

Policy H6 C2/C3 Housing for Older People Process Note

Context

The purpose of this process note is to clarify how AVDC has addressed the Inspector's concerns relating to how policy H6 deals with accommodation for older people, and how AVDC considers that H6 needs to be modified in order to make the Local Plan sound in respect of those concerns.

In paragraphs 59 and 60 of his Interim Findings, the Inspector found that the second and third paragraphs of the draft policy H6 did not demonstrate that it provides for the housing needs of older people: specifically, the Inspector found that the policy does not recognise that specialist housing for older people cannot be expected on mainstream housing sites and should be addressed by specific allocations. As the Inspector noted in paragraph 61 of his Interim Findings, the Council had already accepted that the final part of policy H6 required modification. Subsequently, the Council agreed to revisit the policy to distinguish more clearly its three aims:

1. a policy on housing mix;
2. a policy on the provision of the range of institutional or quasi-institutional housing with care provision and communal facilities for older people (C2 uses); and
3. a policy on accessible dwellings.

This document addresses concerns relating to the second aim of the policy to deliver C2 housing for older people. The Council recognises that the policy needs to accommodate both the social provision of housing with care and also the private sector model of provision.

As set out in paragraph 50 of the NPPF 2012, plans should aim for a mix of housing to meet the needs of different groups in the community including the older persons. Paragraph 159 of the NPPF 2012 provides that a housing assessment should be prepared which identifies the scale and mix of housing needed over the plan period including housing to meet the needs of older people. The demographic projections in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) show that the population of Buckinghamshire is likely to increase by between 64,700 and 73,700 people over the 20-year period 2013-2033. The number of people aged 75 or over in Buckinghamshire is projected to increase by around 32,100 which accounts for approximately half of the projected population growth. In Aylesbury Vale, the projected increase is 12,727 persons over 75. There is therefore a requirement to identify how the need for older persons' accommodation will be met in Aylesbury Vale over the plan period.

The HEDNA excludes growth in the institutional C2 population from the OAN which identifies a need for 1,020 units of accommodation in Aylesbury Vale. Within the OAN there is a further need set out for 2,440 units of accommodation for older people which covers four categories: extra care, enhanced sheltered, dementia and leasehold schemes for the elderly (LSE). On the basis of recent appeal decisions (Appendix 1), the first three categories can be regarded as further C2 housing, whilst the LSE requirement may be regarded as C3 housing. The submitted VALP does not make specific provision to meet these needs and

relies on the market to deliver this type of housing through the government grants identified in policy H6. The table below sets out the HEDNA requirement in detail:

The HEDNA identifies the following demand for housing for older people:

Change in population aged 75+ over Plan period for Aylesbury Vale	+12,727	
Demand for older person housing		
Extra Care	Owned	380
	Rented	190
Sheltered 'plus' or 'enhanced' sheltered	Owned	130
	Rented	130
Dementia		80
Leasehold Schemes for the Elderly (LSE)		1,530
TOTAL		2,440
Percentage of overall Objectively Assessed Need (OAN)		12.6%

Council's recommended approach

Recent appeal decisions, as detailed in Appendix 1, have indicated that some of the categories defined as C3 housing in the HEDNA should be regarded as C2 uses on the basis of care provision and age restrictions secured by planning agreements - despite a certain level of self-containment:

- Appeal Decision (Appeal Ref: APP/J0405/W/17/3181140), decision date 5th April 2018, Land at West End Farm, Brackley Road, Buckingham MK18 1JA
- Appeal Decision (Appeal Ref: APP/M2270/W/16/3161379)' decision date 14th June 2017, Balcombes Hill, Goudhurst, Cranbrook, Kent TN17 1AT
- Appeal Decision (Appeal Ref: APP/U1105/W/17/3177340), decision date: 22 January 2018, The Knowle, Station Road, Sidmouth, Devon, EX10 8HL
- Appeal Decision (Appeal Ref: APP/D0840/W/18/3199163), decision date: 11th February 2019, Land South of Cross Lanes, Lanstephen, Launceston, Cornwall, PL15 8JP

Taking these appeal decisions into account, the OAN need for older people set out above effectively breaks provision into two groups:

- The first group is the extra care, enhanced sheltered and dementia classifications of need (910 units) which are deemed to be C2 uses. This is in addition to the 1,020 unit increase in the 75 plus institutional population set out in Figure 132 of the HEDNA. The overall C2 requirement for older people is therefore 1,930 units over the plan period.
- The second group is the provision of Leasehold Schemes for the Elderly (LSE) (1,530 units). LSE units are a form of intermediate housing, deemed to be within the definition of affordable housing. They are therefore C3 housing, and not within the C2 use class.

In the Councils' revisions, it has shown that it is required to meet the need for C2 dwellings for older people for the immediate future based on paragraph 47 of the NPPF. For that reason, specific C2 allocations for older people are made for the 5 years immediately after the 2018 housing supply base date with completions and commitments covering the years 2013-2018. Broad locations for growth addressing need from 2023 to 2033 are identified to meet growth in C2 need in the last ten years of the plan period. On that basis, the Council has demonstrated that both the OAN and non-OAN need for C2 dwellings for older people has been met as required by the Inspector in his Interim Findings. Provision also needs to be made for the remaining older person's C3 LSE housing need.

Development for older persons C2 accommodation does not require large sites, because such developments are usually multi-storey with limited parking and only communal open space. However, they need to be accessible by public transport to a good range of facilities and the Council should aim to distribute C2 development across the district. The provision of older persons C2 accommodation also has an employment element, and so may be a good alternative use for employment land. This has been considered in the selection of sites for allocation. A site selection process identifying suitable sustainable locations using suitable and part-suitable non-allocated HELAA sites was the starting point for this process. This was supplemented by a further assessment of sites previously promoted and/or that have been in the development management process.

Sites for specific allocation were assessed and selected against physical limitations or problems such as access, infrastructure including community facilities, ground conditions, flood risk, hazardous risks, pollution or contamination. Full details of the assessment criteria are set out in Appendix 3. The assessment looked at potential impacts including: the effect upon landscapes including landscape features; nature and heritage conservation; appropriateness and likely market attractiveness for the type of development proposed; and environmental/amenity impacts experienced by would be occupiers as well as neighbouring areas.

The assessment for broad locations considered sites that had been subject to pre-application inquiries, and sites where the Council was already in discussion with a developer (where not confidential or where the landowner agreed to publicise the site). Also included within the assessment were undetermined planning applications, including those resolved to permit but subject to S106 agreement. In addition, there was an assessment of sites which were not currently being promoted to the Council, but were sites which had the potential to be approved for development.

The assessment also looked at planning applications that had been refused, or were withdrawn, on the basis that the reasons for refusal may no longer be applicable or the constraints may have been overcome. Unimplemented or outstanding planning permissions for housing and employment were also assessed.

To calculate the remaining need for C2 provision to be met from 2018 onwards, an assessment of previous C2 commitments and completions was undertaken from the start of the plan period to the end of March 2018. This figure currently stands at 1,130 units and so a local plan requirement of 800 C2 units was identified for the rest of the plan period (2018-2033) to meet the total identified older persons C2 requirement of 1,930 units.

Although paragraph 47 of the NPPF 2012 applies to housing growth, the Council considers that provision should also be made for a supply of specific, developable sites for older persons C2 development for years 1-5 (2018-2023) of the remaining plan period. On that basis, the C2 requirement of 800 units was divided by the remaining plan period of 15 years leaving a per annum figure of 53 units. This equates to a requirement of 266 units over 5 years (2018-2023) to be allocated on specific developable sites. For the remaining 10 years of the plan period covering years 6 to 15 (2023-2033), it is prudent to identify specific sites where possible, to ensure a supply of specific, developable sites. If this is not possible, the Council considers that it would be acceptable to identify broad locations for growth where C2 provision would be acceptable which will in total deliver the remaining 534 units. C2 developments for older people often deliver around 80 units in each development. Mixed C2 and C3 schemes may also contribute to the delivery of C2 houses.

To allocate the 266 bed spaces needed to meet the C2 requirement for the first 5 years, an assessment of 23 suitable housing and employment HELAA sites has been undertaken on the basis set out above. A conservative estimation of developable area, density and site capacity was applied based on previous commitments and completions for C2 developments. Allowance was made for amenity space as well as other non-residential land use. To determine a broad capacity for each site, the assessment identified two different density categories. A 70 uph (units per hectare) calculation was identified for sites that have a less urban and more suburban or edge of settlement characteristic and a 100 uph calculation for sites that are in an urban setting and where a higher density would be suitable to its surroundings.

Site Allocations (2018-2023 – years 1-5 post 2018):

Address/Reference	Site area (ha)	Capacity (approximately)
WIN020 - Buckingham Rd, Winslow (Winslow Neighbourhood Plan site)	4.2	100
WHA001 - Shenley Road, Whaddon (Shenley Park)	55 (1ha for C2 site)	110
Adj Tesco's, Tring Road, Aylesbury	0.5	60

Broad Locations (2023-2033 – years 6-15 post 2018):

- a. Aylesbury town centre e.g. former HSBC bank Walton Grove
- b. Aylesbury key employment sites e.g. Gatehouse Employment Area, Gatehouse Way
- c. Aylesbury other employment sites e.g. adjacent to Berryfields Neighbourhood Centre
- d. Other existing employment sites in Buckingham, Haddenham, Wendover and Winslow, where suitable
- e. Suitable housing and employment sites identified in the HELAA

Importantly, the wording of VALP policies E1 and E2 both permit other employment uses on existing B1/B2/B8 employment sites. It is considered that C2 development for older people

qualifies as an 'other employment use' for the purposes of policies E1 and E2. There is currently an over supply of 72 hectares of employment land in the district which means that the use of any land allocated to B1/B2/B8 would not impede the economic development of the area.

LSE homes, now known as Older People Shared Ownership (OPSO) housing, is considered to constitute C3 intermediate housing by the Council, which is normally provided by Registered Social Landlords (RSLs). The Council's view is that the lack of any formalised care arrangements and the lack of communal facilities mean that OPSO housing is not in C2 use. Funding for OPSO housing is available from the Homes and Communities Agency through the Affordable Housing Programme 2016-2021. Individuals are also able to apply for funding for OPSO housing through the Help to Buy initiative. Details of eligibility are set out in Appendix 2. In assessing general housing market schemes, there will be an expectation that future housing schemes will also make provision for an element of OPSO housing in order to meet the continuing demand in this sector. In this way, it is expected that the LSE need in the HEDNA can be met as part of ordinary C3 housing.

Appendix 1 Appeal Cases:

1. Appeal Decision (Appeal Ref: APP/J0405/W/17/3181140)

Hearing Held on 27 February 2018

Decision date: 5th April 2018

Land at West End Farm, Brackley Road, Buckingham MK18 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Minton Health Care (Buckingham) Limited against the decision of Aylesbury Vale District Council.
- The application Ref 16/00847/APP, dated 4 March 2016, was refused by notice dated 19 May 2017.

The development proposed is demolition of existing buildings and erection of 72 extra care units, ancillary community facilities including ancillary guest room, parking, landscaping and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 72 extra care units, ancillary community facilities including ancillary guest room, parking, landscaping and associated works at Land at West End Farm, Brackley Road, Buckingham MK18 1JA in accordance with the terms of the application, Ref 16/00847/APP, dated 4 March 2016, subject to the conditions set out in the attached schedule and completed Section 106 Unilateral Undertaking (UU) dated 27 February 2018.

Main Issues

5. The main issues raised in respect of the appeal are: - (a) Whether planning policies refer equally to C2 and C3 Use Class1 development; (b) Whether the proposed development would be an acceptable form of development beyond the identified settlement boundaries having regard to planning policies; (c) Whether the proposed development should and can be restricted to extra care occupation; and (d) Whether the proposed development should and can provide an element of affordable housing; sport and leisure facilities; and measures to enhance the sustainability of the development.

Reasons

Whether planning policies refer equally to C2 and C3 Use Class development 6. The Council has accepted the proposed extra care development to fall within a Use Class C2. The Council's reason for refusal refers to Policy HP1 of the Buckingham Neighbourhood Development Plan (BNDP) March 2015. This policy relates to allocated land for 617 new dwellings within the boundary settlement area. It allocates 5 sites plus an additional reserve site. Sites J and G are indicated within the policy to be supported as a joint site with provision for older residents.

7. The occupiers of the proposed extra care development would be over 55 years of age and be subject to a care package of a minimum of 1.5 hours a week available 24 hours a day every day. The care would increase according to the occupiers on-going needs. The development would incorporate a communal dining room with kitchen, sitting room, cinema and therapy room, bath/shower facilities and a guest suite. Communal sitting rooms would also be provided throughout. It is designed as a complex comprising 7 blocks of varying shape and size arranged around an access road with 2 spur roads with parking, set within its own landscaped grounds hosting a bowling green.

8. The Council contends that the extra care accommodation proposed would allow for independent living units as they would each have their own front door and self-contained living. This is despite also recognising that these units would form part of a complex where care, recreation and social facilities are provided to the residents. Given the self-contained nature of the living units proposed, the Council asserts that the accommodation would contribute households to the Council's Housing Land Supply (HLS) and should fall to be assessed against Policy HP1 of the BDNP. This is because people living in the proposed extra Use Class C2 (Residential Institutions) & Use Class C3 (Dwellinghouses) – The Town & Country (Use Classes Order) 1987 care accommodation would enjoy a freedom of independence and, as such, the proposed scheme would not provide a communal form of development.

9. I accept the impression of independent living would come through the self containment of the units. However, I consider that the reality would be one of a community unified by access to a dedicated enterprise of specialist care for its elderly residents provided within a dedicated complex. For this reason, I do not consider the proposed extra care units would represent independent living, despite the living accommodation units being habitably self-contained. This places the development firmly within a C2 Residential Institutions Use Class. Furthermore, the competed UU would secure the occupation age limit and requirement of care, therefore, ensuring occupation as a C2 Use Class.

10. I acknowledge that there are a variety of terms used to describe this type of accommodation, as well as definitions relating to self-containment. The Council refers me to the BNDP evidence base for housing stock which uses the census definition. This indicates that communal establishments, which are establishments providing managed residential accommodation are not counted in overall housing supply statistics. Whilst a list of other types of accommodations, such as student accommodation, amongst others, can be included, I note that C2 Residential Institutions do not feature within this list.

11. The Council contends that housing for older people is addressed by the BDNP but concedes that the BDNP, and in particular Policy HP1, is silent on the matter of Class C2 residential instructions accommodation. The Council draws my attention to the evidence base for the BNDP that identifies a greater variety and number of suitable housing should be offered in any development. This includes provision of housing, including the provision of bungalows, for people of all ages with limited mobility having particular regard to the need of an older population.

12. I accept that Policy HP1 encompasses some provision for older persons housing, notably at joint sites J and G, within this new dwellings allocation. However, the evidence base referred to by the Council, as I see it, does not refer specifically to Use Class C2 accommodation. Housing for older people could simply refer to individual dwellinghouses more suitable for older persons, for example, bungalows or properties adapted for restricted mobility. Whilst this would provide choice within the new housing stock, there is no clear indication that the 617 new dwellings allocated under Policy HP1 must include any specialist Use Class C2 care accommodation, such as is proposed here.

13. The Council argues that the extra care housing is part of the general housing supply as set out in the Housing and Economic Development Needs Assessment's (HEDNA) findings and the draft Vale of Aylesbury Local Plan (VALP). The HEDNA has been developed to inform the emerging Local Plan. However, the Council has confirmed that this evidence base was not taken into consideration when drafting the BNDP. Furthermore, the Council has advised that the emerging plan is at a very early stage and has yet to be submitted for Examination. With due regard to paragraph 216 of the National Planning Policy Framework (the Framework), the emerging plan, which includes its evidence base, has yet to be tested and scrutinised through the appropriate processes and procedures. The plan and the assessments that inform it may be subject to change or deletion. As a consequence I give little weight to the emerging

14. Notwithstanding the above, the Council contend that the evidence base for the emerging plan should be taken into consideration. I have been provided with the Council's HEDNA 2016 (Report of Findings and Addendum Report), a five year housing land supply position statement (August 2017) and the VALP Housing Land Supply Soundness document that have been produced to inform the emerging local plan. The Council has also directed me to the advice within the Planning Practice Guidance (PPG) in which local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement.

15. Indeed the Council's HEDNA indicates that "... the evidence supports the need for all dwellings (including Older People's housing) to meet Category 2 requirements ...", that being accessible and adaptable dwellings. However, the HEDNA also comments that if bedspaces in residential institutions in Use Class 2 are to be counted within the housing supply then this would need to be counted as a component of the housing requirement. I have not been directed to any emerging evidence base that would indicate that residential institutions in Use Class 2 have been counted as a component of future housing supply 2.

16. The Council has referred me to Policy HP4 of the BNDP and paragraph 50 of the Framework. The Council did not rely on this policy in its reason for refusal and it has not provided any substantive evidence to demonstrate any conflict with the policy. I shall though, in terms of housing mix, consider the matter of affordable housing below.

23. The Framework sets out the presumption in favour of sustainable development and indicates granting permission unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I will consider this further below. Whether the proposed development should and can be restricted to extra care occupation

24. The proposed development has been put forward as a Use Class C2 development, that is, for the provision of residential accommodation and care to people in need of care. The Statement of Common Ground provides a list of conditions agreed by both parties but it does not include a condition that would control the use and occupation of the proposed development. Without such a mechanism in place the occupation of the development would be unrestricted. If the development were to be a different type then it, correctly, should be assessed on its own merit and in regard to relevant development plan policies.

25. Further to the above, in order for the extra care to be provided effectively and to ensure that the appropriate occupancy criteria can be defined and enforced, and to ensure that it remains as extra care living accommodation to first and subsequent occupiers, a UU has been completed. In the absence of any other mechanism the UU provides the legal certainty that would secure the use and occupation of the development to extra care occupation. I consider this accords with the Framework and PPG advice as it provides certainty for all parties as to the use and occupation of the development.

26. I therefore consider the proposed development should be restricted to extra care occupation. The UU would ensure the extra care occupancy of the development by those over 55 years of age and that the units would remain in extra care occupation in perpetuity.

Affordable housing

27. Policy HP5 of the BNDP states, amongst other matters, "All proposals for new housing on sites 1 hectare or over (or 25 dwelling or more) should provide affordable housing at a minimum of 35%." It also says that "Planning applications for residential development of 25 or more dwellings and sites of 1 hectare or more must be accompanied by an Affordable Housing Plan."

28. The proposal does not include provision for affordable housing. The Council submit that the extra care units, due to their self-containment as households, should be included in the more general housing numbers. Therefore, it should count toward the Council's affordable housing provision. The appellant contends that Policy HP5 does not pertain to C3 development.

29. The Council say this policy relates to all proposals for new housing. However, this policy indicates that the requirement for affordable housing arises when residential developments of 25 or more dwellings and sites of 1 hectare or more are proposed. The proposed development is agreed by the parties to be a C2 use in the Use Class Order notwithstanding the units being self-contained. A C2 use is defined as "Use for the provision of residential accommodation and care to people in need of care (other

than a use within Class C3 (Dwellinghouses))". With the distinction having been drawn, I consider that the proposed development cannot be considered as providing dwellings and thus Policy HP5 cannot apply.

30. I accept the HEDNA identifies a need for affordable housing within the District. Whilst the Framework advises that local planning authorities should plan for a full range of housing needs relevant to their areas, it does not prescribe the application of affordable housing requirements to specified categories of residential development. I cannot reasonably conclude that the non-provision of affordable housing would weigh heavily against the proposed development.

31. Given my findings above there is no need to address the question of viability.

32. I conclude that the Council is not justified in seeking an affordable housing contribution and there would be no conflict with Policy HP5 of the BNDP.

33. I note that the Council's Affordable Housing Supplementary Planning Document (SPD) (November 2007) and Affordable Housing Policy Interim Position Statement (June 2014) have been identified within the Statement of Common Ground to be areas of disagreement. However, neither party has specifically referred to these documents or directed me to areas where there may be dispute.

48. Paragraph 50 of the Framework requires local planning authorities to deliver a wide choice of high quality homes, widen the opportunities for home ownership and create sustainable, inclusive and mixed communities. The PPG (paragraph 21) provides guidance with regard to housing for older people and it indicates the need is critical. The Council has identified that there is a significant, and growing, level of demand for this type of accommodation within the District. The appellant has conducted their own needs assessment (by Carterwood) that indicates that there is a significant shortfall in the provision of extra care units within the Council's local authority area. I consider the proposed extra care development would go some way to addressing this need and would provide a public benefit for older persons. This is a significant benefit of the scheme. I note that there is dispute between parties in relation to the number of full time jobs that would be created by the development. The appellant anticipated 64 jobs would be created. Whether at a lower or higher figure the employment that the scheme would generate is, in my view, a benefit to which I attached significant weight.

Conclusion

60. I have found that the proposed extra care units would not represent independent living or pertain to the housing land supply sought by Policy HP1 of the BNDP. Furthermore, I have found that an affordable housing contribution would not be justified by Policy HP5 of the BNDP. The UU would secure the development as a C2 Use Class. I have also found that a contribution toward sport and leisure facilities to be necessary, as have I also found that measures to enhance the sustainability of the development to be necessary to mitigate the impact of the proposed development. These have also been secured by the completed UU.

62. Having regard to the above the appeal should be allowed subject to appropriate conditions.

Nicola Davies, Inspector

2. Appeal Decision (Appeal Ref: APP/M2270/W/16/3161379)

Hearing held on 16 May 2017 by Richard Aston BSc (Hons) DipTP MRTPI

Decision date: 14th June 2017

Balcombes Hill, Goudhurst, Cranbrook, Kent TN17 1AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gary Reeve-Wing (c/o Carless & Adams Partnership) against the decision of Tunbridge Wells Borough Council.
- The application Ref 15/510395/FULL, dated 16 December 2015, was refused by notice dated 29 April 2016.
- The development proposed is erection of proposed C2 housing with care for the elderly.

The development proposed is for the erection of C2 Housing with care for the elderly, comprising of 12 x 2 bedroom apartments 7 x 2 bedroom bungalows and 3 x 2 bedroom dwellings. (Revision to 14/506621/FULL).

Decision

1. The appeal is dismissed.

Main Issues

4. The main issues are:

Whether or not the proposal falls within Use Class C2 or C3 and the implications of that for the provision of affordable housing.

Reasons

Use class and affordable housing

46. If the Council is correct in its assertion that the proposed development would fall within the C3 Use Class (Dwelling Houses) then a substantial contribution to, or provision of, affordable housing units would be required. Both parties agreed that if this were the case there would be conflict with the development plan but if I were to find it was C2 (Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))) then no such provision would be necessary.

47. The units would be occupied by persons aged over 65 years old who had been assessed as needing 1.5 hours per week care as a minimum. The appellant confirmed that it would be a requirement of the terms of occupation that occupiers had an assessment of their needs and that they would contract to pay for, and accept, the level of assessed care. Staff would be on call 24 hours a day and each unit would have an alarm system and the residents would be able to use the communal facilities in the apartment block. Although this would be restricted to a small lounge area and be of little practical use, I am mindful that the Use Classes Order does not require any communal facilities to be provided.

48. There are a large number of terms used to describe this type of provision including extra care housing, enhanced sheltered housing and assisted living and the Use Class in which they fall depends on the facts and circumstances of each case. I cannot imagine there would be many potential residents who were not in need of, or not anticipating being imminently in need of, at least a modicum of regular care. Moreover, reinforcement of the premises-specific culture of care and support would be effected by the terms of occupation based on minimum age and minimum take-up of care services (albeit limited in terms of hours).

49. Furthermore, the service charges are likely to be well beyond those that might reasonably be expected in non-institutional accommodation. The illusion of independent living would come through the physical self-containment and saleability (to qualifying occupiers) of the individual units, whereas the reality would probably be one of a tightly knit community unified by access to a dedicated enterprise of specialist care and security for the elderly.

50. I also see no reason why the location of care provision off site at Ticehurst is determinative, not least because this provides operational efficiencies whilst ensuring a dedicated responder service is available. Furthermore, in response to the Council's concerns the appellant clarified that it is his intention to recruit a local registered manager and to register the domiciliary care business with the Care Quality Commission or to identify a suitable local domiciliary care provider. The details of which could be secured by condition, as agreed by the parties.

51. These characteristics, when combined with the scope to secure them through the use of a planning condition (which was agreed by the parties during the course of the Hearing in light of the failure to agree the content and form a legal agreement) leads me to conclude that, on the evidence before me and in this particular case, the proposal is properly classified as within the C2 use class.

52. However desirable affordable housing might be as a matter of principle or, as put to me by the Council and interested persons at the Hearing, to be locally appropriate, I conclude that there is no requirement for the proposal to provide any and the lack of affordable housing in this case does not weigh against the proposal.

Planning balance and conclusion

71. For the reasons set out above, although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not

indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston, Inspector

3. Appeal Decision (Appeal Ref: APP/U1105/W/17/3177340)

Inquiry held on 28 - 30 November 2017 and 1 December 2017

Decision date: 22 January 2018

The Knowle, Station Road, Sidmouth, Devon, EX10 8HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Pegasus Life against the decision of East Devon District Council.
- The application Ref 16/0872/MFUL, dated 31 March 2016, was refused by notice dated 9 December 2016.

The development proposed is an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/café, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks.

Decision

1. The appeal is allowed and planning permission is granted for an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/café, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks at The Knowle, Station Road, Sidmouth, Devon, EX10 8HL in accordance with the terms of the application, Ref 16/0872/MFUL, dated 31 March 2016, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. During the course of the planning application, the number of extra care units was reduced and amended plans were submitted to the Council. By the time of the appeal, the scheme comprised of 113 units. This is the basis on which the Council considered the proposal and I have done the same in considering the appeal.

Main Issues

4. The main issues are:

Whether the development should be categorised as a C2 (residential institution) or C3 (dwelling houses) use.

Reasons

Use class

34. There is disagreement between the parties as to whether the proposed development falls within use class C2 (residential institution) or C3 (dwelling houses) of the Use Classes Order, the appellant favouring the former. The use class, in planning terms, is relevant in this case only to the extent that a C3 development would attract a requirement for affordable housing in accordance with Strategy 34 of the LP. It is agreed between the parties that there is no such requirement for C2 uses.

35. In advance of the Inquiry, the Council accepted that the proposed development would not be financially viable if an affordable housing contribution was required. As such, even if I were to determine that the proposed development was a C3 use, no contribution would be sought. However, it was agreed between the parties that an overage clause should form part of a planning obligation so that if the scheme was subsequently found to be capable of supporting a contribution, it would be paid.

36. The Use Classes Order defines a C2 use as “use for the provision of residential accommodation and care to people in need of care (other than a use within 3 Town and Country Planning (Use Classes) Order 1987 (as amended) class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.” Care is defined in the Order as “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder and treatment.” The parties agree that there is no definitive means by which to establish the use class of Extra Care housing units or this specific appeal scheme. Ultimately, this is a matter of fact and degree in each individual case.

37. The RTP1 Good Practice Note 84 and Housing LIN5 deal specifically with Extra Care Housing and offer some guidance on possible distinctions between C2 and C3 Extra Care accommodation. These principles can be applied to the appeal proposal. Key to the distinction is the extent to which communal services are provided and the extent to which care is available to meet the needs of residents.

38. Both documents define Extra Care in line with the Department of Health’s Extra Care Housing Toolkit, as “purpose built accommodation in which varying amounts or care and support can be offered and where some services are shared.” The Exeter Housing Market Area Strategic Housing Market Assessment (2014/15), East Devon Infrastructure Planning Evidence Base Report (June 2013) and Commissioning Strategy for Extra Care Housing (March 2009) (Commissioning Strategy) provide local definitions. There is no dispute that the development is a form of Extra Care housing.

39. The latter outlines the Devon model and suggests that the optimum size for an Extra Care scheme is 50 apartments but the document is also clear that development

should maximise economies of scale i.e. 50 plus units. This is a key argument of the appellant in that a critical number of units is necessary to support the level of care, services and facilities that would be provided by the scheme.

40. Fundamentally, the Commissioning Strategy is focused on delivering Extra Care housing for a very specific part of the community, those aged 75 and over with a limiting long term illness and living alone. The level of need anticipated by the Council is therefore much less than that demonstrated to be necessary in the wider community through the Care Housing Needs Assessment Report (October 2017) provided in support of the appeal, albeit that the report does not specifically look at need within Sidmouth. The Council did not challenge the methodology or findings of the report, which is also much more recent than the documents above, albeit that the Commissioning Strategy was refreshed in 2015. Ultimately, Mr Blackshaw accepted during cross examination that there is a substantial need for Extra Care accommodation and a shortfall in necessary delivery to date.

41. In this case, the development would involve 113 self-contained apartments with their own front doors, private space and facilities. They would, however, be accessed via communal spaces in many cases and would have access to a range of communal areas and facilities such as a restaurant/bar/cafe serving food throughout the day, a well-being suite comprising a gym, treatment rooms and pool and a communal lounge. A staffed and supervised physiotherapy suite and a hydrotherapy pool would provide opportunities for exercise, maintaining fitness and maintaining mobility, as well as the potential for rehabilitation after surgery.

42. All of these facilities would be available to residents and are aimed at supporting independent living in a sociable and safe environment. These facilities would also be available to the general public, encouraging interaction with the outside world and a sociable existence. Importantly, this is also a level of provision that is likely to exceed that expected in other residential environments, though some flatted development might incorporate some facilities.

43. Crucially, in this case, the development would be subject to a planning obligation which restricts occupation of the units so that the primary occupier must be 60 or over and in need of at least 2 hours of personal care per week, established by a health professional. Personal care is defined in the planning obligation and provides for a very broad range of assistance, even to the extent of aiding the use of technology such as the internet or accompanying residents to various on-site activities. There are of course many more traditional means of care however, including assistance with personal hygiene, dressing, feeding and drinking.

44. I do not accept the Council's criticisms of this range, albeit broad. Whilst many of the activities listed might be taken for granted by most people, every one of them is likely to become more challenging in advancing years. Many residents might only require relatively limited personal care, perhaps the minimum amount of 2 hours per week, but there are also likely to be many who require substantially more than this. Furthermore, the age restriction associated with the development is such that the need for personal care will inevitably increase for many people with age. I accept that not all people will require the same level of care at the same point in their life, but

what is important is that care is available to meet their individual needs as and when the time comes. That is what the scheme seeks to provide.

45. Although the minimum age of primary occupant's is 60, Mrs McNulty confirmed that the average age of residents at other schemes operated by the appellant was 76. There is no reason to believe that the age profile would not be similar in this case and there are obvious implications for the level of care likely to be needed at that age as opposed to the minimum age requirement. Many residents would no doubt be much older than this average.

46. The development would have a full-time Care Manager based on site who would be available to arrange the care needed for each resident. This may vary from time to time and, subject to the minimum care requirement being taken up and paid for through a service charge, the development would offer flexibility to residents so as to meet their individual care needs at any point in time. The larger apartments are designed to accommodate a private sleeping quarters for carers required to stay with residents overnight and there would also be an anteroom attached to the Care Manager's office to accommodate a carer should they need to stay on-site in other circumstances.

47. There would be no care team, save for the Care Manager, based permanently on the site but it is clear that carers are expected to be able to stay on-site when required. In addition, it is likely that carers, who I heard would be provided by a registered Care Quality Commission provider, would work in shifts so that a 24 hour provision could be made where necessary, regardless of whether the provider was based on the site. Neither the fact that care would be provided by an agency or that they would not be permanently based on the site weighs against the proposal in my view, nor does it indicate that the scheme is more akin to a dwelling house than a residential institution.

48. Each apartment would include a range of specialised features and adaptations such as wheelchair accessible doors, electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features are likely to improve the safety and comfort of the intended occupants and would not necessarily be found in other housing stock, albeit that Strategy 34 of the LP requires a small proportion of major housing developments to meet part M4(2) of the Building Regulations.

49. For all of these reasons, it is clear to me that the development is offering much more than a dwelling house. Independent living accommodation is one element of the scheme but that would be provided alongside a range of communal facilities that are inextricably linked to an expected way of life. The scheme is designed to meet the needs of the target occupants and facilitate assisted living as well as social well-being and interaction with the outside world. Care would also be provided, specifically tailored to the needs of the occupant. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a mix of care needs at any one time and those with limited need may well require additional care in the future.

50. I can see no justification for disaggregating different elements of the proposal or seeking to separate the individual apartments from the remainder of the scheme. In my view, the situation here is quite different to the Church Commissioners case in which individual retail units were found to be planning units distinct from the shopping centre in which they were located. There is a clear functional relationship between the residential units and the wider assisted living complex and facilities in this case,

51. The appellant's unchallenged position is that the service charge associated with the development would be around two and a half times that of a standard retirement development and twice that of a general residential market scheme with concierge. Residents would be paying a premium for this type of accommodation, in no small part because of the associated facilities and care package available. This is likely to deter prospective occupants' who are not in need of such facilities. The planning obligation would provide certainty in restricting the age of primary occupants and ensuring that a minimum level of care is needed and taken up by future residents.

52. All of this leads me to conclude that the proposed development is properly to be considered a C2 use. As such, no affordable housing requirement exists in policy terms, there is no conflict with Strategy 34 of the LP and there is no requirement for a planning obligation in this respect.

53. A range of appeal decisions are before me where consideration has been given to the appropriate use class for Extra Care housing. I do not consider that any of them directly reflect the circumstances in this case, for example the Southbourne decision involved a very different form of development and accommodation mix, was available to over 55's and only required 1.5 hours of care per week. In addition, the ultimate operator was unknown and so the detail surrounding the site's operation is unlikely to have been as comprehensive as in this case, which I have considered on its own merits. 54. I have had regard to the Mayor of London's Housing Supplementary Planning Guidance (March 2016), which suggests that Extra Care accommodation is normally a C3 use, notwithstanding that the document is not applicable in Devon. This does not alter my conclusions having had regard to the merits of this case.

Other matters

65. Strategy 26 of the LP allocates the appeal site for a residential development of 50 homes. Strategy 36 confirms that proposals for Extra Care homes will be acceptable on sites allocated for residential development. The Council accepts the principle of development. However, the scheme involves 113 Extra Care units against an anticipated provision of 50 units in Sidmouth. I have already considered need to some extent above, but it is also pertinent that the Council itself recognised a need for 83 units in Sidmouth in 2015. This is against the narrow criteria for provision used by the Council and discussed above.

66. Mr Blackshaw accepted during cross examination that the figure of 50 units was not absolute and exceeding the figure would not be grounds for refusal. Nowhere in the development plan is the figure expressed as a minimum and Strategy 36 in fact suggests that specialist housing proposals should be accompanied by a Care Needs

Assessment which justifies the proposal's scale, tenure and accommodation type. That assessment was undertaken for this proposal and has not been challenged by the Council. The evidence available suggests to me that there is a need for Extra Care units both across Devon and in Sidmouth. The Council also accept that efficient use of land is important and in the absence of any harm in respect of the main issues, it is clear that the site is capable of accommodating the number of units proposed. Consequently, I attach little weight to the anticipated number of units being exceeded in this case.

71. It is common ground between the parties that a range of public benefits would arise from the development. These include the provision of Extra Care housing to meet the needs for such housing in the district and number of on and off site jobs

Planning Obligation

73. A S106 agreement accompanies the appeal. Having determined that the proposed development falls within use class C2 of the Use Classes Order, only the provisions relevant to that use are relevant and I have had no regard to the provisions relating to a C3 use.

74. The obligation includes the important restrictions on the use of the development for Extra Care housing, including the age restriction and necessity for care discussed above. In addition to these matters, a public access contribution of £12,000 is secured, the cost anticipated by the Council of undertaking off-site improvements to the pedestrian access route from the parkland to the proposed orangery. A monitoring fee is also included. The parties agree that these contributions meet the requirements of CIL Regulation 122 and I am satisfied that this is the case. As such, I have taken the obligations relevant to the C2 use considered into account.

Conclusion

82. I have found the development to fall within use class C2 of the Use Classes Order. It would not harm the character and appearance of the area, neighbours' living conditions or the setting of the adjacent grade II listed summerhouse. The proposal is in accordance with the development plan, taken as a whole, and should be granted planning permission.

83. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface, Inspector

4. Appeal Decision (Appeal Ref: APP/D0840/W/18/3199163)

Hearing held on 16 January 2019 by Rory Cridland LLB (Hons), Solicitor

Decision date: 11th February 2019

Land South of Cross Lanes, Lanstephen, Launceston, Cornwall, PL15 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by ADPAD against the decision of Cornwall Council.
- The application Ref PA17/08162, dated 25 August 2017, was refused by notice dated 7 November 2017.

The development proposed is described as “the erection of circa 30 age restricted (55 years +) Use Class C2 bungalow/chalet bungalow dwellings, warden's office/accommodation, community facilities, open space and footpath connection (details of means of access only all other matters reserved)”.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 30 age restricted (55 years +) bungalow/chalet bungalow dwellings, warden's office/accommodation, community facilities, open space and footpath connection at Land South of Cross Lanes, Lanstephen, Launceston, Cornwall, PL15 8JP in accordance with the terms of the application, Ref PA17/08162, dated 25 August 2017, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. Notwithstanding the reference to ‘Use Class C2’ in the description of development set out in the banner above, the Council considered the proposal on the basis that it came within Use Class C3 and accordingly, assessed it against Policy 3 of the Cornwall Local Plan 2010-20301 (LP). Whether or not the proposal falls within Use Class C3 or C2 is a matter in dispute between the main parties. However, they agreed at the hearing that if I was to find that the proposal falls within Use Class C2, it should instead be considered against LP Policy 4. I have no reason to disagree and have determined the appeal on that basis.

3. The application is made in outline with all matters except for access reserved. I have considered the appeal accordingly, treating all plans as illustrative where they relate to matters of layout, scale, appearance and landscaping.

Main Issues

4. The main issues are:

- (i) whether the proposal falls within Use Class C2 or C3 as defined by the Town and Country Planning (Use Classes) Order 1987 (“the Order”);
- (ii) whether the site offers an acceptable location for the proposed development having regard to the Council’s settlement strategy and its effect on the surrounding landscape; and
- (iii) the effect of the proposal on the surrounding landscape.

Reasons

Whether the proposal falls within use class C2 or C3.

5. Use class C2 is described in the Order as 'residential institutions' and includes use for the provision of residential accommodation and care to people in need of care (other than a use within class C3). Article 2 of the Order defines 'care' as meaning personal care for people in need of such care by reason of, amongst other things, old age. In contrast, use class C3 is described as 'dwellinghouses' and includes use by (a) a single person or by people living together as a family and (b) not more than 6 residents living together as a single household (including a household where care is provided for residents).

6. The two key characteristics that distinguish a C2 residential institution from a C3 dwellinghouse are (i) the provision of personal care and treatment and (ii) that the residents and staff do not form a single household. However, as is made clear in the appeal decision I have been referred to² by the Council, the use class in which any given scheme falls will depend on the specific facts and circumstances of the case.

7. The proposed bungalows would be single, self-contained units containing the normal facilities for residential use. They would be occupied separately by persons over 55 (in some cases with other family members) who had been assessed as needing a minimum of 2 hours of care per week. In addition to a warden being located on site, residents would benefit from a range of facilities including a communal lounge/recreation hub and an onsite hair dresser. There would be support for bed changing, cleaning, help with shopping, access to disability equipment, the management of heating systems, some personal care, help with cooking and a range of other support available.

8. However, many of the services and facilities referred to above do not fall within the definition of personal care. Those which do would be provided in the residents self-contained units at agreed times and are more appropriately described as 'additional' or 'extra care' services. In many respects, they are little different from many other forms of support available to older persons living in other C3 accommodation, albeit that they may be more easily accessible. Furthermore, while I accept that the appellant's intention is to provide an element of personal care to some residents, it is unclear what this would involve, how individual needs would be assessed and what would happen if an individual's personal care requirement fell below 2 hours.

9. Consequently, on the evidence before me, I find that the proposed units should be considered as falling within use class C3 of the Order and my consideration of the proposal has been undertaken on that basis below.

Location

10. Policy CS3 of the LP sets out the housing strategy for Cornwall and makes clear that other than at the main towns, housing will be delivered by the identification of sites through neighbourhood plans, the rounding off of settlements and development of previously developed land within or immediately adjoining settlements, infill schemes and rural exception sites.

11. The appeal site is located outside the settlement boundary of Launceston and is not allocated within an existing or emerging plan. It does not constitute previously developed land and is neither infill nor a rural exception site. However, the appellant

argues that the proposal would constitute 'rounding off', which paragraph 1.68 of the explanatory text explains applies to development on land that is substantially enclosed but outside the main form of a settlement. It goes on to explain that the edge of such sites should be clearly defined by a physical feature that also acts as a barrier to future growth (such as a road) and that it should not visually extend building into the open countryside.

12. Further guidance on what constitutes 'rounding off' can be found in the Chief Planning Officer's Advice Note³ which, although not forming part of the Council's adopted planning policy, nevertheless provides a useful indication of the Council's approach to such matters. It explains that to be classified as rounding off, proposals must be adjacent to existing development and be contained within long standing and enclosing boundary features, for example a road or Cornish hedge. It goes on to note that suitable sites are likely to be surrounded on at least two sides by existing built development.

13. The appeal site is surrounded on two sides by existing built development, with the Cedar Grange care home situated to the north and the residential properties along St Marys Road and Plestin Close located to the west. To the east and south the site is well contained within existing hedgerows. Nevertheless, the Council argues that the proposal would extend building into the open countryside and has referred me to View 12 in the appellant's Landscape and Visual Impact Assessment (LVIA) which provides a panoramic view from the Round Tower of Launceston Castle.

14. However, while I agree that, at present, the Cedar Grange care home appears to jut out beyond the established development boundary into the open countryside, as View 12A shows, the addition of the proposed bungalows will help better integrate the existing care home into the surrounding landscape. It would not extend built development beyond the limits of the existing care home or into the open countryside and would help provide a more coherent development boundary along this part of Launceston.

15. Consequently, I find the proposal falls within the definition of rounding off and as such is not in conflict with LP Policy 3.

Planning Obligations

23. An executed Unilateral Undertaking (UU) has been submitted secures a 30% contribution towards affordable housing. This is in response to identified needs and is supported by LP Policy 8. It also makes the necessary provision for 25% of the dwellings to be accessible and adaptable in accordance with LP Policy 13.

Planning Conditions

An occupancy restriction limiting occupation of the dwellings to those aged 55 and over is necessary to restrict occupancy in line with the scheme proposed.

Conclusion

31. For the reasons set out above, and having had regard to all other matters raised, I conclude the appeal should be allowed.

Rory Cridland, Inspector

Appendix 2 - Older Persons Shared Ownership (OPSO) Eligibility Criteria

Source: <https://www.helptobuyese.org.uk/help-to-buy/opso>

The OPSO scheme offers those people who have retired affordable accommodation with lower living costs, than if they owned a home on the open market. It is available solely to the over 55's.

It operates in the same way as standard Shared Ownership, where an applicant buys an initial affordable share of the property assisting them to get into home ownership in manageable stages. However, the main difference is the maximum share that an applicant can ever own through OPSO is 75%.

The Housing Association or Registered Provider will offer initial shares of between 25% - 75% of the full purchase price. The applicant pays a subsidised rent on the remaining share that the Housing Association or Registered Provider still own.

In the future the applicant can simply sell the share for its value at the time or alternatively they can purchase further shares in their home.

If the applicant chooses to buy the maximum 75%, they will pay no rent on the remaining 25%.

*Some OPSO developments offer sheltered Shared Ownership schemes (sometimes known as Extra Care) which are designed to provide residents with the ability to live independently in self-contained, modern homes, but with access to care and support services tailored to their individual needs.

Eligibility criteria for standard OPSO schemes:

- Your annual household income can be no more than £80,000.
- You should be unable to purchase a home suitable for your needs without assistance.
- You will need to sell any existing property owned before buying through OPSO, but you will not require a Local Authority nomination in order to be approved as eligible.
- You must not have any outstanding credit issues (i.e. unsatisfied defaults or county court judgments).

*If applying for an Extra Care OPSO development, you must have a minimum number of hours care requirement per week and a connection to the local area. Minimum care requirement will vary between developments.

Appendix 3 - Assessment of Sites (Criteria Used and Spreadsheet)

The assessment of potential sites focused on housing an employment sites already identified at some point in the planning process. 'Housing development' sites are defined as sites for all types of housing, including housing provided for older people, residential institutions and student accommodation¹. 'Economic development' refers to all employment uses, not just B use classes². It includes main town centre uses.

The main source of potential sites was the Housing and Economic Land Availability Assessment (HELAA) prepared as part of the evidence base for VALP. Paragraph 158 of the NPPF 2012 states local planning authorities should ensure that their assessment of land strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals. The assessment should: identify sites and broad locations for potential development; assess the suitability of those sites and locations for development and the likelihood of development coming forward (their availability and achievability); and provide an initial assessment of the sites and locations development potential (how much housing and economic development and when).

Sites included in the HELAA are sites which have not been previously identified and are usually first encountered as development sites when they actually enter the planning process, either as an application or a pre-application inquiry. The HELAA sets specific tests for sites to be considered 'deliverable' (the tests for sites within the 5 year supply) and 'developable' (the tests for sites from year 6 onwards). The NPPF introduces the 'deliverable' definition - an assumption that sites with planning permission will be deliverable unless there is clear evidence to the contrary. Footnotes 11 and 12 NPPF 2012 state:

“11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Site/broad location identification

The following process was utilised to identify potential sites for consideration

1. Determine assessment area and site size
2. Desk top review of existing information
3. Call for sites/broad locations
4. Site/broad location survey/visit

Site/broad location assessment

1 NPPG 'How should local planning authorities deal with housing for older people?' 3-037-20140306

2 NPPF 'Economic Development' see glossary for definition and Annex 2, (2012)

To determine whether a potential site could be utilised for a C2 for older persons' development the following process was used:

1. Estimation of development potential based on size and proximity to facilities
2. Site suitability including consideration of surrounding development and connectivity
3. Site availability based on owner's position, promoted for development or allocated for a comparable use
4. Site achievability (including viability)
5. Whether constraints can be overcome or suitably mitigated.

Suitable sites were then subject to a detailed sieve/accessibility assessment based on the distances to be travelled to reach facilities as set out below

The assessment of broad areas of growth involved similar justification and assessment of potential sites within them

Table 1: Sources of Sites/broad locations

Source	Explanation
Pre-application inquiries	Sites where the Council is already in discussion with a developer (where it is not confidential or where the landowner agrees to publicise the site).
Undetermined planning applications, including those subject to S106	Sites which could potentially be approved for development.
Planning application refusals or withdrawn	Sites which have previously been refused. Reasons for refusal may now have changed or constraints may have been overcome.
Unimplemented / outstanding planning permissions for housing and employment buildings	Sites where development has been permitted, but has not commenced and permission has not expired. Information of these sites will be sourced from the Authorities Monitoring Reports and other published statistics.
Expired planning permissions	Sites which have had a recent expired planning application where there is reasonable prospect of a new application being submitted to the local planning authority.
Housing and Economic Development sites under construction	Sites where development has started, but is not completed. Information of these sites will be sourced from the Councils monitoring reports.
Prior Approval Certificate including Office to Residential, Retail to Residential and any other updates to permitted development rights	Sites which fall within 'permitted development rights' that allow for change of use or conversion to residential use.
Existing or emerging Local Plans /Development Plan Documents or Neighbourhood Plan allocations that have not received planning permission.	Sites which have been allocated for housing or economic development which have not yet received planning permission. This may also include sites which were considered as part of preparing allocations for a Local Plan or Neighbourhood Plan but were subsequently

	not taken forward for allocation, for example sites identified at the Pre-submission stage of a Neighbourhood Plan or Issues and Options stage for a Local Plan.
Housing and economic development sites put forward during a "Call for Sites" consultation and throughout the Local Plan production.	Any sites/broad locations submitted directly to the council for consideration through periods of consultation and/or submitted independently e.g. from landowners, agents, RSLs and developers etc. This may also include sites promoted by the LEP and other Duty to Cooperate organisations.
Vacant and derelict land/buildings	Sites identified in either rural or urban locations, where a building is vacant or underused. Information may be sought from local authority empty property registers, the English House Condition Survey, engagement with estate agents and property agents and the Valuation Office database.
Surplus public land	Land owned and promoted by either the District Council or Bucks County Council or other public bodies e.g. the MoD or NHS.
Sites already within the SHLAA (HELAA) process	Sites/broad locations previously submitted for the SHLAA's process (now HELAA), will remain within the HELAA process and be reconsidered for each review. The sites suitability, availability, achievability and whether the site has been redeveloped will be reviewed.
Sites recommended for residential or mixed use in a recent Employment Land Review	Sites which are no longer suitable for economic development uses and which have been identified for release for housing or mixed use schemes.
Internal site suggestions from Planning Officers and other Officers e.g. Housing Officers, Leisure Officers etc.	Sites/broad locations from general knowledge of the District will be included if they have not already been identified through other sources of supply. This may be through other technical studies including development briefs and may include sites which adjoin urban areas on the edge of a District.
Sites put forward by Registered Social Landlords Sites	Sites owned by registered social landlords which could be redeveloped into additional social or private housing.

Table 2: Sites to be excluded

Category	Reason for exclusion	How it will be identified
Sites less than five dwellings or under 0.25ha/500m ² of economic development floor space	Exclusion at these thresholds of housing and economic development is in accordance with the PPG. Sites of less than 5 dwellings	Developer / landowner information. Planning officer knowledge of the site. Where the capacity of a site has not been identified, a standard

	will be included as part of a windfall assessment for housing, although where justified, the Councils may wish to use an alternative threshold.	density of 50 uph for town centre sites and 30 uph for all other areas will be applied in the first instance for residential development but may need to be adjusted as the site goes through the assessment process.
Not within or adjoining a settlement, or a PDL site	Only sites within or adjoining an existing settlement or PDL sites will be considered as part of the assessment	GIS maps 2011 ONS population data Policies Maps
Ongoing Employment sites that are not recommended for release	The suitability of existing employment sites will be considered as part of an Employment Land Review. This will consider whether existing employment sites are still suitable. Where they are identified as being suitable for alternative uses, these sites will be considered in the HELAA for housing or mixed use.	GIS maps and Employment Land Review
Sites within the Green Belt which are not on PDL	The NPPF identifies these sites should only be developed in very special circumstances. A separate Green Belt Assessment is being carried out, to consider parcels of land against the purposes of the Green Belt. Any site currently within the Green Belt will be identified as being unsuitable at this stage. If the Green Belt Assessment identifies that the site weakly performs the Green Belt functions, it will then be assessed through the HELAA process for its development potential.	GIS maps
Environmental Constraints		
Sites within functional flood plains (Flood Zone 3B) will not be considered for housing or economic development purposes.	Land that is in flood zones 3a and 3b proposed for residential development or zone 3b for economic development will not be included in the HELAA unless it can be demonstrated, through a planning application, that satisfactory mitigation measures can be put in	Buckinghamshire Preliminary Flood Risk Assessment, District Council Strategic Flood Risk Assessments, and Environment Agency's Flood Maps

	place.	
Sites of Special Scientific Interest	These are important, statutorily protected biodiversity resources used for recreational, amenity and educational purposes in the Districts.	GIS maps
Special Areas of Conservation	These are strictly protected sites designated under the EC Habitats Directive	GIS maps
Special Protection Area	These are strictly protected sites designated under the EC Birds Directive	GIS maps
Scheduled Ancient Monuments and Ancient Woodlands	These are irreplaceable historical assets and are protected by law.	GIS maps
Designated Local Green Spaces	The NPPF states these sites rule out new development other than in very special circumstances.	GIS maps

Table 3 - SA Site sieve/accessibility assessment (criteria setting out what would make a qualifying C2 site suitable) for site allocations and broad locations.

Factors	RAG Score		
	3	2	1
Distance to Bus Stop with a service at least every 30 minutes	Less than 400m	Between 400m and 2km	More than 2km
Distance to Railway Station	Less than 800m	Between 800m and 2km	More than 2km
Distance to Public accessible Parks	Less than 600m	Between 600m and 2km	More than 2km
Journey to Town Centres	Less than 15 minutes	Between 15 and 30 minutes	More than 30 minutes
Journey time to shops selling day to day goods (convenience)	Less than 15 minutes	Between 15 and 30 minutes	More than 30 minutes
Journey time to Hospital/Walk in centre	Less than 30 minutes	Between 30 and 60 minutes	More than 60 minutes
Journey time to GP	Less than 15 minutes	Between 15 and 30 minutes	More than 30 minutes

Calderdale have successfully used the site sieve/accessibility methodology set out in Table 3 for site assessment and it was felt prudent to use it to assess suitability and sustainability of sites for the purposes of identifying C2 site allocations as well as areas of growth. Details can be seen at:

<https://www.calderdale.gov.uk/v2/sites/default/files/Site-Allocations-Methodology-Publication-Draft.pdf>