

***PROOF OF EVIDENCE BY
CHRISTOPHER R BUTT***

SITE AT:

**LAND AT 35 OAKFIELD,
SALE,
CHESHIRE,
M33 6NB.**

THE PLANNING BUREAU LTD

APPEAL BY

McCARTHY & STONE RETIREMENT LIFESTYLES LIMITED

APPEAL BY McCARTHY & STONE RETIREMENT LIFESTYLES LIMITED AGAINST THE REFUSAL BY TRAFFORD COUNCIL FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A PART 3 STOREY PART 4 STOREY BUILDING COMPRISING 25 NO. RETIREMENT FLATS, CLOSURE OF BOTH EXISTING VEHICULAR ACCESSES AND FORMATION OF NEW VEHICULAR ACCESS ONTO OAKFIELD WITH ASSOCIATED LANDSCAPING AND CAR PARKING.

SITE AT:

**LAND AT 35 OAKFIELD,
SALE,
CHESHIRE,
M33 6NB.**

**LOCAL PLANNING AUTHORITY REFERENCE: 109745/FUL/22
PLANNING INSPECTORATE REFERENCE: APP/Q4245/W/23/3325034**

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PROOF OF EVIDENCE

BY

CHRISTOPHER R BUTT BA (HONS), BPI, MRTPI

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CONTENTS		PAGE NO.
	Executive Summary	i - v
1.0	Introduction	1 - 4
2.0	McCarthy & Stone	5
3.0	Concept and Nature of Retirement Living Housing	6 – 10
4.0	Need for Retirement Living Housing	11 – 19
5.0	Site Location, Planning History and Current Condition	20 – 22
6.0	Planning Process and Reasons for Refusal	23 – 26
7.0	Issues to be Addressed	27
8.0	Statutory Tests	28
9.0	The Development Plan and Material Considerations	29 – 47
10.0	Planning Balance	48 – 60
11.0	Considerations of Representations submitted by Third Parties	61 – 63
12.0	Conclusions and Summary – Planning Overview	64 - 65

APPENDICES

1. **Housing Markets and Independence in Old Age: Expanding The Opportunities report by Professor Michael Ball, University of Reading**
2. **Key findings from the Office of National Statistics (ONS) on National Population Projections – 2020-based projections**
3. **Executive Summary of A Better Fit? Creating Housing Choices for an Ageing Population - Shelter**
4. **Too Little, Too Late? Housing for an Ageing Population - the Cass Business School, the Association of Retirement Community Operators and the Centre for the Study of Financial Innovation**
5. **The Mayhew Review: Future-proofing retirement living (Executive Summary)**
6. **Consultation response from Trafford MBC Housing Strategy and Growth Manager**
7. **Extracts from "Sheltered Housing for Sale" (2nd Edition - 1988)**
8. **Affordable Housing Statement by The Planning Bureau Ltd**
9. **Statement on Amenity Space Provision in respect of McCarthy & Stone Retirement Living Housing Developments by The Planning Bureau Ltd**

EXECUTIVE SUMMARY

CONTEXT – LOCAL AND NATIONAL NEEDS

1. This Statement and its supporting appendices make the following points in support of the grant of planning permission:
 - (i) **There is a very significant need for specialist accommodation for older people nationally.**¹ This need has been characterised as “*critical*” in the NPPG² based on the 2020-based ONS national population projections, which graphically illustrate the “demographic timebomb”, especially amongst those aged 85 and older;³
 - (ii) This critical national need has a local expression. The independent analysis from Three Dragons⁴ demonstrates that **there is a very significant shortage of specialist housing for sale for older people both in Sale and across Trafford as a whole.**⁵
 - (iii) Given this “*critical need*”, **it is the role and function of the planning system to ensure it is actually delivered** (see NPPF 15, 17, 20(a), 60 and 62);
 - (iv) Indeed, Core Strategy **Strategic Objective SO1 ‘meet housing needs’** is to “*promote sufficient high quality housing in sustainable locations, of a size, density and tenure to meet the borough’s needs and to contribute towards those of the city region*”. Core Strategy policies L1 and L2 together with emerging sub-regional Policy JP-H3 support the provision of a variety of housing in order to meet the identified needs of older people;
 - (v) **Very significant weight** should therefore attach to: (i) the need for this form of development to be constructed; and (ii) the benefits of delivering such a specialist form of accommodation;
 - (vi) **McCarthy & Stone Retirement Lifestyles Ltd (“the Applicant”)** is widely recognised as the market leader in the provision of specialist accommodation for people and continue to win awards for their developments and customer satisfaction⁶, especially during the Covid-19 pandemic in which older occupiers

¹ See 4.1 – 4.10

² See 4.6

³ See 4.1 and App 2 (ONS National Population Projections), App 3 (Shelter Report) and App 4 (Cass Business School – *Too Little Too Late*)

⁴ See 4.12 and CD - A3

⁵ See 4.12 to 4.20

⁶ See 2.1 – 2.4

of retirement living developments fared much better than the general older population;⁷

- (vii) The Appeal proposal comprises bespoke retirement apartments, which are specifically designed to accommodate the needs of older residents.⁸ **The development forms part of the spectrum of specialist accommodation for older people for which there is the critical need.**⁹ This proposition is not disputed and has been accepted on countless appeal schemes;
- (viii) Such specialist accommodation delivers **a number of social benefits¹⁰, to which significant weight should attach** in the planning balance *inter alia*:
 - (a) Safety, security and companionship reduce anxieties and maintain health and general well-being amongst older people;¹¹
 - (b) Retirement housing brings considerable benefits to the occupants and to Health and Social Services, resulting in a significant saving to the public purse;¹²
 - (c) There will be a significant release of under-occupied housing back into the market, in order to meet the needs of families.¹³
- (ix) The development will deliver a number of **economic benefits, to which significant weight should attach** in the planning balance (applying NPPF 81).¹⁴ In particular, older people have a very positive economic impact on their local High Street.¹⁵ This is a particular benefit when the growth of internet shopping, coupled with the lockdown, have had a dramatic effect on retail and leisure spending on the High Street.

2. On the basis of the evidence, such points cannot reasonably be disputed. **It follows that this is a form of specialist accommodation for older people which must be developed now.** However, the LPA have failed to consider (adequately or at all) the functional requirements of such developments, if they are to be delivered in the real world:
 - (i) Specialist accommodation for older people has very specific locational criteria;¹⁶
 - (ii) The NHBF/NHTPC Advisory Note recognises (correctly) that sites for sheltered housing are difficult to find;¹⁷

⁷ See 3.6

⁸ This is explained in detail at Section 3, especially 3.2

⁹ As would lifetime market homes and bungalows, applying the NPPG

¹⁰ See 10.15 to 10.23

¹¹ See 3.5 and Prof Michael Ball *Housing Markets and Independence in Old Age* (App 1)

¹² See 10.4-10.6 and CD - A10

¹³ See 10.10 – 10.12, App 1 and CD – A6

¹⁴ See 10.7

¹⁵ See 10.8 and CD – A18

¹⁶ See 5.2

¹⁷ See 5.3

- (iii) The identified need must be met in a single building, with a single level footprint, with rooms either side of a central hallway, providing the requisite communal areas. Such buildings will inevitably have larger roofscapes. There is a need for a small outdoor amenity area (no more);
- (iv) The development must be highly accessible to local shops and services, ideally with level access. The development must, therefore, lie in an existing residential area near to a retail core;
- (v) This is not a form of development which can be met on large greenfield sites which form extensions to the urban areas, remote from centres.

FUNCTIONAL AND LOCATIONAL REQUIREMENTS

3. **It follows that if such developments are to be built to meet the critical need, they will require single large footprint buildings in residential areas, which will have to sit adjacent to existing domestic development** (whether houses, flats etc).
4. **Further, the development plan (adopted Core Strategy Polciy L1) specifically direct that efficient use is made of land in urban areas (this must include flatted development) such as Sale.**
5. Not only is this part of Sale appropriate to meet the identified need for older person's accommodation, **this site is ideally suited for this proposal**. Indeed, the SoCG confirms that:
 - The Appeal Site lies within a sustainable location given its proximity to shops, services and public transport opportunities. It is agreed that the proposals are locationally appropriate for the use proposed;
 - The Council cannot demonstrate a five year land supply of deliverable housing sites;
 - The Council can only demonstrate a range between 3.47 and 3.75 years supply of housing;
 - The Council's relevant policies for dealing with the supply of housing are out-of-date;
 - It is agreed that none of the appeal site buildings are listed nor is the site within a Conservation Area;
 - There are no adverse highway issues arising from the proposal; and
 - The site lies within Flood Zone 1.

6. **It follows that this is one of those rare sites which can meet the functional and locational requirements of older persons' accommodation.** NPPF 119 requires the Appellant to make as "*much use as possible*" of this sustainable site. This is a valuable site on which development must be "*optimised*" (see NPPF 124-125).

ALLEGED HARM

7. The Council's allegations of harm give rise to the following issues¹⁸. The conclusions from the Appellant's evidence is set out below each issue:

(i) The heritage value of 35 Oakfield and the effect of its demolition

- the Council has failed to demonstrate that the building is a non designated heritage asset. In addition, the building does not have sufficient heritage significance to be added to a Local List of such assets. Accordingly there is no heritage case for the appellant to answer; and
- In particular, the building fails to meet any reasonable test of heritage significance. Firstly it does not exhibit enough design quality or originality in the external use of proportions, range of workmanship or materials, or of the internal fittings that survive. Secondly the Council has failed to exert any reasonable degree of proportionality in its assessment of significance by failing to take account of the extremely poor external appearance and highly degraded state of three of the four main elevations, ie excluding the frontage to Oakfield.

(ii) The character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping

- the scheme as proposed provides a visually coherent appearance, form, siting, height and layout, would introduce a visually appropriate development which is wholly consistent with the policy objective of delivering well-designed places and successfully responds to the local context and historic character of the site and surrounding area.

¹⁸ As set out in the CMC Summary Note

(iii) The living conditions of future occupants with regard to external amenity space

- this form of specialised housing provides proven health and well being benefits for the future occupiers. The level of amenity space will be comfortably in excess of the Council's minimum standard and the scheme will provide high quality living conditions for future residents.

(iv) The living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance

- the proposed building would not have a visually intrusive and unduly overbearing impact to the detriment of the residential amenity that the adjoining occupants could reasonably expect to enjoy; and
- there is no detrimental overshadowing of the rear garden of 41 Ashlands and there is no undue overlooking of the garden.

(v) The viability of providing affordable housing

- The scheme can stand a financial contribution of £208,186 towards off-site affordable housing and remain viable.

CONCLUSION

8. The appeal scheme complies with the Development Plan and more particularly those policies which remain up-to-date and consistent with the NPPF. It should therefore be consented "*without delay*" (NPPF 11). Further, it is accepted that the 'tilted balance' is engaged and material considerations (such as the NPPF) further support the grant of consent. If (which is not accepted) there is some degree of harm to planning interests, any such harm does not significantly outweigh the very substantial need for this proposal and the benefits it delivers (set out in detail above). Even accepting a degree of harm (which the Appellant does not accept), on balance, consent should still be granted.
9. The Appellant therefore submits that planning permission should be granted subject to conditions.

I, Christopher Ronald Butt, a Member of the Royal Town Planning Institute and Associate Director of the Planning Bureau Limited, Unit 1, Edward Court, Altrincham Business Park, Broadheath, Altrincham, Cheshire, will say:-

1.0 INTRODUCTION

1.

1.1 I am a Chartered Town Planner and Associate Director of the Planning Bureau Limited, a consultancy practice of Town Planners. My Company has acted as Agent on behalf of McCarthy & Stone Retirement Lifestyles Ltd in submitting and pursuing the application, which is the subject of this Appeal.

1.2 I have 32 years' experience of planning and development matters, including senior appointments with local authorities in this country. I have been responsible for advising the Appellant on planning and design matters throughout England, Scotland and Wales for the past 23 years. I confirm that this proof of evidence contains my professional opinions in accordance with my Code of Practice irrespective of whom I have been instructed and is true to the best of my knowledge and belief. I have visited the site and surrounding area on several occasions.

1.3 In addition to my own evidence, I rely upon the expert evidence of:

- Mr R James Mackay BSc (Hons) MRICS, (RICS Registered Valuer) of Alder King Property Consultants in relation to viability matters;
- Mr David Beardmore MSc, MA, DipLD, DipLA, DipUD, DipBlgCons, FRTPI, CMLI, IHBC in relation to heritage matters; and
- Mr Kenneth Earle BA (Hons) Dip Arch RIBA in relation to design and landscape matters.

1.4 I do not present any additional assessment of those matters other than to consider the proposed development against relevant planning policy.

1.5 My own evidence deals with the following:

- (i) The Appellant's experience in the specialised field of developing private sheltered housing for older people;

- (ii) The concept and nature of Retirement Living Housing (also known as Category II type sheltered housing accommodation);
- (iii) An appraisal of the suitability of the Appeal Site for the proposed use;
- (iv) The need for such accommodation, both nationally and locally;
- (v) The planning and sustainability benefits of the proposal;
- (vi) A balanced appraisal of the relevant policies of the Development Plan together with other planning policy considerations at national and local levels and an appraisal of the overall planning merits of the proposals, including consideration of the Council's allegations of harm.

1.6 The **Statement of Common Ground** (CD – B10) confirms that reasons for refusal No. 7 has now been overcome (in the light of further bat surveys which have been audited by the Council and its specialist ecological advisors). The following issues are not in dispute at this Inquiry:

- It is agreed that the Appeal Site lies within a sustainable location given its proximity to shops, services and public transport opportunities. It is agreed that the proposals are locationally appropriate for the use proposed;
 - The Council cannot demonstrate a five year land supply of deliverable housing sites;
 - The Council can only demonstrate a range between 3.47 and 3.75 years supply of housing;
 - It is agreed that the Council's relevant policies for dealing with the supply of housing are out-of-date;
 - There is no dispute as to the existing and growing need for specialised housing for the elderly as noted in the PPG;
 - The occupancy of the proposed development could be appropriately controlled by means of a planning condition, to ensure its continued use as retirement housing for the elderly;
 - It is agreed that none of the appeal site buildings are listed nor is the site within a Conservation Area;
 - There are no adverse highway issues arising from the proposal, the Local Highway Authority have not objected to the new vehicular access or the quantum of parking provision. The point of access is agreed and the level of traffic likely to be generated from the proposal is not considered to be significant;
 - The site lies within Flood Zone 1 and it is accepted that there is unlikely to be any there will be no adverse impacts in terms of drainage arising from the development;
- and

- Following the receipt of the Bat Emergence Survey (July 2023) Greater Manchester Ecology Unit (GMEU) have considered the findings of the report on behalf of the Council and have raised no objections to the findings of the report including mitigation and compensation measures. Refusal Reason No.7 of planning ref: 109745/FUL/22 would therefore not be defended by the Council on the basis of the findings of the updated report.

1.7 The following **main issue** is addressed in my evidence:

- The living conditions of future occupants with regard to external amenity space.

1.8 The scope of my evidence is to provide a planning overview and appraisal of the overall merits of the appeal proposals. In doing so I have had regard to four fundamental principles of the planning system, recognising the requirement to determine the application in accordance with the development plan (considered as a whole) unless material considerations indicate otherwise:-

- (i) The need to take a balanced view of policy and all other material considerations relevant to the determination of this Appeal;
- (ii) Consideration of whether the appeal proposals further sustainable development objectives;
- (iii) Consideration of whether or not the development would realise material planning benefits; and
- (iv) Consideration of whether or not the development would cause material planning harm.

1.9 A balanced judgment is required in determining the overall merits of the Appellant's proposals, in applying the statutory test in s.38 (6) P&CPA 2004. The Appellant's case is that the proposed development fully accords with those policies of the adopted development plan that remain up-to-date and will not (in any event) give rise to any material planning harm. Hence, the proposals are wholly satisfactory and the NPPF presumption in favour of granting planning permission should prevail. The benefits arising from the proposed development in order to meet the extant critical need for specialist accommodation for older

people are substantial.

- 1.10 As set out in its Statement of Case, the Council acknowledge that the *'tilted balance'* applies in this case. The Council cannot demonstrate a five year housing supply and, in addition, at least some of the policies which are most important for determining the application are out-of-date. As it is agreed that the *"tilted balance"* is engaged by reason of the application of 11(d) of NPPF it follows that even if this proposed development causes some harm to one or more planning interests the LPA must demonstrate that any adverse impacts of the proposal *"would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.
- 1.11 It will be shown that, far from justifying a refusal to grant permission, the Local Planning Authority's attitude towards the Appellant's proposals has delayed the beneficial redevelopment in a highly sustainable manner of an available, previously developed¹⁹, site for much needed specialised housing accommodation for the local elderly population.

¹⁹ The Council considers that the site is only part-previously developed land. The Appellant contends that so little garden area remains (and this would further reduce should extant permission H/58317 be fully completed) that it should be treated as being previously developed land in its entirety. It would be unrealistic to do otherwise.

2.0 McCARTHY & STONE

- 2.1 McCarthy & Stone was established in 1963. Since 1977 and thus for the past 46 years, the Company has specialised in the design, construction and management of Retirement Living housing (also known as sheltered housing accommodation) for sale to older people. It has developed a wealth of experience in this sector of the housing market. Extensive research at both pre-occupation and post-occupation stages has been carried out by the Company, which has informed product and service development.
- 2.2 This background has resulted in McCarthy & Stone being widely recognised as the market leader in the provision of Retirement Living housing for sale to older people. To date, more than 58,000 specialised dwellings for older people have been built or are in the course of construction at over 1,300 McCarthy & Stone development sites throughout the United Kingdom. As a result McCarthy & Stone has considerable experience of successfully developing a wide variety of sites including town centre locations, infill sites, and sites within locations where there has been a need to sensitivity respond to site specific constraints and/or respect local townscape characteristics.
- 2.3 McCarthy and Stone's ethos is that later life can be more fulfilling. Through its developments and services, it helps older people enjoy their lives in peace, comfort and security. In addition to new developments, the Company provides its own care, support and management services. This ensures a continuing relationship and commitment to all of its residents. Specialist accommodation for older people is strongly supported by social, health and planning policy because of the substantial benefits it brings in improving the quality of life of older people.
- 2.4 McCarthy & Stone continues to win the highest awards possible for customer satisfaction. Independent surveys by the Home Builders Federation (HBF) show that it is the only retirement house builder to achieve a double five-star rating for customer service, and it has done so for sixteen consecutive years.
- 2.5 Since 2010 McCarthy and Stone has managed its own developments through Your McCarthy Stone Management Services Limited (YMSMS) with a House Manager based on-site who is supported by the Company's management services team. This allows for the maintenance and management of the development and its grounds to be kept in line with best practice and all legal lease management requirements that apply. MSMS currently manages 475 developments that accommodate more than 19,000 apartments.

3.0 CONCEPT AND NATURE OF RETIREMENT LIVING HOUSING

3.1 The appeal proposal comprises a 25-unit Retirement Living development of 14 no. one-bedroom apartments and 11 no. two-bedroom apartments contained within a single-footprint building. It will provide purpose-built, individually designed, self-contained accommodation in a safe and secure environment with age-proof facilities built in.

3.2 The individual apartments are specially designed to accommodate the needs of the residents, for example:

- additional space around the bed to aid those with mobility impairments (minimum 750mm);
- clear access zones provided around sanitary equipment for ease of access;
- walls to sanitary facilities are strengthened so that they can support any future adaptations; and
- services and controls are easily accessible.

Furthermore, within the wider accommodation there are a range of communal facilities that are also tailored to meet the needs of its elderly residents, including:

- **residents' lounge;** this represents the heart of the community and is centrally located close to activity either on or off site (e.g. the car park). It is decorated to the highest standards and is designed to have the atmosphere of a high quality hotel lobby;
- **internal refuse room;** this allows residents to dispose of waste without leaving the building, and avoids the need for unsightly bin stores outside the property;
- **lift;** between floors facilitating ease of movement;
- **an office** for the House Manager who will manage the development on behalf of McCarthy & Stone Management Services Limited;
- **battery/pavement car store** in the building;
- **secure entrance lobby** with CCTV link to individual apartments;
- **24-hour emergency help line;** available within each residents' apartment and communal areas to summon assistance in the event of an emergency;
- **guest suite;** comprising an en-suite twin bedroom for family and friends to sleep over; and
- **gardens;** are an important element in the design of Retirement Living accommodation and will comprise well-landscaped gardens, and with sitting out areas for the residents' enjoyment.

- 3.3 Retirement Living Housing enables the maintenance of an independent lifestyle in older age but safe in the knowledge that a dedicated House Manager would be present during normal working hours, and with 24-hour careline link to provide a point of contact in case of emergencies. This is a social alarm system within the apartments and throughout the development. Each apartment is provided with a speech module with an integrated emergency call button, this will open a speech channel with either the house manager if available or the alarm receiving centre. The resident is also able to signal distress or an emergency by using their pendant trigger. As the triggers are connected to a network of receivers it is possible to identify the zone of the alarm. The fire alarm and detection system within the apartments is also linked to the social alarm system enabling false alarms to be filtered but most importantly allowing the early alert of the fire and rescue service. The house manager monitors the system while on site and this is directed to the alarm receiving centre once the house manager leaves the development. The alarm receiving service are briefed on the appropriate party to call for a number of emergency situations and are also able to hold next of kin contacts for homeowners.
- 3.4 The development will be managed by McCarthy & Stone Management Services Limited. A service charge is levied to cover the cost of the House Manager, Careline and other communal facilities such as the lift, residents' lounge, guest suite and pavement car store/charging facility together with the maintenance of the building and gardens and parking areas. The services of the House Manager, Careline and other communal facilities referred to are available to any resident from the outset of their occupation of a retirement scheme. Whilst the service charge is kept to a reasonable minimum, it is nonetheless likely to be higher than those encountered in open market flatted developments, such that prospective purchasers who do not need such services are likely to be dissuaded from purchasing an apartment in this sort of development which provides a specialist form of accommodation. In reality, from McCarthy and Stone's substantial experience of this type of development, the accommodation will only be attractive to people who are much older than the minimum age requirement and who require the specialist features of the accommodation. Indeed the typical age of entry for a resident is 78 years old.
- 3.5 Safety, security and companionship reduce anxieties and maintain health and general well-being amongst older people. Specialist accommodation of this nature provides a form of housing better suited to meeting the onset and increasing problems of older age whilst also maintaining an independent lifestyle. Such specialist accommodation facilitates this, and research undertaken by Professor Michael Ball set out in his report entitled *'Housing Markets*

and Independence In Old Age: Expanding The Opportunities' (**Appendix 1**) has proven that it significantly improves the quality of life of older people.

3.6 This has also been evidenced at times of crisis such as the Covid-19 pandemic. Retirement Living developments and their occupants fared much better than the wider older population and for the over 85's in particular. In its half year results' announcement for the six months ended 30 April 2020, McCarthy & Stone's Chief Executive Officer confirmed that *"since the start of the outbreak of the Covid-19 pandemic, the independent retirement living sector has played a vital role in keeping people safe and secure. Infection rates have been very low among our c.20,000 homeowners who live in our 441 communities across the UK and stood at 27% and 75% lower per 1,000 people compared to the UK population of over 65s and over 85s respectively. This is broadly typical across our sector due to the unique benefits of independent living which enables older people to remain in a private apartment with their own front door supported by a range of on-site services. Our latest customer satisfaction survey conducted during the outbreak showed that 93% of our homeowners feel safe or extremely safe in their apartments and 88% are very happy with the support they have received during the pandemic. The Covid-19 backdrop has illustrated the unique benefits of independent retirement living as a safe, happy and effective 'Third Way' to the current options of remaining in a family home that has often become unsuitable or moving into residential care"* (emphasis added).

3.7 In December 2020 McCarthy & Stone was awarded a Housebuilder Special Recognition Award for protecting its homeowners during the pandemic. It also offered more than 300 newly completed apartments in unoccupied developments to help government and local authority care providers address the acute shortage of beds for older people during the coronavirus crisis.

3.8 The occupancy of the development will be restricted by planning condition. Such conditions have been imposed on numerous comparable developments by the Planning Inspectorate. Each residential unit within the approved purpose-built Retirement Living housing development shall be occupied only by:

- a single person not less than 60 years of age;
- joint residents of whom the head of the household is not less than 60 years of age and the spouse, partner or cohabitee not less than 55 years of age;
- persons living as part of a single household with such a person or persons;
- persons who were living as part of a single household with such a person

or persons who have since died.

3.9 Based upon the Appellant's extensive experience of providing specialised accommodation for older people over the last 46 years, it can be expected that around half the prospective purchasers are likely to currently under-occupy a family dwelling within a 10km radius of the site. Research undertaken by Professor Michael Ball from the University of Reading in May 2011 entitled "*Housing Markets and Independence in Old Age: Expanding the Opportunities*" (**Appendix 1**) confirmed that in terms of distance moved, "*most people only move a relatively short distance when they move into OORH. Sales data from McCarthy and Stone on over 5000 moves across Great Britain between 2007 and 2010 showed a high proportion of short distance moves, measured as straight line distances between the centres of the previous and the new postcode areas:*

- 25% in same postcode area;
- 40% within 5km;
- 50% within 10km;
- 60% within 20km;
- 71% within 50km".

In its most recent analysis, McCarthy & Stone's sales data for the financial year ending 2019 showed that the average moving distance of its occupiers was only circa 4 miles.

3.10 Typical purchasers of this type of development are in their mid to late 70's (on average around 78 years of age) on entry to the development and in need of the facilities offered by this type of housing. The vast majority (some 85-90%) are widowed or single, with 75% of apartments comprising single, female households.

3.11 The Appellant has secured planning permission for several developments in the Trafford Council authority area at sites in Urmston, Timperley, Altrincham and Sale. These include the adjacent development Michael Court. This is a McCarthy & Stone retirement living scheme that was approved by the Council and completed in 2011.

3.12 The proposal is, therefore, for a form of specialist accommodation for older people (within the terms of the NPPF paragraph 62 and the accompanying PPG (Paragraph 001 Reference ID: 63-001 – 20190626). This Appeal proposal represents a form of housing development for which there is a "**critical need**" as evidenced both nationally through the PPG and locally through the report submitted in support of the planning application entitled, "Social Needs Report" prepared by Contact Consulting (CD – A3). This report has never been contested by the LPA previously and there is no contrary evidence produced (to date) by the LPA. Self-

evidently, **substantial weight must be attached to this need. It is the role of the planning system to meet this critical need.** Further, the need must be met in a building which meets the functional and social requirements of the occupants i.e. in a single block with a single consistent footprint.

4.0 NEED FOR RETIREMENT LIVING HOUSING

4.1 The source for the critical need for specialist accommodation for older people identified by Government derives from the key findings from the Office of National Statistics (ONS) such as the National population projections: 2020-based interim (**Appendix 2**) which state that: *“The population of the UK is projected to increase by 3.2% in the first 10 years of the projections, from an estimated 67.1 million in mid-2020 to 69.2 million in mid-2030.*

- *England’s population is projected to grow more quickly than the other UK nations: 3.5% between mid-2020 and mid-2030, compared with 2.6% for Wales, 2.0% for Northern Ireland and 0.3% for Scotland.*
- *UK population growth over the next 10 years is projected to be driven by a net 2.2 million people migrating into the country.*
- ***There will be an increasing number of older people; the number of people aged 85 years and over was estimated to be 1.7 million in 2020 (2.5% of the UK population) and this is projected to almost double to 3.1 million by 2045 (4.3% of the UK population).***
- ***Over the next 10 years, there is projected to be a total of 59,000 more deaths than births; this reflects lower projected fertility rates for all countries and an increasing number of older people as those born in the baby boom generations after World War Two and in the 1960s reach older ages.***
- *The projected UK population growth is slower than in the 2018-based projections; the projected population is 0.6 million fewer in mid-2030 and 1.8 million fewer in mid-2045” (emphasis added).*

4.2 A policy report by Shelter entitled ‘Creating housing choices for an ageing population’ was produced in April 2012. A full copy of the report was appended to the Planning Statement. The summary to the report is contained at (**Appendix 3**). It identifies that in the current market for older people’s housing, there is very little specialist housing available to buy. The specific recommendations include:

- *“We need a significant increase in the supply and range of suitable housing for older people, including private-rented and owner-occupied specialised housing.*
- *Developers should build attractive and well-designed homes for older people.*
- *The planning system must support the development of housing for older people.*
- *The introduction of the NPPF provides an opportunity to give housing for older*

people a higher priority”.

4.3 More recently the Cass Business School, the Association of Retirement Community Operators and the Centre for the Study of Financial Innovation published its report in June 2020 entitled ‘Too Little, Too Late? Housing for an Ageing Population’ highlighting that investing in homes for the older people would encourage downsizing and free up family homes. The report’s Executive Summary is contained at **Appendix 4**. It states, inter alia:

- *“The underlying demographics are stark. By 2040, the UK population will have grown to about 73m – nearly 10% more than today. But much more significant is the projection that nearly one in four people will be aged 65+. That represents a 41% increase in that age group to nearly 18m;*
- *A key point about an ageing society is that average household size shrinks because older people tend to live alone or in couples. Between 2020 and 2040, the number of UK households is set to rise by around 3.7m to 32.3m. The growth in older households – over half of them one-person – is set to account for 36% of the increase;*
- *But far from the supply of housing for older people increasing to meet this challenge, it has plummeted since 1990. This report argues that downsizing is both necessary and desirable. To make it an attractive option, the supply of good-quality age-friendly housing needs to increase substantially. Public policy barriers – including planning and taxes – need to be reduced;*
- *Under-occupation of the housing stock caused by an ageing population has created a dysfunctional housing market. Older households are only 40-60% efficient based on space usage, whereas space is at a premium for younger ones;*
- *Far too few dwellings are being built that cater for older people. Retirement housing has only accounted for about 125,000, or 2%, of all new homes built since 2000, but each year around 700,000 people turn 65 years of age; and*
- *With the number of households growing more quickly than the population, average household size is set to continue its decline. This causes increasingly inefficient use of the housing stock. The number of ‘surplus’ bedrooms is forecast to exceed 20m by 2040, 60% of them in older households”.*

4.4 Paragraph 60 of NPPF sets out the Government’s objective of ‘*significantly boosting the supply of homes*’. It states: ‘*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*’.

- 4.5 In respect of meeting housing needs, paragraph 62 of NPPF advises that *‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, **older people**, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)’* (emphasis added).
- 4.6 The Government’s updated National Planning Practice Guidance explains at Paragraph 001 Reference ID: 63-001 – 20190626 – Revision date: 26th June 2019 why it is important to plan for the housing needs of older people stating that:
- *“The need to provide housing for older people is **critical**. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over, by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”* (emphasis added).
- 4.7 This statement is unequivocal. There is no other reference to other “critical” housing needs (or similar terminology) in the guidance or within NPPF. Given the acknowledgement of a “critical” need, it is for the Planning system to deliver it unless there is very good reason why it should not. This is what Government and national policy expects of the planning system. Notwithstanding these clear policy intentions, the Officer’s Report failed to mention the specific support given in both the NPPF and PPG to this form of accommodation, where there is an acknowledged and identified need (as set out above).
- 4.8 In November 2022 the International Longevity Centre UK published ‘The Mayhew Review: Future-proofing retirement living’. The Executive Summary is contained at **Appendix 5** and highlights the following:
- “Currently, specialist retirement housing only accounts for 10% of all older households in the UK. **Our analysis suggests considerable scope for the sector to expand rapidly and to be spread more evenly to deal with shortfalls in many areas.** If business carries on as usual, the report estimates that 87% of the older population will live in standard housing compared with 81% now, resulting in three million extra older households. In other words, today’s shortages in specialist housing will be magnified.*

At present an average of around 7,000 retirement homes are built annually out of a total new-build of about 200,000. We evaluate programmes that entail the acceleration of building to 10,000, 30,000 and 50,000 new retirement units a year. The third scenario is especially significant because it implies around 25% of all new homes built would be specialist retirement accommodation, representing a radical departure from present housing policy which focuses on first time buyers.

*Any of these scenarios would not only shift the balance away from standard housing, but also displace more expensive nursing and residential care as people would be healthier and supported in their own homes for longer. **Tellingly, even the 50,000-a-year scenario would not stem the growth in older households – an even greater rate of building would be necessary. But it would at least ease the care crisis and free up homes***” (emphasis added).

4.9 In summary Professor Mayhew calls for the UK Government to take tangible action, namely:

1. Launching the Older People’s Housing Taskforce – an existing government initiative aimed at both adult social care reform and housing reform.
2. Reforming planning rules to make building retirement housing an easier process for developers by coordinating district level housing departments and revising infrastructure levies.
3. Building more retirement homes (up to 50,000 new units a year), integrated retirement communities and repurposing high streets.
4. Putting older people’s housing on a level playing field with other developments.
5. Cutting Stamp Duty for ‘last-time’ buyers to the same levels as ‘first-time’ buyers.
6. Increasing the availability of financial advice and services for older people looking to move.

4.10 In December 2022 the Government published an open consultation seeking views on its proposed approach to updating to the National Planning Policy Framework entitled ‘Levelling-up and Regeneration Bill: reforms to national planning policy’. This contains a section headed, ‘*More Older People’s Housing*’ which states:

“This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation. The National Planning Policy Framework supports this ambition by

asking local authorities to provide for a diverse range of housing needs, including for older people.

The Framework already makes clear that the size, type and tenure of housing needed for different groups in the community, including older people, should be assessed and reflected in planning policies. In 2019, we also published guidance to help local authorities implement the policies that can deliver on this expectation.

*The population of the UK is ageing rapidly and around 1-in-4 will be aged 65 or over by 2041. **We need to ensure that our housing market is prepared for this challenge and that older people are offered a better choice of accommodation to suit their changing needs, to help them to live independently and feel more connected to their communities. In 2021, a report by the International Longevity Centre indicates that there will be a shortfall of 37% in specialist retirement housing by 2040.***

*We have therefore been considering ways in which the Framework can further support the supply of older people's housing. We propose to do this by adding **an additional specific expectation that within ensuring that the needs of older people are met, particular regard is given to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support our ageing population.***

Alongside this, we are also launching a taskforce on older people's housing, which we announced in the Levelling Up White Paper. This taskforce will explore how we can improve the choice of and access to housing options for older people and will follow important work conducted recently by Professor Mayhew on meeting the challenges of our ageing population" (emphasis added).

- 4.11 Very significant weight must be therefore attached to this critical need, which strongly supports the proposed development.

Local Need

- 4.12 Housing need in the local context was addressed in (i) the Planning Statement (CD – A15) which accompanied the application, and (ii) by the report prepared by Three Dragons (CD – A3) which sets out the following conclusions:

'We have appraised potential demand for specialist retirement housing using two alternative models, one of which is driven by the scale of potential need from persons who would potentially benefit from a move to specialised housing, the other looking at propensity to move by age group.

- *The RHG model suggests **a need for 701 units of sheltered housing** and 429 units of Extra Care housing for sale or shared equity.*
- *The Contact Consulting model points to **a need for 1,141 units of sheltered housing** and 633 units of enhanced sheltered and Extra Care housing for sale or shared equity*
- *At ward level the RHG model indicates **a need for 149 sheltered** and 121 Extra Care units for sale or shared equity. The Contact Consulting model indicates **a need for 259 sheltered** and 172 units of enhanced sheltered and Extra Care units for sale or shared equity' (emphasis added).*

4.13 Paragraph 2.45 of the Three Dragons' report provides an overview of the supply of retirement housing in comparison to the tenure profile of older households. It states that, *"the EAC lists 3,010 units of specialist retirement housing with care or support in the TC area. The level of supply – 142.7 units per 1,000 population aged 75 and over across all tenures - is above the national average of 139.2. However only 45% of the existing stock is housing for home ownership, whereas the 2011 Census shows that 78% of older households are homeowners. **There is therefore a shortfall in supply of specialist older persons housing for sale"** (emphasis added).*

4.14 Table 3.3 on page 27 of the Three Dragons' report models potential demand for older persons accommodation and identifies a need for an additional 1,141 units of units of sheltered (also known as retirement)/age exclusive for home ownership whereas there is an oversupply of 868 units for rent (i.e. those provide by social providers). In terms of existing provision in Sale, the table on page 34 identifies that there are 270 units of leasehold retirement housing but there are 440 units provided by social landlords. The 2011 Census identified that 80.6% of older person households were homeowners yet only 38% of the provision in Sale is for home ownership; the existing provision is therefore in inverse proportion to the tenure profile of the older population.

4.15 Data from the 2021 Census for the Ashton upon Mersey, Brooklands, Priory, Sale Moor and St Mary's Wards show that out of 54,517 people, 9,848 (18%) were of a pensionable age. This percentage is the same as for Trafford as a whole and for England.

- 4.16 The Council's Trafford Housing Strategy 2018—2023 (CD – D15) is part of the Council's public housing policy. It acknowledges at paragraph 2.3.3 that, *"Trafford has a growing older population. In the next 20 years there will be 73,600 people over the age of 60, this compares with 51,600 in 2015. There will be an additional 10,700 people over the age of 75. It also has high levels of under-occupation as older people continue living in their family homes into their old age. Continuing to live in a home that is larger than required into old age is not ideal; it can lead to social isolation and loneliness, daily chores become too onerous, heating bills for a large home are too high"*.
- 4.17 The Council's Trafford Older Peoples' Housing Strategy 2020-2025 (TOPHS) (CD – D16) is also a part of the Council's housing policy and specifically addresses the cohort of the population relevant in this appeal. It was produced following public consultation and confirms that the majority of older people in Trafford are homeowners with 76.5% of households headed by a person aged 65 years and older were owner occupied; which is comparably higher than the England and Wales (74.3%) and Greater Manchester (69.1%) figures (2011 Census figures).
- 4.18 TOPHS goes on to set out the following our strategic priorities following a review of policy and stakeholder consultation:
1. *Improve the quality and standard of existing housing for older people in Trafford.*
 2. ***Increase the availability and range of suitable housing options for older people within Trafford.***
 3. ***Enable older people in Trafford to live independently.***
 4. *Create and foster partnerships that work to deliver effective health and social care provision, support services and high quality housing to older people across Trafford (emphasis added).*
- 4.19 In terms of the need to increase housing options for older people, page 18 of the TOPHS states:
- "... there is clear need for more older peoples' housing in Trafford to meet current and future demand. There is a very limited stock available of older peoples' accommodation in the borough, which has low turnover rates and quick sales/lets. The increasing life expectancy among Trafford residents will also mean more specialist forms of housing (and care) for older people will be particularly required, and these developments will ideally be made available across the borough so that people can maintain social and family connection in familiar neighbourhoods.*

*Predictive modelling figures for Trafford show a significant shortfall of retirement housing, and housing with care units, to meet future need without intervention. **There is a predicted shortfall of 1,043 units without growth in the borough's current stock for sheltered / retirement housing, and a shortfall of 836 housing with care units by 2035.***

The lack of older person housing options and stock is resulting in older people staying in unsuitable properties for longer; often until a crisis forces them to move to what is available, but which may still not be fully suitable to their individual needs. The changing aspirations of what older people want from their homes must be considered if the Strategy is to be a success (emphasis added).

- 4.20 The Council's Housing Strategy and Growth Manager in her consultee response (Appendix 6) to the planning application confirmed that she had no objections in principle to the application "**which will bring much needed retirement housing into Sale**". The response also went on to summarise the findings of the Trafford Housing Needs Assessment 2019 which "*predicted the population of over 65s will increase from 41,600 in 2019 to 57,500 by 2037 (an increase of 38.5%). For those aged over 85, the predicted increase is 65.6%. The HNA demonstrates that within Trafford most households over 60 currently live in owner occupied accommodation (77.1% aged 60-84 years and 70.4% aged over 85) and that 61.2% of older households currently live in a house with 3 or more bedrooms which in some cases is unsuitable*".
- 4.21 **The above analysis shows that there is a pressing need for this type of accommodation to which very significant weight must be attached in the planning balance.** The Council has provided no evidence to the contrary. When opportunities to redevelop previously developed windfall sites in sustainable locations exist, such as the appeal site, they should be taken. It is wholly appropriate (given the locational requirements for specialist accommodation for older people) for this critical need to be met on sites *inside* the settlement boundary of sustainable settlements (i.e. sites such as this). This is entirely in accordance with the local evidence of need and the provisions of the adopted development plan.
- 4.22 The proposed redevelopment of the site for Retirement Living accommodation for older people provides a significant opportunity to contribute towards meeting the current and projected requirements for special needs accommodation for older people in Sale, Trafford Borough and the UK generally. The provision of this specialist scheme for older people is also

supported in the adopted development plan, specifically Core Strategy Policies L1 and L2 as well as the emerging sub-regional development plan, Places for Everyone Policy JP-H3. These policy considerations are discussed in further detail below.

- 4.23 It follows that there is both a national need (which is agreed in the Statement of Common Ground) and a local need (which the Council is reluctant to explicitly acknowledge notwithstanding its own housing strategies based on its own evidence), which needs to be met in a single block on a site which is in an accessible and sustainable location, appropriate to meet the needs of older people.

5.0 SITE LOCATION, PLANNING HISTORY AND CURRENT CONDITION

- 5.1 In selecting sites for older persons' accommodation, McCarthy & Stone take full account of the locational criteria recommended in the Joint Advisory Note of the National House Builders' Federation and the National Housing and Town Planning Council entitled - "Sheltered Housing for Sale" (2nd Edition - 1988) (extracts are contained at **Appendix 7**). Whilst of some vintage, the advice contained within the note is still relevant today.
- 5.2 The five locational criteria identified are:
- (i) Topography;
 - (ii) Environment (including safety and security);
 - (iii) Mobility;
 - (iv) Services; and
 - (iv) Community Facilities.
- 5.3 The NHBF/NHTPC Advisory Note acknowledges that the ideal site for sheltered housing is difficult to find. Specialised developments of the nature proposed here need to be located in a sustainable settlement on an accessible site with good access to facilities. It is often the case that such developments are located in established residential areas, where it is inevitable that townscape issues will need to be considered (such as increasing density and impact upon local character). The Council's Older Peoples' Housing Strategy recognises that different types and forms of housing are required now. They must be delivered in sustainable residential settlements. Differences in housing typology is therefore inevitable and specifically encouraged in order to meet the identified critical needs.
- 5.4 The site is a very suitable location for a Retirement Living development, located approximately 450 metres walk away from Sale town centre and its comprehensive range of associated shops and services.
- 5.5 The site is also easily accessible via public transport . with bus routes on Washway Road around 350m away from the application site providing services to Altrincham, Ashton-on-Mersey, Eccles, The Trafford Centre, Lostock, Flixton, Northern Moor and Manchester City Centre. Sale Metrolink station is located approximately a 1km walk to the east and this provides services to Altrincham, Manchester city centre and connections to the wider light and heavy rail networks.

- 5.6 It is important to note that such sites are comparatively rare and it often takes many years to locate and then secure an interest in a potential site. It is, therefore, positive that this part-previously developed site can meet the locational requirements of this specialist form of accommodation.

Planning History

- 5.7 Details of the site's planning history are set out in the Statement of Common Ground (CD – B10), and this confirms that prior to the Appellant's interest in the site, it was subject to the planning applications listed below:

H00212 — Change of Use from Residential to Hotel and Erection of 3-Storey Hotel Extension Linked to Existing Building at Ground Floor Level (Total of 20 Bed Spaces, Applicant's Living Accommodation).

Approved 8th August, 1974.

H10811 — Erection of 2-Storey Extension to Form 5 No. Service Suites, 2 No. Guest Bedrooms and Lounge

Refused 14th February, 1980.

H11922 — Erection of Extension to Form 2-Storey Apartment Suites (6 Units), Ground Floor Lounge and Covered Way

Approved 10th April, 1980.

H/58317 - Demolition of Existing Outbuilding and Erection of a Two Storey Rear Extension (including Accommodation in a Semi-Basement) to Form 10 Service Apartments. Erection of a Detached Building with First Floor Bridge Link to Form Maintenance and Stores on the Ground Floor with an Office Over. Provision of 10 Additional Car Parking Spaces.

Approved 19th March, 2004.

- 5.8 It is noteworthy that planning consent H/58317 commenced (as evidenced by the foundations adjacent to the site's northern boundary) and therefore represents an extant consent that could be completed without the need for any further consent from the LPA. The drawings for this consent are shown in Mr Earle's Proof of Evidence.

Current Condition

- 5.9 The site comprises previously developed land within a highly sustainable urban location. It is a site, therefore, on which the Council must promote the efficient use of land to meet identified needs (see ch.11 NPPF).
- 5.10 The Appeal Proposals therefore represent an excellent and valuable opportunity to make better use of the site and deliver an identified housing need in line with the imperatives set out within NPPF paragraphs 119 (in making use of previously developed land), 120 (substantial weight to be given to the use of brownfield land to meet identified needs for housing) and 123 (taking a positive approach to applications for alternative uses on unallocated developed sites).
- 5.11 In making the best use of well-located, previously developed and under-utilised 'windfall' sites such as this, pressure to develop in more sensitive locations can be alleviated.

6.0 PLANNING PROCESS AND REASONS FOR REFUSAL

6.1 In accordance with paragraphs 39-44 of the National Planning Policy Framework (NPPF), the Appellant entered into pre-application discussions with the Local Planning Authority (LPA) and the local community. Whilst a formal request for pre-application advice was submitted, unfortunately due to an administrative issue at the Council no response was made. Consultation with the local community included one-to-one meetings with nearby residents in October 2022 and a virtual public exhibition in November 2022. Further details are included in the Statement of Community Involvement that accompanied the planning application.

6.2 The application subject of this Appeal was submitted by the Appellant on 25th November, 2022 and following the submission of additional information (principally related to plans of the existing building and drainage details) the Council validated it on 6th February, 2023. The proposed development was duly assessed by the Case Officer and relevant technical officers.

6.3 The application was refused under the officer's delegated powers (the Officer's delegated report is contained at CD – A63) and the Council issued a Refusal of Planning Permission in a notice dated 5th May, 2023 (CD -A64). The decision was subject to seven reasons for refusal. The first reason states:

- 1. The proposed development would lead to the total loss of a non-designated heritage asset and its setting (35 Oakfield) which would have an adverse and irreversible impact on its significance and as such its demolition would result in unacceptable harm to the character and appearance to the surrounding area. On balance, the benefits of the scheme would not outweigh the severe harm that would be caused to this non-designated heritage asset, contrary to Policy R1 of the Trafford Core Strategy and paragraph 203 of the National Planning Policy Framework. The application also fails to avoid or minimise the conflict between the asset's conservation and the proposal, contrary to paragraph 195 of the National Planning Policy Framework.***

6.4 The second reason states:

- 2. The proposal, by reason of its incoherent appearance, form, siting, height and layout, would introduce an uncharacteristic and visually inappropriate development which would cause significant and permanent harm to the***

character of the application site and to the wider street scene. It is wholly inconsistent with the policy objective of delivering well-designed places and fails to respond to the local context and historic character of the site and surrounding area. It is thus considered contrary to Policy L7 of the Trafford Core Strategy, SPG1: New Residential Development, the National Planning Policy Framework, and the National Design Guide.

6.5 The third reason states:

3. *The proposed new vehicular access, car-parking area and the boundary fence to be sited on the north-east boundary of the site will result in the removal of established trees and soft landscaping which significantly contribute to visual amenity and the character of the site in lieu of hardsurfacing and inappropriate boundary treatment. In addition, due to the extent of the proposed development there are limited areas throughout the site for replacement tree planting and soft landscaping. As such the proposed works would be seriously detrimental to the visual amenity of the streetscene and the character of the area contrary to Policy L7 and R3 of the Trafford Core Strategy, the NPPF, and the National Design Guide.*

6.6 The fourth reason states:

4. *The proposed development fails to provide appropriate quantity and quality of external amenity space, to the detriment of the living conditions and the health and wellbeing of future residents, resulting in a poor quality of residential accommodation. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the NPPF and the National Design Guide.*

6.7 The fifth reason states:

5. *The proposed building by reason of its scale height and massing in close proximity to the common boundary with the adjoining property 41 Ashlands would give rise to undue overlooking from balconies and would have a visually intrusive and unduly overbearing impact to the detriment of the residential amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Guidance PG1: New Residential Development*

and the NPPF.

6.8 The sixth reason states:

- 6. *The proposal would fail to provide the required affordable housing, and the submitted financial viability appraisal has not adequately demonstrated that the affordable housing contributions sought would make the scheme undeliverable on viability grounds. The development would not, therefore, contribute to affordable housing needs and would not support the creation of mixed and balanced communities. The proposal would therefore be significantly contrary to policies L2 and L8 of the Trafford Core Strategy (2012), the National Planning Policy Framework (2021), National Planning Practice Guidance and SPD1: Planning Obligations (2014).***

6.9 The seventh reason for refusal states:

- 7. *The applicant has failed to demonstrate that the proposed development can take place without any harm to the status of a protected species, namely Bats, having regard to the advice contained within Circular 06/2005 (Biodiversity and Geological Conservation). Bats are protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. In the absence of information to the contrary, the proposed development would conflict with the provisions of Policy R2 of the Trafford Core Strategy and advice contained within the NPPF and Circular 06/2005.***

6.10 Paragraph 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities when refusing a planning application to ‘state clearly and precisely their full reasons for refusal, specifying all policies and proposals in the development plan which are relevant to the decision’. As set out in both the Council’s Statement of Case and the Statement of Common Ground, it is now agreed that reason for refusal 7 has been overcome following the submission of Bat emergence Survey Report and there is no longer any alleged conflict with the policies cited in that reason. Thus in the absence of reference to any other policies, **the totality of the alleged policy conflict with the development plan is now confined to those policies cited in reasons for refusal 1 to 6 namely Trafford Core Strategy Policies R1, R3, L2, L7 and L8.** Accordingly, it can be concluded that the Appeal proposal accords with all other relevant policies in the

development plan.

6.11 The Statement of Common Ground produced alongside the evidence includes a list of plans considered by the Council in its determination (CD – B10). This appeal statement addresses the Council’s outstanding reasons for refusal applying the S.38(6) test and considers the significant benefits of the proposed development. It demonstrates that there is no conflict with:

- the adopted development plan and, more particularly, those policies which remain up-to-date and consistent with the NPPF;
- the emerging development plan; and
- the NPPF.

7.0 ISSUES TO BE ADDRESSED

The Refusal of Planning Permission notice issued by the Council cites seven reasons for refusal. Reason for refusal No. 7 relating to bats has been addressed through the provision of a Bat Emergence Survey Report as agreed within both the Council's Statement of Case and the Statement of Common Ground (CD – B10). Accordingly, as set out in the CMC note, the following issues need to be addressed:

- (i) *The heritage value of 35 Oakfield and the effect of its demolition*
- (ii) *The character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping*
- (iii) *The living conditions of future occupants with regard to external amenity space*
- (iv) *The living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance*
- (v) *The viability of providing affordable housing*

7.2 Even with the issues set out above, a balanced consideration should be undertaken to assess whether the benefits from the proposed development outweigh the alleged harm (which is firmly refuted by the Appellant) cited within the reasons for refusal.

8.0 STATUTORY TESTS

- 8.1 The site is not within a Conservation Area. There are no Listed Buildings within or adjacent to the site. None of the reasons for refusal refer to any impact on designated heritage assets. Consequently, the statutory provisions contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

9.1 The current development plan for Trafford is the Trafford Local Plan: Core Strategy adopted January 2012 and the saved policies of the Revised Trafford Unitary Development Plan 2006. The site is not designated by any specific policies or allocations within the existing planning policy framework. Most of the UDP's policies are no longer operational and have been superseded by, amongst others, the Core Strategy. The relevant policy considerations within the UDP and Core Strategy are reviewed below.

Unitary Development Plan

9.2 Policy H3 released a total of 18 sites for new housing development in three phases (the latter of which was April 2011 to March 2016). The policy goes on to state that *"proposals that come forward for development within the urban area on sites not identified in the above Table will only be permitted where they are acceptable in planning terms and where approval does not result in a significant oversupply of new housing as measured against the land release requirement prescribed within RPG13"*. RPG13 was revoked in 2013 and as agreed in the Statement of Common Ground, the Council cannot demonstrate a 5 year housing supply. This policy is out-of-date and the weight that can be attributed is duly limited.

9.3 Policy H4 deals with the release of other land for development and states that: *"the Council will normally grant planning permission for the development and redevelopment of other suitable land within the built up area for housing provided that such proposals: -*

- i) Are either (a) not on sites protected as open space, unless the provisions of Proposal OSR5 can be satisfied, or, (b) allocated for some other use;*
- ii) Comply with the relevant provisions of Proposals D1 and D3 and where appropriate Proposals ENV21 and ENV23;*
- iii) Do not prejudice the development or redevelopment of adjoining land"*.

All the UDP policies cross-referred to in this policy have now been replaced and the weight that can be given to this policy is limited. The policy is therefore out of date albeit the appeal proposals comply with the policy's underlying intention to grant consent for new housing on suitable land within the urban area.

Core Strategy

9.4 At paragraph 4.1 a number of Strategic Objectives are set out including:

SO1—Meet housing needs – promote sufficient high quality housing in sustainable locations, of a size, density and tenure needed to meet the borough’s needs and to contribute towards those of the city region.

SO5—Provide a green environment – achieve an appropriate level of greenspace, to protect and enhance the landscape character, recreational and biodiversity value of the borough’s natural environment in both urban and countryside areas and to provide for the growing community.

SO6—Reduce the need to travel – promote significant levels of development in the most sustainable locations in the borough and make less sustainable locations accessible by improving transport links, particularly public transport.

SO7—Secure sustainable development – promote the reuse of resources, the principles of sustainable construction and the use of new technologies to combat and adapt to climate change to minimise impact of all new development on the environment.

SO8—Protect the historic built environment – protect, enhance and value the borough’s heritage to contribute to the attractiveness and distinctiveness of the borough²⁰.

9.5 The Place Objectives for Sale are set out on page 37 and include:

SAO1: To provide a more sustainable balance of housing types and tenures to meet the needs of the community.

SAO2: To maximize the re-use or redevelopment of unused, under used or derelict land.

SAO3: To secure appropriate levels of residential development within the town centre.

9.6 Policy L1—Land for New Homes states that, *“within the overall supply of land made available for new development, the Council will seek to ensure that an adequate range of sites is made*

²⁰ The Core Strategy was adopted in January 2012 prior to the publication of the NPPF in March 2012 when the concept of non-designated heritage assets was first introduced.

available across the Borough to allow a variety of types of housing, including accommodation that is affordable by all sectors of the local community, to be provided, subject to the capacity of the urban area and infrastructure to accommodate the development and the need to protect the environment” (emphasis added).

- 9.7 The policy goes on to state that up to 2026 sufficient land to accommodate a minimum of 12,210 new dwellings will be released. Paragraph LI.4 states that *“this will be achieved through new-build, conversion and sub-division of existing properties. The Council will seek to ensure the efficient use of land, concentrating higher density housing development in appropriate and sustainable locations at lowest risk of flooding, where it can be demonstrated that it is consistent with the provisions of L2”*.
- 9.8 Paragraph LI.7 states that, *“an indicative 80% target proportion of new housing provision to use brownfield land and buildings over the Plan period has been set”*.
- 9.9 **Policy L2** (cited in the RfR) is entitled Meeting Housing Needs and paragraph L2.1 states that, *“all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy”*.
- 9.10 Paragraph L2.2 states that all development will be required to be:
- a) *“On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;*
 - b) *Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development;*
 - c) *Not harmful to the character or amenity of the immediately surrounding area; and*
 - d) *To be in accordance with L7 and other relevant policies within the Development Plan for Trafford”*.
- 9.11 Paragraph 2.6 considers dwelling type and mix stating that, *“the proposed mix of dwelling type and size should contribute to meeting the housing needs of the Borough, as set out in the Council’s Housing Strategy and Housing Market Assessment”*. The need for this form of specialised housing is set out in Chapter 4 of this Proof and the accompanying housing need report.

- 9.12 Affordable housing is considered at paragraphs L2.8 to 2.16. Sale is identified as a 'moderate' location where the minimum threshold for qualifying sites is 5 residential units and 'under normal market conditions' a 20%²¹ affordable housing contribution will be sought. As explained in the footnote below, the Council maintain that a 25% contribution should be sought in current market conditions in 'moderate' locations.
- 9.13 The final bullet point of paragraph L2.12 states, "*in those parts of Trafford Park identified for residential development, or in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%*".
- 9.14 In its Statement of Case the Council advocate at paragraph 6.31 that the appeal proposal should be considered as non-generic in viability terms (and hence up to 40% affordable housing may be sought). In contrast, the Council's valuers (Continuum) maintain that the appeal proposals should be treated the same as standard apartment developments which implies that 25% affordable housing should be sought. The Council's Housing Strategy and Growth manager's consultation response to the planning application also states, "*this site is situated within the 'moderate' market location with a requirement of 25% affordable housing under Trafford's current good market conditions. Therefore, there is a requirement that 6 of the retirement apartments are affordable. SPD 1 looks for a 50/50 split between rented and intermediate (shared ownership)*". The debate as to whether 25% or 40% be sought is, however, somewhat academic given the viability evidence set out within Mr Mackay's Proof of Evidence and his conclusion that the scheme can only stand an off-site contribution of £208,186 and remain viable.
- 9.15 Paragraph L2.13 recognises that "*in accordance with Policy L8 of this Plan, where specific issues of viability arise, the Council will consider, on a site by site basis, whether it is appropriate to agree a reduction in the affordable housing contribution*". Mr Mackay's Proof that shows what level of contribution the scheme can stand (an off-site contribution of £208,186) and remain viable.

²¹ The November 2018 report by Trebbi for the Council entitled '*State of the Economy Housing Market Conditions*' concluded that all market areas should be revised from operating under normal market conditions to 'good' market conditions. Revised SPD1 – Planning Obligations states that "*within "moderate" market locations, a 20% affordable housing target will normally be applied, with a flexibility to increase this to a 25% requirement under "good" market conditions and decreased to 10% under "poor" market conditions*".

- 9.16 Paragraph 11.11 acknowledges that *"due to the high and continuing demand for affordable housing units, coupled with high land values and site scarcity, the Council's expected method of delivery will be for the affordable housing units to be provided on site. Only in exceptional circumstances will the Council consider an offsite payment being made. The Planning Obligations SPD will provide guidance as to what may constitute exceptional circumstances in this instance"* (emphasis added). The Council's Revised Supplementary Planning Document 1 (SPD1) – Planning Obligations acknowledges at paragraph 3.31 that, *"in exceptional circumstances it may not be possible or appropriate to deliver affordable housing on site, so provision may be made on an alternative site, through payment of a commuted financial contribution, or an alternative form of delivery"*. The language used here does not accord with NPPF paragraph 63 where it refers to the need for off-site financial contributions to be *"robustly justified"* a markedly different and lower threshold test than *"exceptional circumstances"*. As the local policy test is inconsistent with the NPPF the weight that can be attributed to the Council's stance is duly diminished. Appendix 8 sets out the justification as to why an off-site commuted sum is appropriate in this case.
- 9.17 Paragraphs 2.17 and 2.18 deal with older persons accommodation and the former states, *"in order to meet the needs arising from the increasing longevity of the Borough's older residents, the Council will require developers to demonstrate how their proposal will be capable of meeting, and adapting to, the long term needs of this specific group of people"*. The proposed development is devoted in its entirety to the provision of housing that will meet the special needs of older people.
- 9.18 Policy L4 deals with Sustainable Transport and Accessibility and states that the Council will promote the development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel to all sectors of the local community and visitors to the Borough by a number of means including, *"prioritising the location of development within the most sustainable areas accessible by a choice of modes of transport"*. Paragraphs L4.14 to L4.16 deal with car and cycle parking standards which are considered in more detail in the Transport Statement that accompanied the planning application.
- 9.19 Policy L5 is entitled Climate Change and states that *"new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation"*. The planning application is accompanied by an Energy Statement which provides further detail on the building's energy

performance and advises that:

“the scheme currently proposes to utilise a good thermal envelope to minimise heat loss, as well as efficient heating and lighting systems, which will drive energy efficiency in the building. This is in line with Policy L5.9 and L5.10’s objectives to incorporate sustainable construction and CO2 reduction design techniques.

The calculations completed on the building fabric show that the predicted energy consumption will be around 118,264.50 kWh/yr. They have also shown that a total carbon reduction of 3,076kg/CO2/yr needs to be achieved to meet L5’s 5% carbon reduction target. Having undertaken a review of renewable technological options to meet Policy L5, the client is proposing to engage a suitably qualified PV supplier to provide a PV array with an approximate minimum output of 5,927 kWh/yr, which will provide a 5% reduction in carbon emissions, therefore meeting Policy L5’s target”.

9.20 **Policy L7** (cited in the RfR) deals with Design and paragraph 7.1 states that development must:

- *“Be appropriate in its context;*
- *Make best use of opportunities to improve the character and quality of an area;*
- *Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and*
- *Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”.*

9.21 The policy goes on at paragraphs L7.2 to L7.5 to set out criteria in respect of functionality, security and accessibility. Paragraph 7.3 deals with protecting amenity and states that development must:

- *“Be compatible with the surrounding area; and*
- *Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way”.*

These matters and the evolution of the scheme’s design are covered in both the supporting

Design and Access Statement that accompanied the planning application and Mr Earle's Proof of Evidence.

- 9.22 **Policy L8** (cited in the RfR) deals with Planning Obligations and at paragraph L8.10 it confirms that, *"the Council acknowledges that, in certain circumstances, a development may not be able to address all of the required planning obligations without the scheme becoming economically unviable. On these occasions, the Council will engage with developers on a site-by-site basis to consider whether contributions should be reduced in order to make development viable"*.
- 9.23 **Policy R1** (cited in the RfR) deals with the historic environment. This policy was prepared and adopted in January 2012 prior to the publication of the NPPF. It does not make any specific reference to non-designated heritage assets (which the Council allege the existing building should be considered) and does not set out the relevant test of making a balanced judgement relative to the scale of any harm or loss and the significance of the asset. The policy is therefore out-of-date and the weight that can be attributed to it is accordingly diminished.
- 9.24 **Policy R2:** Natural Environment sets out measures to protect and enhance the natural environment. It states that *"where the council considers it necessary, in order to protect the natural environment, developers will be required to provide an appropriate ecological assessment report to enable the Council to properly assess and determine the merits or otherwise of the development proposal"*. The planning application was accompanied by a Preliminary Ecological Appraisal and Preliminary Roost Assessment Report and following its determination a Bat Emergence Survey Report. It is common ground that there will be no harm to any ecological interests arising from the proposed development.
- 9.25 **Policy R3** (cited in the RfR) deals with Green Infrastructure. This states that the Council will work with local communities, developers and partners to develop an integrated network of high quality and multi-functional green infrastructure that, amongst others, will:
- *"Improve health and well being; and*
 - *Mitigate the negative effects of climate change and support biodiversity, for example inclusion of green roofs, green walls and tree planting"*.

Emerging Planning Policy

Places for Everyone

- 9.26 Places for Everyone is a long-term joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted it will set out the sub-Regional Strategy that will set the policy framework for the preparation of the individual district local plans. The plan was submitted for examination on 14 February 2022. Independent Inspectors were appointed and examination hearings were held between 1 November 2022 and 5 July 2023. The Inspector's Main Modifications and additional modifications have been issued for consultation between 11 October 2023 and 6 December 2023. Given the advanced stage of the plan's preparation it may be given substantial weight.
- 9.27 Policy JP-H1: Scale, Distribution and Phasing of New Housing Development sets out that a minimum of 175,185 net additional dwellings will be delivered over the period 2022-2039. Of these, 19,077 are to be delivered within Trafford at an annual average of 1,122.
- 9.28 Policy JP-H2: Affordability of New Housing states that "substantial improvements will be sought in the ability of people to access housing at a price they can afford" through a number of measures including:
- *"Significantly increasing the supply of new housing, in accordance with Policy JP-H 1 'Scale, Distribution and Phasing of New Housing Development', thereby reducing the potential for a shortfall to lead to large house price and rent increases;*
 - *Maximising the delivery of additional affordable homes, including through local plans setting targets for the provision of affordable housing for sale and rent as part of market-led developments based on evidence relating to need and viability;*
 - *Support provision of affordable housing, either on-or off-site, as part of new developments".*
- 9.29 Paragraph 7.32 acknowledges the ageing of the population and states that this *"will necessitate a renewed emphasis on ensuring that a diverse range of housing is available to meet the needs of older people and households. This will require new dwellings to be more adaptable, and designed with potential care needs in mind, so that older people can remain in their homes if they wish as their circumstances change. **There also need to be much better***

options for those who would like to move, perhaps to a dwelling of a more appropriate size in a location that enables them to easily access local services and facilities, and this could help to release some existing houses for families with dependent children” (emphasis added).

- 9.30 Policy JP-H3: Type, Size and Design of New Housing states that *“development across the plan area should seek to incorporate a range of dwelling types and sizes including for self-build and community led building projects to meet local needs and deliver more inclusive neighbourhoods. Where appropriate, **this should include incorporating specialist housing for older households and vulnerable people**” (emphasis added).* The policy goes on to state that all dwellings should meet the nationally described space standards and be built to the ‘accessible and adaptable’ standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.
- 9.31 Policy JP-H4: Density of New Housing states that *“new housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design”.*
- 9.32 Policy JP-S1: Sustainable Development states that, *“to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives”.* It goes on to state that, *“in preparing plans, preference will be given to making as much use as possible of suitable using previously-developed (brownfield) land and vacant buildings to meet development needs”.*
- 9.33 Policy JP-P2: Heritage states that: *“we will proactively manage and work with partners to positively conserve, sustain and enhance its our historic environment and heritage assets and their settings”.* It goes on to state that: *“Local Plans will set out the key elements which contribute to the district's identity, character and distinctiveness and which should be the priority for safeguarding conserving and enhancing in the future and demonstrate a clear understanding of the historic environment and the heritage values of sites, buildings or areas and their relationship with their surroundings”* and that *“ensuring that the heritage significance of a site or area is considered in accordance with national planning policy in the planning and design process, providing and opportunities for interpretation and local engagement are optimised”.*

- 9.34 Policy JP-D2: Developer Contributions (MM12.3) states that *“we will require developers to provide, or contribute towards, the provision of mitigation measures to make the development acceptable in planning terms”*. The policy also acknowledges that *“if an applicant wishes to make a case that a development is not viable, they should provide clear evidence at the planning application stage, identifying the specific issues and/or changes in circumstance which would create barriers to delivery in a transparent manner and reflecting national guidance. Where it is accepted that viability should be considered as part of the determination of an application, the Local Planning Authority should determine the weight to be given to a viability assessment alongside other material considerations”*.
- 9.35 The plan goes on to identify a number of strategic allocations. These include Policy JP Allocation 33: New Carrington within Trafford. This allocation will involve the removal of land from the green belt and the delivery of around 5,000 dwellings and 350,000m² of employment land.

Draft Trafford Local Plan

- 9.36 Trafford Council published a public consultation on the Regulation 18 Draft Trafford Local Plan in February 2021. The new local plan is intended to cover the period up to 2037. Paragraph 2.1 provides clarification in terms of the plan’s relationship with the emerging Greater Manchester Strategic Framework, stating, *“this Regulation 18 Draft Trafford Local Plan has been prepared in the context of a sub-regional plan, the Greater Manchester Spatial Framework (GMSF) 2020²², reflecting its spatial strategy and strategic policy framework. The GMSF 2020 established a range of thematic policies as well as a number of strategic allocations and Green Belt boundary amendments. Following the decision of Stockport Council in December 2020 to not approve the GMSF 2020 for Regulation 19 consultation or submission, the GMSF is no longer being progressed in its current form. The intention is to prepare an alternative sub-regional plan for the remaining Greater Manchester districts which will ultimately sit alongside the Trafford Local Plan as part of the overall Development Plan”*. The emerging sub-Regional Plan, Places for Everyone, is discussed above and the emerging local plan will need to be realigned to ensure that it is consistent with it. Progress on the emerging plan is effectively on hold pending the adoption of the sub-regional plan and the weight to be attributed to the emerging local plan is therefore limited.

²² “Places for Everyone” was at earlier stages in public consultations referred to as “the Greater Manchester Spatial Framework”.

- 9.37 Paragraph 2.3 confirms that further alterations to the strategic context of the plan may be needed prior to the preparation of a final draft.
- 9.38 The Plan's vision includes that by 2037, *"Trafford's communities are proud of their neighbourhoods, they have the types of homes that they want, and need. Trafford has tackled its housing crisis, with truly affordable homes are (sic) at its core"*.
- 9.39 Strategic Objective SO1 is to 'deliver the homes that Trafford needs' which is *"create homes for the residents of Trafford within distinct and attractive neighbourhoods. Promoting a good choice of high quality, accessible, energy efficient housing people can afford in sustainable locations, of a size, mix, density and tenure needed. Address the housing crisis through the provision of affordable housing in the right mix to support the needs of all, **including an ageing population**"* (emphasis added).
- 9.40 Policy HN3 deals with older person's accommodation and states:

"HN3.1 In order to meet the needs arising from Trafford's ageing population, the Council will require developers to demonstrate how their proposal will be capable of meeting, and adapting to, the long term needs of this specific group of people.

HN3.2 With specific reference to older people in Trafford, the Council will seek to meet their needs through allowing 1,943 units of the overall housing land target to be developed as new housing for older person households, suitable for a range of household circumstances (tenure and type), including 'extra-care' housing.

HN3.3 Proposals for the development of sites that will help to deliver a range of high quality, well designed accommodation for the growing ageing population of Trafford will be permitted where:

- a) It is located close to local services, amenities and local centres or community hubs with high levels of community activity;*
- b) It is easily accessible by a range of travel modes that provides alternatives to trips made by the private car;*
- c) The development has been appropriately designed (paying particular attention to scale, massing, height and external appearance) to take account of the urban grain, local distinctiveness and character of the area;*
- d) Its design should conserve and enhance the historic environment;*
- e) Its design reflects current best practice guidance and the design principles for such*

accommodation;

- f) Where the overall delivery of general market housing is not jeopardised; and*
- g) Due regard has been paid to all other relevant policies in the Development Plan.*

HN3.4 In all cases it is expected that development designed specifically for frail elderly people will be provided to a recognised standard for “extra care” homes.”

- 9.41 The policy’s justification identifies the increase in the older population stating that: *“the population of Trafford is projected to increase over the period 2019-2037, from 238,700 in 2019 to 260,500 in 2037, an overall increase of 9.1%. There will be a marked increase in the number and proportion of older residents. The population aged 65 + years is expected to increase by 38.2% (15,900) from 41,600 in 2019 to 57,500 in 2037. This compares with an increase of 40.1% across England over the same period.”*
- 9.42 The justification goes on to state, *“based on demographic change, there is a specific need for older person’s accommodation; there is a need for additional 541 units of residential care (C2), 26 each year, and 1,402 units of specialist older person units (C3), 74 each year, to 2037. This indicates that around 100 units or 10% of new provision should be older person’s accommodation per year. Whilst for some people, general needs housing (including Lifetime Homes) may be that most appropriate solution specifically designed or designated housing may be the best way in which to deliver support and care services for others. For this reason and to meet a specific need identified in the Housing Needs Assessment, there is a need for the identification of approximately 1,943 units”.*
- 9.43 Other policies of note include:
- IP5 – Design
 - HO1 – Scale, phasing and distribution of new housing development,
 - HO2 – Land release for new residential development
 - HO3 – Release of other land for residential development
 - HN1 – Dwelling Size, type and tenure
 - HN2 – Affordable housing
 - HE4 – The historic environment and new development

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (September 2023)

- 9.44 The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5th September 2023. This sets out the government's planning policies for England and how these are expected to be applied.
- 9.45 The status of the NPPF in determining applications is set out at **paragraph 218**, which confirms: *"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made"*.
- 9.46 The advice at **paragraph 38** of NPPF is highly pertinent in determination of this Appeal as it states: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, 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"*.
- 9.47 **Paragraph 39** deals with pre-application engagement and states that: *"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties"*. This is important as the Appellant tried to engage with the LPA with the submission of a request for pre-application advice but, due to an administrative error in the LPA, no response was made. **Paragraph 40** goes on to say that local planning authorities should *"encourage any applicants who are not already required to do so by law, to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications"*. The planning application was informed by thorough pre-application engagement with the local community to inform the scheme design prior to submission as detailed in the Statement of Community Involvement that accompanied the planning application.
- 9.48 The NPPF's advice in determining applications is clearly expressed at **paragraph 11**, which states: *"Plans and decisions should apply a presumption in favour of sustainable development"*. **Paragraph 7** states the purpose of the planning system is to contribute to the achievement of sustainable development. **Paragraph 11** goes on to state that: *"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”.**

9.49 **Paragraph 8** of NPPF outlines that achieving sustainable development means that the planning system has three overarching objectives, requiring the planning system to perform economic, social and environmental roles. It states that these overarching objectives *“are interdependent and need to be pursued in mutually supportive ways”*.

9.50 **Chapter 5** of NPPF deals with delivering a sufficient supply of homes. At **paragraph 60** it states: *“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”* (emphasis added).

9.51 **Paragraph 62** sets out the scope of local housing needs assessments stating that, *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”* (emphasis added).

9.52 With regards to identifying land for homes, **paragraph 69** states that: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should [inter alia] ... 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”* (emphasis added). The Appeal site is located

centrally within the built-up area of Sale. This paragraph is therefore highly relevant as it gives *'great weight'* to the benefits of using such sites for homes. It can make an immediate contribution to housing land supply as the site is deliverable within the next 5 years and the application subject of this appeal is for full permission (and thus complies with the definition of deliverable as set out within NPPF Annex 2).

- 9.53 **Paragraph 81**, which relates to economic growth and productivity, states: *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"* (emphasis added). The weight to be attached to the Appeal proposal's economic benefits should therefore be *'significant'*.
- 9.54 **Paragraph 92** refers to the aim of achieving healthy, inclusive and safe places which, *"promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other"; "are safe and accessible"; and "enable and support healthy lifestyles"*.
- 9.55 **Paragraph 111** states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe"*. The Statement of Common Ground confirms that that the development would not have any unacceptable impact upon highway safety.
- 9.56 Chapter 11 of NPPF seeks to make effective use of land and states at **paragraph 119** that planning decisions *"should promote an effective use of land in meeting the need for homes and other uses"*. It goes on to state that, *"strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land"*. The appeal proposals make best use of a previously developed, sustainably located site. It is, therefore, a valuable and sustainable resource and the Council must make the maximum ("as much use as possible") use of the site to meet critical needs, consistent with the requirement to deliver high quality design. However, it must be understood that good design is the means of delivering higher density development. It does not mean delivering lower density development, which is the antithesis of national policy.
- 9.57 **Paragraph 120** advises that planning decisions should, inter alia, *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified*

needs”.

- 9.58 **Paragraph 123** sets out that, “*local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs*”. This advice is highly pertinent in the context of this appeal given that the site is not allocated and the proposal will meet an identified need.
- 9.59 In regards to achieving appropriate densities, **paragraph 124** states that: “*Planning policies and decisions should support development that makes efficient use of land, taking into account [inter alia] ... the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it*”. **Paragraph 125** advises 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*” [emphasis added].
- 9.60 This Proof of Evidence demonstrates there is an identified need for specialised accommodation for older people in the locality. The need for this type of accommodation in Sale and the wider authority area is set out in the Chapter 4 of this Statement. The need for the specialised housing for older people provided by the Appeal Proposals is not disputed. **Paragraphs 124 and 125** of the NPPF, which support the efficient use of land, are therefore highly relevant to the Appellant’s case.
- 9.61 Chapter 12 is entitled “Achieving well-designed places”. Regarding design, **paragraph 130** states that: “*Planning policies and decisions should ensure that developments [inter alia]:*

(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)” [emphasis added]. Density is not a measure of design quality (it is an arithmetical metric, which changes significantly depending on the number of bedrooms assumed for the apartments). **Paragraph 130** recognises that change (such as increased densities) in the built environment can be achieved as part of new developments that are also sympathetic to local character and history, including the surrounding built environment and landscape setting. The planning system seeks to manage change, not prevent it.

- 9.62 The importance of trees is considered at **paragraph 131** stating that, *“trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”*. The scheme will protect and retain important existing trees and the landscaping proposals will include for new tree planting.
- 9.63 Chapter 16 of the NPPF is entitled Conserving and Enhancing the Historic Environment. At paragraph 190 Local Planning Authorities are encouraged in their Local Plan to set out *“a positive strategy for the conservation and enjoyment of the historic environment”*.
- 9.64 At paragraph 194, the NPPF states *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets effected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*. This was addressed by the applicant in the Statement of Heritage Significance (CD – A56). The significance of the existing building has been adequately described. It is also considered in the evidence of Mr Beardmore.
- 9.65 Paragraph 195 states that: *“Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be effected by a proposal.....taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”*.
- 9.66 Paragraph 199 states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)”*. This paragraph does not apply to this appeal, as the proposal is not a designated heritage asset.
- 9.67 Paragraph 203 is referred to in the reason for refusal and deals with non-designated heritage assets. It states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be*

required having regard to the scale of any harm or loss and the significance of the heritage asset.”.

- 9.68 In considering the weight to be attached to any harm, the significance of the heritage asset is a central consideration.
- 9.69 The appeal proposals fully comply with the relevant policy considerations set out within the NPPF and there are no adverse impacts. Even if the decision maker finds harm (which is firmly disputed by the Appellant), such harm does not significantly and demonstrably outweigh the benefits discussed in Chapter 10 below, when assessed against the policies in the Framework taken as a whole.

National Planning Practice Guidance

Planning Practice Guidance

- 9.70. This Appeal submission is clearly reinforced and supported by Planning Practice Guidance (PPG) adopted at the national level. On the 26th June, 2019 the Government published guidance for local authorities in preparing planning policies on housing for older and disabled people.
- 9.71. Paragraph 001 Reference ID: 63-001 – 20190626 explains why it is important to plan for the housing needs of older people stating that:
- “The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over, by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking” (emphasis added).*
- 9.72 The guidance goes on to identify the evidence plan-makers should consider when identifying the housing needs of older people and how the housing requirements of groups can be addressed in plans.
- 9.73 Paragraph 010 Reference ID:63-010-20190626 identifies the different types of specialist

housing for older people which include the retirement living proposed by the Appellant namely:

“Retirement living or sheltered housing: this usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager”.

- 9.74 The guidance states that *“plans need to provide for specialist housing for older people where a need exists”* (paragraph 012 Reference ID: 63-012-20190626).
- 9.75 The guidance also cross refers to viability guidance which *“sets out how decision makers should take account of viability, including for specialist housing for older people.”* (paragraph 015 Reference ID: 63-015-20190626).
- 9.76 Paragraph 016 Reference ID:63-016-20190626 sets out the factors decision makers should consider when assessing planning applications for specialist housing for older people stating: *“Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people. Local planning authorities can encourage the development for more affordable models and make use of products like shared ownership. Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need”* (emphasis added).
- 9.77 The Appeal proposals are strongly supported by national policy and guidance in that they will deliver a much-needed specialised form of housing for older people, in a scheme that contributes to the three overarching objectives of sustainable development (economic, social and environmental).

10. PLANNING BALANCE

10.

- 10.1 This section considers the planning balance in line with the three overarching objectives of sustainable development stipulated within paragraph 8 of the NPPF, namely economic, social and environmental.

ECONOMIC ROLE

- 10.2 The proposal will provide a range of **economic** benefits, including direct employment in its own right, both during the construction phase and with a house manager. The proposal will support the local economy with an increased footfall and local expenditure, whilst also revitalising the housing market through the release of under-occupied family housing.

Financial Benefits arising from the Proposed Scheme

- 10.3 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive as a result of the proposed development.
- 10.4 The Housing White Paper and Select Committee Report: Ministerial Housing White Paper: Fixing our Broken Housing Market (7th February 2017) acknowledged the considerable benefits that retirement housing brings in terms of savings to the public purse particularly to health and social services. This has been recently quantified by a Report carried out by WPI Strategy "*Healthier and Happier - An analysis of the fiscal and wellbeing benefits of building more homes for later living*". This is attached at CD – A10.
- 10.5 The research includes new analysis, conducted by a former Treasury economist, the headlines of which in fiscal terms are:
1. People living in homes for later living typically experience reduced health risks, contributing to fiscal savings to the NHS and social care services of c. £3,500 per person per year;

2. Building 30,000 more retirement dwellings every year for the next 10 years could generate fiscal savings across the NHS and social services worth £2.1bn per year.

10.6 Whilst the whole document articulates the benefits of retirement housing generally, in fiscal terms, the Inspector's attention is drawn particularly to pages 11 – 12 and the accompanying Annex.

Economic Growth

10.7 The NPPF identifies the planning system as having a key role in building a strong and competitive economy. The provision of specialised accommodation for older people would also provide other benefits to the community and local economy as a whole. A significant benefit to the town from the scheme would however be the intended residents themselves. If approved, the development once fully occupied, is likely to accommodate some 30 – 35 residents who (given their age) are more likely to use the shopping and other facilities of the nearby local shops on a regular basis than occupiers of conventional high density housing schemes.

10.8 A further report by WPI Strategy for the Homes for Later Living Group entitled "*Silver Saviours for the High Street - how new Retirement properties create more local economic value and more local jobs than any other type of residential housing*" was published in February 2021 and is attached at CD - A18. This report focuses on job creation and impact on the high street finding that:

- *"For just one retirement development of roughly 45 units, a local authority could expect to see benefits of 85 construction jobs for the duration of the build, as well as six permanent jobs and £13m in GVA²³ over the lifetime of the development, as opposed to not developing a site.*
- *These benefits mean that retirement properties create more local economic value and more local jobs than any other type of residential development.*
- *People living in each retirement development generate £550,000²⁴ of spending per year, £347,000 of which is spent on the local high street. Some £225,000 of*

²³ Gross Value Added

²⁴Based on a retirement development of 45 units

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

- *From these figures, we estimate that a typical retirement housing development has the potential to support more than three local retail jobs. Over the lifetime of the development, a typical development would contribute £2.25m of GVA to the high street”.*

10.9 The scheme itself would employ a full time House Manager together with a number of part-time opportunities for cleaners, gardeners and window cleaners. The redevelopment of the site is likely to see local jobs generated through the construction of the scheme. On average McCarthy & Stone employ circa 60 local companies connected with the construction professions in building their proposed schemes, with anticipation that this would create local work for in the region of 120 people over the circa one year build period.

Release of Under Occupied Housing Stock

10.10 Research undertaken by Professor Michael Ball from the University of Reading in May 2011 entitled “*Housing Markets and Independence in Old Age: Expanding the Opportunities*” (**Appendix 1**) affirms the positive impact that Retirement Housing has on local housing markets. On moving, most residents free up a substantial family home, with two thirds moving from houses with three or more bedrooms.

10.11 The report identifies the following benefits of specialist housing provision based on an analysis of 5,000 sales records of older people who bought McCarthy & Stone properties between 2007 and 2010 (given the age of this data the values set out below will have increased in today’s money due to house price inflation). They show how specialist housing frees up under-utilised family-sized housing in the local area:

- For every 5,000 owner-occupied retirement homes sold, family housing to the value of £1.1 billion is released back onto local housing markets.
- For an individual retirement housing scheme of 40 dwellings, this equates to the release of 40 family-sized homes – the majority of which are in the local area – worth nearly £9 million.
- The average value of the individual dwellings released is just under £220,000. Two thirds had three or more bedrooms.

- Property vacated is then usually bought by younger people and often used to raise families. In this way, local housing stock is recycled through the generations.
- Provision of specialist retirement housing has a multiplier effect through the housing chain. For each individual specialist dwelling built, housing for six people is provided; the classic family of four in the vacated property, and the couple downsizing into specialist accommodation.
- A wider chain of moves is also triggered. As the initial property vacated is likely to be quite substantial, additional moves further down the chain occur. On many occasions, six or more moves can be stimulated.
- First time buyers also benefit. It is estimated that within six moves, a first time buyer is able to enter the housing market.

10.12 More recent research (August 2020) on the wider benefits to the housing market are set out in the WPI Strategy report entitled *“Chain Reaction - The positive impact of specialist retirement housing on the generational divide and first time buyers”* (CD – A6). The report principally explores benefits to the housing chain and helping first time buyers join the housing ladder. In summary, the report sets out that:

- *“approximately 3 million people in the UK over the age of 65 (or 25%) want to downsize.*
- *90 per cent of projected household growth in the coming decades is set to be amongst those aged 65 and over, taking the total number of homes owned by those aged 65 and over from 3.9 million today to at least five million by 2030.*
- *If all the homeowners over the age of 65 in England who wanted to move were able to do so, they would directly release one million properties back onto the market and free up two million spare bedrooms.*
- *Our estimate is that every Homes for Later Living property sold generates two moves further down the housing chain, and in certain circumstances this may be more. This frees up homes at differing stages of the housing ladder for different demographics. A typical Homes for Later Living development which consists of 40 apartments therefore results in 80 additional moves further down the chain.*
- *Roughly two in every three retirement properties built releases a home suitable for a first-time buyer. A typical Homes for Later Living development which consists of 40 apartments therefore results in at least 27 first time buyer properties being released onto the market”.*

10.13 NPPF paragraph 81, which relates to economic growth and productivity, states:

*‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development**’* (emphasis added).

10.14 The weight to be attached to the Appeal proposal’s economic benefits should therefore be ‘significant’. This is separate and additional to the significant weight to be attached to the social benefits.

SOCIAL ROLE

10.15 **Social** benefits are provided through the provision of specialist accommodation for older people, giving older people housing choice to help maintain their independence, remain within an inclusive community, and reduce pressure on health care facilities. There are the following benefits:

- Providing homes that are needed and wanted (as justified in the Planning Statement that accompanied the planning application).
- Encouraging the release of existing housing stock to promote recycling in the housing market and addressing under occupation.
- Providing a safe, secure and caring living environment for the older occupants, maintaining independence in later life and thereby avoiding higher end care. The companionship and “look out” provided by such accommodation optimises independence and well-being.
- Residents of Retirement Living schemes spend less than half the number of nights in hospital (7.4) compared to the national population aged 75 plus. They also have a lower average number of visits per annum to a GP (4.2) compared to 6 of the national population aged 75 plus²⁵.
- Experience from the Covid-19 pandemic has shown that the independent retirement living sector has played a vital role in keeping people safe and secure with residents of such accommodation experiencing lower infection rates

²⁵ As set out in A Better Life: Private Sheltered Housing and Independent Living for Older People that was attached at Appendix F to the Planning Statement (CD – A15) that accompanied the planning application.

compared to the wider older population. A survey of the residents in the Appellant's existing developments conducted during the outbreak revealed that 93% of its homeowners felt safe or extremely safe in their apartments and 88% were very happy with the support they received during the pandemic.

- In doing so, reducing pressure on the public purse in meeting the needs of the local older population *"in their own home"* and *"by their own means"* and in doing so improving their health and well-being – a matter of ever-increasing importance as the age structure continues to change and particularly so in this time of austerity. Notably, Paragraph 001 Reference ID: 63-001 – 20190626 of the Housing for Older and Disabled People section of the updated NPPG states 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 reduce costs to the social care and health systems'*.

10.16 In addition to the above, the Report carried out by WPI Strategy *"Healthier and Happier - An analysis of the fiscal and wellbeing benefits of building more homes for later living"* (CD – A10) referred to above also highlights wellbeing benefits that residents of developments such as that proposed here enjoy. The Executive Summary advised that based *"on a selection of established national well-being criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing to housing specially designed for later living"*.

10.17 Further to the above benefits, it is important to recognise that the occupancy of new retirement accommodation is typically taken up by people already living within the area. The Appellant's extensive experience of providing this type of specialist accommodation tells us that the great majority of prospective purchasers are likely to currently under-occupy a family dwelling within a 5-mile radius of the site. One of the benefits of the Appeal proposal would be that older members of the community are able to continue to live within close proximity of the town centre, interacting socially at the shops and other available town centre services, at a time when the pandemic and associated lockdowns placed unprecedented pressures on the High Street (both retail and leisure). This contributes towards creating a mix of inclusive communities in accordance with the objectives of paragraphs 92 and 130 of NPPF.

10.18 In fulfilling the social role, it is highly material to consider the extant and growing need both nationally and locally for specialised accommodation for older people which is set out in

Chapter 4 of this Statement. The proposal therefore draws significant support from the social role of sustainable development.

Affordable Housing Provision

- 10.19 The scheme would make a modest contribution towards the off-site provision of affordable housing. Mr Mackay's evidence demonstrates that the contribution is the maximum amount that the scheme can provide and remain viable. The provision of this contribution represents a further social benefit in accord with NPPF paragraphs 62 and 63 and Core Strategy Policy L2.

Five Year Housing Land Supply

- 10.20 The provision of a 5 year supply of deliverable housing sites is the minimum requirement of national policy (see NPPF paragraph 74). The NPPF stipulates that Local Authorities should provide 5 years' worth of housing against their requirements with an additional buffer of 5% to ensure choice and competition in the market for land.
- 10.21 The Council cannot demonstrate a 5 year housing land supply and it is highly material to consider that the scheme proposal in Sale would provide for 25 dwellings (a net increase of 14) that would make an important contribution in the short term towards the Council's housing provision as acknowledged in NPPF paragraph 69 and the definition of deliverable sites (as discussed above at paragraph 9.48). This would be additional to the contribution towards addressing the 'critical' need for older persons housing identified in the NPPG. In doing so, the proposal would assist in boosting significantly the supply of housing. The proposal therefore derives strong support from the provisions of NPPF paragraphs 60, 62 and 74.
- 10.22 The delivery of housing on sustainably located previously developed sites such as this will help relieve pressure on the need to release greenfield sites. If housing needs are not met on sites such as this, they will need to be met on less sustainable greenfield sites.

Conclusion on Social Role

- 10.23 The appeal scheme will derive numerous social benefits and these should be afforded very significant weight in the determination of this appeal. There is no reasonable evidence to the contrary.

ENVIRONMENTAL ROLE

- 10.24 The Statement of Common Ground confirms that it is agreed between the Appellant and the Council that there will be no material environmental harm arising from the proposals in terms of any impact upon designated heritage assets, flooding and ecological interests.
- 10.25 The Appeal scheme offers **environmental** benefits including making effective and efficient use of a previously developed, sustainably located site and valuable housing land resource rather than developing a more sensitive greenfield site. This would assist with the delivery of housing within a short timeframe, which would also reduce the significant pressures on land beyond the settlement boundary for residential development.
- 10.26 The proposal has the following additional benefits:
- Construction of a high-quality development which successfully responds to a variety of townscape contexts, and is accessible and inclusive in addressing the requirements of its future users.
 - A very efficient and high standard of build utilising sustainable construction measures and minimising the use of energy.
 - Reducing the need to travel by developing in a highly sustainable location within easy walking distance of the town centre and the shops and services therein.
- 10.27 In addition to the above, a report published in April 2022 by WPI Strategy for the Homes for Later Living Group entitled “Sustainable Living” - How the ‘downsizing dividend’ can deliver a greener housing future” (CD – A19) found:
- “Each new build McCarthy Stone apartment could save over 1 tonne of CO2 each year through reduced energy loss in a ‘downsizing dividend’.
 - Older people moving into a McCarthy Stone apartment create a ‘home improvement dividend’ as younger homeowners move into the freed up family homes and make energy efficiency improvements.
 - Residents of specialist retirement housing are also less likely to drive and it is estimated that building 45 specialist retirement housing properties could take up to 15 cars off the roads.
 - Adding the various savings together, building a new McCarthy Stone apartment instead of a standard new build house could save nearly 2 tonnes a year in CO2 emissions.

- Taking these savings together, in line with recognised estimates of demand, were the UK to build 30,000 retirement living properties - ie 10% of the new homes per year target - annually, instead of 30,000 new standard houses, our analysis suggests that we could prevent nearly 60,000 tonnes of carbon dioxide a year being released into the atmosphere”.

10.28 It is also important to recognise that in addition to the above benefits, the scheme will not have unacceptable adverse impact upon a wide range of environmental considerations including ecology and flooding. The proposal will therefore provide environmental benefits which weigh in the scheme’s favour.

10.29 Allegations of harm in terms of environmental considerations (which are firmly disputed by the Appellant) stem from the Council’s reasons for refusal as summarised in the issues to be addressed at Chapter 7 above. These are considered below.

The heritage value of 35 Oakfield and the effect of its demolition

10.30 This matter is considered by Mr Beardmore in his Proof of Evidence. His conclusions are:

- the Council has failed to demonstrate that the building is a non designated heritage asset. In addition, the building does not have sufficient heritage significance to be added to a Local List of such assets. Accordingly there is no heritage case for the appellant to answer; and
- In particular, the building fails to meet any reasonable test of heritage significance. Firstly it does not exhibit enough design quality or originality in the external use of proportions, range of workmanship or materials, or of the internal fittings that survive. Secondly the Council has failed to exert any reasonable degree of proportionality in its assessment of significance by failing to take account of the extremely poor external appearance and highly degraded state of three of the four main elevations, ie excluding the frontage to Oakfield.

The character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping

10.31 This matter is considered by Mr Earle in his Proof of Evidence. His conclusions are:

- the scheme as proposed provides a visually coherent appearance, form, siting, height and layout, would introduce a visually appropriate development which is wholly consistent with the policy objective of delivering well-designed places and successfully responds to the local context and historic character of the site and surrounding area.

The living conditions of future occupants with regard to external amenity space

- 10.32 The nature of the proposed development and its residents are described in some detail in Chapter 3.0 above. The key traits being that it is a passive form of development for less active older people.
- 10.33 Attached at Appendix 9 is a document entitled *'Statement on Amenity Space Provision in Respect of McCarthy & Stone Retirement Living Housing Developments'*. This sets out in some detail the Appellant's experience in providing for the recreational needs of its residents having completed over 58,000 units of retirement living accommodation in over 1,300 schemes over the last 46 years. This confirms that neither the quantity nor quality of amenity space provided is a matter which residents who have purchased a McCarthy & Stone apartment regularly complain about. Nor is there any evidence that prospective purchasers are dissuaded from buying an apartment for this reason. The most important amenity space for the older residents is not in fact found to be outside the building but is the residents' lounge. The report concludes that the use of amenity space standards is a crude and inappropriate method of assessing the amenity space needs of retirement living housing developments. The table at pages 17-19 of Appendix 9 show the level of amenity space at a number of McCarthy & Stone developments. The level provided at this Sale site is on par and indeed, in excess, of the level provided on other sites developed by the Appellant.
- 10.34 The Council's 2004 adopted New Residential Development Planning Guidelines (PG1) discusses garden and amenity space at Section 13. Paragraph 13.5 deals with flatted development (there is no specific mention of specialised developments for older people) and states that, *"for flats, 18 sq. m of adequately screened communal area per flat is generally sufficient for the functional requirements. Balconies can count as part of the amenity space provision"*.
- 10.35 Dwg No. NO-2860-3-AC-1015 in Mr Earle's evidence illustrates and quantifies the level of amenity space provided on this development. This shows that 600m² useable garden area will be provided on the site. This equates to 24m² per apartment. Hence the level provided

within the garden area alone is in excess of the Council's standard. The amenity space provision is further bolstered by the incorporation of patios, balconies²⁶ and the important internal amenity space within the residents' lounge.

- 10.36 Notwithstanding the Council's allegation of harm, this form of specialised housing provides proven health and well being benefits for the future occupiers. The level of amenity space will be comfortably in excess of the Council's minimum standard and the scheme will provide high quality living conditions for future residents.

The living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance

- 10.37 This matter is considered by Mr Earle in his Proof of Evidence. His conclusions are:
- the proposed building by reason of its scale height and massing and proximity to the common boundary with the adjoining property 41 Ashlands, would not give rise to undue overlooking from balconies and would not have a visually intrusive and unduly overbearing impact to the detriment of the residential amenity that the adjoining occupants could reasonably expect to enjoy; and
 - there is no detrimental overshadowing of the rear garden of 41 Ashlands, that there is no undue overlooking of the garden, that the current boundary treatment and existing trees provide a further level of screening between the sites and that the proposed stepping of the mass and relationship to the boundary are both considered and reasonable in terms of townscape.

- 10.38 Given Mr Beardmore's, Mr Earle's and my own evidence and conclusions, there is no environmental harm arising from the proposed development to weigh against the environmental benefits set out above.

CONCLUSION ON PLANNING BENEFITS

- 10.39 I have set out the other material considerations and planning benefits above. The planning benefits and the weight to be attributed to them are set out in summary below:

²⁶ The balconies provide a total of 112.79m² and the patios 27.47m² amenity space.

<u>Planning Benefits</u>	<u>Weight</u>
Provision of 25 specialist units of retirement accommodation	Significant – Complies with NPPF Paragraphs 60 and 62; PPG; Core Strategy Objective SO1, Policy L1 and L2. Emerging sub-regional Policy JP-H1 and Policy JP-H3
Redevelopment of a Previously Developed Site	Significant - Complies with Paragraphs 8, 11, 69, 119, 120 and 123 of NPPF; Core Strategy Strategic Objective SO7, Policy L1; Emerging sub-regional Policy JP-S1.
Redeveloping an accessible and sustainable Site	Significant - Complies with Paragraphs 8, 11, 69 of NPPF; Core Strategy Strategic Objective SO6, Policy L4; Emerging sub-regional Policy JP-S1
Effective and Efficient use of Land	Significant - Complies with Paragraphs 119, 120, 124 and 125 of NPPF. Core Strategy Strategic Objective SO7, Policy L1; Emerging sub-regional Policy JP-H4
Meeting local housing need for older persons	Significant - Complies with Paragraphs 60, 62, 92 of NPPF; PPG; Core Strategy Objective SO1, Policy L1 and L2. Emerging sub-regional Policy JP-H1 and Policy JP-H3
Freeing up under occupied local housing stock	Significant Complies with NPPF paragraph 60; Core Strategy Objective SO1, Policy L1 and L2. Emerging sub-regional Policy JP-H1 and Policy JP-H3
Economic Benefits of the Proposed Scheme	Significant
Social Benefits of the Proposed Scheme	Very Significant
Environmental Benefits of the Proposed Scheme	Moderate

- 10.40 This shows that the scheme will attract significant and demonstrable economic, social and environmental benefits. Even if the decision maker were to conclude that some adverse impacts would arise from the proposal (which is firmly refuted by the Appellant), such harm would not significantly and demonstrably outweigh the scheme's significant and wide-ranging benefits, the proposal complies on the whole with the development plan and the planning balance must weigh heavily in favour of the proposed development. Planning permission ought to be granted in line with the presumption set out within the NPPF.
- 10.41 If the scheme were not to be allowed it would delay indefinitely the redevelopment of this vacant brownfield site, and the delivery of specialised accommodation for older persons for which there is an identified local housing need. The vacant nature of the existing building on the site does not provide any positive benefits for local residents and is unsightly and detrimental to the character and quality of the local area. In refusing planning permission, the Council has unnecessarily delayed the many and significant benefits that would arise from the development.

11.0 CONSIDERATION OF REPRESENTATIONS SUBMITTED BY THIRD PARTIES

- 11.1 In this case the concerns raised by third parties do not identify any unacceptable impacts leading to material planning harm and should not therefore prevent the approval of the Appeal Scheme.
- 11.2 In response to the planning application representations were received from third parties together with comments from the Sale Civic Society.
- 11.3 Comments submitted objecting to the application proposals (6 letters of objection from five separate addresses), covering the alleged issues as summarised in the officer's report (CD – A63) below. The Appellant's response to the issues raised is set out in **bold** beneath it/them:

- Design and amenity matters including:
 - Overdevelopment of the site, footprint too large for the site
 - New building higher than nearby residential house (41 Ashlands) and will be overbearing
 - Overlooking to 41 Ashlands and 48 Ashlands from walkout balconies
 - Inaccurate plan (does not reflect 41 Ashlands south facing bay missing and trees between in wrong location)

These above matters are addressed in Mr Earle's Proof of Evidence.

- Heritage matters including;
 - Loss of another traditional building in Sale would be detrimental to the area.

This matter is dealt with in Mr Beardmore's Proof of Evidence.

- Highways matters including:
 - Transport Statement does not refer to road configuration, particularly the bend in the road which obscures site entrances at the site;
 - Proposal will result in an increase in traffic;
 - Insufficient parking (16 spaces for 25 flats);
 - Oakfield is a rat run with double yellow lines both sides, cars speed and park on double yellows picking up school children another block of flats is not needed; and
 - Residents find it difficult to access Washway Road because of the volume of traffic on Oakfield.

The planning application was accompanied by a Transport Statement (CD – A21)

which confirms that the development would have appropriate parking, access and servicing arrangements and that it would have no adverse impact upon the local highway network. The officer's report (CD – A63) set out that the Local Highway Authority had no objections to the proposed development.

- More nursing homes/flats in Sale instead of traditional housing to match existing properties in the area.

Chapter 4 of this Proof sets out the need for this type of specialised housing for older people. Mr Earle's Proof details the appropriateness of the scheme's response to the prevailing townscape.

11.4 The following comments made by the Sale Civic Society are addressed above and in the Proofs of Mr Beardmore and Mr Earle:

- The existing building is a large substantial merchant's house dating back to the 1860s;
- Villas such as this building are not now so common in Sale many having been lost to development;
- If permission was to be granted it is requested the front of the property is retained. Any redevelopment of the site must explore retention of the property with possible sympathetic extension to the rear;
- Concern also regarding increase in traffic at a dangerous bend next to a primary school; and
- Size, scale and density of development is over intensification of the site and will result in loss of light and privacy to some surrounding properties.

11.5 In addition one letter was received from a resident who references the loss of an old property, has no objection to improving the site but asks that the front boundary can be retained and any new building to be at the rear of the site.

11.6 All of the objections received prior to and following submission of the planning application have been thoroughly considered. However, for the reasons set out in this Proof and its supporting appendices together with the Proofs of Evidence of the appellant's other witnesses, it is not considered that any of the objections would justify the refusal of planning permission.

11.7 Further to the comments of the local community, even though the planning officer

recommended refusal, it is notable that there were no objections raised by statutory consultees²⁷.

²⁷ Save for the Greater Manchester Ecology Unit. Its objection was subsequently withdrawn following the submission of the bat survey.

12.0 CONCLUSION AND SUMMARY – PLANNING OVERVIEW

- 12.1 In the introduction to my Proof of Evidence I establish the importance of undertaking a balanced planning overview and appraisal of the overall merits of the Appeal Proposals. I have examined the Appeal Proposals in light of Section 38 (6) and Section 70 (2) of the Planning and Compulsory Purchase Act 2004 with regard to those matters which I take to be the primary planning considerations.
- 12.2 My analysis of the relevant policies shows that the Appeal Scheme will comply with the aims and objectives of both national policy and the Development Plan. This will principally be achieved by the provision of a highly sustainable form of development on a brownfield site that will provide much needed specialised accommodation for the elderly. The presumption in favour of sustainable development should therefore prevail.
- 12.3 My evidence, together with that of Mr Beardmore, Mr Mackay and Mr Earle shows that contrary to the Council's allegations of harm:
- The heritage value of 35 Oakfield is limited and in making a balanced judgement the benefits of the proposed development outweigh any harm arising from the effect of its demolition;
 - The proposed development would not have an unacceptable adverse impact upon the character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping;
 - The proposed development would provide adequate and appropriate living conditions of future occupants with regard to external amenity space;
 - The proposed development would not have an unacceptable adverse impact upon the living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance;
 - The scheme can only make a financial contribution of £208,186, towards affordable housing and remain viable;
 - The weight to be attached to the need for specialist accommodation for older people is very significant;
 - The weight to be attached to the other economic and social benefits of the development is significant; and
 - The proposal is sustainable development in Development Plan and NPPF terms.

12.4 In conclusion therefore and in terms of the four fundamental principles identified in paragraph 1.8 in the introduction to my Proof of Evidence, the Appellant's evidence shows that:-

- (i) A balanced view of relevant policy and other material considerations supports the development of the Appeal Site in the manner proposed by the appeal scheme;
- (ii) There are persuasive sustainability arguments that weigh heavily in favour of the proposed development;
- (iii) The proposed development would realise material planning benefits; and
- (iv) The proposed development would not cause material planning harm.

12.5 **The overall planning merits of the Appeal Scheme are persuasive and no sound or clear cut reason to refuse planning permission has been put forward. The presumption in favour of sustainable development should prevail. I therefore respectfully request that the Inspector upholds this appeal. Applying, NPPF (11) the proposal complies with the development plan and should be consented to meet the critical need for specialist accommodation for older people. Any harm alleged by the LPA (which is firmly disputed by the Appellant) does not significantly and demonstrably outweigh the significant benefits arising from the proposed development.**