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TOWN PLANNING AND ARCHITECTURE

WRITTEN REPRESENTATION

SITE: 11-17 MILL ROAD, ROYSTON, SG8 7AE

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FEBRUARY 2019

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APPEAL BY:
CHURCHILL RETIREMENT LIVING LIMITED

SITE:	**11-17 MILL ROAD, ROYSTON, SG8 7AE**
LOCAL PLANNING AUTHORITY REFERENCE:	**18/00492/FP**
PINs APPEAL REFERENCE:	**3213068**
VERSION:	**0.0**
AUTHOR:	**SIMON CATER**

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1. INTRODUCTION AND BACKGROUND

1.1. This Written Representation Statement (Statement) relates to an appeal made under section 78 of the Town and Country Planning Act 1990 against the refusal of a planning application by North Hertfordshire District Council (LPA).

1.2. This Statement has been prepared by Planning Issues Limited (Planning Issues) on behalf of Churchill Retirement Living (Group) Limited (the Appellant).

1.3. Planning Issues is a subsidiary company of the Appellant and has been engaged to provide a professional written statement in respect of this planning appeal.

1.4. Planning Issues is made up of Chartered Town Planners, Affordable Housing experts and Architects.

1.5. Planning Issues has provided planning advice to the Appellant on the proposed redevelopment of the appeal site since April 2017 and has acted as agent on behalf of the Appellant in pre application discussions, public engagement, submitting and pursuing the planning application that is now subject to this appeal.

1.6. This appeal relates to the LPA, North Hertfordshire District Council's refusal of planning permission for:

> *"Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings."*

1.7. The planning application was submitted in full on behalf of the Appellant to the LPA on the 20th November 2017. The planning application form set out the description of the planning application as:

"Demolition of existing buildings and erection of 41 no. retirement living apartments, together with communal facilities, car parking and landscaping"

1.8. The description of the planning application was amended by the LPA on registration to that set out in paragraph 1.5 above. The LPA registered the planning application on the 9th March 2018 and was given a reference number 18/00492/FP.

1.9. The thirteen-week statuary period for determination of the planning application expired on the 8th June 2018. No extension of time to the planning application was agreed between the Applicant and the LPA

1.10. The LPA issued a decision notice refusing the application on 4th September 2018 for the following three reasons for refusal:

"*1) It is considered that, by reason of the height, scale and massing of the proposed development, alongside the depth and incongruous design of the west facing elevation, the development would not respond positively to the sites local context. Therefore, the development is considered contrary to policy 57 of the Saved Local Plan and policy D1 of the 2011-2031 Local Plan Proposed Submission. Furthermore, the resultant appearance of the proposed building would fail to positively respond to the local character and history evident within Mill Road and the wider context of Royston, contrary to paragraph 127 of the NPPF. Finally, the proposal would fail to take opportunities available for improving the character and quality of the area, and thereby, in accordance with paragraph 130 of the revised NPPF, should be refused.*

2) *The proposal is considered to be of poor quality design which, by reason of its orientation; location and number of windows; as well as under-provision of on-site parking and amenity space, would result in poor quality living conditions for future*

occupiers and impinge upon the living conditions of adjoining occupiers. The internal layout would provide poorly lit and ventilated hallways, future dwellings facing Mill Road would receive little to no sunlight and future occupiers of the building would suffer a lack of outdoor amenity space. The layout and size and scale as well as the number and location of window detailing of the proposed building would result in perceived and actual loss of privacy to adjoining occupiers, and the lack of on-site parking would harm the occupiers of adjoining premises in Mill Road and nearby business premises through displacement of required parking for future occupiers. As such, the development fails to comply with policies 55 and 57 of the Saved Local Plan, the Vehicle Parking at New Developments Supplementary Planning Document, policy D3 of the 2011-2031 Local Plan Proposed Submission and the National Planning Policy Framework.

3) The submitted application has not been accompanied by a valid legal undertaking (in the form of a S106 Obligation or Unilateral Undertaking) securing the provision of the requisite off site affordable housing contribution in lieu of on-site provision and necessary library contributions. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF)."

1.11. The appeal was lodged to the Planning Inspectorate on the 2nd October 2018. This Written Statement deals with all matters relating to the appeal proposal and the reason for refusal/s, the statement is supported by appendices and are referred to where required.

2. DESCRIPTION OF APPEAL SITE AND SURROUNDING AREA

2.1. The appeal site is approximately 0.31 hectares (0.77 acres) and is located off of Mill Road, Royston. The site is identified as edged red on the location plan that can be found in Appendix A. The site address for this appeal is:

11-17 Mill Road,
Royston,
SG8 7AE

2.2. The site is occupied by two pairs of semi-detached houses, being no's 11, 13, 15 and 17, Mill Road on the south side of Mill Road. The properties are two storeys in height, mainly brick construction with concrete tile roofs. Flat roof, single brick garages are attached to the properties. The properties are set in large gardens. Further detail can be found within the Design and Access Statement, Appendix B

2.3. A topographical survey has been completed and there is a slight fall across the site (north to south). There are number of out buildings within the rear gardens of all properties and no. 17 Mill Road has an existing swimming pool. Existing trees and vegetation demarcate the boundaries of each property with the majority of trees on the southern boundary, screening the gardens from King James Way properties.

2.4. To the north of the site is Mill Road and on the other side the residential apartments of Oakley Court, a three storey brick apartment block. Adjacent to Oakley Court (to the east) is the terrace of no. 10 to 20 Mill Road, which are two storey residential properties.

2.5. To the east of the appeal site are 4no. four bedroom dwellings which have recently constructed.

2.6. To the south is Butchers Baulk (Footpath ROYSTON 006) and on the other side the two storey residential properties of Kings James Way.

2.7. To the west of the site are two storey residential properties accessed from Mill Road.

2.8. The site does not fall within Royston Conservation Area, Royston Conservation Area is located to the west of the site; to the east of the site is a Grade II Listed Building, however both the Conservation Area and Listed Building are not adjacent to the appeal site.

2.9. There is no particular character to adhere to at this site and a standalone development of its own style should easily enhance the current site which has little architectural merit.

2.10. The site lies within close proximity of existing services of Royston. A post office and local convenience store are located on Queens Road approximately 400m (five minutes' walk) north of the application site. There is also a more extensive range of shops and services located within Royston town centre, within approximately 800m south, or 11 minutes' walk of the proposed development site.

2.11. The majority of existing development in the immediate vicinity of the site is two and three stories. The majority of higher storey heights are on 'The Mill' opposite the site on the other side of Mill Road.

2.12. Further details can be found in the Design and Access Statement and the Planning Statement submitted in support of the planning application, now in support of this appeal.

3. DESCRIPTION OF APPEAL PROPOSAL

3.1. As set out above the description of the appeal proposal is the "*Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.*"

3.2. The Appellant has specialised in the provision of purpose built apartments designed specifically for older people since 1998 and has provided development proposals throughout England and Wales.

3.3. This development proposes 41 dwellings of retirement living accommodation and includes communal facilities, an owners' lounge, a guest suite, a mobility scooter and refuse store. The appeal proposal consists of 1 and 2 bedroom apartments.

3.4. In order to restrict the appeal proposals, a planning condition[1] is requested to contain an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse of partner of at least 55, can live in the development.

3.5. The communal facilities that are provided with the appeal proposal are:

- A lodge manager employed by a Management Company to provide assistance and security for the owners of the apartments;
- A video entry system which is linked to the owners' televisions in their apartments;
- An owners' lounge is provided for use by all residents and their guests within the building;
- A communal lift is provided for use by residents and visitors;
- A communal landscaped garden area;

[1] *Example Planning Condition can be found on Page 50 of Retirement Living Explained*

- A guest suite for use of relatives of property owners who wish to stay overnight;
- A communal car parking area for use of residents who have a car (unallocated);
- An area for mobility scooters to be stored and charged; and
- A communal toilet and refuse store.

3.6. Vehicular access to the proposed development is off of the existing access on Mill Road and incorporates 20no. car parking spaces, this equates to a parking space ration of 0.49 per apartment.

3.7. The development proposal is set in landscaped gardens which will serve as a high quality environment and provide a setting for the buildings within the site. Given the age and nature of the occupiers, the owners lounge is the primary meeting places for residents, although the pleasant external garden areas are a benefit to the residents in the form of sitting out space and also provide interesting views and pleasant scenery.

3.8. The appeal proposal also provides a number of planning obligations that are/will be secured through a section 106 Agreement. The section 106 Agreement at time of writing this statement is in draft form and a copy can be found in Appendix C. A completed signed copy will be provided to the appeal in due course.

3.9. The proposal, application site and the surrounding are described in more detail and analysed in the D&AS and Planning Statement that supported the planning application.

4. PLANNING HISTORY

4.1. This section sets out the relevant planning history of the application site.

4.2. There are two historic planning applications on the site, these are detailed in the below table:

Application Reference No.	Application Description	Decision
18/00492/FP	Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.	Refused (currently at appeal)
18/03334/FP	Erection of 37 no. retirement living apartments (26 one bedroom, 11 two bedroom), with communal facilities, car parking for 21 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.	Pending Consideration

4.3. Prior to the submission of the above application, a pre-application planning submission was made to the LPA in September 2017. The submission comprised, a pre-application form, covering letter and pre application statement.

4.4. A formal pre application enquiry response letter was received from the LPA on the 13th November 2017. A Pre-application meeting was held on the 24th November 2017 with officers of the LPA. A copy of the pre application and response can be found in Appendix D.

4.5. A public consultation exercise was carried out by the Appellant. This included an online consultation of the proposed plans for the development of the site. A leaflet was sent out to the approximately 590 local residents and business surrounding the site in addition to the Ward Councillors and members of the planning committee. The plans were available to view online for two weeks. A number of comments were received and a summary of the comments can be found with the Supporting Stakeholder Engagement Statement that was submitted with the application.

4.6. The planning application was submitted in full on behalf of the Appellant on the 16th February 2018 and validated by the LPA on the 9th March 2018. The thirteen-week statuary deadline date of the planning was the 8th June 2018. The LPA issued a decision notice refusing the application on 4th September 2018.

5. PLANNING POLICY FRAMEWORK

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material consideration indicates otherwise.

5.2. Material considerations include the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).

National Planning Policy Framework

5.3. In July 2018, the Framework was published to provide an updated single reference point for national planning policy guidance in England, following the earlier March 2012 version. The overriding message in the Framework is one of sustainable development, reiterating the widely accepted definition from Resolution 42/187 of the UN General Assembly "*as meeting the needs of the present without compromising the ability of future generations to meet their own needs*".

5.4. In planning terms, sustainable development incorporates economic, social and environmental objectives and this should be pursued in a positive way. At the heart of the Framework is a presumption in favour of sustainable development.

5.5. Paragraph 8 of the Framework highlights three dimensions to sustainable development being economic, social and environmental objectives.

5.6. Paragraph 9 highlights that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework. Paragraph 9 also identifies that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

5.7. The Framework at paragraph 11 states that for plans and decisions the presumption in favour of sustainable development should apply which for decision making means:

> *"c) approving development proposals that accord with an up-to-date development plan without delay; or*
>
> *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
>
> *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
>
> *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

5.8. Paragraph 38, looks for Local Planning Authorities to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.9. Paragraph 39 identifies that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

5.10. Paragraph 47 identifies that planning law requires that applications for planning permission be determined in accordance with the development plan,

unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statuary timescales unless longer period has been agreed by the applicant in writing.

5.11. In relation to emerging plans paragraph 48 sets out that *"local planning authorities may give weight to relevant policies in emerging plans according to:*

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"

5.12. Paragraph 54 of the Framework requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts though planning conditions.

5.13. In relation to Planning Conditions Paragraph 55 identifies that they should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

5.14. Paragraph 56 planning obligations should only be sought when they meet all of the following tests:

> *"a) necessary to make the development acceptable in planning terms;*
> *b) directly related to the development; and*
> *c) fairly and reasonably related in scale and kind to the development."*

5.15. The Government's policy, as set out in the Framework, is to boost significantly, the supply of housing. Paragraph 59 reads:

> *"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."*

5.16. The Framework looks at delivering a sufficient supply of homes, Paragraph 61 identifies within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including older people.

5.17. Paragraph 68 of the Framework acknowledges that small and medium sized sites and make an important contribution to meeting housing requirement of an area, and are often built-out relatively quickly. To promote the development of good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

5.18. The Framework at Paragraph 73 identifies Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where strategic policies are more than five years old.

5.19. Promoting healthy and safe communities in section 8 of the Framework identifies at Paragraph 91 that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

> "*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
>
> *b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
>
> *c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example 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*."

5.20. Paragraph 106 of the Framework establishes that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

5.21. At Paragraph 117 the Framework identifies 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. 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.

5.22. The Framework identifies at Paragraph 118(c) that substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

5.23. The Government recognises at Paragraph 122 that planning policies and decisions should support development that makes efficient use of land, taking into account:

> *"a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
> *b) local market conditions and viability;*
> *c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
> *d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
> *e) the importance of securing well-designed, attractive and healthy places."*

5.24. The Framework further identifies at Paragraph 123 that where there is an existing or anticipated shortage of land for meeting 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.

5.25. The requirement for high quality buildings and places is fundamental to what the planning and development process should achieve and this is highlighted in Paragraph 124. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.26. The requirement for good design is a material planning consideration and one that is emphasised in paragraph 127: "*Planning policies and decisions should aim to ensure that developments:*

> *"a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
> *b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
> *c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
> *d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
> *e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
> *f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

5.27. Paragraph 129 identifies that LPA's should have regard to engagement with the local community, design advice and review arrangements, and assessment frameworks such as Building for Life.

5.28. Paragraph 130 identifies 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

5.29. The Framework glossary contains a useful definition for older people: *"People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs."*

Planning Practice Guidance

5.30. The Planning Practice Guidance (PPG) was published in March 2014. The PPG provides guidance on how policies in the Framework should be implemented.

5.31. The PPG is a material consideration when taking decisions on planning applications or appeals. This means that if a local policy is deemed out of date, local authorities may be directed by the national guidance's requirements.

5.32. The Planning Practice Guidance will, where necessary, be updated in due course to reflect the recent changes in the Framework (the new version of which was published in July 2018). Therefore, the Planning Practice Guidance is not fully up to date to reflect national planning policy.

5.33. The PPG contains 50 categories which include Local Plans, Design, Ensuring the Viability of Town Centres and Renewable and Low Carbon Energy. The Guidance also relates to the planning application process including appeals and enforcement.

5.34. Of particular note within the PPG is the following section (Paragraph: 020 Reference ID: 2a-020-20180913) on housing for older people which reads as follows:

"The need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing The National Planning Policy Framework glossary provides a definition of older people for planning purposes, which recognises their diverse range of needs. This ranges from active people who are approaching retirement to the very frail elderly. The health and lifestyles of older people will differ greatly, as will their housing needs. Strategic policy-making authorities will need to determine in relation to their plan period the needs of people who will be approaching or reaching retirement as well as older people now.

The age profile of the population can be drawn from Census data. Projection of population and households by age group can also be used. Strategic policy-making authorities will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied.

The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered, enhanced sheltered, extra care, registered care) may need to be assessed and can be obtained from a number of online tool kits provided by the sector. Evidence from Joint Strategic Needs Assessments prepared by Health and Wellbeing Boards also provide useful evidence for plan-making authorities. The assessment can also set out the level of need for residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities will therefore need to identify the role that general housing may play as part of their assessment."

5.35. In relation to design, the PPG highlights at Paragraph 005 Reference ID: 26-005-20140306 (Who has the skills to judge good design) sets out that *"By establishing sound, clear and easy to follow design policies and processes for use by both developers and local communities, local planning authorities can make design a more transparent and accessible part of the planning process.*

> *To achieve good design the use of expert advice from appropriately skilled in house staff or consultants may sometimes be required. But design should not be the preserve of specialists, it is also important to seek the views of local communities."*

Development Plan Context

5.36. The Development Plan for North Hertfordshire District Council is the adopted saved North Hertfordshire District Local Plan Alternations (1996). The Proposed Submission Local Plan (2011-2031) is currently going through examination.

5.37. The Proposed Submission Draft Local Plan was submitted for examination on 9th June 2017. The Plan is currently undergoing a second round of Hearings following the submission of further information. As the Local Plan is still undergoing Hearings, it is the opinion of the appellant that the proposed plan can only hold limited weight at present as further modifications may still be required.

5.38. The relevant planning policies for the determination of this planning appeal are set out in the Officers delegated report in the section '*1.0 Policy*'. A copy of the officers delegated report can be found in Appendix E.

5.39. As noted at paragraph 4.3.1 of the officers delegated report, the site is considered to be in a suitable location and the proposed development of the retirement apartments would support the recognised housing need.

5.40. Furthermore, the development would comply with policies 8 and 26 of the Local Plan.

6. REASON FOR REFUSAL

6.1. The Planning Application was refused under the LPA's scheme of delegation and a decision notice was issued on the 4th September 2018. The planning officers report and decision notice can be found in Appendix F. The decision notice sets out the following reasons for refusing planning permission:

> *"1) It is considered that, by reason of the height, scale and massing of the proposed development, alongside the depth and incongruous design of the west facing elevation, the development would not respond positively to the sites local context. Therefore, the development is considered contrary to policy 57 of the Saved Local Plan and policy D1 of the 2011-2031 Local Plan Proposed Submission. Furthermore, the resultant appearance of the proposed building would fail to positively respond to the local character and history evident within Mill Road and the wider context of Royston, contrary to paragraph 127 of the NPPF. Finally, the proposal would fail to take opportunities available for improving the character and quality of the area, and thereby, in accordance with paragraph 130 of the revised NPPF, should be refused.*
>
> *2) The proposal is considered to be of poor quality design which, by reason of its orientation; location and number of windows; as well as under-provision of on-site parking and amenity space, would result in poor quality living conditions for future occupiers and impinge upon the living conditions of adjoining occupiers. The internal layout would provide poorly lit and ventilated hallways, future dwellings facing Mill Road would receive little to no sunlight and future occupiers of the building would suffer a lack of outdoor amenity space. The layout and size and scale as well as the number and location of window detailing of the proposed building would result in perceived and actual loss of privacy to adjoining occupiers, and the lack of on-site parking*

would harm the occupiers of adjoining premises in Mill Road and nearby business premises through displacement of required parking for future occupiers. As such, the development fails to comply with policies 55 and 57 of the Saved Local Plan, the Vehicle Parking at New Developments Supplementary Planning Document, policy D3 of the 2011-2031 Local Plan Proposed Submission and the National Planning Policy Framework.

3) *The submitted application has not been accompanied by a valid legal undertaking (in the form of a S106 Obligation or Unilateral Undertaking) securing the provision of the requisite off site affordable housing contribution in lieu of on-site provision and necessary library contributions. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF)."*

7. RETIREMENT LIVING EXPLAINED

7.1. A report entitled Retirement Living Explained: A guide for Planning and Design Professionals (Retirement Living Explained) was published on the 7th April 2017 by the School of Architecture, Planning and Landscape at Newcastle University in partnership with Churchill Retirement Living and the Housing LIN (Learning and Improvement Network).

7.2. The comprehensive 68-page report considers how retirement living should be defined, getting to the heart of the changing needs and expectations for individuals, communities, and society as a whole. The guide represents the culmination of a three year PhD project carried out by Newcastle University's Sam Clark under the supervision of Professor Rose Gilroy and Professor Adam Sharr.

7.3. Churchill Retirement Living believe that clearly defined types of housing for older people are required, including retirement living, and that local authorities should be setting specific housing targets for each type. The guide also looks to inform a more co-ordinated local and national approach towards achieving this.

7.4. The report identifies twelve design characteristics[2] which are essential to the success of retirement living accommodation for older people in the UK, along with the benefits[3] of retirement living through economic, environmental and social roles.

7.5. One of the essential characteristic of such housing is double loaded corridors which are necessitated by security, safety, land values and sustainable land use.

7.6. The essential characteristics set out in Retirement Living Explained are an important factor to be taken into account as they identify the characteristics

[2] *Section 1, Page 11, Retirement Living Explained – A Guide for Planning & Design Professionals*
[3] *Section 7, Page 54 – 55, Retirement Living Explained – A Guide for Planning & Design Professionals*

essential to the success of retirement living accommodation, and therefore to deliverability.

7.7. The report was commended in 2017 by the Royal Town Planning Institute Award for Research Excellence. A full copy of the report can be found in Appendix G of this Statement.

8. THE APPELLANTS STATEMENT CASE

8.1. The Appellants case focuses on the reason for refusal/s set out in the decision notice dated 4th September 2018.

8.2. From this reason the Appellant has highlighted six matters for consideration. The majority do not give rise to issues in dispute between the Appellant and the Council.

Consideration 1 – Housing Need

Is there an overall housing need for the development, especially for older people within the District?

8.3. The Communities and Local Government Select Committee produced "Housing for Older People – Second Report of Session 2017-19" in relation to the Inquiry into Housing for Older People. The evidence heard at the Inquiry was clear and that the UK has an ageing population.

8.4. The report concluded that the Framework should be amended[4] to emphasise the key importance of the provision of housing for older people and the new standard approach to assessing need should explicitly address the housing needs of older people.

8.5. The report also identified that LPAs should publish a strategy explaining how they intend to meet the housing needs for older people in their area and, in their Local Plans, identify a target proportion of new housing to be developed for older people along with suitable, well connected site for it.

8.6. The report goes on to set out that National and Local policy should give greater encouragement to the development of housing for older people.

[4] *Now Paragraph 61 of the Framework (2018) and will be followed up with the Government issuing planning guidance on housing for older which is expected late autumn 2018. Government response to Select Committee findings*

8.7. The 'Technical Consultation on updates to National Policy' released in October 2018 advises the Government priority is to develop more and better designed homes and to do so faster "this includes supplying homes to meet the diverse needs of our communities, such as for first time buyers, homes suitable for older people, high quality rental properties and well-designed spatial housing" [5]

8.8. "Unlocking the Housing Market" by Demos was published in November 2017 and was funded by the Homebuilders Federation and their members. The paper builds on work Demos has carried out over a number of years looking at the "top of the ladder – older people's housing".

8.9. The executive summary highlights that "the housing shortage is now one of our top domestic political issues, at the forefront of the government's and opposition's positioning during the 2017 general election and party conferences".

8.10. "There is a dearth of specialist retirement housing, so hundreds of thousands of older people are stuck in unsuitable homes, which has a negative impact on their health. This is also stagnating the housing market by thwarting growing families (and, in turn, first and second time buyers) from moving up the housing ladder". The "Housing White Paper", published in February 2017, identified this as one of many issues associated with what it described as "a broken housing market"[6].

8.11. The report identified that there are two main barriers to supply in the current market: lack of recognition of the housing needs of older people in local plans and a planning charges regime that renders retirement developments inherently uncompetitive against general needs housing and retail developments.

8.12. The report goes on to highlight that the shortage of homes for older people is, in fact, greater than the shortage for first time buyers. There is a significant demand for retirement properties, with surveys by Demos, Shelter and others finding that

[5] *Ministry of Housing, Communities and Local Government, Technical consultation on updates to national planning policy and guidance, October 2018, Page 6, paragraph 2*
[6] *Demos, Unlocking the Housing Market – Executive Summary, Page 1*

between a third and a quarter of older people in the UK are interested in downsizing generally, and a quarter are interested in downsizing generally, and a quarter are interested in retirement housing specifically – this equates to at least 2.95 million people aged over 65[7].

8.13. Analysis suggests that 30,000 new retirement properties per year need to be built just to meet current demand, and yet the number of these properties is increasing at a rate of just 7,200 per year.

8.14. Analysis by Demos has shown that if just half of those interested in downsizing were able to do so, 4 million older people would be able to move, freeing up 3.5 million homes. Over 2 million of these would be three-bedroom properties[8].

8.15. Housing LIN (Learning and Improvement Network) found that a typical 41-unit development for older people would generate additional 92 housing sales in the local market – showing a clear housing "chain effect"[9].

8.16. Moving into a retirement property enables older people to free up cash from their home, which can be used to pay for other expenses, leading to a higher quality of life and retirement. Evidence heard by the All Party Parliamentary Group on Housing and Care for Older People suggests that a person moving from a three bedroom semi-detached property to a two bedroom older people apartment saves an average £600 in annual household bills[10]

8.17. Due to the increased disposable income enjoyed by older people moving into retirement properties. Older people Housing creates an economic boost in the areas immediately surrounding the retirement developments[11].

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[7] *Demos, Unlocking the Housing Market – Page 6*
[8] *Demos, The Top of the Ladder – Page 10 (last bullet) & 11 and Demos, Unlocking the Housing Market, Page 8.*
[9] *Demos, Unlocking the Housing Market, Page 8*
[10] *All Party Parliamentary Group on Housing and Care for Older People – The Affordability of Retirement Housing, 2014, Page 30 and Demos, Unlocking the Housing Market, Page 8*
[11] *Institute of Public Care, Local Area Economic Impact Assessment, 2014, Section 5, Page 23 and Demos, Unlocking the Housing Market, Page 9 and 10*

8.18. The report also identifies that there is substantial body of evidence which suggests that older people living in all types of retirement housing enjoy better health and wellbeing than those who do not. Retirement properties also reduce the likelihood of falls among older people (the biggest cause of emergency hospitalisation and broken hips) and the health complications of living in a cold home.

8.19. Demos research found that only 49 per cent of over 55s compared with 85 per cent of people living in retirement housing developments felt a sense of community in their neighbourhood[12].

8.20. Many Local Authorities lack a clear policy in retirement/older people housing in their local housing plans, with some actively discouraging the building of such housing perhaps believing that this would encourage more older people to move to the area, creating a burden on local GPs, these misperceptions have been soundly refuted[13].

8.21. In April 2012 the housing and homelessness charity Shelter published "A Better Fit? Creating Housing Choices for an Ageing Population".

8.22. The report highlights the under occupation of the housing stock for age groups 55+, the need for a significant increase in the supply and range of suitable housing for older people. The report goes onto recommend the planning system must support the development of housing for older people.

8.23. In May 2011 Professor Michael Ball from the University of Reading, Henley, published "Housing Markets and Independence in Old Age: Expanding the Opportunities".

8.24. Professor Ball highlights how the Framework and the Localism Agenda could make a real difference to older homeowners now and in the future.

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[12] *HCA – Financial Benefits of Investment in Specialist Housing for Vulnerable and Older People, 2010, Page 29 para 3.1.3*

[13] *Demos, The Top of the Ladder, Page 25 and Demos, Unlocking the Housing Market, Page 13*

8.25. The report highlights several statistics and "there are currently around 105,000 owner occupied retirement housing (OORH) dwellings in the UK, about 2% of the total number of homes for those aged 65 and over"

8.26. The report goes on to set out that "as the UK's population grows and ages over the next 20 years, the number of households over 65 years old will increase at a particularly fast rate. There are expected to be an extra 3.5 million older households by 2033 in England alone, a 60% increase on today. By then, a third of all households will consist of those aged over 65, up from 23% in 2008".

8.27. In February 2008 the Government published "A National Strategy for Housing in an Ageing Society".

8.28. The report identifies that housing and ageing is a cross government priority and examines the scale of demographic change that will occur over the next twenty-five years.

8.29. Within chapter 2 the report sets out that "in 2006, there were 3.3 people of working age for each person of pensionable age in the UK. This figure is expected to fall to 2.9 by 2031. Over the next 30 years, the population aged 65 years and over is set to rise from 9.7 million to 17 million, an increase of 76 per cent. The number of people aged 75 years and over is expected to increase by 4.4 million, or 95 per cent, and the number of people aged 85 years and over is likely to rise by 2.3 million, an increase of 184 per cent. Looking further into the future, a child born today has a one in five chance of celebrating his or her one hundredth birthday."

8.30. The Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) was updated in August 2016. The SHMA finds that the combined population projections for Stevenage and North Hertfordshire identified that the population was likely to increase from 211,741 persons to 246,155 persons over the 20-year period 2011-31; a 20-year increase of 34,414 persons.

8.31. The population in older age groups is projected to increase substantially during this period, with over 3 in 5 (61%) of the overall population growth (20,914 persons) projected to be aged 65 or over and 32% projected to be 75+ (11,067 persons). This is particularly important when establishing the types of housing required and the need for housing specifically for older people. Whilst most of these older people will already live in the area and many will not move from their current homes; those that do move home are likely to be looking for suitable housing.

8.32. Whilst the increase in people aged 65+ represented over 60% of the overall population growth, the increase in households aged 65+ represents almost three quarters (73%) of the trend-based growth: 13,937 households out of the 19,213 total. Taking account of the OAN uplift increases the likely growth of older households to 14,264, equivalent to 68% of the total.

8.33. There is an identified future need for 2,970 specialist older person housing units of various types over the 20-year period 2011-31. The total need for older person housing represents around 13.7% of the overall OAN for the housing market area, however the North Hertfordshire need for 2,060 dwellings represents 14.3% of the OAN in that area whilst the Stevenage need for 910 dwellings represents 12.5% of the borough OAN. Specifically, with regards to sheltered housing, it is estimated that to the end of the plan period 2031, there is a requirement of 490 sheltered housing dwellings within North Herts.

8.34. It is acknowledged within the officers delegated report at paragraph 4.3.1 states that the erection of the retirement apartments would support the recognised need for housing. The Council accept that they cannot demonstrate a 5-year housing land supply.

8.35. From the evidence above and in support of the planning application, it is evident that there is a pressing need nationally and within the District for the delivery of housing and in particular housing for older people

Consideration 2 – Acceptable Location

Is Royston and the appeal proposal site appropriate and an accessible location for new development of this kind?

8.36. In Consideration 1 above it has been identified that there is a pressing need for older people housing. In this Consideration we determine if the appeal site is appropriate and in an accessible location for new development for older people.

8.37. Above we have discussed the principle of residential development for older people at this location and concluded that the principle of redevelopment of the site is acceptable and agreed between the Appellant and LPA. Section 4[14] of Retirement Living Explained explores and sets out that there is a typical site required for a successful retirement living development.

8.38. The appeal site is located within the built up area of Royston and is close, and/or accessible, to the range of services and facilities that the town provides, including regular public transport services within the town and further afield.

8.39. Policy 8 of the 'as saved' Local Plan (Development in Towns) identifies the Royston as being an area where the Council will permit proposals to meet the majority of the development needs of the District if the aims of other policies are met.

8.40. Proposals Map D of the '*as saved*' Local Plan identifies that the appeal site falls within the settlement boundary. See Appendix H attached.

8.41. The appeal site is in close proximity to numerous local services. A post office and local convenience store are located on Queens Road approximately 400m (five minutes' walk) north of the application site.

[14] *Page 30, Retirement Living Explained: A Guide for Planning & Design Professionals*

8.42. There is also a more extensive range of shops and services located within Royston town centre, within approximately 800m south, or 11 minutes' walk of the proposed development site.

- Banks, building societies, and postal services;
- Cafes, coffee shops, take-away food services and restaurants;
- Pharmacies and opticians;
- Supermarkets, including Morrisons;
- Hairdressers and beauty outlets;
- The Heath Sports Centre;
- Royston Golf Club;
- Royston Library; and
- Royston Train Station.

8.43. The Appeal site is easily assessable to local bus services. Bus stop locations are identified at paragraph 3.1.1 and Figure 5 of the Mott MacDonald Transport Statement submitted in support of the planning application, now in support of this appeal.

8.44. A bus stop is located on Baldock Street and provides access to a number of services for Royston and beyond.

8.45. The appeal site also accords with the size requirements set out in Retirement Living Explained, is located close to a range of facilities and local transport links and therefore can be defined as an appropriate site for retirement living within the location being accessible, attractive and sustainable.

8.46. The LPA confirm their delegated officers report that "*The site is considered to be in a sustainable location, and the proposed development of the erection of retirement apartments would support the recognised need for housing*" [15]

[15] *Officers Delegated Report, Section 4, paragraph 4.3.1*

8.47. It is evident from the supporting information with the planning application and the evidence presented above that the appeal site is in a highly sustainable location. In close proximity to a wide range of services and transport links, especially as the site falls within a town that serves the needs of Royston and surrounding villages.

8.48. At the beginning of this Consideration we questioned if the appeal site is appropriate and in an accessible location for new development for older people. From the evidence above and in support of the planning application, it can be concluded unequivocally that the site is appropriate for older people housing and in an accessible and sustainable location.

Consideration 3 – High Quality Design

Does the appeal proposal satisfy Policy 57 of the saved Local Plan and Policy D1 and D3 of the 2011-2031 of Local Plan Proposed Submission?

8.49. This consideration looks to review the appeal proposal against the policies identified in the reason for refusal relating to the quality of the development, context, scale, massing and appearance.

8.50. The Framework describes at paragraph 124 how "*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*".

8.51. The proposal has been designed by a professionally qualified architect and the proposal has evolved having full regard to the context, character of the area and the scale and design of neighbouring properties.

8.52. This is supported by a Design and Access Statement which accompanied the planning application and in support of this appeal. This reviews the site constraints and opportunities along with the evolution of the plans and palette of materials in the local context of the site.

8.53. The Appellants professionally qualified architect considered the site, its context and design a proposal which took into consideration the end user being an older person.

8.54. The Design and Access Statement included at Section 02 (Contextual Analysis) and Section 03 (Constraints & Opportunities).

8.55. Section 02 identifies the sites history, disposition, form and character of the built environment that surrounds the Appeal site. This is expanded on below.

Context

8.56. Mill Road is located off Kneesworth Street, which is a main route running from the town centre, north towards the A505. The site is located to the southeast of Mill Road, and is a 450m walk north of Royston town centre and as such should be considered a highly sustainable location.

8.57. Mill Road is a narrow road connecting Kneesworth Street to the A10 and is lined by residential housing of varying degrees of quality, heights and styles. The site is bounded by Mill Road to the northwest and by a narrow footpath, Butchers Baulk to the south.

8.58. Residential properties bind the site to the east (17 + 17A Mill Road) and west (9 Mill Road). Residential properties are also present to the north across Mill Road. Further south lie the rear gardens of 68-74 King James Way.

8.59. There are a variety of storey heights in the immediate area, ranging from 1-3 storeys. The newly developed 17A Mill Road, directly to the east of the site comprises of four 2.5 storey houses, which are built deep within the site. 17 Mill Road to the east of the site, is a 2 storey historic house. Traditionally, older properties have high floor to ceiling heights which are taller than most modern development. The difference in eaves height between this 2 storey older property and the 2.5 proposed element of the proposal is very similar.

8.60. Oakly Court is a flatted development directly in front of the site. It is 3 storeys throughout and is arguably the most dominant building along Mill Road. Dwellings on the south eastern side of the road are staggered and step with the direction of the road, they also face 45 degree to the road, providing good sized pockets of front amenity. In contrast, buildings on the north western side of Mill Road follow the line of the road and are built parallel to the edge of the road.

8.61. Mill Road reflects this and also has a variety of built form providing an interesting and varies streetscape. The newest development in the local area is 17a Mill Road, which has just been completed. The development comprises of four 2.5 storey houses located towards the rear of a deep plot of land providing effective backland development.

8.62. The houses are modern in appearance and built with a contemporary buff brick. Each house has a simple steep gabled roof with a grey blue slate roof. Windows are a modern dark grey and fascias and soffits are white upvc. The houses have a traditional appearance with contemporary detailing

8.63. Below are the key opportunities and constraints of the Appeal site which expands on those identified in the Design and Access Statement.

Opportunities

- Site size allows for a flatted building which will be an efficient use of space on the site;
- Provision of a much needed retirement development of good quality in a sustainable location;
- A successful scheme will enhance the townscape by reinforcing the character of the streetscape along Mill Road;
- There is an opportunity to replace poor quality housing and provide a distinctive and notable building using locally distinctive materials and provide greater presence along the road;
- Appropriate to build a development of this scale on the site as the local and wider context demonstrates that there are examples of this.

- Examples of successful new development that utilises the depth of the site directly to the east.
- Appropriate to accommodate a residential development on the site as the local context is generally residential with a variety of built form, styles and details.
- A distinctive design which establishes a strong sense of place and responds to the local character will improve Mill Road.
- Given the orientation of the site, there is an opportunity to provide sunlight to a large percentage of the apartments and the amenity space.
- The new scheme will enhance the setting to the front of the site with improved quality landscaping and high quality boundary treatment throughout.
- Provide off street parking, with most hidden from the public realm with a new access location and acceptable vision splay.
- Views towards the site from the eastern end of the Mill Road
- Proximity to the conservation area and listed buildings is both an opportunity and constraints.

Constraints

- As shown in the site analysis diagram, the site is in close proximity to the towns conservation area. As a result, the design of the proposal will need to respect the conservation area character
- Any future development must be considered in terms of possible overlooking of neighbouring amenity uses.
- Mill Road is relatively narrow, the scheme must provide a safe vehicular exit/entrance to the site, taking into account viewing site lines.

8.64. The LPA set out within the Reasons for Refusal for this application that the appeal proposal is contrary to Policy 57 of the saved Local Plan and Policy D1 of the 2011-2031 of Local Plan Proposed Submission.

8.65. Policy 57 of the Local Plan sets out the expectations for all proposals for residential development. The policy is set out by way of Guidelines that include the following (the full policy text can be found at Appendix I):

- Guideline 1: Site and Surroundings;
- Guideline 2: Design and Layout;
- Guideline 3: Roads and Footpaths;
- Guideline 4: Mix of Dwelling Sizes;
- Guideline 5: Floor space;
- Guideline 6: Orientation;
- Guideline 7: Privacy;
- Guideline 8: Play and Amenity Space;
- Guideline 9: Landscape;
- Guideline 10: Noise;
- Guideline 11: Car Parking and Garaging;
- Guideline 12: Servicing.

8.66. Policy D1 (Sustainable Development) of the Proposed Submission Local Plan 2011-2031 states where development proposals response positively to the sites local context and take all reasonable opportunities consistent with the nature and scale of the scheme to:

i. create or enhance public realm;
ii. optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS);
iii. reduce energy consumption and waste;
iv. retain existing vegetation and propose appropriate new planting;
v. maximise accessibility, legibility and connectivity;
vi. future proof for changes in technology and lifestyle;
vii. design-out opportunities for crime and anti-social behaviour; and
viii. minimise the visual impact of street furniture and parking provision;

8.67. The policy goes on to state that the development will have regard to the Design SPD and any other relevant guidance; and for residential schemes to meet or exceed nationally described space and water efficiency standards.

8.68. Policy D3 of the Proposed Submission Local Plan states that Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

8.69. The LPA have an adopted "*Design Supplementary Planning Document*". The Appeal proposal has been considered against the standards within the Supplementary Planning Document and been through a detailed analysis prior to the submission of the application. The Design and Access Statement submitted in support of the appeal details the design evolution of the scheme.

8.70. The Framework states that where there is an identified housing need, it is especially important that planning policies and decisions avoid homes being built at low densities[16].

8.71. The appeal proposal is located on previously developed land and within the urban built up area of Royston. The Design and Access Statement submitted in support or the appeal illustrates how the proposal accords with the character of the area through the context led approach and within Consideration 1 we have identified that there is a significant need for homes especially for older people.

8.72. The Appeal proposal provides a density of 132 dwellings per hectare which achieves an appropriate density and optimises the best use of the land, especially as there is an identified unmet need.

8.73. The proposed development is a single building. The requirements of older people housing include the need to link all of the flats, owners lounge and associated facilities within a series of interconnecting corridors. The aim is to

[16] *National Planning Policy Framework, Page 36, Paragraph 123*

allow social interaction to occur, to facilitate neighbours to visit, being able to do this without the need to go outdoors and allow for safe movement around the site without going outside in wet and slippery ground conditions. The ability to stand outside a neighbour's flat in a warm and dry environment is important for the successful functioning of the retirement development.

8.74. In response to the polices above, with regards to the design of the building in relation to the character of the area, consideration has been given to addressing the public realm and has created a T shaped building fronting on to the road frontage. The development looks to respond to the key features and qualities of the site.

8.75. With regards to the Guideline 3, no roads or footpaths are proposed. However, throughout the site, parking has been placed close to the main point of access into the development. Externally, level paths and routes are provided around the building for ease of mobility for the resident especially given the age of future residents. The interior of the building is on single level to allow for ease of movement.

8.76. It is noted within the delegated report that the site would appear over-development within the street-scene[17]. The report also notes that there is no objection to the 3 storey height on the site.

8.77. Oakly Court, opposite the site, is a 3 storey flatted development and is comparable to this scheme. Scale is the size of a building in relation to its surroundings, or is the size of parts of a building or its details. The scale of the proposed building is residential, which is highlighted by the articulation of built form, the size of the doors and windows and the floor to ceiling heights which are emphasised in the in the emphasised in the spacing of the doors and windows.

8.78. The delegated report at paragraph 4.3.11 notes concern with regards to the roof design and its perception within the area. The roof has been articulated to break

[17] *Officers Delegated Report, Paragraph 4.3.11.*

up the massing of the building and to allow for the design to sit sympathetically in the surrounding locality. Gables are not uncommon within the sites surroundings and as such the roof form would look like common vernacular in the locality.

8.79. The delegated report raises concern with respect to separation distance with surround neighbours. The development has been designed in order that it respects its neighbouring properties and has been designed in order to restrict any loss of privacy. The orientation of the building is such that this aids in restricting any loss of privacy.

8.80. The proposed development is over 20m in distance from Oakly Court to the north, between 20m and 27m to the neighbours to the east, between 19m and 23m to the properties to the south and over 26m to the western neighbour. The LPA make particular reference to the distance to the southern neighbours. The closest element of the building would be 2storey and includes 1 window at first floor. This window would service a kitchen which is not a habitable room. In addition to the 19.1m, a work surface would be added to this distance which would take the distance from eye level to circa 20m. Furthermore, Diagram A of the Design and Access Statement at page 22 illustrates that with the planting that would be implemented through the landscape strategy, would ensure that the development and the southern property are highly screened from each other.

8.81. In terms of the boundary treatment, the majority of trees and hedgerows are being retained through the appeal proposal and reinforced as set out in the Landscape Strategy. Where existing trees are being removed these are of poor specimen and are being replaced/mitigated against in the Landscape Strategy proposal. Boundary treatment will remain as existing and made good were required.

8.82. With regards to hard and soft landscaping, the development has been designed to be primarily soft landscaped with pathways, parking area and patio areas.

8.83. In terms of materials, the roofline has variety in its height, size and materials and this reflects the form of the building and this can be seen from the elevation

drawings. The roofline has variety in its height, size and materials and this reflects the form of the building and this can be seen from the elevation drawings.

8.84. At paragraph 4.3.18 of the delegated report, the officer raisies concern with regards to the amenity space provision with the development.

8.85. The quality of public realm/open space/amenity is suitable to meet the needs of the future occupiers by providing attractive gardens on a single level that is easily accessible. There is opportunity to provide a range of open space to meet different preferences, whether shaded areas of the building, or active frontages within the parking areas and access to the building.

8.86. The Appellant is committed to providing high quality and high impact visual enhancements to the landscape amenity areas of their sites, with a number of prestigious awards having been issued to several recent developments. Landscaping features are incorporated at an early stage in planning proposals and this is a testament to the level of importance that the Appellant places upon adopting a front loaded approach to the planning system.

8.87. The building has been sited to allow the creation of landscaped gardens. These landscaped areas provide both attractive outdoor spaces for the enjoyment of future occupants and an elegant setting for the proposed building whilst allowing for the gardens to be overlooked from all sides, to allow acceptable separation distances to existing properties and to allow acceptable levels of sunlight.

8.88. The Appellant in association with Newcastle University and Housing LIN has published 'Retirement Living Explained – A Guide for Planning and Design Professionals' lists twelve essential design characteristics to a successful retirement living accommodation development for older people within the UK (Section 1, page 11).

8.89. Characteristic 3 states that "Quality amenity space" as a key design characteristic and that "quantity is less important where this is a shared garden". Given the typical age of a new resident is an 80-year-old widow, the appropriate type of amenity space is landscaped gardens that can be used for

exercise with walking routes internally and externally around the site along with seating areas.

8.90. The appeal is accompanied with a Landscape Strategy produced by a professional landscape consultancy. The landscape strategy sets out the principles of the proposed hard and soft landscaping.

8.91. The type of development does not lend itself to private amenity space for each unit, however in accordance with the design guide, the development does provide communal gardens that is easily accessible for residents.

8.92. As demonstrated, the appeal proposal provides high quality amenity space that is appropriate for the residents of the development .

8.93. The owners lounge is located close to the main entrance and has a seating area/social area for all future occupiers to use.

8.94. The majority of parking has been provided in one location, obscured from the road though existing and proposed planting. The parking area has been landscaped to allow for a soft landscape feel and entrance to the building.

8.95. A mobility scooter store has been provided adjacent to the car parking area, in close proximity to the main entrance to allow for the future occupiers to store their mobility scooters and enter the building within a short walk.

8.96. The majority of the existing boundary treatment is being retained and this is detailed on the landscaping proposal plan reference JBA 17/329-SK02.

8.97. Within the Design and Access Statement submitted with the planning application, materials are proposed based on the context analysis of the area, this can be found at page 29. These materials proposed are of high quality and would complement character and appearance of the area.

8.98. The proposal looks to utilise low carbon technology through the use of Ground Source Heat pumps, or Air Source Heat pumps if the ground conditions do not

allow for Ground Source heat pumps to be effective. This delivers a high standard of energy efficiency and meets current building regulation standards.

8.99. The design proposals present an appropriate response to context and provides a building of suitable scale to respect the character of the area. The building is generally 3 storeys facing Mill Road, dropping to 2 storeys adjacent to the neighbouring properties.

8.100. In terms of footprint, height, distances from boundaries and nearby buildings as well as the positioning of primary windows, this proposal will not have an unacceptable impact on the neighbouring properties or the amenity of their occupants.

8.101. The proposal will thereby create an attractive development of retirement housing with a building design which respects and enhances the character of both the immediate vicinity and the wider area The massing and disposition of the proposed design responds to:

- the protection of the amenity of adjoining owners;
- the topography of the site;
- opportunity to provide quality soft landscaped area.

8.102. The sensitive design, appropriate massing, materials and detailing together with an attractive landscape scheme will improve the urban fabric and provide a high quality building in Royston.

8.103. It can be therefore concluded that the appeal proposal has followed a robust design process to deliver a high quality development proposal that accords with Policy 57 of the '*as saved*' Local Plan, Policy D1 of the Proposed Local Plan and the Framework,

Consideration 4 – Parking Provision

Does the appeal proposal provide acceptable level of parking in accordance with Policy satisfy policies 55 of the Saved Local Plan, the Vehicle Parking at New Developments Supplementary Planning Document?

8.104. This consideration looks to review the appeal proposal against the policies identified in the reason for refusal relating to levels of vehicle parking to the type and needs of the development and its future occupiers.

8.105. The LPA issued a decision notice and the reason for refusal 2 refers to an under-provision of on-site parking and amenity space therefore contrary to policy 55 of the saved Local Plan, policy D3 of the Proposed Submission and the Vehicle Parking at New Developments SPD.

8.106. Paragraph 111 of the Framework identifies that "*All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed*".

8.107. In support of the planning application a Transport Statement was produced by Mott MacDonald and is now in support of this Appeal. The Transport Statement at Section 6 (Parking) discusses parking including the parking standards referred to above.

8.108. The LPA's Parking SPD states at paragraph 4.6 that "*Consideration has been given to retirement dwellings which are becoming an increasingly popular style of development for this type of development the standard is a minimum of 1 space per dwelling, with room for negotiated reduction dependant on robust evidence put forward by the developer and the location of the development in reference to its position within the accessibility zones. This allows the standard to be applied more flexibly, varying from site to site, depending on its location and available parking and transport facilities nearby*."

8.109. The type of housing to be provided is similar to the Appellants other developments which have been constructed and successfully delivered and cater for older people, who wish to live independently. The purchase of apartments in this type of development is legally restricted by the Appellant to those over 60 (a partner over the age of 55 can also live within the property). The average age of a purchaser across all their currently occupied retirement living facilities are 80 years old and typically is a widow.

8.110. To determine site specific parking demand, survey data at the Appellants comparable retirement living developments, was included and analysed within the supporting Transport Statement. The data source was a series of parking surveys undertaken at eight established and fully occupied Retirement Living sites. This information demonstrated that the parking levels provided at each location were able to cater for the parking demands of residents and visitors.

8.111. As set out in Consideration 2 the site is located in an accessible location for older people housing and in a sustainable location. An extensive level of bus services is available in the immediate vicinity of the site.

8.112. The Consultation response from the Area Highway Development Control Manager states:

"Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission."

8.113. The recommendation above was made on the basis of a number of conditions being applied to a consent including, conditions relating to access specification details and surfacing details, the appellant would have no objection to the imposition of these conditions.

8.114. The consultation response from the highway authority confirms that they raise no objection to the scheme on the basis of parking noting that car parkin is all acceptable. The objection raises no concern with the parking survey that were undertaken.

8.115. Within the case officer report, no mention is made to the fact that the Highway Authority support the level of parking on the site. They have made their own assumption that the parking provision would not be acceptable, contrary to the expert consultees advise.

8.116. The Appellant concurs with the Highway Authority and that the parking provision on the appeal proposal is acceptable and appropriate for the proposed development.

8.117. The Appellant has provided extensive evidence of other retirement apartments sites which have a much lower parking ratio than the current appeal proposal and this evidence has been not disputed by the Highway Authority.

8.118. Parking provision for a retirement living development was discussed at length in a recent planning appeal[18] where the Inspector concluded that *"the overwhelming evidence to indicate that the level of parking provision is adequate for the future occupiers of the site"*. The evidence provided within that planning application and appeal is no difference to this appeal.

8.119. It can be concluded that through the evidence within the planning application and above that the parking provision is acceptable and the appeal proposal accords with Policy 55 of the saved Local Plan and the adopted Parking Standards SPD. The appeal proposal also does not result in sever impacts on transport grounds either on its own or cumulative.

Consideration 5 – Site Specific Planning, Environment or Technical Considerations

Is there other site specific planning, environment or technical considerations which would prevent planning permission from being granted?

8.120. The supporting documentation submitted with the application demonstrates the suitably of development on the appeal site. The consideration of the appeal proposal by the LPA has not raised any other issues from that set out in the decision notice reason for refusal.

8.121. Under this consideration it can therefore be concluded that there are no other issues that would prevent planning permission from being granted on the site.

[18] *Appeal Reference: APP/V1505/W/17/3175248*

8.122. In this section we consider the following:

- Drainage – Foul and Surface Water;
- Ecology; and
- Affordable Housing and other Financial Contributions.

Drainage – Foul and Surface Water

8.123. The application was supported by a Drainage Assessment by Opus which is now in support of this appeal.

8.124. The Lead Local Flood Authority raise no objection to the application based on additional information that was submitted through the application process.

8.125. There are therefore no technical reasons for the appeal to be refused for drainage reasons.

Ecology

8.126. A Preliminary Ecological Appraisal by Ecosa Consultancy was submitted in support of the planning application, now in support of this appeal. The report confirms that the site is of generally low ecological value.

8.127. The Hertfordshire Ecologist raises no objections to the proposal.

8.128. There is therefore no technical reason for the appeal to be dismissed on ecological grounds.

Affordable Housing and other Financial Contributions

8.129. Contributions have been agreed with the Council for a total sum of £314,571, this includes a contribution towards the Royston Library and Affordable Housing at £310,790.

8.130. It has been agreed that on-site provision of affordable housing is not commercially viable, and as such, a commuted sum for the provision of off-site affordable housing would be acceptable.

8.131. A section 106 agreement is being prepared and will be submitted to the appeal to secure the above mentioned financial contributions.

8.132. Subject to securing the contributions through a section 106 Agreement then there is no grounds for refusal relating to affordable housing or other contributions.

8.133. It can be concluded that the Appeal complies in all aspects with the relevant Development Plan policies and the Framework.

Consideration 6 – Paragraph 11 of the Framework

Is the appeal proposal in accordance with the development plan, delivers significant material benefits which results in a proposal that accords with paragraph 11 of the Framework?

8.134. Consideration 6 looks to draw together the above considerations and apply them against the Development Plan and Paragraph 11 of the Framework.

8.135. As acknowledged by the LPA within the officers delegated report, the principle of this proposal is supported by the Development Plan (Consideration 1 above).

8.136. It is evident that there is a pressing need within North Hertfordshire for the delivery of housing and in particular housing for older people. The appeal proposal will contribute towards delivering these much needed homes, including older people housing and assisting the delivery of housing within the Cities area. This is a significant benefit which weighs in favour of the appeal proposal (Consideration 2 above).

8.137. With respect to design, the appeal proposals are in every respect fully responsive to the demands of both occupier and local resident, there is no doubt that the proposed design would make a positive contribution to the local townscape and respects the character and material palette of the surrounding

area. The development is therefore in accordance with the LPA Development Plan and the Framework.

8.138. With regards to parking provision, the applicant has demonstrated that the appeal proposal complies with the relevant policies in the LPA's Development Plan, the Highway Authority raise no objection to the scheme. The parking provision has been evidenced as being acceptable and adequate for the development.

8.139. Turning to paragraph 11 of the Framework which identifies a presumption in favour of sustainable development and should be seen as a golden thread running through both plan making and decision taking.

8.140. Paragraph 11 of the Framework 2018 sets out "p*lans and decisions should apply a presumption in favour of sustainable development.*"

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

8.141. The development accords with paragraph 11(c) of the Framework. There are no adverse impacts that would prevent the planning permission being granted.

8.142. Paragraph 8 advises of three overarching objectives to achieve sustainable development; Economic, Social and Environmental. The development would provide the following benefits in line with the identified objectives. Retirement housing also releases under-occupied housing and plays a very important role in the recycling of stock in general. There is also a 'knock-on' effect in terms of the whole housing chain enabling the more effective use of the existing housing stock.

- Retirement housing gives rise to many social benefits by providing specialised accommodation to meet a specific housing need. In summary, sheltered housing:

- provides purpose built specifically designed housing for local elderly people - a recognised housing need (according to the latest research by the Appellant of their existing sheltered housing developments, over 50% of occupants of sheltered housing come from within a 10-mile radius of the development);

- 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;

- provides companionship and a community which helps to reduce isolation, loneliness and depression;

- provides a form of housing which addresses the on-set and increasing problems of mobility/frailty;

- is very well located in relation to shops and other essential services, being within easy walking distance or readily accessible by public transport which can reduce isolation and reduce the worry of depending on a car;

- helps to maintain an independent lifestyle; and

- helps to maintain health and general well-being.

- These appeal proposals would consolidate the settlement of Royston thus playing an important social role in supporting strong, vibrant and healthy communities.

- Making more efficient use of land thereby reducing the need to use limited land resources for housing;

- Providing housing in close proximity to services and shops which can be easily accessed on foot thereby reducing the need for travel by means which consume energy and create emissions.

- Providing housing in a location highly accessible by public transport thereby enabling longer journeys to be undertaken by these modes thereby reducing the need for travel by car; and

- Providing shared facilities for a large number of residents in a single building which makes more efficient use of material and energy resources.

8.143. All of the above benefits are intrinsically linked to the form of development that is proposed.

8.144. As acknowledged by the officer recommendation report, the principle of this proposal is supported by the Development Plan.

8.145. It is therefore considered that the development would provide multiple benefits and as such accords with Paragraph 11 of the Framework and planning permission should be granted.

8.146. It is evident that there is a pressing need nationally and within the district for the delivery of housing and in particular housing for older people. The appeal proposal will contribute towards delivering these much needed homes, including older people housing and assisting the delivery of housing within the District. This is a significant benefit which weighs in favour of the appeal proposal (Consideration 1 above).

8.147. In reviewing the appeal proposal above it has been identified that the first bullet point of Paragraph 11 of the Framework applies and planning permission should be granted.

9. CONCLUSION – THE PLANNING BALANCE

9.1 In this written representation the Appellant has assessed various planning considerations. The Appellant from this assessment concludes:

- There is a serious and significant need for older people housing in the District and this appeal proposal would go a long way to assisting to meet this need;
- The appeal proposal would assist in releasing and freeing up occupied houses elsewhere in the District;
- The appeal proposal is in a location that is highly accessible and perfectly located for older people housing;
- The development would allow independent living, reducing security worries for older people, reducing loneliness and isolation for older people by creating a community and having someone whom can be called upon in an emergency.
- The appeal proposal has gone through a detailed analysis, context led whilst having regard to the Development Plan and Design Guide. This has resulted in a proposal that would provide a high quality design that accords with the character of the area, whilst meeting the needs of the future occupiers.
- Allowing independent living, reducing security worries for older people, reducing loneliness and isolation by creating a community and having someone whom can be called upon in an emergency.

9.2 It has been demonstrated in this Statement that the reason for refusal are not justified and there is no significant adverse impact on any of the issues either standalone issues or cumulatively.

9.3 It has been demonstrated through this Statement and the supporting evidence of the planning application that the appeal proposal is one of high quality, which

reflects the area. The appeal is compatible with its surroundings in terms of layout, site coverage, architectural style, scale, bulk, height, materials, landscaping, visual impact, relationship to nearby properties including minimising general disturbance to amenity, whilst allowing the best use of the previously developed site.

9.4 There is overwhelming evidence through this Statement and the supporting evidence of the planning application documentation that indicate the level of parking provision is adequate for the future occupiers of the site.

9.5 In summary new housing at the appeal site would fully accord with the principles of sustainable development as set out in national policy and provide an appropriate and accessible location for new development especially for the older population which fully complies with the Development Plan. Other material considerations also indicate that planning permission should be granted.

9.6 As the proposal accords with the development plan, in accordance with paragraph 11 of the Framework, planning permission should be granted without delay. **We respectfully ask the Inspector to allow this appeal subject to appropriate planning conditions and the obligations contained in the section 106 Agreement to secure the financial contributions.**


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