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Inspector Mike Hayden BSc DipTP MRTPI
Cheshire East SADPD Examination

HEARING POSITION STATEMENT – SADPD EXAMINATION

Pearce Planning Ltd has been instructed by Cognatum Developments Limited to respond to the Inspector's Questions and to represent their interests at the Examination Hearing for the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). To confirm, our client's site of interest is *CFS58 Land at Shirleys Drive, Prestbury*.

Our representation numbers as identified within the Representations database are 1186251 and 1186251 respectively (two numbers issued due to a change in consultancy – i.e. the client was retained by Alan Pearce throughout).

This document includes responses to Questions 47, 49 – 52, which relate to hearing sessions on day 5 (Oct 19th). The responses rely in part on our previous representations.

MATTER 3 – HOUSING

Other Types of Housing (Policies HOU 1-4)

Housing Mix (Policy HOU 1)

47. *Is the requirement of Policy HOU 1 for all major housing developments to provide an 'appropriate mix' of housing types and sizes using the figures in Table 8.1 as a starting point, justified on the basis of proportionate evidence[32], clear and unambiguous, and consistent with the LPS and national policy?*

RESPONSE - In broad terms yes, it is, but our firm view is that reliance on criterion 3 of the policy – “3. *The housing mix statement should also address how the proposal will be capable of meeting, and adapting to, the long term needs of the borough's older residents including supporting independent living*” – will be insufficient to deliver the quantum of Specialist Older Persons Accommodation that will be necessary over the plan period. See our response to Question 49 below for further detail in this respect (i.e. reliance on delivery through site allocations alone will lead to under-provision).

Specialist housing provision (Policy HOU 2)

49. *Is there a need to allocate specific sites for specialist older persons accommodation to ensure that the SADPD is positively prepared in seeking to meet the needs of an aging population?*

RESPONSE - Yes, policy and guidance at a national, and local, level has identified the significant need for retirement living housing; and the previous under supply of suitable sites and dwellings. The SADPD has therefore ignored the NPPF (Paras 60 – 61, February 2019) and updated PPG (Paragraph: 003 Reference ID: 63-003-20190626 & Paragraph: 010 Reference ID: 63-010-20190626, 26 June 2019).



The National Planning Practice Guidance (PPG) identifies that the need to provide housing for older people is 'critical', given the projected increase in the number of households aged 65 and over accounts for over half of all households. Paragraph 62 of the Framework advises that planning policies should assess and reflect the size, type and tenure of housing needed for different groups in the community, including older people.

In this respect, I will also call the Inspector's attention to a number of recent appeals relating to Specialist Older Persons Accommodation, which only serve to demonstrate the need to positively plan for an aging population.

Appeal Ref: APP/K3605/W/20/3263347 - Homebase, New Zealand Avenue, Walton-on-Thames Surrey KT12 1XA: ALLOWED

The appeal proposals comprised 222 units of care accommodation. As part of the appeal process, a detailed review of the need for and supply of specialist older persons accommodation was undertaken, which concluded that there was a significant unmet need for a range of housing types. On this basis, the Inspector concluded that the appeal proposal would make a significant contribution to this specific area of housing need, and thus afforded the appeal scheme considerable weight in this respect.

Appeal Ref: APP/Q3115/W/20/3265861 - Little Sparrows, Sonning Common, Oxfordshire RG4 9NY: ALLOWED

The appeal proposals comprised a continuing care retirement community care village of up to 133 units and 133 assisted living units.

The Inspector is particularly scathing about the Council's policy approach at para 31, and at para 32 the flaws of the Council's approach to delivery of specialist older persons accommodation are made clear – they are reliant on provision via strategic sites but none are coming forward as part of its five-year housing land supply.

As above, as part of the appeal process, a detailed review of the need for and supply of specialist older persons accommodation was undertaken, which concluded that there was a significant unmet need for a range of housing types, particularly market housing options. A related point is also raised, in that the provision of suitable specialist older persons accommodation "can assist in 'freeing up' existing family and other housing by allowing them to 'right size' by moving to more appropriate accommodation." In this respect, the delivery of adequate specialist accommodation can assist with overall housing provision.

In the initial Conclusion, the Inspector states:

"122. The need for the development and the conclusion that there are presently no alternatives outside the designated area are also matters of substantial importance in the public interest. The social and economic benefits attract significant weight. Overall, the benefits would outweigh the localised landscape and visual effects to the AONB. For these reasons I conclude on this issue that exceptional circumstances are demonstrated and that the development would be in the public interest."

In the planning balance section of the Decision, the Inspector states:

"130. I have concluded that the appeal proposals would be a major development in the AONB where exceptional circumstances apply, and which would be in the public interest. I have given great weight to conserving and enhancing landscape and scenic beauty in the AONB. In terms of paragraph 172 a) of the NPPF I am in no doubt that there is a need this development of 133 units to address the immediate shortfall in the five year housing land supply; to address the critical need for extra care housing in the District; to assist in the freeing up of family housing within South Oxfordshire and to provide the health and well-being benefits to elderly people."

The appeal is allowed on the basis that a very strong case of exceptional circumstances and public benefits has been established. This is in part on the basis that there are no other similar schemes coming forward to meet an identified



need. Our contention is that this is most likely due to the Council's failure to positively plan for (and allocate sites for) specialist older persons accommodation, instead relying on accommodation coming forward on strategic sites.

Appeal Ref: APP/F0114/W/21/3268794 Homebase Site, Pines Way, Westmoreland, Bath BA2 3ET: ALLOWED

The appeal scheme comprised a new care community (Use Class C2) including care residences and care suites and ancillary communal, care and well-being facilities. The application was refused in part due to concerns about the proposal's impact on the City of Bath World Heritage Site.

In the context of considering the benefits of the provision of Specialist Older Persons Accommodation, the Inspector concluded the following:

"82. I am mindful of the fact that the PPG has identified that the need to provide housing for older people is 'critical' because their proportion of the overall population is increasing. It emphasises that 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 systems reduce costs to the social care and health. Bearing this in mind, as well as the established unmet need, I give this public benefit substantial weight."

Taking the above noted appeals into consideration as a whole, it is our firm view that Policy HOU2 should be amended to include specific allocations for Specialist Older Persons Accommodation. Without such an amendment, the SADPD is in our view unsound.

50. *Is Policy HOU 2 and its supporting text sufficiently clear and consistent with national policy and guidance in its terminology for and definition of the range of specialist older persons housing?*

RESPONSE - Yes, it appears to be broadly acceptable in this respect.

51. *At paragraph 8.13, is the supporting text to Policy HOU 2 justified in expecting that all types of specialist older persons accommodation should be registered with the Care Quality Commission, given that some types of age-restricted and sheltered housing do not provide care services?*

RESPONSE - No, this is not required in National policy and not justified or effective. Developments are not required to be registered but the agencies that provide such services are required to be CQC registered. We would therefore recommend that the additional wording is removed as it is beyond planning control.

52. *Is Policy HOU 2 positively prepared and justified in requiring all forms of specialist housing for older people to provide affordable housing in line with Policy SC5 of the LPS, based on the evidence in the Viability Assessment Update and given that some types of specialist housing for older people do not include an element of independent living?*

RESPONSE - No, it is not appropriate for a Use Class C2 to contribute to affordable housing as it is a very different use with other costs to bear. The amendment to the policy wording is not sound or positively prepared to encourage growth in this sector and meet the unprecedented demand for this age profile.

With reference to the Viability Assessment Update, the reference to PPG paragraph 10-007-20180724 (now 10-007-20190509) is noted but our view is nonetheless that the requirement for affordable housing, and the presumption that a viability assessment will be required with all applications for Specialist Older Persons Accommodation, places an undue burden on such proposals.



In this respect, we would refer the Inspector to the above-mentioned Appeal Ref: APP/Q3115/W/20/3265861. At Para 39 of this appeal, the Inspector acknowledges the relative low rate of provision of retirement housing in district in question (South Oxfordshire District) and infers that this would be negatively affected by a recently added requirement for affordable housing in the Local Plan.

Furthermore, at Para 118 the Inspector states *“It seems to me that these factors, all mean that age restricted developments and in particular extra care communities are less viable than traditional housing schemes. Ultimately, age restricted developers are less able to pay the same price for land as residential developers and it is much harder for age restricted developers, and in particular those seeking to deliver extra care, to secure sites for development and meet the housing needs they aim to supply.”*