reason for refusal has been removed subject to suitably worded conditions.

(iv) **S106 Planning Obligations**

- 1.6 The Council would have refused the application for the absence of a legal agreement to secure planning obligations towards public green open space, sports recreation, allotments and community orchards, burial plots, community facilities and indoor sports facilities. With respect to the indoor and outdoor sports and recreation planning obligations the Council applied standard formulae without regard to the nature of the

proposal, the characteristics of its residents and due regard to their likely amenity and sports requirements.

1.7 Paragraph 4 of the PPG under the title 'Planning Obligations' states;

'Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122.' (my emphasis)

1.8 The statutory tests are that any obligation must be: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. The Council, by applying their standard formula without regard to the nature of the proposal, sought to impose obligations that were neither directly related to the development nor fairly and reasonably related in scale and kind. I have carried out an assessment of the proposed scheme based on the Council's development plan policies and adopted Developer Contributions SPD and, applying the statutory tests, have calculated a level of planning obligations that are both directly related to the development, and fairly and reasonably related in scale and kind.

1.9 It is for the decision-maker to ensure that any planning obligations sought meet the statutory tests set out in Regulation 122(2). The Appellant has provided a legal agreement with the Council's requested financial contributions included within it but with a 'blue line clause' that would allow the Inspector to strike through any contributions sought by the Council that do not meet the tests of Regulation 122(2). In this way the appeal is not determinative on this issue but ensures that the proposed scheme complies with the statutory tests set out in law for planning obligations.

Planning Balance

1.10 The Appellant's case is that the appeal scheme would not cause any material planning harm and would deliver a number of significant planning benefits. It is considered that the appeal proposal is compliant with the development plan when considered as a whole, national planning policy, and provides substantial planning benefits as follows (weight attached in brackets);

- The delivery of 39 units of C3 dwellings in an authority where there are constraints on available land for the delivery of new dwellings (**substantial weight**);
- The delivery of 39 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as 'critical', and the

development plan identifies support for its provision during the plan period need to be for older persons accommodation (**substantial weight**);

- The provision of an affordable housing contribution equivalent to the provision of 11 affordable dwellings (£672,579) (**substantial weight**)
- Redevelopment of a previously developed site (**substantial weight**);
- Redevelopment of a site in a sustainable location being within a rural centre with local shops, public transport and facilities within walking distance (**substantial weight**);
- Making optimum use of the site (**substantial weight**);
- Releasing under-occupied housing stock in a local area where there is an acknowledged constraint on available land for residential development (**substantial weight**);
- Enhancement of and positive contribution to the setting of the Great Shelford Conservation Area (**substantial weight**)
- Economic benefits through the generation of jobs in the construction phase and by residents of the proposal spending locally (**substantial weight**);
- Social benefits associated with specialist older persons accommodation resulting in fiscal savings for the national health service (**substantial weight**); and
- There would be environmental benefits from the redevelopment of this site and through the sustainable construction of the proposed development (**moderate weight**).

1.11 Accordingly, applying the statutory test at s.38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be allowed.

2.0 Professional Qualifications and Experience

- 2.1 I am Matthew Shellum BA hons DIPTP MRTPI, Planning Director and Head of Appeals at Planning Issues Ltd., a post which I have held for 3 years. I hold a degree (Batchelor of Arts with Honours) in Geography and Planning Studies and a post graduate diploma in Town Planning, both from Oxford Brookes University. I am a member of the Royal Town Planning Institute and have been so for over 14 years.
- 2.2 I previously held the post of Principal Planning Associate for The Planning Bureau Ltd. where I was employed since 2001. The Planning Bureau's primary client was McCarthy & Stone Retirement Lifestyles Ltd. who also specialise in the provision of older persons accommodation. I have 20 years of planning experience working with the retirement housing sector. I have obtained in the region of 200 planning consents for retirement housing schemes around the country via local permissions and planning appeals during that time.
- 2.3 Prior to 2001 I held posts with local planning authorities in Hampshire and Wiltshire.
- 2.4 Planning Issues Ltd. provide planning advice to the Appellant on all its development proposals nationwide and have been involved with this appeal site since January 2020. We acted as agent on behalf of the Appellant in submitting and pursuing the planning application that is now subject to this appeal. In the course of my role, I review circa 50 sites a year for the Appellant at various stages of land acquisition, pre-application planning submission, planning application and planning appeals.

3.0 Introduction and scope of my evidence

3.1 This proof of evidence relates to an appeal made under Section 78 of the Town and Country Planning Act 1990 against South Cambridgeshire Council's failure to determine the application subject of this appeal for the redevelopment of the site to form 39 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping following the demolition of existing buildings on the site.

3.2 I have considered the proposal against the policies of the development plan and have concluded that the proposal complies with the development plan when considered as a whole. Applying s.38(6) of the 2004 Act, the appeal should therefore be allowed unless material considerations indicate otherwise. In this case the Appellant's position is that all material considerations weigh in favour of the grant of permission.

3.3 My proof of evidence considers the following aspects of the case:

- A brief description of the Appeal proposal, site history and planning process;
- Relevant Development Plan Policy and Material Planning Considerations;
- Why Planning Permission should be granted;
- Consideration of the Council's reasons for refusal;
- Representations by third parties;
- Planning balance; and
- Conclusion.

3.4 This proof is accompanied by a short executive summary setting out the appeal proposal's compliance with the development plan and the material planning benefits of the proposed scheme that weigh in favour of the proposed development.

3.5 A Planning Statement, Design and Access Statement and Viability Statement were submitted with the application. To avoid duplication of evidence, reference will be made to these documents where appropriate.

3.6 The Appellant's case is supported by a proof of evidence from Mr. Gideon Lemberg on design, whose evidence I rely upon in reaching a view on the overall planning balance.

4.0 Site History & Planning Process

Appeal Site

- 4.1 The 0.29 hectares site off Station Road is comprised of several units and a central car park. The existing buildings are 1.5 and 2 storey in height. Vehicle access is via Station Road. The existing buildings are vacant.
- 4.2 The character of the immediate surrounding area is mixed, comprising mainly of residential properties but with commercial units on site and in proximity to the railway station. To the north of the site is a contemporary development of townhouses and apartments, to the south was, until recently, a storage unit containing a fuel-depot, which has since been demolished for a new development of a 63-bed care home. The east of the site is the railway line and the west is a residential development of 1950s semi-detached houses.
- 4.3 The site is located within the built-up area boundary of Great Shelford. Great Shelford is identified as a rural centre and has a significant group of local shops and services. The site is outside but adjacent to the Great Shelford Conservation Area which is opposite the entrance to the south and to the east of the site.

Relevant Planning History

- 4.4 There is no relevant planning history relating specifically to the application site, however there are consents on the adjoining parcels of land, and most pertinently the adjoining care home are relevant.
- 4.5 Planning permission was granted in 2015 for the demolition of the previous Railway Tavern and its redevelopment of 12 dwellings (S/28020/15/FL)(CDD4). This is the development of three storey townhouses and apartments immediately to the north of the site.
- 4.6 Planning permission has been granted on the adjoining site to the south in September last year for a 63 bed care home for elderly people (S/3809/19/FL).

Planning Process

- 4.7 In accordance with the National Planning Policy Framework at paragraphs 39-41 the Appellant held pre-application site meeting with the Council on 14th April 2021 with a response received on the 21st May 2021.
- 4.8 The application was submitted to South Cambridgeshire Council on the 19th November 2021 and validated on the 1st December 2021 with a determination date extended to the

start April 2021 with the agreement of the Appellant. The Appellant chose to appeal against the Council's failure to determine the application following the extension of the period of time on the 6th April 2022.

4.9 Subsequent to the appeal being lodged the Council took the application to its Planning Committee of the 16th June 2022 (CDD5), where it was resolved that had the Council been able to determine the application it would have refused planning permission for the following reasons (I summarise);

(i) The proposed development, by reason of its density of approximately 134 dwellings per hectare, cramped layout and close proximity to the boundaries with lack of landscaping, siting in close proximity to Station Road, three storey height central and rear sections, substantial size and scale, 'H' plan form, and a poor level of communal and private amenity space, is considered to result in a poor quality design and living environment which would not make a positive contribution the local and wider context. The proposal is therefore contrary to Policies S/7, H/8 and HQ/1 of the South Cambridgeshire Local Plan 2018;

(ii) The proposed development, by reason of the provision of a significant number of habitable rooms in the north and south elevations and lack of separation between the adjacent dwelling to the north and the approved care home to the south, is considered to result in overlooking and a severe loss of privacy to habitable rooms and a roof terrace which would adversely affect the amenities of neighbours. The proposal is therefore contrary to Policy HQ/1 of the South Cambridgeshire Local Plan 2018;

(iii) The proposed development, by reason of the inadequate access width and lack of kerb radius, is considered to adversely affect the functioning of the public highway along Station Road to the detriment of highway safety. Notwithstanding the above, the inadequate size of the vehicle parking spaces on site may also have implications in terms of highway safety. The proposal is therefore contrary to paragraph 111 of the National Planning Policy Framework 2021 which seeks to resist developments where there would be an unacceptable impact on highway safety; and,

(iv) The proposed development, by reason of the potential lack of developer contributions towards open space and burial sites, is not considered to sufficiently mitigate the impact of the development upon local infrastructure. The proposal is therefore contrary to Policies SC/7 and TI/8 of the South Cambridgeshire Local Plan 2018.

- 4.10 The officer's report to committee cited two further reasons for refusal relating to affordable housing provision and protection of water resources. The Appellant provided a revised drainage strategy in the lead up to committee (CDA23 & 24) which removed the local lead flood authority's concerns.
- 4.11 The Appellant also provided additional information in respect to the application of vacant building credit and continued discussions with the Council's viability consultants in respect to the off-site financial contribution to be provided towards affordable housing provision in lieu of on-site provision. An agreed figure of £671,639 has been reached between the parties based on the provision of 11 units of affordable housing. The Appellant has attached an updated affordable housing statement to this proof of evident which sets out how the affordable housing figure has been reached (Appendix 1)
- 4.12 The parties have continued to discuss the Local Highway Authority's concerns provided with the application and through negotiations and provision of additional plans have resolved the highway safety concerns subject to the inclusion of appropriately worded conditions. Accordingly, reason three for refusal has been addressed.

5.0 Planning Policy

- 5.1 The development plan for South Cambridgeshire Council comprises the South Cambridgeshire Local Plan 2018 (CDB1).
- 5.2 Please refer to the Planning Statement submitted with the application for a wider review of development plan policy (CDA3). I below set out briefly those policies considered to be salient to this appeal proposal.

South Cambridgeshire Local Plan 2018

Policy S/2

- 5.3 Policy S/2 sets the strategic objectives of the plan to meet the plan's vision (S/1). Criterion (b) of the policy seeks to protect the character of South Cambridgeshire including its built and natural heritage as well as protecting the Cambridge Green Belt. New development should enhance the area and protect and enhance biodiversity. In this case it is agreed that the proposal protects the built heritage of Great Shelford. Criterion (c) seeks to provide land housing in sustainable locations that meets local needs and aspirations and provides a choice of type, size, tenure and cost. The proposal is in a sustainable location within Great Shelford and provides a form of accommodation for which there is an identified local need. Criterion (d) requires new developments to be of a high quality, well-designed with distinctive character that reflects their location. Criterion (e) looks to ensure new development provides access to services and facilities which is a particular functional requirement for this form of accommodation. Criterion (f) actively seeks to maximise potential sustainable modes of transport which the proposed scheme does by its proximity to the train station and the environmental benefits to improve pedestrian walking facilities in the area.

Policy S/3

- 5.4 Policy S/3 reiterates the presumption in favour of sustainable development set out in the NPPF. The policy does advise that the Council will take a positive approach to development proposals that reflects the presumption in favour of sustainable development.

Policy S/4

- 5.5 Policy S/4 while not directly applicable to the appeal proposals or the site it is noteworthy as it identifies that the Cambridge Green Belt places a significant constraint on suitable land available for development.

Policy S/5

- 5.6 Policy S/5 sets out the strategic objectives for the provision of new jobs and homes. The policy sets out a target of 19,500 new homes during the plan period up to 2031. The proposed development will comply with the strategic target for new homes during the plan period.

Policy S/6

- 5.7 Policy S/6 sets out the Council development strategy to 2031. Criteria 1 identifies that there is a hierarchical preference for new homes to be located firstly on the edge of Cambridge, secondly at new settlements, and finally in the rural areas at the rural centres and minor rural centres. Criterion 4 advises that development in the rural area will be limited with new housing focused on rural centres and minor rural centres. Great Shelford is identified as a rural centre in Figure 1 (Page 29 of LP) and policy S/8 and complies with the development strategy.

Policy S/7

- 5.8 Policy S/7 advises that development and redevelopment of unallocated land and buildings within development frameworks will be permitted provided that the development is of a scale, density and character appropriate to the location, retention of the existing site does not form an essential part of the local character, and there is the necessary infrastructure capacity to support the development. Paragraph 2.51 advises that 'frameworks' have been defined to separate the extent of the built-up area from the countryside. The existing site is vacant and does not contain any features or buildings that make a positive contribution to the character of the local area.

Policy S/8

- 5.9 Policy S/8 identifies Great Shelford and Stapleford as a rural centre. Criterion 2 identifies that development and redevelopment within the rural centres will be permitted provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development. Paragraph 2.55 identifies the rural centres as the largest and most sustainable villages in the district.

Policy S/12

- 5.10 Policy S/12 sets out the Council's approach to phasing, delivery and monitoring of housing land supply. The policy advises that housing trajectories will be considered for the purposes of phasing housing delivery, including the calculation of 5 year housing land supply. The criteria advises that housing sites are not deliberately phased. The policy needs to be read in conjunction with the NPPF and the Government's objective in paragraph 60 to '*significantly boosting the supply of homes*'.

Policy S/13

- 5.11 The conclusions from the public examination into this Local Plan resulted in the inclusion of Policy S/13 requiring an early review of the Local Plan. The policies intention was for a review to commence before the end of 2019 and with submission to the Secretary of State for examination before the end of Summer 2022. Paragraph 2.76 identifies that the reasons for the early review relate to the assessment of housing needs and progress in delivering the development strategy and in particular the progression of new settlements.

Policy CC/1

- 5.12 Policy CC/1 requires development proposals to demonstrate the principles of climate change mitigation, requiring the submission of a sustainability statement to demonstrate how the principles have been embedded into the development proposal. A sustainability statement produced by JSP was submitted with the application to comply with the requirements of the policy and demonstrate the sustainability measures adopted by the proposed development. Additional information was also included within the design and access statement. Policy CC/4 requires all new residential development to achieve as a minimum water efficiency equivalent to 110 litres per person per day.

Policy CC/8

- 5.13 Policy CC/8 requires development proposals to incorporate sustainable surface water drainage systems to comply with the non-statutory technical standards for sustainable drainage systems and the Cambridgeshire Flood and Water SPD. Criterion (e) relates to the outstanding point being discussed between consultants regarding the inclusion of appropriate pollution control measures have been incorporated including multiple component treatment trains.

Policy HQ/1

- 5.14 Policy HQ/1 Is the Council's design policy seeking a high quality of design. Criteria 1 requires a high- quality design with a clear vision as to the positive contribution the development will make to its local and wider context. Criterion 1a requires proposals to preserve or enhance the character of the local urban are and respond to its context and criterion 1b that proposals should conserve or enhance important historic assets and their setting. It should be noted that there was no objection to the proposed development from the Council's conservation officer who agreed the proposal would cause no harm to the conservation area of Great Shelford.
- 5.15 Criterion 1c seeks for designs to include variety and interest within a coherent, place-responsive design which creates a positive sense of place and identity whilst also

responding to the local context and respecting local distinctiveness. Criterion 1d seeks development to be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportions, materials, texture and colour in relation to the surrounding area. Criterion 1e seeks a strong visual relationship between buildings that comfortably define and enclose streets. Criterion 1f seeks to achieve a permeable development with ease of movement and access for all users and abilities focusing on delivering attractive and safe opportunities for walking. This is of particular note given the improvements being made to pedestrian pavements as part of the appeal proposal. Criterion 1h seeks to ensure sufficient car parking provision is made and delivered in an integrated way and does not dominate the development. Criterion 1i seeks provision of safe and secure cycle parking provision and storage facilities. Criterion 1m seeks high quality landscaping that integrates the development with its surroundings having a clear definition between public and private spaces.

- 5.16 Criterion 1n is relevant in respect to the Council's allegation of harm to neighbouring residential properties as seeks to protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight.

Policy NH/4

- 5.17 Criterion 2 of Policy NH/4 requires new development to maintain, enhance, restore or add to biodiversity with opportunities taken to achieve positive gain in biodiversity. The proposed development was accompanied by an ecological assessment which identifies that the proposed development would result in an ecological enhancement of the site and accordingly would comply with this policy.

Policy NH/14

- 5.18 Policy NH/14 is the Council's policy on heritage assets which predates the 2021 version of the NPPF and needs to be read in accordance with national policy in respect to heritage assets in Chapter 16. Criterion 1 states that development proposals will be supported when they sustain and enhance the special character and distinctiveness of the district's historic environment, and when they create new high-quality environments with a strong sense of place by responding to local heritage character. Criterion 2 states that development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings. It is agreed that the proposed building sustains and enhances the setting of the Great Shelford Conservation Area.

Policy H/8

- 5.19 The Council have an adopted policy on housing density which again needs to have regard to national planning policy objectives of making effective and efficient use of land and significantly boosting housing delivery. The policy seeks an average net density of 30 dwellings per hectare in rural centres but may vary where justified by the character of the locality, the scale of the development and local circumstances. The policy talks about average net density which implies that some sites will be greater and others less than 30 dwellings per hectare. To comply with national planning policy it should not be applied as a maxima. In the context of this appeal the nature and type of the proposed accommodation would also justify other circumstances.

Policy H/9

- 5.20 The Council do not have a dedicated development plan policy supporting the delivery of specialist older persons accommodation despite the identified growing need, however Policy H/9 on housing mix does identify that a wide choice of the type and mix of housing to meet the needs of different groups in the community including older people needs to be provided. Paragraph 7.38 identifies that the district ageing and that older people need or prefer smaller properties that are easier to manage than their original homes with people often looking to downsize to a smaller property. Policy H/9 identifies that specialist accommodation for older persons will not be subject to the housing mix set out in section 1 of the policy.

Policy H/10

- 5.21 Policy H/10 sets out the Council's affordable housing policy which seeks all development of 11 dwellings or more will provide 40% provision of homes on site will be affordable. Criterion 2d to the policy sets out exception to criterion 1 including where the level of affordable housing sought would make the development unviable. Criterion 2f allows the provision in lieu of affordable housing to be provided by way of financial contribution. Paragraph 7.48 identifies that vacant building credit may apply to developments bringing vacant buildings on sites back into lawful use or where such buildings are demolished as part of a development.

Policy H/12

- 5.22 Policy/H12 is a policy setting out the Government's Technical Housing Standards - Nationally Described Space Standard (2015) requiring new development to meet or exceed the standards. The proposed development complies with the residential space standards.

Policy E/14

- 5.23 Policy E/14 relates to the loss of existing employment sites to non-employment uses and is applicable to the appeal proposal. The policy resists the change of use unless it is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand or the overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises. It is agreed common ground between the parties that the proposal complies with Policy E/14 and criteria 1b that the provision of specialist older persons accommodation and affordable housing provision outweighs any adverse effect on employment opportunities and the range of available employment land.

Policy SC/4, SC/6, SC/7

- 5.24 Policy SC/4 is referenced in the final reason for refusal relating to housing developments contributing to the provision of the services and facilities necessary to meet the needs of the development. Criterion 1 advises;

'The scale and range of this provision or contribution will be appropriate to the level of need generated by the development and will address the specific needs of different age groups....'

- 5.25 Criterion 4 sets out the range of community facilities sought by the Council. Policy SC/6 seeks contributions towards indoor community facilities from all new housing development. Policy SC/7 seeks all new housing developments to contribute towards outdoor play space and informal open space. The policies do not replace the need for any planning infrastructure obligations requests to meet the statutory tests set out in regulation 122(2) of the Community Infrastructure Levy Regulations Levy, also set out in paragraph 57 of the NPPF.

Policy TI/2

- 5.26 The policy relates to sustainable travel and criterion 1 seeks development to be located and designed to reduce the need to travel, particularly by car, and promote sustainable travel. The policy requires provision of secure, accessible and convenient cycle parking (2d) and designed to facilitate and encourage short distance trips by walking (2a). The policy at Criterion 4 also seeks the provision of travel plans for larger developments.

Policy TI/3

- 5.27 Policy TI/3 sets out Council's approach to parking provision with criterion 2 advising that consideration will be given to the site location, type and mix of uses, car ownership levels, availability of local services and public transport. The policy seeks to ensure appropriate parking for people with impaired mobility. The policy makes reference to

figure 11 on Page 231 which sets out indicative parking standards but provides no further policy on dimensions of parking bays.

Material Planning Considerations

National Planning Policy Framework (2021)

5.28 The Planning Statement (CD-16) submitted with the application provides an overview of national planning policy. For ease of reference, I will briefly focus on national planning policy in respect to the outstanding issues for determination at this appeal where it is not contained in other appeal documents, as well as national planning policy in respect to material planning considerations when assessing the planning balance of the proposed scheme.

National Planning Policy Framework (NPPF) (CDC1)

5.29 In relation to this Appeal, the following sections of the NPPF are particularly material;

- **Para 7** - *“The purpose of the planning system is to contribute to the achievement of sustainable development.”* This statement puts sustainability at the heart of planning and is the thread that runs through the NPPF.
- **Para 8** - sets out the component parts that constitute ‘sustainable development’, namely economic, social and environmental.
- **Para 11** - *‘Plans and decisions should apply a presumption in favour of sustainable development.’* For decision making this means approving development proposals that accord with the development plan without delay.
- **Para 12** - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan permission should not normally be granted.
- **Para 57** sets out that planning obligations must only be sought where all the CIL 122(2) tests are met.
- **Para 60** - sets out the planning objective *‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’.* This is a recognition of the level of need for new housing across the country against the recent dwindling trend of housing supply.

- **Paras 60 and 61** – state that local housing needs assessments should determine the minimum number of homes needed, unless exceptional circumstances justify an alternative approach. This goes further to state that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities...”*
- **Para 63** - where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.
- **Para 92** advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- **Para 93** - to provide the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, communal facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- **Para 111** states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- **Para 119** advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- **Para 120(c)** gives substantial weight to the value of reusing suitable brownfield land within settlements for homes.
- **Para 124** advises that planning decisions should support development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; and the desirability of

maintaining an area's prevailing character and setting, or of promoting regeneration and change.

- **Para 125** - states that where there is an existing shortage of land to meet identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- **Para 126** - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places to live and work while making development acceptable to communities.
- **Para 130** - seeks to ensure that developments:
 - a) Function well and add to the quality of the area over their lifetime;
 - b) are visually attractive due to good architecture, layout and landscaping;
 - c) are sympathetic to local character and history including the built environment and landscaping, while not preventing or discouraging appropriate innovation or change including increased densities;
 - d) Establish or maintain a strong sense of place to create attractive, distinguished places;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - f) Create places that are safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity and where crime does not undermine the quality of life.
- **Para 134** - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- **Para 194** - Local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- **Para 199** - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- **Para 202** - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Planning Policy Guidance (CDC4)

5.30 The National Planning Policy Guidance (NPPG) was published "online" in March 2014, and has been subject to subsequent revisions. It is considered that the following sections are of particular relevance to this appeal:

- Housing for Older and Disabled People
- Planning Obligations

5.31 With respect to the section on '*Housing for Older and Disabled People*', it was introduced into the PPG as a separate section in July 2019. I consider it to be significant that the Government has deemed it necessary, given the extent of need for these forms of accommodation, to have a dedicated section providing advice for plan makers and decision takers to secure delivery of these specialist forms of accommodation. Whilst the whole section is relevant to the appeal proposal, Paragraph 001 identifying the scale of need is worth reiterating:

'The need to provide housing older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.' (my emphasis).

5.32 Paragraph 003 advises that for plan-making purposes 'strategic policy making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.'

- 5.33 Paragraph 013 states that it is up to the plan-making body whether to allocate sites for specialist housing for older people and this might be appropriate where there is an identified unmet need for specialist housing. The paragraph identifies the location of housing as a key consideration for older people, factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.
- 5.34 Paragraph 016 **states 'where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.'**
- 5.35 The section on *Planning Obligations*, Paragraph 4 advises;

'Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122.'

National Design Guide (2019) (CDC2)

- 5.36 The Ministry of Housing, Communities and Local Government published the National Design Guide in 2019. The design guide is a practical guide to achieving well-designed and successful places. It forms part of the Government's collection of planning practice guidance and supports the National Planning Policy Framework. The National Design Guide is considered in further detail within the submission Design and Access Statement (CD-15) and the proof of evidence of Mr. Lemberg.

Supplementary Planning Documents

- 5.37 The Council have a suite of supplementary planning documents the most pertinent to this appeal are the District Design Guide (2010) and the Open Space in New Developments SPD (2009).

District Design Guide (2010) (CDB2)

- 5.38 The District Design Guide was adopted in 2010 and predates the adopted development plan, National Planning Policy Framework and the National Design Guide and needs to be read in conjunction with those documents with weight given to it based on its consistency with national planning guidance and the adopted South Cambridgeshire Local Plan 2018. Mr. Lemberg will consider design guidance within his proof of evidence I have below highlighted parts of the Design Guide relating to the other reasons for

refusal relating to the Council's concerns with overlooking and commentary relating to the highways reason for refusal.

- 5.39 Paragraph 6.68 sets out guidance on privacy and overlooking advising *'For two storey residential properties, a minimum distance of 25m should be provided between rear or side building faces containing habitable rooms; which should be increased to 30m, for 3 storey residential properties, Where the opposing alignment of facing windows is significantly offset, these distances may be slightly reduced.'*
- 5.40 The distances are guidance and need to be read in conjunction with the National Planning Policy Framework and be inconsistency with aims and objectives of making effective use of land in meeting the need for homes (Chapter 11).
- 5.41 Paragraph 6.71 of the design guide considers the provision of private gardens and amenity space and advises that *'within denser development of new settlements and urban extensions, the careful design of outside amenity spaces is required to optimise the benefits of good locations and ensure these spaces offer maximum benefit to new residents.. In such compact development within appropriate urban contexts there will be an emphasis on private balconies and communal gardens/terraces.'* Paragraph 6.75 identifies quantum of amenity space that should ideally be required with different types of residential accommodation. No guidance is provided for specialist forms of accommodation for older persons.
- 5.42 The design guide provides guidance on parking provision design at Paragraph 6.81-6.86 but no guidance is provided on size of parking bays.

Open Space SPD (2009) (CDB5)

- 5.43 The Open Space SPD was adopted prior to adopted development plan and needs to be read in conjunction with it and national planning policy and the weight to be attached to it will be determined upon its consistency with the development plan and national planning policy. The SPD provides further details on the calculation of off-site financial contributions towards the provision of different types of open space. It is relevant to this appeal in the context of the financial contributions being sought by the Council and the final reason for refusal.

6.0 Consideration of the Main Issues

6.1 Following the Case Management Conference, the main issues in this case are agreed to be as follows:

- (i) **Whether the development would provide a sufficient contribution towards affordable housing with regards to viability and vacant building credit;**
- (ii) **Whether the development would be of high-quality design and its effect on the character and appearance of the area;**
- (iii) **The effect of the development on the living conditions of nearby residents;**
- (iv) **The effect of the development on highway safety;**
- (v) **Whether the development would protect water resources; and,**
- (vi) **Whether the Council's request for planning infrastructure contributions meets the tests set out in Reg 122(2) of the Community Infrastructure Levy Regulations 2010.**

6.2 However, as set out in the Statement of Common Ground(CDD6) the Council took the application to the 16th June planning committee and following further information from the Appellant resolved not to pursue the first reason for refusal in relation to affordable housing and the fifth reason for refusal in relation to the protection of water resources.

6.3 In respect to the first reason for refusal the parties have reached agreement on the application of vacant building credit and have agreed a figure of £672,579 towards the provision of affordable housing. The additional evidence presented by the Appellant on this matter can be found at Appendix 1 of this proof of evidence.

6.4 In respect to the fifth reason for refusal on the protection of water resources the Appellant provided to the Council and leading local flood authority a revised drainage strategy to include additional filtration to improve the quality of surface water discharge from the site. The revised drainage strategy has been attached to this proof of evidence at Appendix 2.

6.5 In respect to the third reason for refusal in regard to the living conditions of nearby residents the Council confirmed at the planning committee that they were not pursuing the reason in relation to the relationship with the adjoining care home that is currently being constructed. The Council's concern in respect to neighbouring amenity is to the residential property to the north of the site.

6.6 Therefore, and as set out in the Statement of Common Ground and the highways Statement of Common Ground the outstanding issues for this appeal are as follows;

- (i) **Whether the development would be of high-quality design and its effect on the character and appearance of the area;**
- (ii) **The effect of the development on the living conditions of nearby residents;**
- (iii) **Whether the Council's request for planning infrastructure contributions meets the tests set out in Reg 122(2) of the Community Infrastructure Levy Regulations 2010.**

6.7 This section of my evidence specifically considers main issue (iii) on planning obligations. I rely upon Mr. Lemberg's evidence in respect to issue (i) and (ii) but provide information on amenity space from experience of dealing with this form of specialised accommodation, and the policy background related to these two issues.

(i) Whether the development would be of a high-quality design and its impact on the character and appearance of the area.

6.8 The Council's second reason for refusal relating to the design quality of the scheme cites that the proposal is contrary to policies S/7, H/8 and HQ/1 of the South Cambridgeshire Local Plan 2018. Policy S/7 is a permissive policy for the redevelopment of unallocated land and buildings within development frameworks. The policy for sites within development frameworks has three criteria and it is considered to be the first part (a) which the Council allege to be breached in respect to the scale, density and character of the development being inappropriate to the location. Policy H/8 is also a policy on housing density which seeks to achieve an average net density of 30 dwellings per hectare in rural centres. The policy does acknowledge that density levels may vary depending upon the character of the locality, the scale of development and other local circumstances.

6.9 Both Policy H/8 and the density part of Policy S/7(a) pre-date the National Planning Policy Framework which advises on policies and decisions promoting effective use of land in meeting the need for homes (Para 119). It states that strategic policies (such as policy S/7), *should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or brownfield land.*

6.10 Paragraph 124 of the NPPF advises that policies should support development that makes sufficient use of land taking into account the identified need for different types of housing and the availability of land suitable for accommodating it. There is no dispute that there is a significant local need for specialised accommodation for older persons in South Cambridgeshire. Sites which are suitable for such uses are limited because of their locational requirement to be within half a mile of shops, services, facilities and public transport. In the district of South Cambridgeshire there is also restrictions on available

land due to green belt designation and a combination of land availability and suitability of sites means that there is a very limited opportunity to deliver this form of specialised accommodation for older persons. In addition, the size of site required for such schemes varies from 0.4a up to 1.5a and requires a minimum critical mass of 30+ units. As such and in my experience of specialised forms of accommodation for older persons they could never operate at the density levels set out in policy H/8. Specialised forms of accommodation for older persons typically operate at densities of 100-150dpha.

- 6.7 Policy H/8 does provide some flexibility within its wording but it does need to be read in conjunction with later national planning policy objectives of making effective and efficient use of previously developed sites such as the appeal site. This of course needs to be achieved in a manner commensurate with the character and appearance of the area but if done successfully as the Appellant considers has been achieved in this case then density just becomes a mathematical calculation and should not per se be a reason for refusal. Having regard to Mr. Lemberg's evidence I consider that the proposal is a high quality design of an appropriate scale and massing and therefore the scheme's density complies with the national planning policy framework objectives for optimising the use of land (Para 125). I consider the proposal accords with policy H/8 of the development plan.
- 6.8 Policy HQ/1 sets out design principles for new development seeking a high quality of design. Mr. Lemberg's evidence considers the proposed design against the criteria of policy HQ/1 in more detail. I would note that criteria 1a requires new development to be of a scale and nature which must *preserve and enhance the character of the local urban area*. I would note that the Council's conservation officer in raising no objection to the proposal advises that the proposal causes no harm to the character and appearance of the Great Shelford Conservation Area. The officer's report (CDD5) confirms the proposal complies with Policy NH/14 of the Local Plan which requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets. With that in mind it is difficult to conceive how the Council have arrived at a conclusion that the design of the scheme is harmful to the character and appearance of the area.
- 6.9 The Council's reason for refusal references a poor level of communal and private amenity space based upon an application of a minimum requirement of 25sqm for each apartment as set out in the District Design Guide(CDB2). Mr. Lemberg's evidence identifies compliance with the standard but I would note that the standard is not specific to specialised forms of older persons accommodation whose amenity needs are different to mainstream housing. To make an assessment on whether the level of communal or private amenity space is poor requires an understanding of the nature of the development and their specific amenity space needs.

6.10 Churchill Retirement Living is one of the market leaders in the provision of retirement accommodation for older persons with over 20 years of experience in providing award winning schemes. The quality of landscape provision within their developments is important to prospective residents and indeed Churchill Retirement Living have won awards for excellence for their landscaped gardens.



Figure 1 - Tregolls Court, Truro - Award winning landscaping.

6.11 As set out in the 'Retirement Living Explained'(CDA6) document the typical purchaser of a retirement living apartment tends to be 79 to 80 years of age, often seeking single person occupancy. Retirement Living developments are a needs form of development and people tend to only move into them when they require further assistance to maintain an independent life. The main drivers for a move into a retirement housing scheme are death of partner and looking for a communal living environment for companionship; downsizing from a larger family home as the property has become too much to manage or not suited to their mobility needs; and finally the need to give up the private motor car and being closer to shops and facilities.

6.12 For the reasons of mobility and maintaining independence in later years, retirement housing providers such as Churchill Retirement Living have very specific requirements for sustainable previously developed land within 0.5 miles of town or local centres and close proximity to forms of public transport. This means that there is a limited supply of suitable sites for retirement living accommodation but also that they are invariably

located within or very close to town and local centres, where due to the size of the site or perhaps because of the need to make a particular urban design response, it is not possible to provide much, or possibly any external amenity space. No, or very little amenity space is of course a feature of many town or city centre flatted developments, be they sheltered or conventional housing and it should be borne in mind that conventional housing is of course unlikely to have the communal facilities within the building which are a feature of retirement housing.



Figure 2 - Sarum Lodge, Salisbury, tight constrained site in the historic city centre.

6.13 This explanation accords with the opinion expressed by an Inspector at an Appeal (APP/G2625/A/O3/1118836) in 2004 for a retirement living development at Norwich, which stated as follows:

'However, the appellants have wide experience in providing sheltered accommodation for elderly clients and, presumably, a detailed knowledge of their expectations. They would, in my opinion, be unlikely, therefore, to promote a development that potential purchasers would find unacceptable in respect of available amenity space. They note that there are internal communal areas, in addition to private sitting rooms, that would be available to the residents and also that individuals would have a choice whether or not to purchase apartments in the building.'

- 6.14 The other aspect of amenity space provision is that the nature and characteristics of the residents themselves have implications for the amount and type of on-site amenity space provision required. With residents typically being in their early 80s they use amenity space in a passive way. Active use of external amenity space tends to be relatively limited and mainly involves sitting out for those few residents who occasionally choose to do so, and perhaps tending a small flower border immediately outside of ground floor apartments where access is provided to individual apartments. In all instances, there is sufficient space around the building for residents to sit outside their living rooms, at ground floor level, albeit in the knowledge that privacy is limited especially as these areas are communal. The situation is no different to many similar developments which have been successfully completed by Churchill Retirement Living or McCarthy & Stone or other builders of a similar retirement accommodation. On most developments should residents seek other space for sitting out, they are likely to make use of the patio areas adjacent to the residents' lounge, and indeed, this is the location which the residents of upper floors are more likely to utilise should they so wish. There is, of course, nothing to prevent residents of upper floors making use of any area of amenity space, all areas of garden being in communal control. The visual quality of the space and landscaping is of far more importance than the quantum of space.
- 6.15 It is also worth stating that the most important amenity space for the elderly residents is not in fact found to be outside the building but is the residents' lounge. In developments where there are large garden areas, the residents tend to use the area immediately outside their patio door (where this exists) if they live on the ground floor or outside the residents lounge. Even on hot summer days, when people might be expected to sit out enjoying the sun, one finds the occupants of sheltered housing rarely do so, or if they choose to do so it is a small group of residents and often in shaded areas.
- 6.16 To conclude the average age of residents on first entry to this form of accommodation is 80 years of age. Their amenity space needs are passive in nature and largely limited to seating areas. The quality and variety of the amenity space in terms of landscaping, microclimate, biodiversity and seating areas are far more important than quantum of amenity space provision. To try and assess amenity space needs by a metric or calculation shows a failure to understand the nature of the development being proposed, the characteristics of its residents and their amenity space requirements.
- 6.17 I consider that the proposed amenity space both inside and outside of the building is more than sufficient to meet the needs of residents of the proposed development. It provides a variety of aspects, microclimate and visual interest which can be controlled through planning condition for details of a landscaping scheme. Having regard to Mr.

Lemberg's evidence, I am of the opinion that the proposal represents a high-quality design that would enhance the character and appearance of the area and reflects local distinctiveness creating a positive sense of place. I consider the proposal is compliant with policies HQ/1 and S/7.

(ii) The effect of the development on nearby residents.

- 6.18 The Council raise an allegation of harm to the neighbouring property No.4 Station Road in respect to an unacceptable level of overlooking leading to a loss of privacy and thereby contrary to Policy HQ/1 criterion n. The Council at paragraph 9.176 of the officer's report reference the District Design Guide and the recommended back-to back window distances of 25m for two storey buildings and 30m for three storey buildings. The officer's report also acknowledges the relationship with No.4 Station Road is a side relationship.
- 6.19 The District Design Guide is guidance and not policy and both it and the adopted Local Plan pre-date the latest iteration of the NPPF. In that regard the consideration of issues relating to neighbouring amenity and the application of any suggested separation standards needs to have regard to national planning policy, and specifically Chapter 11 and 'making effective use of land' (para 119). On this vacant brownfield site to apply a separation standard of 25-30m would sterilise the middle part of the site for development. Given the identified need for this specialised form of accommodation in the district and substantial weight afforded to it applying separation distances of the order set out in the District Design Guide would prevent the site coming forward for such a use. I also question in an area where available and suitable development land is constrained by the Cambridge Green Belt whether it is appropriate to apply such guidance in regimented manner.
- 6.20 Mr. Lemberg's evidence looks specifically at the relationship and separation distances to No.4 Station Road, and why it is considered that the proposal does not result in an unacceptable level of overlooking to the neighbouring property. I would add that in considering neighbouring amenity to No.4 Station Road regard also needs to be had to the amenity benefits to the property from the removal of an unrestricted commercial use from the appeal site. I consider the proposed scheme complies with the amenity criteria of Policy HQ/1 of the South Cambridgeshire Local Plan.

(iii) Whether the Council's request for Planning Infrastructure Contributions meets the tests set out in 122(2) of the Community Infrastructure Levy Regulations 2010.

- 6.21 The Council resolved that they would have refused the application for the potential lack of developer contributions. The full extent of the contributions being sought by the Council are listed in the table at Paragraph 9.82 of the officer's report, and are as follows;

- Outdoor Sports Provision - £27,275.13
- Community Orchard - £3,900
- Indoor Community Space - £12,383.07
- Green Infrastructure - £20,226
- Burial Ground - £8,190
- Indoor Sports - £10,237 - indoor sports courts, £11,406 - Swimming pool improvements

6.22 The Council do not have an adopted Community Infrastructure Levy and look to obtain planning infrastructure obligations through S106 obligations. The Council do have a policy basis through policies SC/4, SC/6 and SC/7 to seek planning infrastructure contributions. However, and as set out in the PPG Paragraph 4;

*'Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, **the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122.**'* (my emphasis).

6.23 The Appellant has provided a legal agreement which includes contributions towards the infrastructure requested by the Council. However, it is for the decision maker to determine whether the requested contributions meet the tests of regulation 122. With that in mind the legal agreement has been drafted to include a clause that should the decision-maker (Inspector) determine that such an obligation does not meet the tests then the contribution would become null on the decision-maker setting that out the contribution does not meet the Regulation 122 tests in the decision letter.

6.24 To assist the Inspector the Appellant has assessed each of the contributions requested by the Council against the statutory tests of regulation 122 which are as follows;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and.
- Fairly and reasonably related in scale and kind to the development.

6.25 The Appellant provided the Council with bespoke occupancy rates of its existing development which shows on average that apartments have an occupancy rate of 1.32 persons per apartment (Appendix 2). The Appellant considers that the

Council's requested contributions which use occupancy rates as part of their standard calculation should be based on the empirical evidence from this specific form of development to ensure that any contributions sought are *'fairly and reasonably related in scale and kind'*.

6.26 Utilising these occupancy rates instead of the Council's standard occupancy rates for mainstream housing reduces the sums being sought to;

- Outdoor Sports Provision - £24,403.33
- Allotments and Community Orchard - £3,900
- Indoor Community Space - £11,079.12
- Green Infrastructure - £18,096
- Burial Ground - £8,190
- Indoor Sports - £9,178
- Swimming Pool - £10,226

6.27 As set out in the Statement of Common Ground at 8.19 the Appellant considers that the requested contributions towards Green Infrastructure (£18,096), Indoor Community Space (£11,079.12), and Swimming Pool facilities meet the Reg 122(2) tests.

6.28 The Appellant has reservations that the remaining planning obligation requests for outdoor sports provision, allotments and community orchards, burial provision and indoor sports provision do not meet the Reg 122(2) tests. I will consider each requested obligation in turn setting out the Appellant's concerns with where the obligation does not meet the Reg 122(2) tests.

(i) Outdoor Sports Provision

6.29 The Council have requested a contribution towards outdoor sports provision. The consultation response to the application from the S106 officer dated 10th February 2022 advises at Paragraph 2.7 that there is a surplus of sports space provision at Great Shelford and as such that there is not a quantitative need for new sports space in Great Shelford. Paragraph 1.2(a) (i) advises that the contribution would go towards Great Shelford sports pavilion but Paragraph 2.10 advises that the pavilion has already been provided and the Council are seeking the contribution to cover an historic payment of the loan. Firstly, planning infrastructure contributions should be sought from new needs arising from the proposed development to make them acceptable. They should not be used to cover gaps in public expenditure. Secondly, given the total loan was for £90,000 to fund the sports requirements of the entire village it does not seem reasonable in scale

and kind that a proposed development of 39 retirement apartments should pay for more than a quarter of the overall sum given the small number of residents and their specific amenity needs.

6.30 As set out residents of this form of accommodation are on average 80 years of age and having often chosen to move because of increasing mobility issues and their existing property and grounds becoming too much to manage. They have a reduced level of sporting and recreational needs to mainstream residential accommodation, and indeed to older people living in mainstream housing. It is very much a needs-based form of accommodation. It is agreed that some residents will utilise the bowling green but they will not be users of adult sized sports pitches or cricket pitches and that should be reflected in the scale of any contributions sought arising from the development.

6.31 It is therefore considered that the requested contribution does not meet the tests of Reg 122(2) on all three grounds; it is not necessary to make the development acceptable in planning terms; it is not directly related to the amenity needs of the development; and, it is not fairly and reasonably related in scale and kind to the proposed development.

(ii) Allotments and Community Orchards

6.32 The Council are requesting a contribution towards improvement of existing allotments in Great Shelford and provision of a community orchard (para 1.2(a)(iii) S106 officer's consultation response. As set out above one of the key drivers for moving into this form of accommodation by residents is that current grounds and property are too much to manage. These are not persons given their increasing mobility issues who are looking to take up the lease of an allotment. Indeed, in my twenty years experience of working with the retirement housing sector I have never had to provide a contribution towards allotments. This issue came up at a recent appeal in Worcestershire where we provided the Council an email from an existing development within the District where the lodge manager confirmed that no residents of the development leased an allotment (Appendix 3). I consider that the request for the contribution does not meet the tests of being necessary to make the development acceptable or is directly related to the proposed development.

(iii) Indoor Sports Provision

6.33 Paragraph 5.5 on Page 13 of the S106 officer's consultation response identifies that the Council are seeking a financial contribution towards indoor sports provision at Sawston Sports Centre for improvements to gymnasium flooring, squash courts and the installation of indoor cricket nets. This again has no regard to the nature and characteristics of the proposed residents who reside in specialised accommodation for older persons and their specific amenity needs which are passive. I have spoken with

Churchill Retirement Living lodge managers in the east of England who have confirmed that they do not have any residents playing squash, cricket or are regular gymnasium users. I do not consider the requested contribution is directly related to the proposed development and does not therefore meet the Reg 122(2) tests.

(iv) Burial Plots

- 6.34 The Council are requesting a contribution towards burial plots within Great Shelford and will point to policy basis to request it. However, and mindful of PPG guidance at Paragraph 4 on Planning Obligations (Paragraph 6.22 above) that obligations still need to meet CIL Reg 122(2) tests I do not think the requested contribution can be considered 'necessary' to make the development acceptable. I do not consider the development would be unacceptable by a failure to provide this obligation.
- 6.35 I have set out my professional views on the requested contributions but ultimately the onus is on the Council through its CIL compliance statement to demonstrate that the requested contributions meet all the necessary Reg 122(2) tests. Recent Planning Inspectorate guidance on planning obligations (21st April 2022)(CDC7) Para 2 advises that local planning authorities will need to provide quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development. It is for the decision-maker, the Inspector in this case to determine whether such contributions sought by the Council do meet the relevant Reg 122(2) CIL tests.
- 6.36 The Appellant's legal agreement (CDD7) at clause 4.2 allows the Inspector to delete any such obligations that are considered to not meet the Reg 122(2) tests.

7.0 Third Party Representations

- 7.1 The application subject of this appeal attracted only one letter of written representation from a third party who supported the proposal considering the proposed specialist housing to be much needed in the community. They also supported the widening of the footpath to the front of the appeal site. The application was also supported by Great Shelford Parish Council.

8.0 Why Planning Permission should be Granted

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that the appeal has to be determined in accordance with the development plan unless material planning considerations indicate otherwise. I consider that the proposed development complies with the development plan and that all the material considerations indicate that the appeal should be allowed.

Material considerations

8.2 In my view, the following are material considerations in the determination of this appeal:

- (i) Provision of residential accommodation;
- (ii) Meeting identified national and local housing needs;
- (iii) Redevelopment of previously developed land;
- (iv) Compliance with spatial strategy for redeveloping in sustainable locations;
- (v) Efficient and effective use of land;
- (vi) Economic Benefits of the proposed scheme;
- (vii) Social Benefits of the proposed scheme;
- (viii) Environmental Benefits of the proposed scheme; and,
- (ix) Release of under occupied housing stock.

Provision of Residential Accommodation

8.3 The proposed development provides 39 units of residential accommodation complying with the development plan's aims and objectives of providing housing during the plan period. The proposal complies with the strategic policy objectives of the South Cambridgeshire Local Plan to meet housing needs for all stages of life and the NPPF's aims to boost housing delivery. Accordingly, I place substantial weight on the delivery of housing units.

Meeting identified National and Local Housing Needs

8.4 The proposed development would contribute towards the delivery of specialised older persons accommodation for which there is a need both nationally and locally. Paragraph 1 of the PPG on 'Housing for Older and Disabled People' (set out above) describes this need as 'critical'. I consider it telling that nowhere else in national planning policy is the delivery of a specific housing type described in such terms.

8.5 The PPG's comments on the need for delivery of older persons accommodation has been further underlined in the recent House of Lords Built Environment Committee report *Meeting Housing Demand* (10th January 2022)(CDC5). At Paragraphs 90 and 91 of the Report focussing on housing needs of older people, the committee states that:

'There will need to be a mix of more suitable, accessible 'mainstream' housing and specialist housing for the elderly if the housing market is to be sustainable

in the coming years as the population ages. Older people's housing choices are constrained by the options available.

Little progress has been made on housing for the elderly. As demand changes as the population ages, more focussed approach is needed. The Government must take a coordinated approach to the issue of later living housing, between departments and through the National Planning Policy Framework.'

- 8.6 The Government has published its response on the 28th March 2022 to the House of Lords Built Environment Committee's published report 'Meeting Housing Demand' from January 2022 (CDC6). In responding to Paragraph 18 of the committee's report identifying that the types of new homes built should reflect the increase in older people living alone, the Government stated:

'We recognise the importance of delivering the right kind of housing for older people and welcome this recommendation from the Committee. Ensuring older people can live in suitable homes tailored to their needs can help them to live healthier lives for longer, retain their independence and feel more connected to their communities. It can also help to reduce pressure on health and social care services. This Government is committed to supporting the growth of a thriving older peoples' housing sector, one that builds enough homes to match growing need, gives certainty to developers and investors, and empowers consumers with choice from a diverse range of housing options.

The National Planning Policy Framework sets out that local planning authorities should assess the need for older people's housing and reflect this in their local planning policies. The health and lifestyles of older people differs greatly, as do their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. To enable older people to live more safely and independently, local planning authorities should be considering the variety of needs in both their plan-making and decision taking.

However, we realise that more needs to be done to meet the housing needs of our ageing population. That is why we are launching a new taskforce on the issue of older people's housing this year, which will look at ways we can provide better choice, quality and security of housing for older people across the country. This includes looking at how to address regional disparities in supply of appropriate and specialised housing for older people. The taskforce will be chaired by the Minister for Housing and will include a range of

representatives from across the sector, as well as DHSC's Minister for Care, to help us find solutions and examine where central and local government can best intervene, considering a range of possible levers.'

- 8.7 With regard to Paragraphs 90 and 91 of the Committee Report identifying that there will need to be a mix of more suitable, accessible 'mainstream' housing and specialist housing for the elderly if the housing market is to be sustainable in the coming years, the Government responded by saying:

'We are committed to further improving the diversity of housing options available to older people. Boosting a range of specialist housing across the country will be key to achieving this...

Ensuring our planning system supports the growth of specialist housing supply for older people will be crucial to this work. The National Planning Policy Framework sets out that local planning authorities should assess the need for older people's housing and reflect this in their local planning policies. The planning system must continue to provide for a diverse range of housing needs, including older peoples housing, and we are currently considering how to ensure this happens through the upcoming changes to the planning system.'

- 8.8 Paragraph 016 of the PPG states 'where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.'

- 8.9 On a local level the Local Plan advises that the district has an ageing population with growth forecasts between 2001 to 2021 of 95% for the 60-74 age group and 108% for those over 75 (Para 7.3). The Older People's Housing, Care and Support Needs in Greater Cambridge 2017-2036 (2017) report states that Greater Cambridge is set to experience a rapidly ageing local population, with the number of people aged 75 and over set to nearly double between 2016 and 2036 when over 65s will constitute nearly 1 in 5 of the population. The impact of this demographic change is likely to be felt most strongly in rural districts: South Cambridgeshire is expecting the largest increase in its over 75s at 98 per cent by 2036, with Cambridge City seeing a rise of 77 per cent over the same time period. The CRESR model identifies a requirement for 3,422 units of specialist housing in Greater Cambridge in 2016, against actual supply of 3,280 units. It also recommends that by 2035, the supply of specialist housing will need to be 80 per cent higher than present, at 6,163 units. The Greater Cambridge Housing Strategy 2019 also promotes the delivery of housing to meet the needs of an older people and supporting villages such as Great Shelford to remain vibrant and sustainable for the future.

8.10 The Officer's report to committee at paragraph 9.32 identifies specialist housing schemes granted since 2017 in the district most as can be seen from the descriptions are for C2 use care facilities there is relatively little in the way of C3 use retirement living apartments. From a review of Rightmove there is no currently available specialist properties in Great Shelford for older persons. The closest existing schemes are within the city of Cambridge. I place substantial weight on the delivery of specialist accommodation for older persons.

Redevelopment of Previously Developed Land

8.11 The proposed development will see the re-use of a vacant brownfield site within one of the rural centres in the district where Policy S/6 strategically looks to direct residential development. Paragraph 119 of the NPPF advises that strategic policies *should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or brownfield land.* Paragraph 120(c) advises that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. I would also note policies S/4 on Cambridge Green Belt designation which confines the availability of land for development in South Cambridgeshire. The importance therefore of being able to use a previously developed site within Great Shelford is amplified. Accordingly, I attach substantial weight to it.

Redeveloping in Sustainable Locations

8.12 The proposal is for the development of a highly sustainable site in close proximity to Great Shelford train station and the village centre. The site has good access to public transport which is an important locational requirement for specialist accommodation for older persons. I place substantial weight on the proposals compliance with the development plan Policies S/3 and S/6 and the NPPF.

Effective and Efficient Use of Land

8.13 Sustainable land is a finite resource and Paragraph 119 of the NPPF encourages the effective and efficient use of land commensurate with maintaining the character of the area and healthy living conditions. Paragraph 124(a) advises that decisions should *support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.*

8.14 In this case the district and its settlements are constrained by green belt. The extent and availability of land suitable for development that meets the strategic objectives of the development plan such as the appeal site needs to be used effectively and efficiently. This is supported by policy S/7 of the South Cambridgeshire Local Plan which specifically requires the effective and efficient use of land. I consider that the

redevelopment of the site for 39 retirement living dwellings optimises the development potential for the site whilst producing a good quality building which is compatible with the area.

8.15 I place substantial weight on the appeal proposal's effective and efficient use of the site.

Economic Benefits

8.16 The NPPF places at its heart the presumption in favour of sustainable development. Sustainable development is identified by the NPPF as having three component parts (economic, social and environmental) that need to be read as a whole.

8.17 The NPPF identifies the planning system as having a key role in building a strong and competitive economy. The provision of specialised accommodation for the elderly would also provide other benefits to the community and local economy as a whole. A significant benefit to the town from the scheme would however be the intended elderly residents themselves. If approved, the development once fully occupied, is likely to accommodate some 70 - 75 residents who, given their age, are likely to use the shopping and other facilities of the nearby local shops on a regular basis.

8.18 Research undertaken by ORB in respect of private sector sheltered housing confirms the above. In their document "A Better Life" published in October 2003 (Appendix 4), detailed consideration was given to the benefit of developments for the elderly upon local amenities. Chapter 4 of the Report on page 27 identifies the following: -

"Private sheltered housing schemes play a vital part in the life of local communities. The propensity of older people to spend locally is high, assuming there is access to local shops which ordinary housing cannot guarantee."

8.19 The Report also undertook a number of case studies with local traders and on page 27 the owner of a local pharmacy commented:

"Since the retirement housing scheme opened three years ago, business has definitely increased by ten to twenty percent. Businesses locally do well because elderly people tend to shop locally".

8.20 More recently the Homes and Later Living group have published the report 'Silver Saviours for the High Street' (Appendix 5), which identified;

- Retirement properties create more local economic value and more local jobs than any other type of residential development.
- People living in each retirement development generate £550,000 of spending per year, £347,000 of which is spent on the local high street. Some £225,000 of

this is new spending in the local authority, directly contributing to keeping local shops open.

- For just one retirement development, a local authority could expect to see benefits of 85 construction jobs for the duration of the build, as well as six permanent jobs.

8.21 Accordingly, I attach substantial weight to the economic benefits of the proposal.

Social Benefits

8.22 Retirement housing gives rise to many social benefits by providing a specialised age friendly environment to meet a specific housing need. The UK has the oldest housing stock in the EU with 38% of our homes dating before 1946 and 21% before 1919. Older homes are in a poorer state of repair, are often colder, damper, have more risk of fire and fall hazards. They lack in adaptations such as handrails, wider internal doors, stair lifts and walk in showers. Without these simple features everyday tasks can become harder and harder. Specifically designed housing for older people offers significant opportunities to enable residents to be as independent as possible in a safe and warm environment. It also helps to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs in retirement by providing safety, security and reducing management and maintenance concerns.

8.23 Specialist Retirement Living housing offers significant benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities – not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. A recent report 'Happier and Healthier' by Homes for Later Living (2019) (Appendix 6) has found that:

- Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year.
- Building 30,000 more retirement dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year.

(Homes for Later Living September 2019)

8.24 The table below breaks down health and social care costs, comparing housing for later living with mainstream housing:

Table below: The fiscal impacts of mainstream vs homes for later living housing, by outcome and efficiency

	Mainstream housing, pp >80yrs	Homes for Later Living housing, pp >80yrs	Difference
Adverse health outcomes / cause:	Cost (£)	Cost (£)	Saving (£)
Fracture or serious injury / falls	811	300	(510)
Dementia / loneliness	2,119	1,874	(244)
Stroke incapacitation / delayed action	477	343	(134)
Pneumonia, heart attacks, arthritis / cold homes*	205	nil	(205)
Visits to GP and A&E attendance / (various)	267	195	(72)
Subtotal (prevention)	3,878	2712	(1,166)
Efficiencies:			
Utilisation of public-funded institutional care**	1812	nil	(1,812)
Use of public-funded home care services	984	820	(164)
Use of disabled facilities grant money***	349	nil	(349)
Subtotal (efficiencies)	3,144	820	(2,324)
Total	7,022	3,512	(3,490)

(Homes for Later Living September 2019)

8.25 There are huge benefits from new found friends and companions. Around 3.8 million individuals over the age of 65 live alone in the UK, with increasing sense of loneliness and vulnerability. Research has suggested that the impact of loneliness and isolation on mortality is equivalent to smoking 15 cigarettes a day. These people are also much more likely to suffer from depression and to develop dementia.

8.26 The recent Housing for Later Living Report (2019) shows that on a selection of wellbeing criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing into housing specifically designed for later living.

8.27 I attach substantial weight to the social benefits of the proposal.

Environmental Benefits

8.28 There is considered to be significant townscape benefits from the proposed scheme in respect to the enhancement of the setting of the Great Shelford conservation area. The Council's conservation officer comments included in the officer's report identifies that the proposed development would not harm the character and appearance of the conservation area.

8.29 The proposal will see the redevelopment of a previously developed site in a highly sustainable location. The scheme would also be designed to energy and water efficiency standards utilising photovoltaic panels for energy generation and restricting water consumption as a resource. The proposal will also include the provision of electric vehicle charging points.

8.30 I place moderate weight on the environmental benefits of the proposed development.

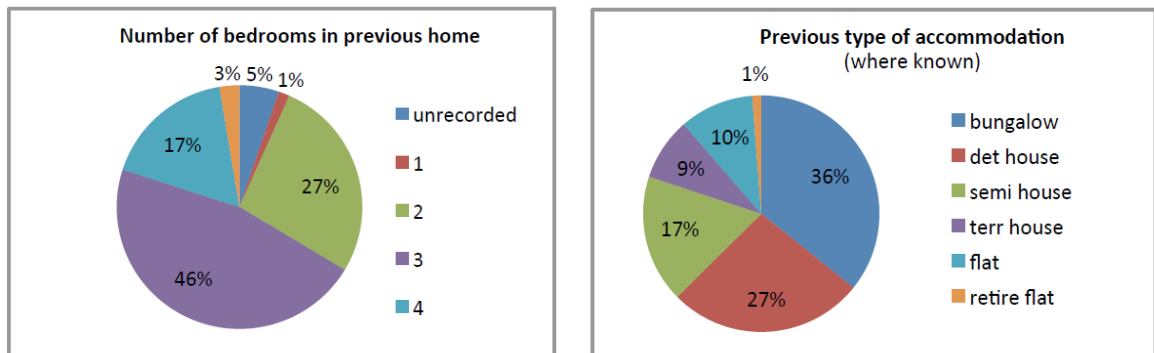
Release of Under Occupied Housing Stock

8.31 A research project undertaken by Professor Michael Ball from the University of Reading in May 2011 entitled “Housing Markets and Independence in Old Age: Expanding the Opportunities” (Appendix 7) reinforces the benefits set out above. The report reaffirms the position that Owner Occupied Retirement Housing (OORH) has a positive impact on local housing markets. Upon moving, most residents free up a substantial family home, with two thirds moving from houses with three or more bedrooms.

8.32 The report identifies the following benefits of specialist housing provision based on an analysis of 5,000 sales records of older people who bought retirement housing properties between 2007 and 2010. They show how specialist housing frees up under-utilised family-sized housing in the local area.

- For every 5,000 owner-occupied retirement homes sold, family housing to the value of £1.1 billion is released back onto local housing markets.
- For an individual retirement housing scheme of 40 dwellings, this equates to the release of 40 family-sized homes – the majority of which are in the local area – worth nearly £9 million.
- The average value of the individual dwellings released is just under £220,000. Two thirds had three or more bedrooms.
- Property vacated is then usually bought by younger people and often used to raise families. In this way, local housing stock is recycled through the generations.
- Provision of specialist retirement housing has a multiplier effect through the housing chain. For each individual specialist dwelling built, housing for six people is provided; the ‘classic’ family of four in the vacated property, and the couple downsizing into specialist accommodation.
- A wider chain of moves is also triggered. As the initial property vacated is likely to be quite substantial, additional moves further down the chain occur. On many occasions, six or more moves can be stimulated.
- First time buyers also benefit. It is estimated that within six moves, a first time buyer is able to enter the housing market.

Figure 5.6: Characteristics of previous homes



8.33 In areas where housing supply is restricted it will be important that the existing housing stock can be utilised to best meet local housing needs. The proposal has the potential to free up to 56 under-utilised houses in Evesham and environs and significant weight can be given to this.

8.34 The weight that should be afforded to these significant benefits has recently been considered in an appeal decision for the Appellant at a site in Fleet, Hampshire (APP/N1730/W/20/3261194) (CDA4). At Paragraphs 69-71 the Inspector in considering the planning balance and weight to be attached to the benefits of the proposed scheme states;

69. *'Moreover, there would be a number of benefits of the appeal scheme which were put forward by the Appellant. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.'*

70. *The following benefits would arise: (i) much needed housing for older people. The Council suggests that the weight to this benefit should be tempered because the residents of the scheme would not be restricted to being aged 85 or over. However, given the needs identified in the SHMA and the average age of residents of the Appellant's development being 79-80, the scheme meets the needs of the Council and significant weight should be given to this benefit. (ii) the development is of previously developed land (substantial weight); (iii) the development would be in a sustainable location (substantial weight); (iv) the development would make optimum use of the site (moderate weight); (v) the development would provide 31 market dwellings and is a clear benefit (substantial weight); (vi) the provision of the Appellant's payment of £500,000 to the delivery of affordable housing would be a significant benefit (substantial weight); (vii)*

there is a benefit releasing under-occupied housing stock (substantial weight); (viii) the site would provide economic benefits by generating jobs, in the construction and operational phases of the development and by residents spending locally (substantial weight); (ix) there would be social benefits in specialised age friendly housing (substantial weight); (x) the environmental benefits of the scheme are a clear benefit (moderate weight). Cumulatively, these 10 benefits weigh heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG and at a local level in HLP32.

71. Therefore, even if I had reached a contrary conclusion in terms of this appeal and found that there was a conflict with the development plan, any harm which might be identified as arising from the appeal proposal comes nowhere near significantly and demonstrably outweighing the many and varied benefits of the appeal proposal. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed (My Emphasis).

8.35 I would argue that the same applies here and that the cumulative benefits of the proposed scheme weigh heavily in favour of the appeal being allowed especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG.

8.36 Similarly at a recent appeal for the Appellant in Basingstoke (APP/H1705/W/20/3248204) (CDA5) involving heritage assets the Inspector concluded;

72. In this is instance, there is clear and convincing evidence with regards to the suitability of the proposal. The delivery of specialist housing weighs substantially in favour of the appeal scheme, especially given the critical need identified at national level in both the Framework and the National Planning Policy Guidance (NPPG), along with the identified shortfall in terms of the delivery at local level. As a result, even if I had reached a different conclusion in relation to the heritage issues and found there to be harm to the identified designated heritage assets, any harm would have been clearly outweighed by the significant public benefits of the scheme. Therefore, in this case, I find no reasons to withhold planning permission.'

8.37 I therefore attach significant weight to the release of under occupied housing stock.

9.0 Conclusion

9.1 The Appeal proposal accords admirably with the planning, housing and sustainability aims and objectives of the NPPF, PPG, National Design Guide and local planning policy, not least by providing residential development for which there is a 'critical' need nationally and locally in a sustainable manner.

9.2 I have considered the proposal against the policies of the development plan and consider that it complies with the development plan when considered as a whole. Applying s.38 (6) of the 2004 Act, the appeal should therefore be allowed unless material considerations indicate otherwise. In this case the Appellant's position is that all the material planning considerations weigh heavily in favour of the grant of permission.

9.3 The proposed scheme has been carefully designed having regard to the local context and neighbouring land uses. In summary, the Appellant's case is that the appeal scheme would not cause any material planning harm and would deliver the following significant planning benefits:

- The delivery of 39 units of C3 dwellings in an authority where there are constraints on available land for the delivery of new dwellings (**substantial weight**);
- The delivery of 39 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as 'critical', and the development plan identifies support for its provision during the plan period need to be for older persons accommodation (**substantial weight**);
- The provision of an affordable housing contribution equivalent to the provision of 11 affordable dwellings (£672,579) (**substantial weight**);
- Redevelopment of a previously developed site (**substantial weight**);
- Redevelopment of a site in a sustainable location being within a rural centre with local shops, public transport and facilities within walking distance (**substantial weight**);
- Making optimum use of the site (**substantial weight**);
- Releasing under-occupied housing stock in a local area where there is an acknowledged constraint on available land for residential development (**substantial weight**);
- Enhancement of and positive contribution to the setting of the Great Shelford Conservation Area (**substantial weight**);
- Improvements to the pedestrian pavement network between the rail station and the village centre (**substantial weight**);

- Economic benefits through the generation of jobs in the construction phase and by residents of the proposal spending locally (**substantial weight**);
- Social benefits associated with specialist older persons accommodation resulting in fiscal savings for the national health service (**substantial weight**); and
- There would be environmental benefits from the redevelopment of this site and through the sustainable construction of the proposed development (**moderate weight**).

9.4 The Appellant is of the view that the proposed scheme is a high-quality design that has responded to the character and appearance of this part of Great Shelford, utilising local materials and details in a modern way to complement the existing townhouses to the north and residential developments to the south. The proposal as agreed by the Council's conservation officer would be an enhancement to the setting of the Great Shelford Conservation Area. The widening of the footway to the front of the site to 2m has a positive impact in terms of pedestrian movement and safety through the village from the train station. In townscape and urban design terms the proposal is a significant improvement on the current situation and the sites relationship to Station Road and the Great Shelford Conservation Area. The proposal is considered to comply with Policies S/7, H/8, HQ/1 of the South Cambridgeshire Local Plan.

9.5 The Appellant considers that Council's adherence to separation distances set out in design guidance is misplaced and does not have regard to later national planning policy advice in respect to making effective and efficient use of land. The rigid application of separation distances would run contrary to the NPPF paragraph 119 and 124(a). Furthermore, Mr. Lemberg's evidence demonstrates that such an application in this case would sterilise a large amount of the site for redevelopment and would not result in a successful specialised development of retirement living apartments for older persons for which there is an agreed national and local housing need for. I would note Government guidance at paragraph 120(c) of the NPPF that advises that substantial weight should be given to using brownfield land within settlements for homes. Given the constraints on land available in this part of the district for the proposed development I would reinforce the weight to be attached to developing the site for the proposed use.

9.6 In addition, the Appellant's evidence through Mr. Lemberg's proof identifies that the orientation and secondary nature of the windows in No.4 Station Road mean that there is no unacceptable level of overlooking to the adjoining neighbour. The Council have also not considered the amenity benefits to this neighbouring property from the

removal of an unrestricted commercial use. Accordingly, the Appellant considers that the proposal complies with Policy HQ/1n of the Local Plan.

- 9.7 I have considered the proposal against the policies of the development plan and consider that it complies with the development plan when considered as a whole. Having undertaken a planning balancing exercise I conclude that the material planning benefits of the proposed scheme far outweigh any areas of identified harm and I respectfully request that the appeal should be allowed.