

Design, Access & Planning Statement

Erection 1no. dwelling (outline – access only) land north of 4 Polebrook Mews, Spinney Drive, Botcheston, Leicester, LE9 9FG (Resubmission 22/00619/OUT).

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Introduction

This statement is submitted in support of the erection of 1no. dwelling (outline – access only) land north of 4 Polebrook Mews, Spinney Drive, Botcheston, Leicester, LE9 9FG (Resubmission 22/00619/OUT).

Research by McCarthy Stone found that 70% of over 65s would consider moving to a bungalow which equates to 8.4 million people across the UK. However while demand is rising supply is falling and in the year 2000 9,347 bungalows were built compared with just 2384 in 2019, this is equal to less than 1% of the new homes built in 2019/20.

In “*Too little, too late? Housing for an ageing population.*” the foreword by Michael Voges Executive Director, ARCO Associated Retirement Community Operators states:

“Over the next two decades, the number of people aged over 65 in the UK is expected to increase by 41% to 18 million. While over-65s often choose to continue living in their existing homes, many wish to downsize when they reach retirement – including into age friendly accommodation that has been designed to boost independence, health and wellbeing.

At present, those who wish to take this path have little to choose from. Less than 3% of the UK’s housing stock is geared towards the retirement market, much of it built as traditional sheltered housing several decades ago. Such low provision is harmful not only for older people, but our country as a whole.

High-quality retirement housing has a crucial role to play in tackling the urgent housing, health and social care challenges facing us. At a time when many young families are struggling to get on to the housing ladder, more than half of the 15 million ‘surplus’ bedrooms lie within the homes of those over 65.”

This application seeks to address this imbalance within the local housing market as recognised by the adopted Core Strategy back in 2009 that states:

“As with most rural areas, there is a lack of affordable housing (both market and social) in the rural villages and hamlets in Hinckley & Bosworth, particularly in the west of the borough. This, combined with an ageing population and high levels of out-commuting, provides a challenge to ensure that rural communities in the future provide a range of local services, housing and employment for people who work and live in rural areas.”

This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Policy Guidance

National Planning Policy Guidance (NPPG) April 2014
National Planning Policy Framework (NPPF) Feb 2019
Community Infrastructure Levy (CIL) Regulations 2010

Core Strategy & Development Management Policies DPD

CS Policy 13: Rural Hamlets.
CS Policy 14: Rural Areas: Transport.
CS Policy 15: Affordable Housing.
CS Policy 16: Housing Density, Mix & Design.
CS Policy 17: Rural Needs.
CS Policy 21: National Forest
CS Policy 22: Charnwood Forest

Policy DM1: Presumption in Favour of Sustainable Development.
Policy DM4: Safeguarding the Countryside and Settlement Separation.
Policy DM10: Development and Design.
Policy DM17: Highways and Transportation.
Policy DM18: Vehicle Parking Standards.

Desford Neighbourhood Plan (May 2021)

Policy H1: Settlement Boundary
Policy H7: Housing Design
Policy T1: Traffic Management
Policy T3: Electric Vehicles

Principle and other material planning considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF (Feb 2019) where the Government's aim remains to significantly boost the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

***“an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a*

high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the NPPF2 as a complete document.

The Government is committed to ensuring the planning system should not act as an impediment to housing provision. All Local Authorities need to significantly boost the supply of housing irrespective of the status of the immediate 5 YHLS. In reference to their report “Building More Homes” (July 2016) the cross-party House of Lords Economic Affairs Committee Chairman Lord Hollick stated:

“We are facing an acute housing crisis with home ownership – and increasingly renting-being simply unaffordable for a great many people. The only way to address this is to increase supply. The country needs to build 300,000 homes a year for the foreseeable future.”

This conclusion was reinforced in November 2016 when the RPTI released a Policy Statement on identifying new housing development opportunities entitled: *Where should we build more homes?* Under section “land within existing built up areas will not meet all our needs” the Statement concludes:

“Even with an enhanced urban renewal and regeneration programmes of action and funding, land within existing built up areas will not meet all our housing needs in full. Some of the future housing needs will have to be met on greenfield land around our towns and cities. The experience of our members clearly indicates that this can be done without undermining the priority to be given to brownfield sites through a planned, managed and phased approach to development.”

The conclusions contained in the above reports “Building more Homes” and “Where should we build more homes?” are reflected in The Housing White Paper “Planning for the Future” (2020) that states:

“Technology, the way we work and live and our understanding of the value of the environment have been transformed since the Town and Country Planning Act of 1947. The planning process has failed to keep pace. It is now complex, out-of-date and fails to deliver enough homes where they are needed. We will act to change this.”

And

“Reviewing the formula for calculating Local Housing Need – we will introduce a new approach which encourages greater building within and near to urban areas and makes sure the country is planning for the delivery of 300,000 new homes a year.”

Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should

be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 1st April 2022. Due to this and the change in the housing figures required for the Borough, Paragraph 11(d) of the NPPF is triggered.

Given the above, this application should be determined in accordance with Paragraph 11(d) of the Framework, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The development plan does not have absolute authority and the LPA doesn't have to "slavishly adhere" to the adopted Core Strategy as the LPA can depart from the development plan if material considerations indicate otherwise when viewed in the round in terms of both the DP and the Framework. Case law demonstrates the presumption in favour of the development plan means the Local Plan is the starting point for decisions, however it does not mean that it generates greater weight than other material considerations.

The case of **DLA Delivery Ltd v SoS** highlights the critical need for consistency in decision making in terms of following previous decisions or to give clear reasons for reaching a different view. Application 21/00887/FUL that was approved on the 7th June 2022 for the erection of a new dwelling with detached land North East of the Hovel, Spinney Drive, Botcheston is an example of where the balance of material conditions can weigh in favour of the current resubmission.

The surrounding built form of the immediate locality is defined by Kirby Grange that is a retirement village and care home. Recently Polebrook House has secured permission for the refurbishment and extension of the existing Polebrook House including demolitions, two storey extensions and landscaping works to extend the residential care home (C2) by 51 bedrooms under application 21/01331/FUL that was approved 22nd December 2022. Since the existing care home has become established, the area around it and Polebrook House has been developed with retirement bungalows through a network of private roads accessed from Markfield Lane.

The current proposal would add to the stock of retirement bungalows and can be conditioned accordingly to be available to those over 60 years and single storey only. In this respect paragraph 118 of the Framework that states planning policies and decisions should:

"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."

In this context paragraph 118 is consistent with a Public Inquiry appeal decision issued 18th December 2019 related to an outline application for up to 80 dwellings in Desford where Policy DM4 was central to the reason of refusal. On this issue of Policy DM4 the Inspector opined:

"To conclude, the proposed development would cause some harm through the loss of a small part of the landscape character type identified. However, given the visual containment

of the site, and with the use of conditions to secure the retention and enhancement of existing boundary vegetation, I am satisfied that the development would not be unduly intrusive to the wider countryside. As such, the harm would be limited. Nevertheless, this harm would mean that there would be some conflict with Policy DM4 of the SADMP. There was some discussion as to whether Policy DM4 is consistent with the Framework, inasmuch as it sets out at the start that it seeks to protect the intrinsic character, beauty, open character and landscape character of the countryside. However, it is clear that it is protection from unsustainable development that is sought, rather than a blanket protection of all countryside. (my emphasis) In that regard, I find no conflict with the Framework, which sets out a presumption in favour of sustainable development.”

On this basis the Framework supports the efficient use of land where there are clear social, economic and environmental benefits and that each application should be judged on its individual merits.

Local List Requirements

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required before the grant of permission. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted information meets the requirements set out in article 34(6)(c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

Amount, Layout & Design

The Town and Country Planning (Development Management Procedure) (England) Order 15th April 2015 states, except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or reinforce local distinctiveness and reflect the adjacent built form. Given the location and local context the development of the site for bungalow accommodation is supported by both National and Regional evidence as the need to cater for the ageing population is now a significant material consideration.

Lord Filkin’s 2012 Report “*Ready for Ageing?*” concluded that society was “*woefully unprepared for ageing*”. DCLG projections show that by 2025 8.2 million households will be headed by someone 65 and over which represents an increase of 23% from 2015 (Centre for ageing better 2014-2039) and by 2037 there will be 1.42 million more households than today headed by someone aged 85 or over that represents an increase of 161% over 25 years.

The Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) Report June 2014 shows that Leicester & Leicestershire is expected to see a substantial increase in the older person population with the total number of people aged 55 and over expected to increase by 43% over the 25-year period to 2036.

The SHMA recognises the need to provide housing for older people as part of achieving a good mix of housing and a key driver of change in the housing market over the next 20-25 years is expected to be the growth in the population of older persons.

For data on the number of people with specific illnesses or disabilities the Projecting Older People Information System (POPPI) website provides prevalence rates for different disabilities by age and sex. The SHMA analysis shows that the prevalence of illness/disability is expected to increase significantly in the future although with an increasing population. There is projected to be a large rise in the number of people with mobility problems up by 93%

Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options. Between 2011 and 2036 there is predicted to be a percentage change of 103% in relation to the population experiencing mobility problems. Data suggests that across Leicester & Leicestershire some 24.6% of households contain someone with a long-term health problem or disability (LTHPD). By applying this information to the main demographic projections it is estimated that the number of people with a LTHPD will increase by around 71,200 (a 44% increase) in the period from 2011 to 2036 and the vast majority of this increase (94%) is expected to be in age groups aged 65 and over. Overall the population increase of people with a LTHPD represents 43% of the total increase in the population projected by the SHMA modelling.

As such the SHMA identifies a particular need to plan for a growing older population. Typically the greatest support needs are for alterations to properties such as to bathrooms, showers and toilets etc as. Many of these can be resolved in situ through adaptations to existing properties and the resource implications of this will need to be planned for. The growing older population has led to the increase in requirements for specialist housing solutions and new bungalow accommodation that is "ready for ageing". Increasing numbers of older people with health problems will also require joint-working between housing and health (Council and NHS) providers. The SHMA states:

"Currently 25% of households contain someone with a long-term health problem or disability. Demographic trends are expected to lead to a significant growth in the population and number of households with disabilities over the period to 2036. Housing support services, including provision of adaptations to properties, will need to be adequately resourced to take account of this."

Paragraph 118 of the Framework that states planning policies and decisions should:

"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."

The Framework supports the efficient use of land where there are clear social, economic and environmental benefits and that each application should be judged on its individual merits. It is considered the social and environmental benefits are significant within the local context and the findings of the SHMA particularly in relation to the needs of the ageing population.

According to Centre of Ageing Better's senior evidence manager Dr Rachel Docking:

"Living in suitable housing, in a neighbourhood designed to be age-friendly, can improve health and well-being, help people to develop and maintain social connections and feel in control. We need to develop and build homes that are more suitable, adaptable and accessible across the life course."

The tenure of the accommodation would be in accordance with the Framework where local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Given the evidence cited above, current LP policy is lacking in the provision of new homes that are suitable and accessible across the life course.

The Council have recognised the rise in demand for this type of accommodation across the Borough and have recently completed a development of nine bungalows in Bennion Close, Groby following a successful tender by Gelders Ltd where work started in September 2018.

HBBC Chief Executive Bill Cullen said:

“These new homes are the latest to be built by the council in the Hinckley and Bosworth area.” (Borough Bulletin Winter 2018).

With sensitive design and the retention of the mature vegetation along the existing boundaries, the development would be readily assimilated into the character of the area by incorporating sympathetic design clues whilst still retaining an appropriate plot size thereby reflecting the incremental and organic growth that has taken place in the wider retirement village over the last 20 years. As such the final design can accord with paragraph 130 of the Framework that states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

Access Parking & Sustainability

The existing access will be improved and parking can be accommodated within the scheme to meet the necessary requirements for the proposed bungalow.

PPG13 and associated guidance is replaced by the NPPF that states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The HBBC adopted Core Strategy states in paragraph 4.31:

“Key Rural Centres are those villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys not only for those people who are living in the Key Rural Centres, but also the rural villages and hamlets surrounding these centres.” (my emphasis)

The issue of the location of rural housing created the case law associated with **Braintree District Council v SS (15th November 2017)** that was later upheld at the Court of Appeal

28th March 2018. The Court of Appeal confirmed the principle that policy wording should not be over-analysed and that it supported the dictionary definition of "isolated" as meaning "far away from other places, buildings or people". The court ruled that it did not mean isolation from services. There are residential properties directly adjacent the site therefore the proposal cannot be considered "isolated" meaning "far away from other places, buildings or people."

The development is aimed at those that are retired or wishing to downsize and the therefore the accommodation can be controlled by a suitable condition such as that imposed at Ambion Court in Market Bosworth:

"The occupation of the development hereby approved shall be limited to persons aged 60 years and above."

Reason: To ensure that the development caters for the older demographic in accordance with Policies 15 and 16 of the Core Strategy 2009."

When considering the above, the modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively 'nil detriment' and will not therefore adversely affect the current road network capacity as was the conclusion on highway matters in relation to the approval of application 21/00887/FUL at Polebrook House to increase the facility by 51 bedrooms in December 2022.

Drainage

Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding within the vicinity of the proposal. The LLFA key observations confirm: *The site is located within Flood Zone 1 being at low risk of fluvial flooding and is at very low risk of surface water flooding.* The EA flood mapping service also confirms this status therefore the site represents a low risk of surface water flooding of between 1 in 100 year and 1 in 1000 year probability and can be conditioned accordingly.

Affordable Housing & S106 Contributions

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Any contributions sought by the LPA will have to provide a site specific analysis of the impact of the proposed development upon on existing services. A description of how the contributions would be spent to specifically address those impacts and the timeframe will also form part of the justification.

If the LPA can demonstrate that any contributions are necessary to make the development acceptable in planning terms, that they are directly related, are fairly and reasonably related in scale and kind to the development, then in accordance with Regulation 122, the applicant would agree to the request of the associated contributions. The contribution will be secured via a signed Unilateral Undertaking or S106 upon receipt of the detailed justification supplied to the applicant by the LPA. A draft Heads of Terms is included in Appendix 1.

Conclusion & Justification

In common with the neighbouring authorities of Harborough, Rugby and North Warwickshire the LPA are also undertaking a review of the Core Strategy covering 2016 to 2036. This review will update the evidence base that formed the policies of the 2009 Core Strategy and as the White Paper requires will:

“make more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, releasing more small and medium sized sites, allowing rural communities to grow and making it easier to build new settlements.”(my emphasis)

The proposal represents the appropriate use of land in an area that is already residential in nature and catering for those specifically to downsize to more suitable retirement accommodation. The Desford Public Inquiry appeal decision (Dec 2019) highlights the challenge currently facing the LPA where it is an accepted position that land currently outside existing settlement boundaries will need to be released to meet future housing need as the Inspector stated:

“The Council can only demonstrate a deliverable housing land supply of 4.15 years although I recognise that there has been no significant under-delivery of housing in recent years when measured against relevant requirements. It was also confirmed that, in granting planning permissions on sites beyond development boundaries, the Council has been applying its policies flexibly to ensure that its housing supply has remained strong. Be that as it may, the Council now finds itself in a position where it cannot currently demonstrate a five-year supply of housing land against its current requirement, and the shortfall is significant.”(My emphasis)

The need to provide for the ageing population is increasingly becoming a key material planning consideration. The benefit of providing such accommodation in the short term is that it delivers multiple outcomes that weigh significantly in favour of the proposal. Often people of retirement age under occupy the former family home particularly if widowed and are reluctant to leave unless there is a compelling and positive incentive to do so. Here the occupants can continue to live independently but also in an environment that includes their peers and to quote Dr Rachel Docking again:

“Living in suitable housing, in a neighbourhood designed to be age-friendly, can improve health and well-being, help people to develop and maintain social connections and feel in control. We need to develop and build homes that are more suitable, adaptable and accessible across the life course.”

By downsizing and releasing formerly under occupied homes, such proposals also contribute to the availability of family homes in areas of high demand in the surrounding surrounding rural villages. This benefit was highlighted in a Public Inquiry related to a retirement scheme in West Malling in 2018.

Developer Retirement Villages West Malling was granted outline permission on appeal for the development of 79 extra care units, comprised of flats and cottages, plus associated community facilities, parking, open space, and landscaping that was located in the Green Belt. In his decision letter, Inspector Robert Mellor ruled that the scheme's contribution to housing need helped to provide the "very special circumstances" needed to outweigh the development's harm to the green belt.

The Inspector agreed with the council that the proposed scheme represented inappropriate development in the green belt. "Nevertheless there are a number of other considerations to weigh against that harm," he said.

"The Inspector noted that the provision of extra care housing could consequently free up family-sized housing for other buyers.

"The provision of specialist housing more suited to the needs of older persons is likely to encourage them to move and would make a valuable contribution to overall housing needs which should be weighed in the balance," he said.

On the question of housing need, Tonbridge and Malling Borough Council acknowledged it could not demonstrate a five-year housing land supply. However, it also suggested there was no local need for extra care developments.

The inspector disagreed. "There is a local need for residential accommodation of this type and tenure for which the current and emerging development plan does not make adequate provision," he said.

Mellor attached substantial weight to the development's contribution to general housing supply, including the "consequential release onto the market of family housing as older residents move to the proposed development".

Substantial weight was also attached to the provision of specialist extra care housing for older people and significant weight to the health and wellbeing of the development's future residents.

"These other considerations cumulatively clearly outweigh the harm to the green belt and as such qualify as very special circumstances," he said. "The appeal should therefore be allowed."

Although the proposal does not directly relate to specialist extra care housing for older people, the Ambion Court approval in Market Bosworth under application 19/00625/DEEM clearly demonstrates there is high demand for this type of accommodation and the benefits it can deliver as cited above.

By contributing to the Council's 5 year rolling supply of housing and particularly the ageing sector of the population, the proposal represents the type of organic, integrated and sustainable growth that is appropriate within the local context and supported by the direction of travel in terms of Government policy, recent appeal decisions and the key policy objectives of the existing and emerging Core Strategy.

