#### Full Council

**Date: 9 May 2017**

**Title:**  **P17/S1069/FUL – The Elms, 32 Upper High Street**

Contact Officer: Graeme Markland, Neighbourhood Plan Continuity Officer

### Background

1. Members will recall two previous major planning applications on this site. In July 2014 P14/S2176/FUL, an application for 37 dwellings and publicly accessible open space was submitted and granted permission on 5th August 2015. In July 2016 an application for 87 dwellings and apartments for extra care homes was applied for, P16/S2407/FUL, but subsequently withdrawn prior to determination on 15th November 2016.

### Proposal

1. The new scheme is similar to that proposed in 2016: The erection of an Extra Care housing development (Use Class C2) comprising apartments, houses and a communal residents' centre with basement parking and storage areas and creation of new public open space, provision of new vehicle access from Elms Road and a new pedestrian/cycle link onto Upper High Street with associated infrastructure works and landscaping.
2. The most significant difference between the withdrawn scheme and this new proposal is that two units have been removed from the site. The applicant removed them in order to address criticism from the District’s planning officers that the scheme was over-developed. The blank, northern elevations have also been changed.
3. The site is 2.91 hectares in size. The proposal is for five main blocks of one and two-bedroom self-contained units, of between 10 and 22 units per block. A further two small blocks would contain two self-contained, two-bedroom apartments and four, three-bedroom “houses”. A separate block would serve as a residents’ centre. It would contain the main offices for the scheme, and other staff facilities; a kitchen and small dining room; two treatment rooms, a gym, hydro-therapy pool and sauna. A lounge, bar and library/it suite are also included. Just over 1.1 ha of public open space would be made available.
4. An underground basement car park would hold 52 car spaces. Another 40 would be available above ground. A total of 60 bicycle spaces are proposed of which 34 would be held within the basement. Spaces would be provided for 9 mobility scooters. There is a proposal for a car pool of 2 vehicles available for the residents’ use.
5. The applicant states the scheme would employ 11 full-time employees and another 12, part-time. It is not clear how many full-time equivalents the part-time staff would add up to.

### Detail

**The case for extra care housing**

1. The applicant has sourced considerable evidence that suggests that extra care housing should provide a significant part of the future housing mix of new dwellings in South Oxfordshire. Much of the evidence comes from respected sources such as the Planning Advisory Service, or the Local Government Association; there is even a letter of support for such schemes from Sajid Javid, the Secretary of State for Communities and Local Government.
2. The applicant also points towards Government guidance in this matter. The paragraph on housing for older people from the guidance on housing and economic development needs assessments, is quoted.
3. The common element linking these research and guidance documents is the clear message that the response must be one that is plan-led. Sajid Javid’s letter for example explains the new statutory duty for local planning authorities to demonstrate how within “their Local Development Documents (they) should meet the housing need of older and disabled people. We hope this will make more land available and speed up development as well as lead to a more diverse housing market”. The guidance on assessing housing for older people declares “The future need for specialist accommodation for older people broken down by tenure and type… should be assessed… The assessment should set out the level of need for residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes that can be adapted to meet a change in their needs”.
4. The Government is clear there is a problem; it is also clear it wishes for a plan-led solution. The issue is too important to deal with at a purely local scale and should be built-in to the housing and economic needs assessment. It is likely to involve cross-border working, and may even require the invocation of the Duty to Cooperate.

**The applicant’s methodology in assessing extra care housing need**

1. The applicant has submitted an Extra Care Housing Needs Assessment (ECHNA) written by Tanner and Tilley Development Consultants. While awaiting the publication of the needs assessment by the District Council, this has been submitted as proof of the requirement for the applicant’s proposed development.
2. The applicant’s agent in this matter has chosen a six-mile buffer around their application site in Thame for the boundary of their study, as they believe the market for their scheme would remain quite local. This extends eastwards and southwards across the Oxfordshire-Buckinghamshire border as far as Stone and part of Princes Risborough, and westwards towards the village of Chalgrove.
3. The applicant has used the following methodology:

* Estimated the current base-date population at 2016;
* Estimated the population of those likely to need care;
* Taken 30% of those who need care and assumed they will enter extra care housing;
* Taken tenure data for over 65s from the 2001 census;
* Applied a calculation based on the likely number of over 65s who would rather buy their extra care home rather than rent it.

From this, they estimate the baseline demand of 540 people (not households), rising to 655 by 2026.

1. The ECHNA presents population data provided by CACI, presumably an update on the 2011 census data. It is of note that they believe the population of 65 and over within the study area is 8,751 as at an unspecified date in 2016. Thame’s official parish population in 2011 of over 65s was just 1,965. The disparity between the two figures can be explained by the choice of buffer, and the means of obtaining the population data.
2. The use of a circular buffer means wherever the circle crosses a census output area (of whatever level), the whole of the population of that output area is included within the count. Recent data for age is reported at a higher level output area, known as Super Output Areas, to protect identities and ease initial calculation; as such, they are likely to be reporting at least several hundred households. This means, for example, that although the buffer only clips Princes Risborough, most if not all of it will be inside a single Super Output Area and added to the study area. This is very likely to inflate the apparent demand for older people’s accommodation, even within the study area.
3. The tenure data from the 2001 census is the only data generally available. We do not know if in the 16 years since the data was collected if there has been a significant shift in tenure. It is, however, increasingly suspect. What is certain though is that by declaring a need for extra care home units in line with their inflated population count, the applicant is double-counting many units. It is a nonsense to suggest that each person will require a separate unit as no account is taken of couples, or people living with their close family members, and so on.

**The case for C2 at The Elms**

1. The applicant’s case in this matter simply relies on two points:

* the fact that the Thame Neighbourhood Plan (TNP) is silent on the issue of older people’s accommodation; and
* a supposition that with the bulk, scale and massing of the development having been approved as part of the original application, anything that fits inside a similar shell should be approved.

1. The TNP was written to be in conformity with the SODC Core Strategy December 2012. The applicant has expressed surprise that no plans were made for homes for older people within the TNP. During the consultation phases of the TNP no comments were received that expressed a need for residential institutions for older people. This resulted in no specific policies or allocations being made.
2. The TNP is therefore reliant on Policy CSH4 from the Core Strategy. This states that “Specialist accommodation for older people should be provided in the new greenfield neighbourhoods identified in this strategy and will be permitted at other suitable locations”. The applicant points to the development approved and under construction at the former Thame Service Station site, off Park Street as an example of how this supported scheme provides a precedence. This site was however a minor (0.3ha) brownfield redevelopment site offering 20 sheltered housing units for older people. Due to site constraints, it was suited to apartment-style development and could equally have provided for other tenure types, such as first-time buyer accommodation.
3. The Elms site is some 10 times larger and is a housing allocation site included within the TNP. The vision and objectives of the TNP demand that this allocation site provides affordable housing, a mix of housing types and a Thame-specific affordable housing and dwelling mix (policies H8, H9 and H10).
4. The applicant and their Counsel have attempted to suggest that the housing supply policies from the TNP are somehow out of date. This is despite the Written Ministerial Statement of 13th December 2016 that declares neighbourhood plan housing policies are to be considered in date, as long as the local planning authority can prove at least a 3-year supply of deliverable housing sites. The policies are not out of date, and they will be given full weight by the District planning officer. That officer will of course weigh that fact against all other material considerations as part of their assessment of the merits of the proposed scheme.
5. Where the applicant’s argument in this matter fails is that even if the housing policies were out of date as far as housing supply goes case law demonstrates that they do not lose all weight. Even if they were to be judged as having little or no weight the applicant would not win an automatic right to develop their scheme. This is because The Elms is allocated for housing – but the applicant’s proposed scheme is not for housing, but for a residential institution.
6. A residential institution, no matter what the model of care it covers, cannot be considered housing in the normal sense. The Government has recently created a slight fog by declaring that C2 residential care homes can be considered as part of a local authority’s housing land supply. This does not however place this type of home within the Use Class Order C3, dwellinghouse category. The applicant’s scheme, if permitted, would be within the same use class order as residential training or education establishments, including boarding schools; hospitals and nursing homes; or even hotels, and could change without notice to any of those uses. Through a simple prior-approval application process, change could also be made to a state-funded school or registered nursery.
7. The proposed scheme for a residential institution on a housing allocation site that is meeting an identified need for C3 dwellinghouses has no merit. The two uses are not exchangeable; if they were considered by Government and the wider planning community to have similar impact, they would be within the same Use Class.

**Scale of development**

1. The applicant and their Counsel both state that the limit of housing numbers need not apply. It is claimed that the purpose of Policy HA4 from the TNP was to provide a cap to explore the maximum permitted scale and massing the site was capable of yielding and that now this has been established, the number of units on the site can increase.
2. This is, however, a misunderstanding of the purpose of the policy. The cap was there to control not just the physical dimensions of any development but also the type of activities that would occur on site. This would include both within the sensitive setting and townscape of The Elms, and within what would become a public park, not just vehicle movements but also noise, air and light pollution. It is, therefore, not accurate for their Counsel to suggest that the maximum number of 45 was not an absolute cap. Policy HA4 was also written with the expectation that the allocation site would be occupied primarily by families, who would embrace the daily “park life”, and events and festivals the immediately adjacent Elms Park hosts.
3. The applicants state that the 85 units would count against our housing needs. This would only be the case if the next Government does not retract the guidance suggesting C2 residential care can count as housing. This is increasingly unlikely as C2 permitted development schemes over the next few years will lead to the loss of similar “housing”, thus reducing the overall supply of permanent dwellings. The Government of the day will have to act. The 85 units would not, however, count within the current plan period the TNP covers and Thame would have to await both the renewal of the SODC Local Plan and the TNP before it did. Until then we could only count 37 units against our current housing target. Arguably however, the need for most of the approved scheme’s 37 units identified through the Core Strategy would not be met as the supposed housing market the proposed scheme would fulfill would not be the same.

**Transport Statement**

1. The applicant has supplied a Transport Statement, written by Glanville Consultants Ltd. This has used the TRICS software package to compare similar schemes, in an attempt to establish a reliable peak-time and daily trip rate.
2. There is as yet no separate data available for extra care housing schemes. Glanville have therefore used comparisons for similar-sized schemes for sheltered accommodation and retirement flats, against the original trip data for the 37-dwelling approved scheme.
3. The peak trips for the proposed scheme are not surprisingly, much lower. However, the daily two-way trip rates are likely to be higher than the approved scheme:

* Approved scheme trip rate = 192 movements (peak 20 am, 23 pm)
* Sheltered housing scheme = 171 movements (peak 17 am, 8 pm)
* Retirement flats = 238 movements (peak 18 am, 9 pm).

It is considered that the true trip rates will be closer to that of retirement flats, than sheltered housing. This is partly because although there might be fewer journeys made by the residents as they get older, because of the identified need for care the scheme requires of its residents the numbers of visitors will rise to provide assistance or health care. The residents will not be obliged to use the in-house assistance, and health care is not provided.

1. The consultant’s report does over report the availability and proximity of public transport. It refers to three services, numbers 120, 123 and 124 which have not run since June of 2016; and it maps two bus stops on the Upper High Street, which do not exist.

### Conclusion

1. The applicant has argued that the housing policies of the TNP are in some way out of date, and that their proposal for a residential institution should be approved on The Elms housing allocation site. This scheme would however fail to address the need for dwellinghouses identified within the adopted SODC Core Strategy and would therefore be contrary to Policy H1 of the TNP.
2. The applicant has failed to prove that the C2 extra care scheme is compatible with housing allocation HA4. Indeed, their arguments have merely emphasised the differences between a dwellinghouse and a residential care home.
3. The applicant has failed to prove the need for a specific number of units that will need to be provided to meet any identified shortfall in existing provision and future demand. The granularity of the study area data, the ageing tenure information used and the strange assumption that every potential person identified as requiring an extra care home unit will need one of their own calls their report into question.
4. The applicant’s transport assessment cannot yet provide the detail required to judge the impact of the site on the local road network. Although they have made reasonable comparisons, even the highest trip generating comparable use – retirement flats – will not include the same level of visits from health care professionals as the proposed scheme. It is for the same reason highly likely to exceed the daily trip total of the approved scheme for 37 dwellings. The applicant has over-reported the site’s accessibility to the local bus network.
5. The Government and “expert” approach to providing for all elderly care home requirements, including the need for all extra care homes across all tenures, is strictly evidence and plan-led. There are no calls for a free market approach in this vital, strategic matter.
6. The application is therefore against the following TNP policies:

* H1: Allocate land for 775 new homes
* HA4: The Elms – Allocation for no more than 45 residential dwellings;
* H8: Provide affordable housing, in not providing dwellinghouses on a housing allocation site from which affordable homes can be delivered;
* H9: Provide a mix of housing types; and
* H10: Provide a Thame-Specific Affordable Housing and Dwelling Mix Strategy.

**Recommendation:**

***The Committee is asked:***

1. ***To recommend refusal of planning application P17/S1069/FUL – The Elms, 32 Upper High Street***