
STATEMENT OF CASE

2 STATION ROAD, GREAT SHELFORD,
CAMBRIDGESHIRE, CB22 5LT

planning*issues*
TOWN PLANNING AND ARCHITECTURE

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL RETIREMENT LIVING LTD AGAINST SOUTH CAMBRIDGESHIRE COUNCIL'S FAILURE TO DETERMINE A PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO FORM 39 No. RETIREMENT APARTMENTS FOR OLDER PERSONS WITH ASSOCIATED COMMUNAL FACILITIES, ACCES AND CAR PARKING AND LANDSCAPING.

SITE: 2 STATION ROAD, GREAT SHELFORD, CAMBRIDGESHIRE, CB22 5LT

LPA REF: 21/05276/FUL

CONTENTS

1.0	INTRODUCTION.....	3
2.0	APPEAL PROPOSAL.....	4
	Appeal Site Description.....	4
	Proposed Appeal Scheme.....	4
	Relevant Planning History.....	5
3.0	PLANNING APPLICATION PROCESS.....	6
4.0	DEVELOPMENT PLAN POLICY.....	8
	Development Plan Policy.....	8
	National Planning Policy.....	9
5.0	APPELLANT'S CASE.....	10
	Five Year Housing Land Supply.....	10
	Principle of Development.....	11
	Design.....	12
	Highways and Parking.....	12
	Drainage & Flood Risk.....	13
	Affordable Housing.....	13
	Neighbouring Amenity.....	15
	Planning Infrastructure Obligations.....	15
	Planning Balance and Material Planning Benefits.....	14
	Conclusion.....	15
6.0	WITNESSES.....	16
	Planning Conditions.....	16
7.0	CONCLUSION.....	17

1.0 INTRODUCTION

- 1.1 This statement has been prepared by Planning Issues Ltd. to support an appeal by Churchill Retirement Living Ltd against South Cambridgeshire Council's failure to determine an application for the demolition of the existing buildings on site and redevelopment to form 39no. retirement living apartments for older persons including communal facilities and access associated car parking and landscaping. This document should be read in conjunction with the Draft Statement of Common Ground (SoCG).
- 1.2 Planning Issues Ltd is a subsidiary company of the Appellant. Planning Issues Ltd has provided planning advice to the Appellant on the proposed redevelopment of the appeal site since January 2021 and has acted as agent on behalf of the Appellant in submitting and pursuing the planning application that is now subject to this appeal.
- 1.3 This Statement provides a summary of the site and its surroundings, relevant planning policy considerations and planning history, a statement of the Appellant's case, and documentation which will be referred to in evidence.

2.0 APPEAL PROPOSAL

Appeal Site Description

- 2.1 The 0.29 hectares site off Station Road comprising of several units and a central car park. The existing buildings are 1.5 and 2 storey in height. Vehicle access is via Station Road. The existing buildings are vacant.
- 2.2 The character of the immediate surrounding area is mixed, comprising mainly of residential properties but with commercial units on site and in proximity to the railway station. To the north of the site is a contemporary development of townhouses and apartments, to the south, was until recently, a storage unit containing a fuel-depot, which has since been demolished for a new development of a 63 bed care home. The east of the site is the railway line and the west is a residential development of 1950s semi-detached houses.
- 2.3 The character of the immediate surrounding area is residential, with storey height ranging from 2-4 storeys. To the east of the site is a Grade II listed building (former Grand Hotel, located on Thoroughgood Road).
- 2.4 The site is located within the built up area boundary of Great Shelford, the Local Planning Authority is South Cambridgeshire District Council. Great Shelford is identified as a rural centre and has a significant group of local shops and services. The site is outside but adjacent to the Great Shelford Conservation Area which is opposite the entrance to the south and to the east of the site.
- 2.5 Please see the Design and Access Statement submitted with the application for further details on the appeal site and its context.

Proposed Appeal Scheme

- 2.6 The scheme the subject of this appeal is for the redevelopment of the site to form 39no. retirement living apartments for older persons including communal facilities and associated car parking and landscaping.
- 2.7 The Appellant has specialised in the provision of purpose built apartments designed specifically for the elderly since 1998 and has provided development proposals throughout England and Wales. The accommodation proposed is specifically designed to meet the needs of independent retired people, and provides self-contained apartments for sale contained within a single block. The Planning Statement submitted with the application provides more information on the nature of the accommodation proposed and the benefits of specialised accommodation for older persons.

Relevant Planning History

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

3.0 PLANNING APPLICATION PROCESS

3.1 The application subject of this appeal was submitted to South Cambridgeshire Council on 19th November 2021 and was validated from the 1st December 2021. The application submitted was for the demolition of existing buildings and redevelopment of the site to form 39 no retirement living apartments for older persons including communal facilities, access, parking and associated landscaping.

3.2 In accordance with the National Planning Policy Framework at paragraphs 39-41 the Appellant held pre-application meeting on site with the Council in April 2021 with a written response in May 2021 prior to the submission of the application in November 2021.

3.3 The application submitted to the Council in November 2021 included the following plans:

Details	Plan Number	Scale
Site Location Plan	40040GS/PA00	1:1250 @ A3
Site Layout Plan	40040GS/PA01	1:200 @ A1
Ground Floor Plan	40040GS/PA02	1:100 @ A1
First Floor Plan	40040GS/PA03	1:100 @ A1
Second Floor Plan	40040GS/PA04	1:100 @ A1
Roof Plan	40040GS/PA05	1:100 @ A1
Elevation Sheet 1	40040GS/PA06	1:100 @ A1
Elevation Sheet 2	40040GS/PA07	1:100 @ A1
Elevation Sheet 3	40040GS/PA08	1:100 @ A1

3.4 The application was also submitted with the following accompanying statements and information;

- Design and Access Statement by Planning Issues Ltd.
- Planning Statement by Planning Issues Ltd
- Drainage Statement and Strategy Plan by AWP.
- Transport Statement by Paul Basham Associates
- Landscaping Strategy by James Blake Associates
- Ground Investigation Report by Crossfield Consulting
- Affordable Housing Viability Assessment by Planning Issues
- Statement of Community Involvement by Devcomms
- Heritage Statement by Ecus
- Commercial Report by Cheffins
- Noise Assessment by 24Acoustics
- Sustainability Statement by JSP Ltd.

- Ecological Assessment by Tetrattech

3.5 The following additional information was submitted through the course of the application:

- Note on Vacant Building Credit
- Office Tenants Plan
- Response to Urban Design Comments
- Drainage Comments Response Rev A 26th January 2022
- Transport Note (January 2022)
- Visibility Splay Drawing (536.0040.002 Rev B)
- Verified Visual Montages by LoudFX

4.0 DEVELOPMENT PLAN POLICY

4.1 This section of the SoC identifies the relevant national, regional, and local planning policies considered to be of relevance to the determination of the Appeal. It is anticipated that the applicable adopted and emerging national and local planning policy will be agreed with the Council through the SoCG. If certain matters cannot be agreed, evidence will be presented in relation to adopted and emerging national and local planning policy.

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

4.3 The Development Plan for South Cambridgeshire District Council is the South Cambridgeshire Local Plan (2018).

Development Plan Policy

4.4 The planning policies that are relevant to the redevelopment of this site to older people housing on this proposal site are listed below.

S/2 – Objectives of the Plan

S/3 – Presumption in Favour of Sustainable Development

S/6 – The Development Strategy to 2031

S/7 – Development Frameworks

S/8 – Rural Centres

S/12 – Phasing, Delivery and Monitoring

CC/1 – Mitigation and Adaptation to Climate Change

HQ/1 – Design Principles

NH/4 – Biodiversity

NH/14 – Heritage Assets

H/9 – Housing Mix

H/10 – Affordable Housing

H/12 – Residential Space Standards

E/14 – Loss of an Employment Land to Non Employment Uses

SC/2 – Health Impact Assessment

SC/4 – Meeting Community Needs

TI/2 – Planning for Sustainable Travel

TI/3 – Parking Provision

National Planning Policy

4.5 The **National Planning Policy Framework** (July 2021) (the Framework) sets out the Government's planning policies for England, and how these are expected to be applied, and is a material consideration in the determination of the Appeal.

4.6 The following sections are considered to be relevant to this appeal;

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making Effective use of Land
- Section 12 - Achieving well-designed places
- Section 16 - Conserving and Enhancing the Historic Environment

4.7 In addition, the **National Planning Practice Guidance (PPG)**, launched on 6th March 2014, also contains relevant advice on the determination of planning applications and plan making. It is considered that the following sections are relevant to this appeal;

- Design
- Effective Use of Land
- Housing for Older and Disabled People
- Viability

4.8 In addition, the Appellant will also make reference to the recent House of Lords Built Environment Committee Report on Meeting Housing Needs (January 2022) and the Government's response to the report issued end of March 2022.

5.0 APPELLANT'S CASE

- 5.1 The following section of the Statement of Case summarises the Appellant's evidence in relation to the proposed development at the Appeal site, prior to a full submission of the Appellant's evidence.
- 5.2 In the absence of reasons for refusal, the Appellant's case focuses on compliance of the scheme with the Development Plan and national planning policy, and the material planning benefits to be accrued by the proposed scheme. The Appellant's evidence will demonstrate that the scheme makes a significant contribution to housing and specialist housing need in a sustainable location and incorporates good-quality design appropriate to local character.
- 5.3 Given the failure of the LPA to determine the application and the absence of any reasons for refusal the Appellant will need to submit evidence separately addressing any deemed reasons for refusal cited by the LPA.

Five Year Housing Land Supply

- 5.4 Under the revised Framework, Local Planning Authorities need to demonstrate a five year supply of deliverable housing sites, with appropriate buffer^a or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 5.5 Failure to demonstrate a five year supply of deliverable housing sites or the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years then the policies which are most important for determining a planning application are out of date^b.
- 5.6 The Greater Cambridge Housing Trajectory and Five Year Housing Land Supply report from April 2022 identifies that the Councils can demonstrate a 6.5 year supply of housing land.
- 5.7 The latest '2021 Housing Delivery Test measurement' which is the last annual measurement of housing delivery in the area of relevant plan-making authorities, identifies that South Cambridgeshire have delivered 145% of the housing delivery requirements.

1.1 _____

^a National Planning Policy Framework, Paragraph 74. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

^b National Planning Policy Framework, Paragraph 11. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

5.8 It is the Appellant's case that the proposed scheme would not result in any adverse impacts, and even if it were considered to be some adverse impacts they would not significantly and demonstrably outweigh the benefits of the proposed scheme.

Principle of Development

5.9 The Appellant considers that the principle of redeveloping this site for specialised accommodation for older persons complies with the spatial objectives of the Local Plan and the presumption in favour of sustainable development (NPPF, Policy S/3). The site is previously developed land in a sustainable location within Great Shelford which is identified as a rural service centre. The redevelopment of the site complies with the overall spatial strategy set out in Policy S/6. The site is an unallocated site within a built up area and subject to a design that is compatible to the scale and character of the local area the proposal will comply with Policy S/7.

5.10 Policy E/14 seeks to resist the loss of employment sites to other uses within development frameworks unless one of its criteria are met which includes *'the overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises'*.

5.11 The recent consent for the care home on the adjacent site was approved with the Council considering that the benefits to the community of providing specialist accommodation for older persons outweighed the loss of the employment site. The nature and type of specialist accommodation for older people will vary from nursing homes, care homes, extra care facilities through to forms of independent living for later years as proposed. All serve a purpose in meeting a community's need to provide a range and mix of suitable accommodation for older persons.

- The site is currently vacant with the existing buildings having been subject to marketing. A marketing report was submitted with the application which identified There is a falling demand for out of office employment space in the Cambridge market area;
- The site and accommodation subject of this pre-application submission does not appeal to the market as evidence by the number of vacant units on site and the associated marketing information;
- Great Shelford and the surrounding environs is well serviced for office accommodation of a better quality than the pre-application site.
- Market demand is for modern open plan office accommodation not aged stock that cannot meet modern office requirements.

5.12 Given the Council's determination that the delivery of specialist accommodation for older people would outweigh the loss of an employment site in this location, and the lack of market interest in these dates

commercial buildings the Appellant therefore considers that the proposal complies with criteria 2 of Policy E/14.

Design

- 5.13 The application was submitted with a Design and Access Statement that undertook a thorough contextual analysis of the site and surrounding area. The scale and massing of the proposed scheme at 2.5 and 3 stories is in keeping with the height of buildings adjacent to the site. The appearance of the building uses a palette of materials common to the Great Shelford area ensures that the proposal is in keeping with the character and appearance of the village.
- 5.14 The scale and massing of the building has taken reference from the townhouse scheme to the north of the site and recently consented care home development. The Appellant will point out that this enclave of Great Shelford has its own character as a result of the recent developments and the proposed scheme will complete and reinforce that character. It should be noted that the Council's conservation officer raised no objection to the proposed scheme's height, scale, mass, layout or appearance concluding that it caused no harm to the adjacent Great Shelford conservation area.
- 5.15 The Appellant is an experienced provider of specialised accommodation for older people and designs schemes with the functional requirements of its end users in mind as well as the constraints and opportunities provided by the site. The Appellant is of the view that the proposed scheme is a high quality design and that planning permission should have been granted without delay.
- 5.16 The Local Authority through application discussions have advised they may have concern in respect of the design. The appellant therefore reserves the right to provide additional representation in respect of the design.
- 5.17 The appellant considers that the issue of design will be a live issue through the appeal.

Highways and Parking

- 5.18 The Appellant submitted a Transport Statement with the application which considered the transport aspects of the site and the proposed development. The proposed development provides 16 unallocated car parking spaces for residents of the apartments along with a buggy store for mobility scooters. The provision of 16 parking spaces associated with the development is considered to be appropriate given the location of the site and on the basis of evidence from similar Churchill Retirement Living sites elsewhere, and will ensure there is no overspill parking onto surrounding roads. The apartment scheme provides a car parking ratio of 0.41. This level of parking provision was agreed as acceptable by the highways authority and not envisaged to be an issue at the appeal although evidence will be provided on it if the Council subsequently raise an issue with parking numbers.

5.19 The Highways Authority did request planning conditions in the event that the application proposal were to be approved. Some of the conditions the Appellant consider to be unnecessary and will look to provide evidence on these points should the Council consider that the proposal would have warranted refusal without the inclusion of such conditions. The conditions in question related to design of the access and size of parking spaces.

5.20 The Appellant considered that the proposal complies with the Local Plan policies TI/2 and TI/3 and Paragraph 111 of the Framework which advises 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 on the road network would be severe. The Appellant considers that the proposal would provide an acceptable access, egress and parking provision for the site and would not result in an unacceptable impact on highway safety.

Drainage & Flood Risk

5.21 As part of the application a Flood Risk and Drainage Technical Note was submitted with an update provided (Revision A) following the request for further information in relation to drainage from the Lead Local Flood Authority.

5.22 Further information was provided in relation to sufficient storage and the proposed treatment of surface water run-off to discharge at 2l/s. It is the appellant position that Technical Note Revision A provides the requested information.

5.23 The appellant is assuming that this will be a live issue at the appeal if a solution cannot be agreed upon following the revised Technical Note.

5.24 The site falls within Flood Zone 1 (low probability of flooding). Flooding is not considered to be an issue for the appeal

Affordable Housing

5.25 The Appellant submitted an affordable housing statement with the proposed scheme for the Council's consideration. This included evidence in respect to the viability inputs associated with specialised accommodation for older people which is acknowledged by national planning policy (PPG) to differ from mainstream housing in terms of its characteristics and viability consideration (e.g. additional communal areas, slower sales rate etc.) and information on the use and calculation of affordable housing provision having regard to vacant building credit.

5.26 The Council requested further information regarding the application of vacant building credit which was provided by the Appellant. No further position was advanced by the Council so the Appellant is unclear

of the Council's position and whether this remains a live issue for the appeal. If it is a live issue the Appellant would look to produce a witness to support its affordable housing position and financial offer.

- 5.27 The Appellant will submit a legal agreement as part of the appeal process to secure the provision of affordable housing.

Neighbouring Amenity

- 5.28 The Council through discussions has raised concerns with the impact of the proposed scheme on the amenities of one neighbouring residential property to the north of the site. The Appellant considers that the proposed scheme does not detrimentally impact the neighbouring residential property who has a secondary window facing into the site from a dining room with the principle windows and doors to the room facing eastwards to the railway. The Appellant considers the proposal in a built up area provides sufficient separation distances and does not cause an unacceptable impact on the neighbouring property.

Planning Infrastructure Contributions

- 5.29 The Council's S106 officer has requested a range of planning infrastructure financial contributions which will need to be assessed against the statutory Reg 122 tests set out in the Community and Infrastructure Levy regulations and listed in Paragraph 57 of the NPPF. Those tests need to be met for an obligation to be sought. The Appellant will consider the requested planning obligations against the tests with regard to the specific nature of the proposed development. Evidence will be provided on occupation rates and amenity space requirements where necessary.

Planning Balance and Material Planning Benefits

- 5.30 It is necessary for the decision maker to carry out a planning balance exercise in respect to the application including consideration of the policy compliance of the application, its planning merits in meeting planning objectives and the consideration of other planning benefits. Evidence will be presented to demonstrate that in line with the social, economic, and environmental objectives of Paragraph 8 of the Framework, the scheme presents the following benefits:

- Development of previously developed land;
- Development would be of land in a sustainable location
- Making optimum use of a previously developed site
- The delivery of much needed specialist housing for older people
- Development would provide 39 retirement market dwellings
- Provision towards the delivery of affordable housing
- Releasing under-occupied housing stock
- Economic benefits through job creation through construction and operational phases, and through residents spending locally

- Social benefits of specialised accommodation for older persons
- Environmental benefits including photovoltaic panels

5.31 The Appellant will provide recent appeal decisions at Fleet (APP/N1730/W/20/3261194) and Basingstoke (APP/H1705/W/20/3248204) with appeal evidence to demonstrate the substantial weight that should be afforded to the planning benefits of the proposed scheme.

Conclusion

5.32 In conclusion, the Appellant will demonstrate that the proposal is completely in accordance with the development plan and the material planning benefits of the proposed scheme as established in recent appeal decisions all weigh heavy in favour of the scheme.

5.33 The Appellant considers that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed scheme when assessed against the Framework as a whole. The appellant considers he proposed scheme complies with the development plan and planning permission should have been granted.

6.0 WITNESSES

6.1 At this stage, we anticipate presenting evidence and witnesses to address the reasons for refusal which will be;

- Planning witness addressing planning policy, neighbouring amenity and planning balance
- Design Witness
- Highways Witness
- Development Viability Witness
- Drainage Witness

6.2 We will seek to reduce the evidence required through the production of an agreed Statement of Common Ground (SoCG), as indicated above and will continue to work with the Council to minimise dispute between parties.

Planning Conditions

6.3 A list of draft Planning Conditions will be discussed and agreed with the Local Planning Authority and will be included within the final SoCG.

7.0 CONCLUSION

7.1 The Appellant's case clearly sets out that the Appeal Site is located in a sustainable location in Great Shelford, within reasonable walking distance of key local services and facilities and close to a transport hub, is in accordance with the development plan for new development, and will deliver significant and tangible benefits to the new and existing community, including:

- The site is in a highly accessible location, making it suitable for older people housing;
- The location of the development will make a positive and sustainable contribution to the local economy in terms of placing development where it is needed in an accessible location ensuring there is no undue reliance on use of the private car for future occupants;
- The proposals contribute to a serious and significant local need for older people housing and to the Council's housing policy objectives in respect of delivery of private retirement housing;
- The Appeal proposal would assist in releasing and freeing up under-occupied houses elsewhere in the county back into the housing market;
- The development would allow independent living, reducing security worries for older people, reducing loneliness and isolation for older people by creating a community and having someone who can be called upon in an emergency;
- The proposal is a result of comprehensive engagement, pre-application discussions, and an evolving design process. This has resulted in a proposal that provided high-quality design which accords with the character of the area, whilst meeting the needs of the future occupiers;
- The use of the site for a retirement housing development is wholly appropriate at this location and the design of the proposal will make a positive contribution to the character of the area and which respects and enhances the Great Shelford Conservation Area.

7.2 On the basis of the above, we consider that the proposals accord with national and local planning policy, and in line with the presumption in favour of sustainable development and Paragraph 11 of the Framework, should be approved without delay.