

STATEMENT ON AMENITY SPACE PROVISION IN RESPECT OF McCARTHY & STONE SHELTERED HOUSING DEVELOPMENTS



Highbury Court, Kings Heath – The first development to achieve the greenleaf standard status as awarded by the House Builders Federation



Town Planners

THE PLANNING BUREAU LIMITED

*Bournemouth · London · Manchester · Coventry ·
Bristol · York · Glasgow*



Architects

1.0 INTRODUCTION

- 1.1 Sheltered housing provides a valuable form of specialised accommodation which meets a specific housing need. In so doing, it gives rise to significant planning and social benefits which realise other planning objectives that national and regional policy give priority to. It provides purpose-built, specifically designed, small units of accommodation for local elderly people situated on brownfield/previously developed sites close to the facilities and concept of community that are so important to a satisfactory living environment for the elderly. As such, it is the type of development envisaged by Planning Policy Guidance which encourages higher density housing to be located as close as possible to facilities and providing alternative means of transport to the private car.
- 1.2 A flexible planning system is a key means of determining the success or failure of all new developments. It is with regret therefore that the use of arbitrary amenity space standards prevent the assessment of each application being considered on its own planning merits. Current practice by some local authorities can constrain the development potential of sites as they continue to rigidly apply unsustainable amenity space requirements. The approach runs counter to government guidance which encourages flexible standards to allow for the best possible planning outcome. It is accepted that such an objective cannot be applied at the expense of other, material considerations, but it should be recognised that in most instances these standards are not site specific, but are instead statements of principles that are intended to apply to all residential developments.
- 1.3 By the very nature of sheltered housing developments are invariably located within or very close to town and local centres, where due to the size of the site or perhaps because of the need to make a particular urban design response, it is not possible to provide much, or possibly any external amenity space. No, or very little amenity space is of course a feature of many town or city centre flatted developments, be they sheltered or conventional housing and it should be borne in mind that conventional housing is of course unlikely to have the communal facilities within the building which are a feature of sheltered housing.
- 1.4 This assertion accords with the opinion expressed by an Inspector at an Appeal in 2004 for a sheltered housing development at Norwich, which was as follows:

‘However, the appellants have wide experience in providing sheltered accommodation for elderly clients and, presumably, a detailed knowledge of their expectations. They would, in my opinion, be unlikely, therefore, to promote a development that potential purchasers would find unacceptable in respect of available amenity space. They note that there are internal communal areas, in addition to private sitting rooms, that would be available to the residents and also that individuals would have a choice whether or not to purchase apartments in the building.



I have already concluded that the landscaping areas would be sufficient to provide a suitable green setting for the building in this urban area and that these, combined with the street trees and those on other nearby sites would give a pleasant outlook for the occupiers. There would be sitting out areas available for those who wanted them and I am not persuaded that the level and quality of the external amenity spaces are such that they should warrant refusal of the proposals.'

2.0 GOVERNMENT GUIDANCE

- 2.1 There is no specific government guidance as to the appropriate level of amenity space to be provided within a Category II sheltered housing development. Notwithstanding this, PPS 3 (Paragraph 14) advocates making effective and efficient use of land and as such advises Local Planning Authority design policies should be aimed at:-

"Promoting designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes."

- 2.2 Paragraph 16 of PPS3 acknowledges that access to amenity space is a matter to consider when assessing the overall design quality of a proposed development. Paragraph 18 and footnote 15 contained in the paragraph makes reference to a number of relevant design guides including Better Places to Live By Design. A Companion Guide to PPG3. This document suggests: -

Integrating different housing types and needs can greatly enrich the quality of community life by engendering both a sense of belonging and a sense of respect for all. However, care needs to be taken at all stages of the design process to ensure that the range of housing needs is fully understood (including taking expert advice as appropriate) and to make sure that any potential conflicts between the lifestyles of different groups are taken into account.

- 2.2 It goes on to state that:

"Most residential environments comprise a mix of, public, private and communal spaces. It is important that the role of each space is clear and that the boundaries between different types of space are clearly defined. Leftover space is wasted space which in time is likely to become a source of nuisance"

- 2.3 Although not particular to sheltered housing, this guidance does encourage Council's to be flexible in order to achieve sustainable development, in accordance with a balanced view of the planning merits.



McCarthy & Stone Experience

- 2.4 McCarthy & Stone is well experienced in providing for the recreational needs of the elderly residents within its development having completed over 30,000 units of sheltered accommodation in over 700 schemes over the last 28 years. The Company employs a qualified Landscape Architect and prides itself on the quality of its landscaped treatment which has become a “hallmark” of all McCarthy & Stone sheltered housing schemes. Indeed it has achieved a number of “Green Leaf” awards over the years for the quality of its landscaping. Neither the quantity nor quality of amenity space provided is a matter which residents who have purchased a McCarthy & Stone apartment regularly complain about. Nor is there any evidence that prospective purchasers are dissuaded from buying an apartment for this reason.
- 2.5 The Harris Research Centre Survey published survey on sheltered housing demonstrates that external amenity space is not a factor that influences the decision to move to sheltered accommodation nor is it a matter of dissatisfaction after occupation. Indeed, there is no reference by any of the people interviewed in the Harris Research Centre Survey to amenity space or external useable garden areas, or to the need for more open space to sit out in.
- 2.6 The most important amenity space for the elderly residents is not in fact found to be outside the building but is the resident’s lounge and communal laundry. In developments where there are large garden areas, the residents tend to use the area immediately outside their patio door (where this exists) if they live on the ground floor or outside the residents lounge. Even on hot summer days, when people might be expected to sit out enjoying the sun, one finds the occupants of sheltered housing rarely taking advantage of the communal garden.





Figure 1 Spalding Court, Cedar Avenue, Chelmsford, Essex

- 2.7 Active use of external amenity space tends to be relatively limited and mainly involves sitting out for those few residents who occasionally choose to do so, and perhaps tending a small flower border immediately outside of ground floor apartments where access is provided to individual apartments.
- 2.8 In all instances, there is sufficient space around the building for residents to sit outside their living rooms, at ground floor level, albeit in the knowledge that privacy is limited especially as these areas are communal. The situation is no different to many similar developments which have been successfully completed by McCarthy & Stone or other builders of a similar ilk. On most developments should residents seek other space for sitting out, they are likely to make use of the patio areas adjacent to the residents lounge, and indeed, this is the location which the residents of upper floors are more likely to utilise should they so wish. There is, of course, nothing to prevent residents of upper floors making use of any area of amenity space, all areas of garden being in communal control.

Awards

- 2.9 It is noteworthy that McCarthy and Stone have been awarded numerous awards for the quality of the landscaping within its developments, including the prestigious Greenleaf awards, awarded by the House Builders Federation and sponsored by the Daily Mail.
- 2.10 Greenleaf was established in 1987 with the launch of an award scheme to celebrate the very best new housing landscapes each year. Chaired by Professor Chris Baines, the well-respected



environmentalist, broadcaster and writer, greenleaf has helped improve standards in the house building industry along with house buyers expectations by highlighting how new housing schemes can enhance their environment.

- 2.11 The greenleaf standard was launched in May 2002. It enables developers to register their commitment to greenleaf principles at pre-construction stage. In September 2002, a McCarthy and Stone became the first house builder to be awarded the greenleaf standard for its development at Kings Heath, Birmingham.

Townscape Considerations

- 2.12 It should be apparent that landscaping and amenity space does not just serve a function of providing for an occupiers perceived requirements. The extent of amenity space provision on this site derives from the need to provide adequate and attractive external space for residents but also to provide a building with an appropriate townscape response. Typically, with a McCarthy & Stone development, having achieved the appropriate built form, the remaining areas of the site are then laid out to provide adequate car parking in an appropriate location having minimal affect on the surrounding townscape, and in a way which assists in providing amenity space spread throughout the development.



Figure 2 Spalding Court, Cedar Avenue, Chelmsford, Essex



- 2.13 As stated by the Inspector at a recent Appeal at Lee on the Solent: -

Though the Council points critically at the lack of external amenity space for residents to enjoy (nowhere near the guideline figure of 25 m² per unit), it is more concerned about achieving a visually spacious setting for the building. It regards the extent of built-up coverage as yet more evidence that the proposal would be over-development of the site. I am told it wishes the building to be set back 2-2.5 metres from Beach Road, so as to avoid closing in upon the perceived openness of this section of townscape.

In my view, such a setback would be wrong. I consider the townscape in Beach Road is weakened by the setback of the buildings on each side and by the gaping voids. Siting the building close to the footway, as proposed, would define this side of the road more firmly and enhance the townscape. In this position the building would act as a foil to Hometide House, which recedes from the frontage on the other side of the road.

- 2.14 As residents of sheltered housing tend to spend relatively more time in their homes than traditional houses, it is appropriate that wherever possible, lively and interesting views should be available from the principal habitable rooms. The most favoured apartments are often those on the busiest road frontages or those facing the main entrance and car parking area serving the development.
- 2.15 It is the experience of McCarthy & Stone that, to a great extent, this is the way that amenity space in sheltered housing developments is utilised – that is, in a passive manner, with the landscaped area providing some degree of privacy but at the same time allowing substantial opportunity to view daily life in the surrounding area. In addition, the distinct advantage of town centre locations is that it provides informal opportunities for walking through active streets.

3.0 RESIDENTS EXPERIENCE

- 3.1 In January 2004 the Planning Bureau Ltd conducted a further survey of residents' opinions regarding levels of amenity space at eleven McCarthy and Stone sheltered housing schemes. In this section the findings of the survey are summarised, and the individual case studies created from the survey are contained in **Appendix B** of this document.
- 3.2 Residents of sheltered housing prefer an apartment to enjoy an interesting view rather than to set aside large open areas for active recreation. Often apartments located off the street frontage or overlooking the main entrance to the development sell first in preference to those facing onto landscaped amenity areas.



- 3.3 It can be surmised that the general consensus from residents was that the quantity of amenity space provided was satisfactory, and no criticism was made of quality. When residents were asked if there was a need for more amenity space, the most common response was no, as those most active in maintaining and managing the garden were concerned that this would mean more work for them! This is because some residents claim ownership and part responsibility for the maintenance of the garden themselves and see it as a hobby, though general maintenance is still carried out by professional landscape gardeners. In addition to this it was surprising to find that small numbers of residents at a development regularly purchase and plant (with the permission of the house manager) additional flowers and shrubs into the gardens, allowing them to further personalise their surroundings. For this reason, especially at developments where generous levels of amenity space could be provided, the majority of residents claimed that they needed no more space.
- 3.4 Residents from developments located within the M25 Orbital, where lower quantities of amenity space are provided compared to developments in other parts of the country, were far more interested in suggesting that some of the established plants and shrubs be removed and replaced with ones requiring even less maintenance. A small number of residents stated that one of the reasons why they had decided to move into a McCarthy and Stone development from a family house with garden was because they considered that their own garden was becoming a “*chore*” to maintain and that they were making less and less use of it even during the summer months. It became apparent from interviewing residents that even though they expected residential developments in centrally located urban areas to have lower quantities of amenity space, it was far more important for many of them to have access to reliable public transport, shops and services.
- 3.5 Nearly all the residents interviewed would not be prepared to pay more in service charges for the maintenance of increased quantities of amenity
- 3.6 The vast majority of sheltered housing residents choose to view the landscaped areas from the comfort of their own apartments or from the residents’ lounge even during the summer months. It is therefore of primary importance when designing schemes that amenity space provides residents with attractive views. The quality of amenity space provided at the developments visited was found to be an important factor by residents when considering whether to purchase an apartment. Residents were generally pleased with the mix of paved and grassed areas, as well as the furniture provided, though some residents did suggest however that the introduction of more colourful plants and shrubs into the borders and flowerbeds could further improve the area’s visual attractiveness.
- 3.7 Recognising that most residents regard the gardens as a visual amenity, residents were asked if there were any activities they took part in (other than gardening) that took place in the amenity space provided during the year. Two of the eleven developments were able to successfully hold a ‘garden party’ during summer afternoons in 2003. Some sheltered housing residents did not consider the

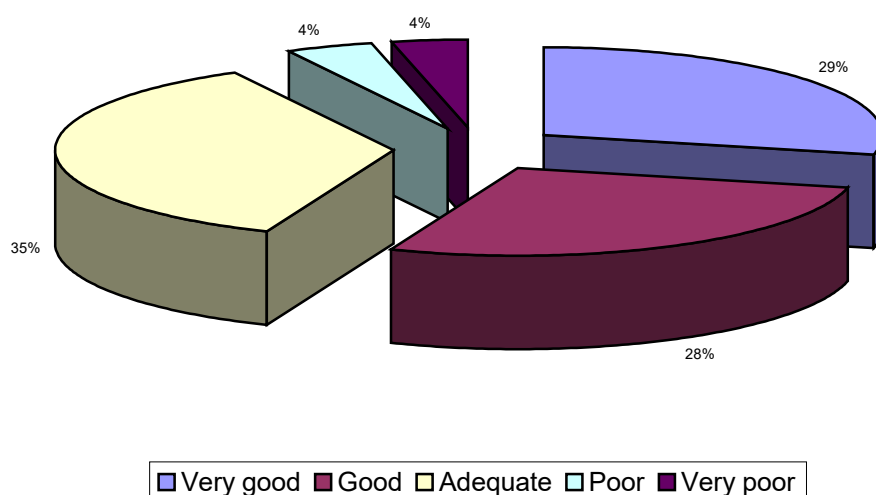


organising of similar events worthwhile at their own developments due to the high proportion of the residents being of a frail nature and/or sensitive to hot weather. The majority of house managers' stated that there was little active use made of the amenity space or garden furniture even during the summer months. Visiting grand children (or great grand children in some cases) were not encouraged to use the amenity space by residents at all developments visited for a number of reasons, including noise and damage to the shrubs and close proximity to children's play space.

3.8 In addition to this, McCarthy and Stone Developments maintain an extensive database of findings from other surveys in relation to its developments. The survey was undertaken in late 2002, and involved sending questionnaires to approximately 1200 residents at 15 different schemes. This includes surveying the satisfaction of incumbents in relation to their enjoyment of their homes and the communal facilities. The residents surveyed commented on a number of aspects of their developments and these demonstrate the acceptability of the level of provision of communal open space areas.

3.9 When the outdoor amenity areas of the developments are considered, the results show only 8% of residents thought the provision was less than adequate, 35% considered the provision adequate, 28% good and 29% very good. This appears to show a 92% level of satisfaction.

Quantity of Gardens/Grounds

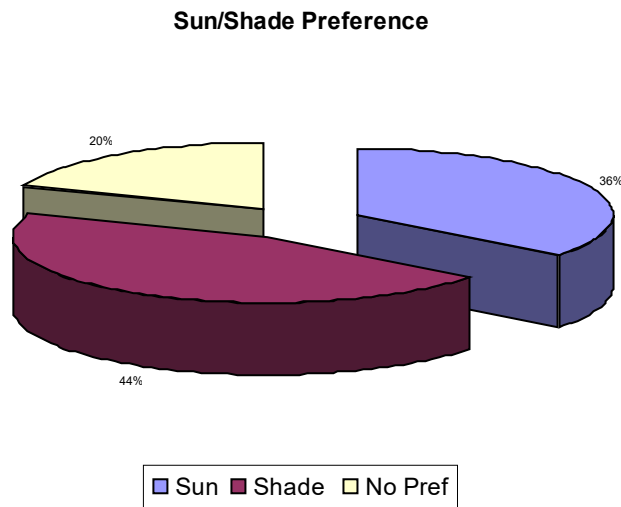


3.10 The same survey also indicated a 90% satisfaction rating with the quality of the provision. This result is considered outstanding given the interest in gardening held by many residents, and the potential frustration that they cannot do the work and that it may not be done to their standards.

3.11 Only 3.4% of residents did not feel that they could sit out in the gardens, if they wished. Some 25% of residents never made use of the outdoor amenity areas and of those that did, the summer was,



needless to say, the most popular time. It was almost 3 times as popular as spring, about 4 times more popular than autumn. Not surprisingly very few sat out in winter time. When the residents did sit outside, the locational preferences were as shown below: -



- 3.12 This does show a higher preference for a shaded sitting out area, although sunny areas are also popular. This contention was upheld by an Inspector at an appeal at South Woodford, (DoE ref: T/APP/W5780/A/94/245594/P2)

“With regard to the first issue, the Council took the view that, in addition to the 30% shortfall in terms of area, the quality of the garden would be of an inferior standard. In particular it was pointed out that the strip at the northern end of the wing would be dark, narrow, invisible from residents' windows, and in part taken up by the turning arc of the rear emergency access. Furthermore, the principal garden area would be divided in two by the rear wing, in shade for parts of the day, and dominated by the mass of the building.

It was clear from the evidence that one of the attractions for the elderly residents, who would normally occupy a development such as this, is the provision of a communal area upon which they can look out, and in which they can sit and walk. I accept that size is one factor to consider in assessing such a garden's amenity value. However, I believe that the interest created by its overall layout, careful plant selection and the inclusion of garden features can also be of considerable significance to the residents. All of these are matters that can be required as part of a landscaping scheme for the development. That part of these areas is at any time in shadow does not seem to me to be of great importance. Indeed, it may well be seen by some of the occupants as being an advantage.



- 3.13 It was clear from the evidence that one of the attractions for the elderly residents who would normally occupy a development such as this, is the provision of a communal area upon which they can look out, and in which they can sit and walk. I accept that size is one factor to consider in assessing such a garden's amenity value. However, I believe that the interest created by its overall layout, careful plant selection and the inclusion of garden features can also be of considerable significance to the residents. All of these are matters that can be required as part of a landscaping scheme for the development. That part of these areas is at any time in shadow, does not seem to me to be of great importance. Indeed, it may well be seen by some of the occupants as being an advantage.



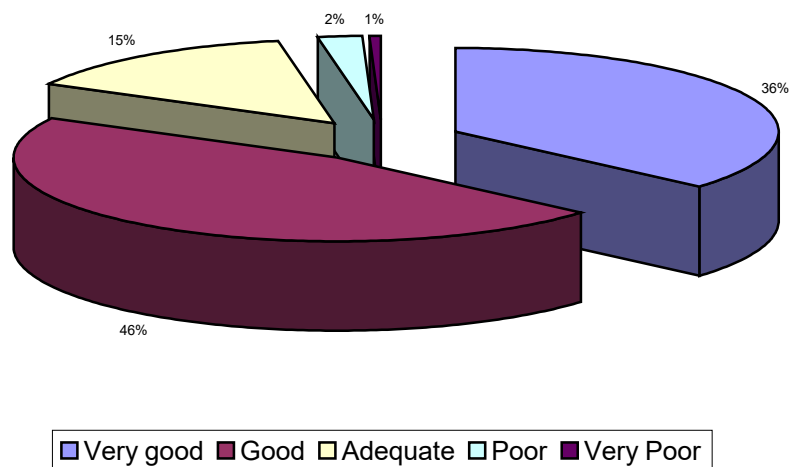
Homebridge House Fordingbridge

Residents' Lounge and Laundry

- 3.14 As noted previously, the communal lounge and laundry do provide effective internal amenity areas, that is highly valued by McCarthy and Stone residents. As shown below the level of satisfaction was generally high.



Residents' Lounge



- 3.15 Only some 3% show dissatisfaction at the provision, giving a 97% satisfaction rating, with 46% describing the provision as good and 36% as very good.
- 3.16 It is also important to acknowledge the range of recreational activities that residents engage in after moving to sheltered housing. Allan Burns, a Traffic and Transportation Consultant, has been undertaking a PhD on the subject of "The Transport and Related Characteristics of the Residents of Private Sheltered Housing for the Elderly". The survey data collected gives a comprehensive picture of the way residents occupy their time.
- 3.17 As seen from the table below the extent of recreational activities is very wide ranging but those which are most popular are extremely passive and do not involve going outside. Certainly, there are no outside activities identified to a significant percentage, which could be accommodated on this site by an extended amenity area.

Interest	Percentage
Television	83.3%
Crosswords	46.2%
Reading	43.6%
Bingo	18.0%
Walking	15.4%
Handicrafts (e.g. knitting)	13.6%
Card Games	13.4%
Music	10.7%
Bowls	8.2%
Radio	7.0%
Cinema	6.5%
Board games (incl. dominoes)	6.4%
Theatre	4.8%
Gardening	3.3%
Eating Out	3.3%



Visiting family	3.2%
Church	3.2%
Keep Fit	2.8%
Day Trips	2.5%
Swimming	2.4%
Social Events at Development	2.4%
Visiting friends	2.4%
Shopping	2.4%
Computer	2.4%
Cooking	2.0%
Writing	2.0%

- 3.18 It should be noted that the low percentage ascribed to interests such as “visiting family” may be because many people would not consider this an interest, but a normal part of their life.
- 3.19 Provided at Appendix A to this report is a random sample of existing McCarthy & Stone developments, which identifies areas of usable amenity space which have been considered acceptable by Local Planning Authorities, Planning Inspectors and residents alike.

4.0 PLANNING INSPECTORS COMMENT REGARDING THE PROVISION OF AMENITY SPACE

- 4.1 McCarthy and Stone’s experience of an approach to amenity space has been consistently supported at appeal. Amenity or open space provision is occasionally utilised as a ground of refusal when a development scheme cannot provide a arbitrary figure applied inflexibly by a Local Authority. Normally a cogent argument can be put to the Local Authority indicating that amenity space provision is sufficient to, based on the extensive experience of McCarthy and Stone. However, McCarthy & Stone has been involved in numerous appeals where the extent of amenity space being proposed has been at issue. Historically, McCarthy & Stone has been successful in arguing the exact thinking that now lies at the heart of Government Guidance, in that Local Authorities need be flexible in their application of standards in order to achieve the most efficient use of land.

Rugby, Clifton Road/Curie Close - T/APP/E3715/A/98/292522/P5- 09.09.98

- 4.2 In upholding an appeal for 40 dwelling units at Clifton Road, the Inspector said: -

"On the issue of site coverage the Council, with reference to its standards for amenity open space which were appended to the 1990 version of the Rugby Local Plan, argued that the proposal would also provide insufficient amenity open space. In particular the space at the front of the proposed building whilst forming part of its setting could not be considered as amenity space, essentially because of its limited size and lack of privacy. However, I am aware that paragraph 6 of Planning Policy Guidance No. 3 (PPG3) "Housing" advises that, subject to the impact on surrounding development, such matters as the size of private gardens are for the judgement of developers. In



this case I consider that, having regard to the type of occupants, the value of the space surrounding the building is more to provide a pleasing and interesting visual outlook than to provide "active" amenity open space. Such interesting outlook would also include the streetscene and parking area for the site. Hence, in my judgement the space surrounding the building would be adequate for its occupants, particularly since a small private amenity area at the rear of the building is included in the proposal".

Lee-on-the-Solent - APP/J1725/A/02/1085226 - 8 August 2002

- 4.3 In this instance the Council argued that the lack of amenity space impinged on the townscape character of the site and lent credence to their assertion that the proposal was an over-development. The Inspector in upholding the appeal stated: -

'Though the Council points critically at the lack of external amenity space for residents to enjoy (nowhere near the guideline figure of 25 m² per unit), it is more concerned about achieving a visually spacious setting for the building.

I consider it would not be right to insist upon some arbitrary measure of residents' amenity space just to honour the guideline. In many cases more generous provision would doubtless be an asset, but this site offers little scope. I do not regard that as a compelling objection. The site has the advantage that residents would be able to enjoy the nearby seafront. On the fourth issue I conclude that the lack of amenity space provision, particularly as a setting for the building, is not an overriding defect in the particular circumstances. I find no material conflict with LP policies H5 and H11.'

Norwich (APP/G2625/A/O3/1118836 10 February 2004

- 4.4 The Council had criticised the land available for landscaping and amenity space, both in quantity and quality, arguing that it would fail to provide reasonable living conditions for the future residents build 53 sheltered units, on a site of 0.24 hectares. In allowing the Appeal, the Inspector commented:

'However, the appellants have wide experience in providing sheltered accommodation for elderly clients and, presumably, a detailed knowledge of their expectations. They would, in my opinion, be unlikely, therefore, to promote a development that potential purchasers would find unacceptable in respect of available amenity space. They note that there are internal communal areas, in addition to private sitting rooms, that would be available to the residents and also that individuals would have a choice whether or not to purchase apartments in the building.'



Purley APP/L5240/A/04/1162627 9 February 2005

- 4.5 Again the Council argued that the amenity space available was deficient both in qualitative and quantitative terms for 54 sheltered apartments on a 0.248 hectare site (). In allowing the Appeal, the Inspector commented:

'In my view, although the main amenity open space areas are relatively modest in extent, they are well located in relation to the needs of future occupiers. In addition, because of the set back nature of the scheme, there is sufficient space around the building for other areas to be landscaped and equipped with seating and to permit perambulation. on the information available to me, and in the knowledge of other schemes developed by the Appellant, I am satisfied that such areas will be laid out to a high specification and maintained to ensure that such standards are maintained. Landscaping can be controlled by condition.'

Windsor APP/TO355/A/O4/1151613 7 July 2005

- 4.6 The last of these further decision letters pertains to a very recent appeal for a site in Windsor, where M&S proposed to construct 38 sheltered apartments on a site on 0.192 hectares. In allowing the appeal, the Inspector commented:

'I am' satisfied that the needs of future residents would be for passive recreation, mainly for sitting and walking, and that the experience of the appellant company would ensure that this would be catered for at an acceptable standard by the design and layout of the relatively limited areas of amenity space. I consider that the retention of existing trees on the site and an appropriate landscaping scheme, secured by condition would ensure that adequate levels of privacy would be attained and the quality of the environment provided by the amenity areas would not be compromised. Furthermore future occupants would be aware of the level of shade and the amount of amenity space that would be provided.'

Weymouth (APP/P1235/A/05/1181220) – 24 November 2005

- 4.7 The application was for 37 sheltered apartments and 18 affordable dwellings in a separate built form. The issue of the quantum of amenity space provision was the sole issue at the appeal. The Council were seeking to impose the amenity space standard of 45sqm of amenity space per dwelling as set out by the recently adopted local plan for each sheltered apartment being proposed:-

'To the rear, areas of communal garden would be provided, the one to the south east being the larger of the two with in my view sufficient space to allow pleasant gentle walking and attractive sitting out areas. Assessing Needs and Opportunities: A Companion Guide to Planning Policy



Guidance (PPG) 17 paragraph 8.18 notes that residents of sheltered housing will not require access to most forms of sports facilities or provision for children and young people. In contrast with the family housing, occupiers of sheltered flats will all be elderly and whilst they will vary in agility and mobility it is likely that the vast majority of residents would not require substantial space for very active leisure pursuits or sports. I note the concern of the Council that elderly people should be given the opportunity to improve their health through exercise; however surveys undertaken by the appellants indicate that residents would be unlikely to make use of more extensive grounds.

The sheltered housing element would provide open space in accordance with LPR Policy H5 but would not include the 45 square metres of space for recreational use per dwelling which LPR Policy C10 sets as a borough wide expectation. However for the reasons I have set out I consider the lesser area proposed would meet the particular needs of the elderly residents of the block and a deviation from the 45 square metre standard would therefore be justified for this element of the proposal.'

Chesham (APP/X0415/A/06/1196902 - 23 May 2006

- 4.8 The application was for 45 sheltered apartments for the elderly with associated facilities and landscaping. The Council argued that the amount of amenity space provision being provided was inadequate and referenced the Council's policy standard which for this development would require 1205sq.m:-

'Based on the supporting text to Local Plan Policy H12 the minimum provision of amenity space should be about 1205 sq.m. As part of the evidence submitted prior to the Inquiry the Council estimated that the total amenity space proposed was approximately 640 sq.m. which included both external and internal space. The Council's estimate excluded significant areas identified for soft landscaping.

At the Inquiry, the appellant provided me with a copy of a plan with their own calculation of amenity space which amounted to 1189 sq.m. This does exclude certain areas, including the landscaped area between the proposed access road/car park and the boundary with No.3-5 Bellingdon Road, but includes many areas proposed for planting. I have had regard to the actual wording of Local Plan Policy H12 which advises that after areas for refuse disposal and drying clothes as well as a screened area in which residents can sit outdoors in reasonable privacy have been provided, the remaining area not required for car parking or access should be laid out as landscaped gardens. As a result, I consider that the appellant's estimate of the amenity space that would be provided is reasonable. The Council advised me at the Inquiry that if the appellant's figure were used there would be a negligible difference between the theoretical requirement and the amenity space proposed.



To my mind what is more important is whether the space provided is adequate for the number of dwellings proposed. I accept that in a sheltered apartment scheme, internal amenity space provided by the residents lounge and the laundry are popular and well used. Moreover, many of the ground floor apartments have patios which would provide a valuable sitting out area. The common room has a large south facing terrace which again would provide valuable space which I am satisfied would be well used.

In addition, the Inspector commented on the quality of the amenity space provided:-

‘Two substantial areas are located along the Bellingdon Road frontage and by the side of the public footpath. The quality of these areas is not as high as other parts of the proposed amenity space. However, these areas will provide an attractive setting for the proposed development and would enable residents to walk around the grounds. Therefore, these areas would still provide valuable useable amenity space for future residents. I therefore conclude that in both quantitative and qualitative terms, the proposed level of amenity space is adequate to serve the future residents of the proposal.

- 4.9 The reoccurring theme of these determinations is that McCarthy & Stone have extensive experience of its market, and that a simple application of a numerical threshold is not an appropriate determinant for amenity space

5.0 PLANNING OBLIGATIONS

- 5.1 It has become common place for some local planning authorities to seek planning obligations towards amenity space provision from residential developments. Local Planning Authorities in seeking amenity space contributions normally rely upon supplementary planning guidance or the use of standardised formula to calculate a sum for off site amenity space provision. Supplementary planning guidance and formulas can provide clarity for residential developers however these SPGs and formulas are often devised without regard to the nature of sheltered accommodation, or if it has been considered, its been done without any empirical evidence of what the amenity space needs are arising from category II type sheltered accommodation.
- 5.2 Sheltered accommodation should not necessarily be exempted from planning obligations for amenity space provision but where it is justified it will be necessary that any requests made by the Local Planning Authority for amenity space contributions should comply with ALL the tests of the Planning Obligations Circular 05/05, those being;

- Relevant to planning;



- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

- 5.3 National Planning Policy Guidance in the shape of PPG17 and its companion guide 'Assessing Needs and Opportunities' advises Council's to undertake a robust assessment of existing open space, sports and recreational facilities. Paragraph 33 of PPG17 under the title of 'Planning Obligations' states that local planning authorities will only be justified in seeking planning obligations where the quantity or quality of provision is deficient. Local Planning Authorities, therefore should not seek planning obligations towards forms of amenity space for which there is a surplus in the area and of an adequate quality to meet the local community's needs.
- 5.4 Furthermore for a planning obligation to meet the tests of Circular 05/05 it is necessary to have regard to the nature of the occupants of sheltered accommodation and the specific amenity space needs of the occupants. Section 3.0 of this report provides study evidence of the amenity needs of McCarthy & Stone category II type sheltered accommodation.
- 5.5 National Planning Policy documents also assist local planning authorities with seeking planning obligations for amenity space from sheltered accommodation. Assessing Needs and Opportunities: A Companion Guide to PPG17 at Paragraph 8.18 under the chapter on drafting planning policies states;

'Some types of development may justify exceptions to policy or a flexible interpretation of it. For example, the residents of sheltered housing will not require access to most forms of sports facilities or provision for children and young people.....'

- 5.6 A contribution towards children's play space and most forms of sports facilities from sheltered accommodation would not meet the tests of the Circular as it would not be '*directly related to the proposed development*' and would be '*un-reasonable in all other respects*' as the need for these facilities would not be derived from the proposed development. Despite the clear advice from national planning policy some Local Planning Authorities still do not heed the guidance. The excerpts below from a recent costs appeal decision at Redruth, Cornwall and an appeal decision at Guiseley, Leeds, is evidence of the case.

Redruth, APP/Y0815/A/04/1164585 October 2005



The Council sought a financial contribution of £40,000 towards amenity space provision based on the application of the Council's standard amenity space formula without regard to the advice of national planning policy or to the nature of the accommodation being proposed.

'It is clear that the Council was aware at an early stage of the appellant's view that there was no justification for an off site open space contribution. Nonetheless, instead of providing a justification, it maintains its position and continued to approach the inquiry with the expectation that the appellant would put forward an undertaking to contribute £40,000 towards off site open space. The Council's approach appears to be based on a misinterpretation of its own policy, and no consideration seems to have been given to the flexible approach to sheltered housing open space outlined in the companion guide to PPG17.....

...I consider that the Council has behaved unreasonably in this matter. It is clear from the companion guide to PPG17 that a flexible approach should be taken to the provision of open space for the occupiers of sheltered accommodation and that on site amenity space is of primary importance. Mr. Allen's Appendix 7 illustrates the type and extent of amenity space provided at other sheltered housing schemes. The Council should have taken this into account. Had it done so, it would have been apparent at an early stage that there was no justifiable requirement for the appellant to contribute £40,000 to off-site open space.

The detailed breakdown of the required £40,000 contribution was not available before the inquiry started. At the inquiry, the Council acknowledged that it was wrong to include play equipment and that, if the on-site provision was included in the open space requirement, there was no real justification to refuse permission on these grounds.'

Guisseley, APP/N4720/A/05/1190083 November 2006

The application was for 39 saleable units of category II sheltered accommodation. The Council in applying a standard formula set out in an adopted SPG were seeking a total of £68,655.58 towards off site amenity space. The appeal was allowed and the appellant's figure of £7,800 was accepted as a reasonable contribution.

'It is therefore necessary to consider the nature of the proposal. The Statement of Common Ground submitted to the Inquiry records the parties' agreement that amenity space has been proposed that is acceptable to meet the on-site needs of the intended elderly residents. During the Inquiry, Mr. Crates confirmed this on behalf of the Council in response to a question from me, and I see no good reason to take a different view. On this basis, it would appear that the £22,446.08 requested by the Council to fund the laying out of Local Amenity Space would primarily benefit the general public, rather than residents of the proposed development. Furthermore, as the development is clearly



designed to be unsuitable for those under the age of 18, UDP Policy N4 allows for a lower proportion of greenspace anyway. In these circumstances, I consider that contribution sought by the Council for this category does not relate fairly and reasonably in scale and kind to the proposed development.

The appellant's unchallenged evidence is that the average age of residents of their developments is 78 years. Accordingly, I accept that a high percentage of them would not engage in active sport or activities associated with significant mobility. The development would not therefore generate significant additional demand for the formal equipped playgrounds, playing pitches, courts and greens included within the Neighbourhood/District Parks category and this point is recognised in chapter 8 of the companion guide to PPG17. Again, it is difficult to see how the requested contribution of £11,223.04 for this category could be said to fairly and reasonably relate to the needs of the proposed development.'

- 5.7 A common formula adopted by Local Planning Authorities is to seek a set figure of contribution per dwelling that is being proposed. The difficulty with such a rudimentary formula is that it does not take into consideration the differing amenity space needs derived from different sizes and forms of residential accommodation. For example a five bedroom house is going to produce a significantly different amenity space need than a one bedroom sheltered apartment. This point was addressed at Paragraph 34 of the appeal in Guiseley, Leeds and in a costs appeal at Sidmouth, Devon:-

Guiseley, APP/N4720/A/05/1190083 November 2006

'The evidence and my own inspection reveal how Springfield Park and The Green, to which it is linked, could benefit from improvements to landscaping, footpaths and seating provision. The appellant accepts that, in principle, works of this nature would relate to the proposed development, having regard to the nature of the occupants. However, the £11,223.04 sought by the Council is the same sum that it would request in relation to a development of 40 general market housing units. Indeed, during cross-examination, Mr. Crates acknowledged that the figure sought by the Council for a 1 bedroom sheltered housing unit, occupied by a single elderly person, would be the same as that requested in relation to a 5 bedroom house. In view of the relatively low level of demand likely to be generated by the appeal scheme, I do not consider the Council's requirement fair and reasonable.'

Sidmouth, APP/U1105/A/05/1175806 August 2005

The application was for 24 sheltered apartments for the elderly. The Council sought an off site financial contribution based on the application of a standard equation which used a set figure per dwelling unit. The Secretary of State made an award of costs to the appellant in this instance.



'On the issue of open space, the RfR is specific and relevant in its reference to the proposal and to emerging and local strategic policy but the substantiation through evidence is inadequate. The calculation of a contribution sum, which was itself changed during the Inquiry, was based on an equation relating to the number of proposed dwelling units and took no consideration of the nature of the dwellings or the needs of the occupiers. These matters are clear requirements of both emerging and national policy. Neither was there adequate consideration of the capacity of existing facilities to satisfy the development's needs. Taking into consideration the extent of the inadequacy of this evidence I conclude that the Council has behaved unreasonably in the context of paragraph 8 of Annex 3 of the Circular and the open space issue, which has led to wasted expenditure by the Appellant.'

- 5.8 It is clear that a generic calculation based on a set figure per dwelling, irrespective of dwelling size and form would not meet the tests of the Circular as it would not be *'fairly and reasonably related in scale and kind to the proposed development'*.
- 5.9 A similar common formula often adopted by some Local Planning Authorities is to use a standard equation that is based on an average occupancy rate of the proposed development on a per dwelling basis. A national or district wide occupancy rate per dwelling is used and is often circa 2.2 people per dwelling. Whilst using an average occupancy rate may be considered to be a consistent approach for most residential developments it does have similar shortcomings when considering one bedroom properties or specialised units of accommodation such as sheltered housing. A one bedroom dwelling would never have more than two occupants and to use an occupancy rate of 2.2 person per dwelling would produce a contribution that would not be *'fairly and reasonably related in scale and kind to the proposed development'*.
- 5.10 Similarly, an occupancy rate of 2.2 persons per dwelling would be unreasonable to use for a sheltered housing development, whereby given the age restriction and nature of the accommodation the occupancy of any particular dwelling would never be more than two persons. Indeed, from survey evidence of existing McCarthy & Stone developments shows that the average occupancy rate is nearer 1 rather than 2. This is to be expected given the profile of occupants of sheltered accommodation. It was found, in a 2001 survey of McCarthy & Stone developments that the number of rooms did influence the occupancy of the apartments. The one-bedroom apartments had an average occupancy of 1.1 persons, whereas those built with two bedrooms had an average occupancy of 1.3.
- 5.11 Based on the evidence of studying existing McCarthy & Stone developments it would not be fair and reasonable to equate a financial contribution based on an average occupancy rate taken from a dataset of dwellings that are predominantly not of a specialised form of sheltered accommodation.



- 5.12 Another factor often used by local planning authorities in calculating amenity space contributions is the National Playing Field Association “6 acre” standard often expressed as 2.4ha/1000 population with an additional 0.4ha/1000 allow for informal general amenity areas. This standard has been derived from assessing need for sports pitches and childrens play space, two areas of amenity space provision that the residents of sheltered accommodation would not create a need for. As such it is considered inappropriate to base calculations for amenity space provision for sheltered accommodation using this standard as part of the formula. This view was reiterated by the Inspector at an Appeal at Totton, Hampshire in 2005;-

Totton (APP/B1740/A/04/1163842 and 05/1182399) 1st December 2005

The application was for 45 sheltered apartments for the elderly and the Council were seeking a financial contribution for £51,993 based on a standard formula that incorporated the “6 acre” standard. In allowing the appeal the Inspector concluded that it was not ‘*necessary*’ for the proposal to make any financial contributions towards amenity space, stating:-

‘It (the Council) has argued that the proposals should provide a financial contribution towards off-site open space provision based on the minimum standard of 2.8ha/1000 population set out in LP policy DW-R3. The Council has calculated that these proposals would generate a contribution of £51,993 and contends that there is no justification for reducing the overall standards.

The Local Plan provides that this standard of 2.8ha/1000 population is comprised of 1.6ha of formal open space and 1.2 ha of informal open space. It also provides that in applying the standards account will be taken of local circumstances such as instances where elderly residents may not use the full range of open space facilities. In these circumstances proposals will be assessed on their merits and consideration may instead be given to providing a greater amount of amenity space close by. In my opinion it is inappropriate to assess these proposals, for elderly persons’ warden controlled sheltered accommodation, on the basis of a calculation that is largely derived from formal open space standards.’

- 5.13 McCarthy & Stone has no objection in principle to the provision of contributions towards amenity space providing that the requested obligation meets all the tests of the Circular guidance. Indeed, a contribution that meets all the tests and is expediently used could assist the saleability of the proposed development to the applicants benefit. However, as stated by Paragraph B6 of the Circular 05/05, the use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. With this in mind McCarthy & Stone will only make contributions towards amenity space provision where the local planning authority can demonstrate that the requested obligation meets all the tests of the Circular.



6.0 CONCLUSION

- 6.1 As demonstrated above the views of McCarthy & Stone have been supported by numerous Inspectors' who generally conclude that the use of amenity space standards is a crude and inappropriate method of assessing the amenity space needs of sheltered housing developments. Indeed, with the recent increased emphasis on making effective and efficient use of previously developed land, the application of such policies is considered to be outdated and contrary to national and regional planning policy and guidance.



Highland Courts, Leeds

APPENDIX

A



**COMPARATIVE ANALYSIS OF "USEABLE" AMENITY SPACE - A RANDOM SAMPLE OF EXISTING
McCARTHY & STONE DEVELOPMENTS**

LOCATION	SITE/ AREA/ ACRE	NO. OF APARTMENTS	NETT "USEABLE" AMENITY SPACE M2	"USEABLE" AMENITY SPACE PER APARTMENT M2
Alcester Road, Stratford-upon- Avon	0.98	43	306	7.1
Strathearn Road, Edinburgh	1.39	135	1196	8.8
Homemount, Largs	1.02	89	945	10.6
Hometey, Monifieth	0.79	44	732	16.6
Golden Acre Terrace, Edinburgh	0.74	87	565	6.5
Homeburn, Giffnock	0.94	35	761	21.7
Innerleithen Road, Peebles	0.81	36	392	10.9
Broomhill Avenue, Newton Mearns	2.53	71	3438	48.3
Falcon Road, Edinburgh	0.47	46	244	5.3
Homecrag, Edinburgh	0.35	39	62	1.6
Maryville Avenue, Giffnock	0.65	33	939	28.4
Hanover Street, Helensburgh	0.67	37	286	7.7
Kings Head Hill, Chingford	1.21	57	1490	26.0
Beaufort Road, Clifton	0.42	33	464	14.0
St. Marks Hill, Surbiton	0.46	42	283	7.0
The Parade, Carmarthen	0.69	46	609	13.0
Marsham Street, Maidstone	1.80	123	2444	20.0
Stade Street/South Road, Hythe	0.86	47	1169	25.0
Homebrae House, Milngavie	0.68	40	377	9.4
Homeglen House, Giffnock	0.93	51	847	16.6
High Street, Baldock	0.72	37	670	18.0
Sheepcote Road, Harrow	0.82	36	1039	29.0
Northwick Park Road, Harrow	1.03	36	828	23.0
The Grove, Epsom	1.18	43	1855	43.0



Sea Road, Boscombe	0.84	54	1004	18.6
Roundwood Lane, Harpenden	1.34	60	960	16.0
Rear of 187 Ewell Road, Surbiton	0.65	30	762	25.4
Station Road, Arnside	0.63	35	711	20.3
Clarence Road, Windsor	0.77	39	1004	25.7
Heathdene Manor Langley Road Watford	1.01	46	2274	49.4
Homemanor House Cassio Road Watford	1.20	85	720	8.5
10-14 Churchfields, South Woodford	0.93	59	1200	20.3
Cardington Road, Bedford	0.84	58	710	12.0
Bushfield, Peterborough	0.56	47	750	16.0
Fisher's Lane, Chiswick	1.38	109	1100	10.0
Palmeria Avenue, Westcliff	1.44	139	1050	7.0
Baker Street, Weybridge	0.94	52	1079	21.0
Sawyers Hall Lane, Brentwood	1.176	58	1150	19.0
Brook Road Ilford	1.10	64	1350	21.0
Mill Bay Lane, Horsham	1.129	61	789	13.0
Bellingham Lane, Rayleigh	0.48	38	445	12.0
2-4 Lansdown Road, Sidcup	0.37	23	459	19.9
Kents Bank Road, Grange-over- Sands	0.69	34	432	13.0
Priory Road, Wells	0.91	56	869	16.0
Alum Chine Road, Westbourne	1.06	53	1557	29.3
Oakdene Close Pinner	0.46	32	320	10.0
Finch Court, Lansdown Road, Sidcup	0.74	44	664	15.1
Bourne Court, Croydon Road, Caterham	0.46	34	308	9.1



London Road Southborough	0.79	38	1043	27.4
Sycamore Court Aylesbury	0.86	48	1059	22.0
Eastwood Road Rayleigh	0.52	45	678.8	15
Chilcote Close Torquay	0.72	39	1212	31.1
London Road Shrewsbury	1.16	33	1949	59
Clifton Road Rugby	0.98	40	1169	29.2
Moresby Court Fareham	1.01	65	1673	25.7
Station Lane Hornchurch (Scheme 'A')	1.31	45	2089	46.6
Station Lane Hornchurch (Scheme 'B')	1.31	56	2091	37.3
Church Crescent Muswell Hill (Scheme 'A')	0.54	43	1106	26
Church Crescent Muswell Hill (Scheme 'A')	0.54	36	1106	31
Chesham Road Amersham	0.60	30	838	43
Upper Gordon Road Camberley	0.59	32	751	23.5
Mill Paddock Abingdon	0.89	32	1597	50
South Street Epsom	1.18	43	1855	43.1
Stockbridge Road Chichester	1.2	63	910	14.4
Orchard Court Headingley	0.64	45	870	19.3
Warham Road South Croydon	0.76	38	915	24.07
16-18 Park Lane Tilehurst	0.34	30	1075	35.8
Hardwick Mount Buxton	0.34	32	174	5.4
Three Bridges Road Crawley	0.45	29	164	5.6
Rosemary Lane Halstead	0.80	52	461	8.9



Redland Drive Kirk Ella	1.42	58	1850	31.9
14/14A The Avenue Westbourne	1.04	64	1862	29.1
Nuffield Hospital Cheltenham	0.6	58	1528	26.3

Note: above figures are calculated excluding House Manager's apartment and Residents Lounge, parking and servicing areas and landscaping strips associated with parking and servicing areas. Schemes granted planning permission at Inquiry



APPENDIX

B



Development Name: Brampton Court, Chichester
Number of Units: 63
Area of Useable Amenity Space (Net): 910 m2
Site Size: 0.49 hectares
Date of Visit: Tuesday 6th January 2004



Figure 1 – Brampton Court

Comments made by residents

- Enough garden furniture for residents
- Garden is “Very Pleasant”
- Enough space for those who wish to go out into garden
- Garden could do with a bit more colour, especially during the winter months
- Wouldn’t make use of any more space, even if it were provided
- The garden is never busy, even when it’s warm
- Garden not for children to play in, needs to be quiet and unspoilt for other residents



Development Name: Lilac Court, Brighton

Number of Units: 45 (+HM)

Area of Useable Amenity Space (Net): 630m²

Site Area: 0.22 Hectares

Date of Visit: Tuesday 6th January 2004



Figure 2 – Lilac Court

Comments made by residents

- Plenty of room
- Enough room to hold garden party
- Like the large paved area
- Cold wind blowing through the site can make it uncomfortable to sit out in
- Very close to near by recreational field if have grand children to visit
- Impressive to look at, especially in summer
- “A real treat in the summer”
- Extra planting organised by management company
- Gardening Club have added more colourful but higher maintenance flowers and plants



Development Name:	Pleydell Court, Folkestone
Number of Units:	33 (+HM)
Area of Useable Amenity Space (Net):	102 m2
Site Area:	0.162 Hectares
Date of Visit:	Tuesday 6 th January 2004



Figure 3 – Pleydell Court

Comments made by residents

- Cold wind blows up the lane, making it uncomfortable to sit out
- Acts as a sun trap in summer and can become too hot in summer
- The planting and railings are visually attractive from apartments



Development Name:	Bourne Court, Caterham
Number of Units:	49 (+HM)
Area of Useable Amenity Space (Net):	308m ²
Site Area:	0.19 Hectares
Date of Visit:	Wednesday 7 th January 2004



Figure 4 – Bourne Court

Comments made by residents

- Splendid views from balconies, apartments and residents lounge
- More space equates to more work for us 'green-fingered' residents
- Shrubs are pleasant and are now well established
- We could do with more storage for our garden furniture
- Very popular will those residents who enjoy the warm weather
- We held a "strawberry fare" in the gardens during summer 2003
- Some of us enjoy making our own flower pots and baskets outside our apartments



Development Name:	Newman Court, Bromley
Number of Units:	57 units(+HM)
Area of Useable Amenity Space (Net):	174 m ²
Site Area:	0.16 hectares
Date of Visit:	Wednesday 7 th January 2004



Figure 5 – Newman Court

Comments made by residents

- The paved area acts as a sun trap, which discourages the more frail residents from venturing out to use it
- Looks like an “oasis” from the other side of the road
- Very welcoming
- The hanging baskets near the entrance look lovely in the summer
- This is our own private space for residents only
- Low maintenance shrubs mean less work for gardener and us!

Development Name:	Felbridge Court, Feltham
Number of Units:	45
Area of Useable Amenity Space (Net):	198m2
Site Area:	0.211
Date of Visit:	Wednesday 7 th January 2004



Figure 6 – Felbridge Court

Comments made by residents

- Have had some lovely summer evenings on the patio
- Sometimes it gets just too hot during the summer, so we prefer to stay in
- Not much in the way of flora and fauna in this part of the world, so its nice to be able to look out at the plants and the flowers



Development Name:	Archer Court, Feltham
Number of Units:	30
Area of Useable Amenity Space (Net):	838m2
Site Area:	0.24 Hectares
Date of Visit:	Tuesday 13th January 2004



Figure 7 – Archer Court

Comments made by residents

- The house manager has let me have my own plot outside my window, which I have the responsibility to look after
- Would ideally like a bit more colour, but not enough of the residents would be able to maintain them
- No activities on the amenity space take place, because not enough residents are able to contribute
- The gardens are a peaceful place and I like to read my book out there, but am often the only one!



Development Name:	Crossfield Court, Watford
Number of Units:	75 (+HM)
Area of Useable Amenity Space (Net):	843m ²
Site Area:	0.35 Hectares
Date of Visit:	Tuesday 13th January 2004



Figure 8 – Crossfield Court

Comments made by residents

- The house manager has let me have my own plot outside my window, which I have the responsibility to look after
- Would ideally like a bit more colour, but not enough of the residents would be able to maintain them
- No activities on the amenity space take place, because not enough residents are able to contribute
- The gardens are a peaceful place and I like to read my book out there, but am often the only one!



Development Name:	Homedell House, Harpenden
Number of Units:	60
Area of Useable Amenity Space (Net):	960m ²
Site Area:	0.33 Hectares
Date of Visit:	Tuesday 13th January 2004



Figure 9 –Homedell House

Comments made by residents

- Prefer a bit more lawn at the expense of the flower beds
- The patio is “quite pleasant”
- Very popular will those residents who enjoy the warm weather
- We don’t want children using our gardens
- Never too busy, is always space to enjoy the garden in the summer



Development Name:	Archer Court, Amersham
Number of Units:	30
Area of Useable Amenity Space (Net):	838m2
Site Area:	0.16 Hectares
Date of Visit:	Tuesday 13th January 2004



Figure 10 – Archer Court

Comments made by residents

- Nobody sits out on the furniture provided, even in the summer
- We buy our own plants to decorate the areas around our outside doors
- Very happy with the landscaping and plants
- We don't do much gardening ourselves, we leave that up to the gardener
- Easy to manage and keep tidy



Development Name:	Elliot Court, Bishops Stortford
Number of Units:	35
Area of Useable Amenity Space (Net):	459m2
Site Area:	0.30 Hectares
Date of Visit:	Wednesday 14th January 2004



Figure 10 – Elliot Court

Comments made by residents

- Acts as a sun trap in summer and can become too hot in summer
- Very bright and pretty, especially when there's flowers
- We got a "butterfly" plant last spring, which attracted a lot of butterflies.
- Not enough residents get out there and enjoy the garden, most just like to look out their windows out at it



Development Name:	Longden Court, Romford
Number of Units:	31
Area of Useable Amenity Space (Net):	432m2
Site Area:	0.23
Date of Visit:	Wednesday 14th January 2004



Figure 11 – Longden Court

Comments made by residents

- It too hot in the summer to sit out in the garden all the time, perhaps more shade is needed
- No complaints with the garden or the quality of landscaping
- Could do with more flowers
- Not many residents use the garden
- No events are organised that take advantage of the amenity space

