

DPV Consult

Castleoak Care Developments Ltd

Land forming part of Burston Garden Centre

St Albans

AL2 2DS

Planning Statement in Support of Proposals for a new Retirement Living Community

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Executive Summary

1. The need to provide an adequate supply of specialist accommodation for older people is becoming increasingly important given the Country's ageing population and this has only been brought into sharper focus by the current Covid-19 pandemic.
2. This was underlined in an open letter in May 2020 from the Minister for Care, Helen Whately MP when she stated that retirement and extra care housing developments across the country – whatever their size, or whether private or not-for-profit – are playing a vital role in protecting the most vulnerable in our country.
3. The ethos of the proposals remains unchanged from the original scheme although following the refusal of planning consent for that scheme by a single casting vote (LPA ref. 5/2018/1324/LSM) and the subsequent dismissal of the appeal by the Planning Inspector (PINS ref. APP/B1930/W/19/3235642), the scale, mass and density of the scheme has had to be significantly reduced, which has led to the difficult decision to remove the care home. The current proposals therefore consists of a retirement community, under Use Class C2, that will provide 124 assisted living apartments and bungalows to those in need of care, providing facilities and amenities that will help residents live happier, more independent lives.
4. The principal design changes are:
 - **Spatial openness improvement** The reduction in the quantum as well as the scale and mass of development, with the removal of the 64-bedroom, 3,518 sqm, 2-storey care home which was located on the north east portion of the site, to the benefit of the setting of Burston Manor and the visual openness of the scheme as viewed from the existing bridleway
 - **Spatial openness improvement** The overall reduction in built form also includes a reduction from 45 to 44 bungalows and equates to a decrease of almost 20% of the overall floor area, down from 19,449 sqm to 15,807 sqm
 - **Spatial openness improvement** A reduction in the density of development, utilising the space freed up by the removal of the care home to increase the space between bungalows and their distance from the curtilage of Burston Manor, as well as increasing the landscaping provision across the site
 - **Heritage and visual openness improvement** A more dispersed, more informal and consequently less urban arrangement of accommodation throughout the site, including the re-orientation of the bungalows towards the northern boundary of the site so that they are no longer positioned “side-on” towards Burston Manor
 - **Heritage improvement** A change of landscaping approach in relation to Burston Manor, seeking now to identify, respect and enhance views of the Manor from within the site, rather than closing them off with additional screen planting

- **Heritage improvement** The identification and maintenance of the visual connection between Burston Manor and the woodlands
 - **Visual openness improvement** The increase in the visual permeability of the scheme, with more open views throughout the site and from the northeast and southeast towards the village green
 - **Visual openness and landscape character improvement** The removal of the close boarded fence adjacent to the boundary with How Wood to open the bridleway with the introduction of new woodland planting (trees and understorey) and the introduction of a low-level estate post and rail fence (subject to discussions with rights of way)
 - **Visual openness and landscape character improvement** Softening the built form along the eastern boundary of the site to facilitate a more sensitive edge with How Wood, greater separation from existing houses and allowing space for extensive planting of native tree species to extend the woodland area
 - **Health and wellbeing improvement** The provision for enhanced pedestrian routes both through and around the perimeter of the site, including access to Burston Garden Centre and improved connectivity to the local shops and facilities in How Wood Village
 - **Outdoor amenity improvement** The re-engineering of the pond on the village green and the wider drainage scheme to ensure that all surface water, even the most extreme '1 in 100 year' storm event, is contained within the swales and ponds so that the village green itself is no longer used for attenuation and is now flat and more easily accessible
5. The design changes have enabled a more informal arrangement of the remaining units with a greater focus on landscaping, green space and the setting of Burston Manor, a Grade II* listed building. More generally, the redesign has focused on addressing the reasons why the previous scheme was refused by the Council and subsequently dismissed at appeal.
 6. Fundamentally there has been a change in focus insofar as the proposals now serve to celebrate rather than hide Burston Manor by modifying the layout to facilitate views of the Manor from within the site and to increase the openness of views from the Manor itself. This includes the realignment of the pedestrian route through the eastern part of the development (to and from How Wood Village shops) and the provision of an interpretation board on the village green, which will provide information about the Manor and its historic importance.
 7. The revised proposals have been shaped following a pre-application meeting and further positive engagement with the Council's planning and heritage officers who have confirmed that the changes made to the application are improvements that markedly reduce the "harms" to both the Green Belt and the setting of Burston Manor.
 8. The "very special circumstances" and public benefits were comprehensively set out within the appeal proposals and with reference to the appeal decision were well understood by the Inspector.

9. She gave:

- **Very significant weight** to the contribution the development would make to meeting the needs for specialist housing in the area for older people
- **Substantial weight** to the contribution to general housing needs
- **Substantial weight** to the health and well-being the proposals will bring to both future residents of the scheme as well as relieving pressure on existing health services
- **Very significant weight** to the release of under-occupied family housing
- **Significant weight** to the employment opportunities the scheme will deliver
- **Some weight** to the benefits of the site access improvements that the scheme will deliver
- **Some weight** to the site being able to be delivered now

10. The statements of public benefits have been updated as part of this current application to reflect the change in circumstances associated with the passage of time that has passed since the Inquiry late last year, such as on the level of housing need and associated land supply. Specifically, greater weight must be applied given that the Council's housing land position has significantly deteriorated from 2.2 years (base date 1 April 2018) as at the appeal date, to less than 1.9 years (base date 1 April 2019) now. Based on current projections the Council will report just 1.2 years supply this year (1 April 2020), a 0.5-year supply next year (1 April 2021) and no supply at all by 2022 (1 April 2022).

11. As part of the updated statements of benefits the applicant has further committed to the two additional provisions, the details of which are subject to finalisation with input from the authority:

- A local marketing commitment for a proportion of units, to recognise the need for care accommodation for existing residents of and those with close ties to St Albans
- A significant contribution towards the provision of affordable housing

12. At the same time, the assessment of alternative sites has been revised to address concerns of approach raised by the previous appeal Inspector and in the interests of demonstrating that no new sites have since come forward. The 3 sites queried by the inspector have been confirmed as unavailable following communication with the owners of the sites and there are no new alternative sites.

13. The withdrawal of the draft replacement St Albans City and District Local Plan 2020-2036 by the Council at its Cabinet meeting on the 19 November 2020 due to fundamental legal and procedural flaws identified by the Government's planning inspectors at Examination, also weighs **substantially** in favour of the application proposals. The current development plan here - the

District Local Plan Review 1994 - is hopelessly out of date and in many respects is not consistent with national planning policy.

14. On this basis there are substantial additional benefits over and above those previously proposed that must now be weighed in the planning benefits; namely:

- **Additional weight** to the contribution to general housing needs
- **Additional weight** to the release of under-occupied family housing
- **Significant weight** to offering a proportion of the homes to residents, or family members of residents, living locally
- **Very significant weight** towards the provision of affordable housing
- **Significant weight** to the fact that there are no suitable sequentially preferable alternative sites to accommodate the proposals

15. One of the key issues raised by the inspectors following the early conclusion of the Local Plan Examination was that discounting potential sites in the Green Belt of less than 500 units was not the right approach. Conversely, in line with these conclusions the development of the application site would be consistent with the approach of selecting smaller sites given:

- The proposals would provide a valuable contribution to the identification of some smaller sites that would not unacceptably spread the adverse impacts of development on Green Belt purposes
- The extent of the resultant impacts associated with the proposals would be smaller given the more limited scale of the site (in comparison to the cumulative impact on the Green Belt purposes of developing large adjoining strategic sites)
- The site will deliver 124 units of care accommodation within the next 2 to 3 years without requiring additional infrastructure and would provide choice and flexibility in the housing market as well as securing an affordable housing contribution, both in line with clearly identified needs
- Refusing planning permission on the application site effectively rules out an important potential source of housing that will undoubtedly have a lesser impact on the purposes of the Green Belt than the sites selected in the draft Plan without sufficient justification.

16. Furthermore, the application site falls within a sustainable location and there remains considerable local support for the proposals. In the applicant's experience it is unheard of for a Green Belt scheme to be supported so strongly by local groups. In this instance, it appears that this is as a result of the diligent and thorough manner in which the St Stephen Neighbourhood Plan has been progressed to date. The Parish Council have actively engaged with local residents, seeking and taking on board their opinions and priorities for the area, culminating in a clear set of priorities which included the allocation of this site for a retirement village. The appeal Inquiry heard from

separate residents' associations who spoke strongly in favour of the scheme, as well as Councillor Featherstone, the ward member for St Stephen.

17. On the 5 October 2020 the St Stephen Neighbourhood Plan – Pre-Submission (Regulation 14) Consultation Draft was published. The Plan recognises that there is an identified and evidenced local housing need in St Stephen and consideration should be given to how that is to be delivered, including where any new housing might be sited. Accordingly, with due regard to the Parish Council's own evidence base the Plan supports the removal of the application site from the Green Belt and allocation for approximately 200 units of specialist housing.
18. As was the case with the previous appeal proposals, this application submission is accompanied by a comprehensive suite of technical documents that demonstrate that there are no overriding physical constraints that preclude the development from being built, including ground conditions, flood risk and drainage, trees, highways, archaeology and loss of agricultural land.
19. Regarding the Equality Act 2010 (EA), and as was the case with the previous appeal proposal, there are no issues in respect of this application. Regarding construction impact on the residents of the care home immediately to the south of the site, as with any sensitive receptor this is just a case of appropriate management. It can be dealt with by condition.
20. The **reduction in "harms"** and the introduction of **very significant additional benefits** when combined with the **policy vacuum** at the District Level that has arisen following the withdrawal of the replacement Local Plan and **emergence of the Neighbourhood Plan** means that the overall **planning balance is now weighed decisively in favour of the application proposals**.
21. This proposal is both wanted and much needed and the Council is respectfully asked to grant permission, and enable delivery of this scheme.

1. Introduction

1.1. The application made by Castleoak Care Developments Ltd (“The Applicant”) seeks planning permission for a new retirement community on land forming part of the Burston Garden Centre (“the Site”).

1.2. The development is described as:

“Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising assisted living bungalows and apartments, with community facilities together with associated access, bridleway extension, landscaping, amenity space, car parking and other associated and ancillary works”.

The Applicant

1.3. Castleoak, who will develop the scheme, is a specialist development and construction company working exclusively in the care and retirement living sector. Since 1996, Castleoak has delivered over 200 care homes and 2,000 assisted living and retirement homes.

1.4. The need to provide an adequate supply of specialist accommodation for older people is becoming increasingly important given our ageing population and this has only been brought into sharper focus by the current Covid-19 pandemic.

1.5. This was underlined in the open letter of 4 May 2020 from the Minister for Care, Helen Whately MP (**Appendix A**), when she stated that:

“Retirement and extra care housing developments across the country – whatever their size, or whether private or not-for-profit – are playing a vital role in protecting the most vulnerable in our country.”

1.6. The Applicant's view is that retirement housing and extra care/retirement community developments provide the ideal environment for those finding themselves in need of care and support whilst wishing to live in their own home and maintain their independence. Traditional housing can be lonely for older people with health issues or limited mobility, with little or no community support and protection. Care homes, whilst important for those with very high care needs, are not the best environments for those with lower care requirements, who may just need a little day to day help..

1.7. Retirement communities allow residents to live and, if necessary, isolate effectively within their own homes, with trained care and support staff available as and when required. This not only means they will be looked after effectively, but also that they can live full and enjoyable lives, free of the debilitating damage caused by loneliness and social isolation.

- 1.8. This Planning Statement addresses matters of planning policy and relevant development management considerations, concluding with an assessment of the appropriate planning balance as to whether:
- There are Very Special Circumstances to outweigh the harm to the Green Belt by reason of inappropriateness; and
 - The public benefits of the proposals outweigh the less than substantial harm to Grade II listed heritage assets.
- 1.9. Also informing the application are specialist inputs to address other issues material to the consideration of the proposals; namely:

Topic	Subject	Author
Need	The Local Need for High-Quality Care Accommodation	Carterwood
Heritage	Relationship with heritage assets	RPS
Land supply	Availability of alternative sites	Carterwood
Landscape	Approach to landscape	PRP
Architecture	Approach to design	PRP

- 1.10. The application is also informed by a full suite of plans, drawings and technical reports in order to satisfy both the national and local validation requirements.
- 1.11. **Appendix B** contains a schedule of those plans and documents submitted for approval as well as those submitted in support of this application.

Background to the proposal

- 1.12. This application makes substantive changes to the previous scheme, refused on the 20 March 2019 under LPA ref. LPA ref. 5/2018/1324/LSM and the subsequent appeal dismissal on the 9 January 2020 (PINS ref. APP/B1930/W/19/3235642).
- 1.13. The Appeal Decision is contained at **Appendix C**.
- 1.14. In summarising her decision, the Inspector gave substantial weight to her assessment that the scheme would impact on openness and its conflict with three of the Green Belt purposes which meant that the scheme would conflict with both national and local planning policy (see para 39); namely:
- (a) to check the unrestricted sprawl of large built-up areas
 - (b) to prevent neighbouring towns merging into one another
 - (c) to assist in safeguarding the countryside from encroachment
- 1.15. Having found that the development would harm the Green Belt due to inappropriateness, loss of openness and conflict with the Green Belt purposes and would also cause heritage harm the

Inspector then weighed this harm against the public benefits the proposals would provide (see paras. 90 to 98) and concluded:

“... despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated (para. 98).

- 1.16. The current proposals still consist of a retirement community, under Use Class C2, that will provide care to those in need of it and with facilities and amenities that will help residents live happier, more independent lives.
- 1.17. Acknowledging the recent planning history, the redesigned scheme represents a significant reduction in the quantum and density of development, with the removal of the 64-bed care home and a reduction in the number of bungalows from 45 to 44, substantially reducing scale, mass and density. More generally, the redesign has focused on addressing the reasons why the previous scheme was refused by the Council and subsequently dismissed at appeal.
- 1.18. The revised proposals have been informed by 3 additional pre-application meetings with senior planning officer (Sarah Smith) and conservation officer (Ruth Mitchell) which took place on 6 October 2020, 17 and 30 November 2020, with the applicant and representatives of their consultant team.
- 1.19. The collaborative nature of the discussions has been very much welcomed by the applicant and the final scheme has sought to respond to the advice that officers have provided in seeking to narrow down the issues between the respective parties.
- 1.20. Whilst it remains the case that, based on planning policy definitions, the proposals constitute “inappropriate development”, and, by definition, harm to the Green Belt and heritage assets, officers acknowledge that this proposal represents an improvement to the setting of Burston Manor and the Green Belt when compared to the previous proposal.
- 1.21. At the same time officers have welcomed the applicant’s commitment towards the provision of affordable housing and in seeking to put in place measures which will encourage occupation of the units by those already living locally. Subject to finalisation of the details, they recognise these would deliver very significant additional public benefits over and above the other public benefits set out above.

Consultation

- 1.22. From the Applicant’s experience it is unheard of for a Green Belt scheme to be so strongly supported by local groups. The previous appeal inquiry heard from separate residents’ associations who spoke strongly in support the scheme. Councillor Featherstone, ward member

for St Stephen supports the scheme. Although the emerging Neighbourhood Plan does not yet carry formal material weight, it is instructive to see that, based on public input sought by the Parish Council to date, the subject site is proposed for a retirement community allocation.

- 1.23. The Committee decision in respect of the previous appeal proposals came down to a casting vote.
- 1.24. A Statement of Community Involvement is attached (**Appendix D**).

Report Structure

- 1.25. The remainder of this Planning Statement comprises the following sections:
- Section 2 – Site and Surroundings
 - Section 3 – Planning History
 - Section 4 – The Proposals
 - Section 5 – Planning Policy
 - Section 6 – Very Special Circumstances
 - Section 7 – Other Considerations
 - Section 8 – Conditions and s106 Matters
 - Section 9 – Conclusions

2. Site and Surroundings

Site Location

- 2.1. The site is located south of the A405 North Orbital Road some 3.6 km south of St Albans city centre and some 8 km north of Watford town centre.
- 2.2. It is not intended to describe the site and surroundings in detail here as this has been comprehensively set out in the:
 - Design and Access Statement
 - Landscape and Visual Impact Assessment
 - Built Heritage Statement

Site Characteristics

- 2.3. The site, which is 5.8 ha in size, falls within the eastern part of the wider Burston Garden Centre formerly used as a commercial rose production site (being previously developed land). This part of the main site represents some 20% of the combined land holding. The site consists of 12 built structures and part structures, (the majority being clad and roofed with asbestos bound cement sheets), polytunnels and water tanks as well as extensive hard surfaced setting out areas, irrigation and drainage systems, HGV loading bays and scrap areas.
- 2.4. The combined footprint of the 12 structures equates to 7,215 sqm. The sheds, polytunnels and glass houses have maximum heights ranging from circa. 8.8m to 9.8m. The largest buildings are located adjacent to both the western (sheds and glass houses) and southern boundaries (polytunnels) of Burston Manor.
- 2.5. Overall, large buildings and extensive areas of hard standing dominate the western and southern part of the site. There is a pocket of degraded rough grassland occupying the north eastern part of the site.
- 2.6. The site is generally flat.
- 2.7. The site is heavily enclosed on the east and southern flank with mature woodland limiting any onward visibility beyond this, with canopy heights generally in the range of 17 to 25m. The western flank boundary abuts the Burston nurseries outside of the site and comprises glasshouses and planting beds. To the north is the Burston Manor House, Granary and moat. The majority of the site's northern boundary is formed with mature trees and a high hedge. Taken together with the mature trees within the private gardens of the Manor House, there is generally a high degree of screening between the curtilage of the listed buildings, the site and the woods beyond. In the winter months, there are numerous evergreen trees that limit views to and from the Manor, albeit with the deciduous trees bereft of leaves, there is an increased

degree of intervisibility and opportunities for views of the roof of the Manor from within the site. With filtered winter views through the branches, the existing structures along the western and southern boundaries of Burston Manor are more visible, as are the glass houses of the main garden centre that are to be partially dismantled to the west.

- 2.8. To the east of the Manor House curtilage, a further belt of mature tree planting screens views in this direction from the northern reaches of the site. A two-metre high close boarded boundary fence runs the entire length of the eastern boundary of the site, separating the site from the public bridleway and screening any public views. To the south, temporary heras fencing separates the site from Birchwood. The site seamlessly flows into the wider nursery complex with glass houses and outbuildings on the site's western edge.
- 2.9. To the east, on the far side of How Wood and at distances ranging from around 50 to 110m from the site boundary, are houses on Walnut Close and Spruce Way. These properties form part of a large residential suburb generally consisting of 2-storey detached and semi-detached houses constructed in the latter part of the 20 Century.
- 2.10. The current access drive and entrance to the site is presently used for HGV deliveries to the garden centre and ongoing nursery activities, including external palletised storage, shipping containers, single storey post-war buildings and glasshouses. Much of the site here is bounded by fencing with steel palisade security fencing. This accessway is to be improved, with the removal of the existing structures, and 3 bays of the glass houses to accommodate the access to the retirement village bounded by new trees landscaping that will provide a green edge to the retained garden centre buildings, improving the outlook from Burston Manor in this direction. The interface between the site and the A405 road presently comprises an access for the nursery and garden centre, and a separate access for the Manor House and other nearby buildings. Further security fencing provides some enclosure around additional car parking for the retail nursery which sits to the immediate north of the Burston Manor House grounds.
- 2.11. Access into the site is from the A405 North Orbital Road and is shared with the main garden centre site. The highways design remains unchanged from that approved by Hertfordshire County Council under the original application.

Surrounding Area

- 2.12. The adjacent land uses comprise:
 - To the west is the existing Garden Centre (which is to continue operating) which comprises a series of large single storey buildings and structures, with extensive hardstanding. As the site is currently under the same ownership there is no boundary treatment separating this land from the subject site

- To the north Burston Manor comprises a series of single and two storey buildings including the Grade II* listed Manor building, and an adjacent Grade II listed outbuilding. At present, this land is separated from the subject site by a high hedge, together with large mature trees within the Burston Manor curtilage
- To the north-east, the site is bounded by a close boarded fence beyond which is a public bridleway. Beyond this is a wooded area that separates the site from residential properties set on Walnut Close and Spruce Way
- To the south-east is Birchwood Bungalow, a single storey C2 care home served by a narrow access road which links to How Wood around 50m from the shops.
- To the south of the site is an area of undeveloped land covered by mature trees known as Birchwood. A telecommunications tower is also located adjacent to the southern boundary of the site.

Accessibility

- 2.13. The application site occupies a sustainable location on the rural-urban fringe of How Wood. There are pedestrian links from the site to How Wood Local Centre and Park Street Surgery (0.2 miles and 0.3 miles) and How Wood train station (0.5 miles), which provides connections to St Albans Abbey Station. The facilities within Chiswell Green to the north are also relatively close (0.8 miles), and will be accessible via the new signalised crossing over the A405 North Orbital Road that is part of the proposed access works. This new link will also benefit residents of Chiswell Green by providing a safe pedestrian route to the garden centre via Manor Drive and the existing footpath connection to Albany Mews and the North Orbital at the crossing point.
- 2.14. The site benefits from excellent road links to the A405 (North Orbital Road), A414, M1 and M25. A Transport Link Plan and a Local Amenities Plan are provided in the Design & Access Statement.

Visual Receptors

- 2.15. In the wider surrounds, views from the site are largely restricted to the existing nursery complex. It is contained to the east and south by the mature woodland planting. Slightly longer views are granted west over parts of the nursery outside of the site, though contained by tree screening beyond this. To the north, views are granted, in places, into the gardens of Burston Manor House (with some views of the listed buildings within also possible) but only where very close to the site boundary and through the high and well-established hedge on that boundary. Further to the north-east, there are longer views of later post-war housing, though partially screened by mature tree planting along the northern boundary.
- 2.16. In return views the site cannot be easily seen from the wider surroundings, with the close board fence restricting views from the bridleway although some filtered views are likely obtained from the limited number of dwellings at the end of Mayflower Road to the north.

Site Designations

- 2.17. Within the adopted Local Plan Proposals Map the site is located within the Green Belt and also within a Landscape Development Area. The site is also identified as an area of Archaeological Significance where planning permission may be subject to conditions regarding archaeological assessment.
- 2.18. There are two statutory listed buildings to the north of the site at Burston Manor; the Grade II* listed Manor Farm building; and an adjacent Grade II listed dovecote. The Site also lies adjacent to two County Wildlife Sites - Birchwood and How Wood.
- 2.19. The site is identified on the Environment Agency Flood Maps as being within Flood Zone 1 and therefore at low risk from flooding.

3. Planning History

- 3.1. Apart from the recently dismissed appeal (PINS ref. APP/B1930/W/19/3235642) there is no directly relevant planning history relating to the subject site itself.

The dismissed appeal

- 3.2. In summarising the appeal decision (see **Appendix C**), the Inspector gave substantial weight to her assessment that the scheme would impact on openness and its conflict with three of the Green Belt purposes which meant that the scheme would conflict with both national and local planning policy (see para 39); namely:

- (a) to check the unrestricted sprawl of large built-up areas
- (b) to prevent neighbouring towns merging into one another
- (c) to assist in safeguarding the countryside from encroachment

- 3.3. The Inspector also concluded that the proposals would place a moderate level of harm within the spectrum of “less than substantial harm” in relation to heritage assets. The focus of her concerns was her assessment of the effect of the proposal on the significance of the Grade II* listed Burston Manor and Grade II listed outbuilding, as derived from their setting. These specifically included (para. 61):

- The presence of the proposed care home in the north-eastern quarter of the site that, due to its scale, would have a large and dominating effect in the setting of the heritage asset; and
- The quantum of development would cause a limited separation between the proposed built form and the boundaries to the grounds of Burston Manor (the importance of the site’s northern boundary was noted by the appeal inspector).

- 3.4. Having found that the development would harm the Green Belt due to inappropriateness, loss of openness and conflict with the Green Belt purposes and would also cause heritage harm the Inspector then weighed this harm against the public benefits the proposals would provide (see paras. 90 to 98) and concluded:

***“... despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated (para. 98).*”**

Other applications

- 3.5. Planning permission was granted in July 2015 for the provision of highway works to provide improvement and introduction of new signal controls at the Garden Centre access onto the A405 (LPA ref: 5/2014/3049).
- 3.6. The officer's report prepared in connection with this application indicated that the proposals were made in order to ensure that the access arrangements are suitable for heavy vehicle usage and in order to improve pedestrian and road user safety.
- 3.7. The planning permission for the highway works has not been implemented to date. It is understood that this is for reasons of economic viability.
- 3.8. The adjoining garden centre has an extensive planning history relating to the horticultural use. The most recent application relates to an extension to the existing garden centre to create a larger kitchen and restaurant, which was approved in May 2010 (LPA ref: 5/2010/0581). Amendments were later approved in May 2011 under a revised planning permission (LPA ref: 5/2010/2317). This permission has since been implemented.
- 3.9. Sections 4 and 6 demonstrate, with specific reference to the:
 - Plans
 - Design and Access Statement
 - The Landscape and Visual Impact Assessment
 - The Built Heritage Statement

how the current application proposals fully respond to the reasons why the previous appeal was dismissed.

4. The Proposals

4.1. The proposals are for a comprehensive redevelopment of the site as follows:

“Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising assisted living bungalows and apartments, with community facilities together with associated access, bridleway extension, landscaping, amenity space, car parking and other associated and ancillary works”.

4.2. The design of the proposals is depicted on plans submitted as part of the application and described in further detail in the following documents:

- Design and Access Statement
- Transport Assessment
- Flood Risk and Drainage Strategy

Buildings to be demolished

4.3. The proposed development would entail the demolition of all 12 existing structures, totalling some 7,215 sqm and hardstanding on the application site as described in Section 2.

Design

Amount

4.4. The quantum of proposed development is summarised as follows:

- 80 assisted living apartments
- 44 assisted living bungalows/cottages
- A dedicated element within the central building providing care and communal facilities including reception area, guest suite, lounge, restaurant, café/bar, library, gym, treatment/therapy room and cinema
- Associated support facilities including staff offices, storage, laundry, kitchen, electric scooter/buggy storage, car parking and plant areas
- Total additional floor space of circa 15,807sqm

4.5. The proposed assisted living apartments will provide self-contained accommodation that encourages future residents to maintain their independence.

Access, circulation, parking and servicing

- 4.6. Access, circulation, parking and servicing is covered in detail within the supporting Transport Assessment.
- 4.7. In broad terms the existing site access junction of the Burston Garden Centre and the A405 North Orbital Road is to be replaced with a new signalised junction arrangement, being an improvement over the scheme permitted in 2015, details of which were supported by Hertfordshire County Council as Highways Authority under the previous application.
- 4.8. New internal access roads will serve the development site in a mix of shared surface and traditional road design.
- 4.9. A new pedestrian route is proposed across the site from the main access road to the existing public bridleway (to also be extended) with secondary pedestrian links to be provided off the bridleway.
- 4.10. A total of 140 car parking spaces to be provided for resident, staff and visitor use and broken down as follows:
- 96 spaces for the assisted living apartments
 - 44 spaces for the assisted living bungalows
- 4.11. 54 cycle spaces are to be provided for resident, staff and visitor use. 15 dedicated mobility buggy spaces are to be provided for residents.
- 4.12. A car club and minibus service are to be provided on site.
- 4.13. The Transport Assessment outlines the projected requirement for vehicle parking and how the proposals address this.
- 4.14. The assisted living buildings would typically be serviced by smaller delivery vehicles such as vans or 7.5T lorries with up to one large delivery lorry arriving per day. Refuse collection would be undertaken typically 2-3 times per week with a single vehicle servicing the whole of the Site.
- 4.15. Refuse/recycling bins for the assisted living buildings is to be provided in a number of locations. Refuse is to be collected directly from each apartment and taken to the proposed central bin storage area.

General arrangement

- 4.16. The Design and Access Statement confirms the architectural approach as landscape-led with the group of buildings making up the component parts of the retirement community being arranged around a series of distinctive green spaces, linking the buildings physically and visually to each other.

- 4.17. The assisted living apartments are proposed at 2.5 storeys. The assisted living bungalows will be 1.5-storey in height.
- 4.18. The intention is to deliver an exemplar retirement community making use of high-quality materials. The accommodation is to be generously proportioned and will provide aspirational housing choices for older people. Each of the units will exceed current spatial guidance including Housing our Ageing Population: Panel for Innovation (HAPPI) recommendations for assisted living unit design and layout.

Changes to the appeal scheme

- 4.19. As a response to the issues raised by the appeal Inspector, summarised in Section 3 of this Statement with reference to paras. 22 to 40 (Green Belt, Openness and Purposes) and paras. 50 to 66 (Designated Heritage Assets) of the decision letter (**Appendix C**) the Applicant has worked closely with their advisory team as well as collaboratively with officers, as described in paras. 1.18 to 1.21 above on a revised proposal.
- 4.20. The principal design changes are:
- **Spatial openness improvement** The reduction in the quantum as well as the scale and mass of development, with the removal of the 64-bedroom, 3,518 sqm, 2-storey care home which was located on the north east portion of the site, to the benefit of the setting of Burston Manor and the visual openness of the scheme as viewed from the existing bridleway
 - **Spatial openness improvement** The overall reduction in built form also includes a reduction from 45 to 44 bungalows and equates to a decrease of almost 20% of the overall floor area, down from 19,449 sqm to 15,807 sqm
 - **Spatial openness improvement** A reduction in the density of development, utilising the space freed up by the removal of the care home to increase the space between bungalows and their distance from the curtilage of Burston Manor, as well as increasing the landscaping provision across the site
 - **Heritage and visual openness improvement** A more dispersed, more informal and consequently less urban arrangement of accommodation throughout the site, including the re-orientation of the bungalows towards the northern boundary of the site so that they are no longer positioned “side-on” towards Burston Manor
 - **Heritage improvement** A change of landscaping approach in relation to Burston Manor, seeking now to identify, respect and enhance views of the Manor from within the site, rather than closing them off with additional screen planting
 - **Heritage improvement** The identification and maintenance of the visual connection between Burston Manor and the woodlands

- **Visual openness improvement** The increase in the visual permeability of the scheme, with more open views throughout the site and from the northeast and southeast towards the village green
- **Visual openness and landscape character improvement** The removal of the close boarded fence adjacent to the boundary with How Wood to open the bridleway with the introduction of new woodland planting (trees and understorey) and the introduction of a low-level estate post and rail fence (subject to discussions with rights of way)
- **Visual openness and landscape character improvement** Softening the built form along the eastern boundary of the site to facilitate a more sensitive edge with How Wood, greater separation from existing houses and allowing space for extensive planting of native tree species to extend the woodland area
- **Health and wellbeing improvement** The provision for enhanced pedestrian routes both through and around the perimeter of the site, including access to Burston Garden Centre and improved connectivity to the local shops and facilities in How Wood Village
- **Outdoor amenity improvement** The re-engineering of the pond on the village green and the wider drainage scheme to ensure that all surface water, even the most extreme '1 in 100 year' storm event, is contained within the swales and ponds so that the village green itself is no longer used for attenuation and is now flat and more easily accessible

4.21. The design changes have enabled a more informal arrangement of the remaining units with a greater focus on landscaping, green space and protecting the setting of Burston Manor a Grade II* listed building. More generally, the redesign has focused on addressing the reasons why the previous scheme was refused by the Council and subsequently dismissed at appeal.

4.22. Fundamentally there has been a change in focus insofar as the proposals now serve to celebrate rather than hide Burston Manor by modifying the layout to facilitate views of the Manor from within the site and to increase the openness of views from the Manor itself. This includes the realignment of the pedestrian route through the eastern part of the development (to and from How Wood Village shops) and the provision of an interpretation board on the village green, which will provide information about the Manor and its historic importance.

Land use, operation and management

4.23. The scheme would be a Use Class C2 development (Residential Institution) given the proposed provision of a significant element of care on the Site as a core function/aim of the development.

4.24. The care product for the subject Site aims to provide an integrated approach to lifestyles, healthcare and support services that is responsive to the varied and changing needs of older people. An integral part of this concept is the immediate availability of care if required, however, it is intended to be subtle and kept in the background in order to maintain the residential feel of the development.

Age of residents

- 4.25. There will be a minimum qualifying age restriction of 65 years which must apply to at least one of the occupiers in each unit. The scheme will be open to a range of people beyond the minimum age restriction and the average age of residents in an assisted living scheme of this nature is typically in the early 80's.

Local occupancy

- 4.26. To promote local occupancy, the applicant has agreed to the principle of a local marketing provision to prioritise buyers who already live within or have a connection to St Albans City and District (to be agreed) for a limited period (again to be agreed). This is subject to agreeing an appropriate mechanism with the LPA.

Communal facilities

- 4.27. The scheme will incorporate an extensive range of communal facilities which will be managed and operated as an integral part of the care concept to encourage social interaction.
- 4.28. Daily meals are offered to all residents and there will be a comprehensive events programme.

On site care services

- 4.29. Care will be provided to all residents through on-Site domiciliary care services which will be registered with the Care Quality Commission.
- 4.30. At entry each resident will undergo a clinical assessment by a CQC registered care provider in order to understand their personal and clinical need and to agree a bespoke service package appropriate to their aspirations and abilities. Each resident's specific needs are addressed flexibly and appropriately, and these are updated annually by the manager at the facility.

Minimum care provision

- 4.31. All residents will be obliged to sign up to a personal care and support package and to purchase a minimum of 1.5 hours of personal care or support per week, in accordance with the draft S106 agreed at the appeal. This will be included within the overall service charge and is non-negotiable. As held in previous appeal decisions, given the financial implications of charges for care, it is not expected that the apartments would be attractive to occupiers other than those in genuine need of care.
- 4.32. The essence of the care model is that care levels can be increased as the needs of residents may change. Whilst a relatively modest level of care is provided from the outset, it is the applicant's experience that in the first few years from inception dependency levels may be lower

than within a mature scheme. In other words, the level of care will increase over time as the care needs of residents change. The difficulty with a higher barrier of mandated care needs is that a number of potential residents may not qualify to live within the development despite potential loneliness and vulnerabilities. In practice, all residents will end up needing greater levels of care as the scheme allows people to age in place, and not have to move again unless round the clock care or supervision is required.

Standard of accommodation

4.33. All units will be specifically designed for use by the elderly to create attractive properties that facilitates the provision of care and support. The accommodation will incorporate the following features:

- The apartment layouts are care-ready, aimed at enabling residents to age in place
- All kitchens are wheelchair accessible and capable of being adapted for wheelchair use also noting they will all be fitted with an eye level oven and separate hob
- Each apartment will be fitted with a flush floor shower. Second bathrooms can be fitted with either a bath or flush floor shower dependent on the residents' needs
- The bungalows follow the principles set out in the Lifetime Homes concept and are based on ensuring inclusivity, accessibility, adaptability, sustainability and good value. The units have been flexibly designed to enable a resident to live on the ground floor should they be unable to access the first floor for a period. The upper floor at this time could be either used either by a family member or live-in carer
- The layouts allow for the future provision of stair lifts, through floor lifts and hoists if required
- Emergency call systems with assistive technology are provided to all units; and
- Level access is provided throughout

Mix of units

4.34. The proposal incorporates a mix of predominantly one- and two-bedrooms units, as well as a small proportion of three bedrooms units. It is our view that this mix is entirely appropriate to the needs of this type of specialist housing.

Occupancy controls

4.35. It is accepted that some controls may be sought to ensure that the scheme continues to provide care for future residents and that units are not sold on the open market (and to avoid any adverse planning precedent). This could be covered through a planning condition or legal agreement. Castleoak accepts that this may need to cover a restriction on age, a requirement to adopt a basic care package and provision of a 24-hour on-Site care team.

- 4.36. All occupants will be required to sign up to a basic care package in respect of their care and support needs (including a minimum of 1.5 hours of care per week) whilst also meeting a minimum qualifying age criterion.
- 4.37. The philosophy behind the proposals is justified with reference to relevant planning policy and the key planning issues set out in sections 5 and 6 respectively.

5. Planning Policy

- 5.1. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that, when making a determination under the Planning Acts, the determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Local Development Plan against which the proposals will be considered comprises the saved St Albans Local Plan (1994).

Development Plan Policy

- 5.2. This Local Plan was adopted some 25 years ago and in itself:

“... recognised the need to prepare Alterations or a full Review of the District Plan, looking to 2001 or beyond, as a matter of urgency” (Para. 4).

- 5.3. The following “saved” Local Plan policies are considered to be relevant in the context of this proposal:

- Policy 1 - Metropolitan Green Belt
- Policy 34 - Highways Considerations in Development Control
- Policy 35 - Highways Improvements in Association with Development
- Policy 39 - Parking Standards, General Requirements
- Policy 43 - Elderly Persons Dwellings and Residential Homes Hostels, Parking Standards
- Policy 69 - General Design and Layout
- Policy 70 - Design and Layout of New Housing
- Policy 74 - Landscaping and Tree Preservation
- Policy 84a - Drainage Infrastructure
- Policy 86 – Buildings of Special Architectural or Historic Interest
- Policy 97 – Existing Footpaths, Bridleways and Cycleways
- Policy 104 - Landscape Conservation
- Policy 106 - Nature Conservation
- Policy 111 - Archaeological Sites
- Policy 143a - Watling Chase Community Forest
- Policy 143b – Implementation
- Revised Parking Policies and Standards, January 2002

Other Material Considerations

National Planning Policy Framework (2019)

- 5.4. The Framework is a material consideration in planning decisions. It sets out the Government’s planning policies for England and how they will be applied in terms of securing sustainable development. Sections of the Framework that are of particular relevance to the appeal proposals are:

- Section 1: Introduction (paras. 1 to 6)
- Section 2: Achieving sustainable development (paras. 7 to 14)
- Section 5: Delivering a sufficient supply of homes (paras. 59 to 79)
- Section 6: Building a strong competitive economy (paras. 80 to 84)
- Section 8: Promoting healthy and safe communities (paras. 91 to 101)
- Section 9: Considering development proposals (paras. 108 to 111)
- Section 11: Making efficient use of land (paras. 117 to 123)
- Section 12: Achieving well-designed places (paras. 124 to 132)
- Section 13: Protecting Green Belt land (paras. 133 to 147)
- Section 14: Meeting the challenge of climate change, flooding and coastal change (paras. 148 to 169)
- Section 15: Conserving and enhancing the natural environment (paras. 170 to 183)
- Section 16: Conserving and enhancing the historic environment (para. 184 to 202)

5.5. As set out in Section 2 of the NPPF, the Government is committed to the overarching principle of achieving sustainable development, i.e. to meet the needs of the present without compromising the ability of future generations to meet their own needs (paras. 7).

5.6. As stated in para. 8:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising

waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.7. Para. 9 states:

“.... Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (para. 9)”

5.8. Para. 10 continues:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)”.

5.9. Commentary on para. 176 of the NPPF is considered below when discussing Section 15 of the Framework which provides specific guidance on conserving and enhancing the natural environment.

5.10. Section 5 of the Framework sets out the Government’s commitment to delivering a sufficient supply of homes, noting at para. 59 that:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.11. Para. 61 makes clear that:

“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes”.

5.12. Para. 64 indicates that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership. It goes on to state that exemptions to this policy include development for specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly).

- 5.13. Para. 73 of the NPPF requires LPAs:

.... to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

...

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement."

- 5.14. Section 6 of the Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (para. 80).
- 5.15. Section 8 of the Framework sets out the Government's approach to promoting healthy, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs.
- 5.16. Section 9 of the Framework sets out design aspirations for new development including the creation of places that are safe, secure and attractive and respond to local character and design standards (para. 110).
- 5.17. Section 11 of the Framework makes clear that Government expects planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses in a way that makes as much use as possible of previously-developed or 'brownfield' land (para. 117), albeit recognising that this should not conflict with other policies of the Framework, including causing harm to designated sites of importance for biodiversity (footnote 44).
- 5.18. In particular, para. 118 states that planning policies and decisions should, inter alia:

“a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) 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 (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”.

- 5.19. Section 12 of the Framework sets out the Government’s requirement for new developments to achieve well-designed places, including the creation of high-quality buildings. Paragraph 127 states that planning policies and decisions should ensure that developments:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and

support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

5.20. Section 13 and paras. 133 to 147 of the NPPF relates to Green Belt land with the fundamental aim of the policy being to prevent urban sprawl by keeping land permanently open (para. 133).

5.21. Para. 134 outlines the five purposes served by Green Belt land, namely:

***“a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.***

5.22. Para. 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 144 continues by noting ***that:***

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

5.23. In considering the appropriateness of development within the Green Belt, all new buildings are considered inappropriate unless they fall within one of the defined exceptions set out in Para. 145. This includes:

“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

***– not have a greater impact on the openness of the Green Belt than the existing development; or
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”***

- 5.24. "Brownfield land" is not defined in the NPPF glossary although "previously developed land" (PDL) is:

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

- 5.25. As set out in Section 14 of the Framework in determining planning applications, local planning authorities should expect new development to comply with adopted local plan policies on decentralised energy supply subject to feasibility and viability considerations, and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption (para. 153).

- 5.26. As noted above Section 15 of the Framework sets out the Government's approach to conserving and enhancing the natural environment, and as stated in para. 170 planning policies and decisions should contribute to and enhance the natural and local environment by inter alia:

***"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
.... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures ..."***

- 5.27. Paras. 174 to 177 deal specifically with the Government's approach to habitats and biodiversity.

- 5.28. Para. 175 states, inter alia:

***"When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused ..."***

- 5.29. Chapter 16, and paras. 184 to 202 of the NPPF relates to heritage assets. Para. 189 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance. Paragraph 190 requires local authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.30. Para. 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Planning Practice Guidance

- 5.31. The National Planning Policy Guidance (March 2014 and updated ad-hoc) places significant emphasis on the need for local authorities to meet their housing targets and clearly states that care home bedrooms (falling within Use Class C2) can contribute towards these objectives. The section on 'Housing and Availability Assessment' comments that:

“Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published census data.” (Para: 043 Reference ID: 3-043-20180913).

- 5.32. Under the heading of 'Housing and Economic Development Needs Assessments' the guidance further states that:

“The need to provide housing for older people is critical as the proportion of older people in the population is increasing

The health and lifestyles of older people will differ greatly, as will their housing needs. Strategic policy-making authorities will need to determine in relation to their plan period the needs of people who will be approaching or reaching retirement as well as older people now.

Strategic policy-making authorities will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce costs to health and social services, and providing more

options for older people to move could also free up houses that are under-occupied.” (Para: 017 Reference ID: 2a-017-20190220).

- 5.33. A separate heading was introduced to NPPG in June 2019 covering ‘Housing for older and disabled people’. It states that:

“... without accessible and adaptable housing, disabled people risk facing discrimination and disadvantage in housing”. (Para: 001 Reference ID: 63-001-20190626)

- 5.34. The guidance continues:

“The provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives.... An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime.” (Para: 002 Reference ID: 63-002-20190626).

- 5.35. The guidance document defines what is meant by different older persons and care accommodation models and tenures, including "extra care housing or housing-with-care", stating:

“This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.” (Para: 010 Reference ID: 63-010-20190626).

- 5.36. In respect of what factors decision makers should consider when assessing planning applications for specialist housing for older people, the guidance states that:

“Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people... Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.” (Para: 016 Reference ID: 63-016-20190626).

- 5.37. The NPPG provides additional detail in respect of inclusive design in respect of specialist development for older persons. It states:

“An inclusive environment is one that can be accessed and used by everyone. It recognises and accommodates differences in the way people use the built environment and fosters social connections.” (Para: 017 Reference ID: 63-017-20190626).

- 5.38. The guidance continues in respect of designing places to ensure that they are age-friendly and accessible for all, stating:

“The inclusive and age-friendly design of public spaces such as town centres, and of individual buildings, including housing, has clear benefits. Inclusive design can help older and disabled people live more independently and reduce health and social care costs.

Evidence has shown that good quality housing and sensitively planned environments can have a substantial impact on the quality of life of someone living with dementia. People with dementia need to have access to care and support to enable them to live independently and homes need to be designed with their needs in mind.... Local planning authorities should consider design principles when developing new housing in the context of the wider built environment, especially housing aimed at people with dementia. Characteristics of a dementia-friendly community include, but are not limited to:

easy to navigate physical environment

appropriate transport

communities shaped around the views of people with dementia and their carers

good orientation and familiarity

reduction in unnecessary clutter

reduction in disorienting visual and auditory stimuli

“.... There should be a range of housing options and tenures available to people with dementia, including mainstream and specialist housing. Innovative and diverse housing models should be considered where appropriate.” (Para: 019 Reference ID: 63-019-20190626).

Supplementary Planning Guidance

- 5.39. The following policy / guidance is also relevant:

- Design Advice Leaflet No. 1: Design and Layout of New Housing, November 1988

- Revised Parking Policies and Standards, January 2002

Emerging Planning Policy

- 5.40. The Council were in the process of preparing a new Local Plan to cover the period 2020 to 2036, noting the St Albans City & District Local Plan Publication Draft was submitted to the Secretary of State for examination in March 2019. However, on recommendation of 2 inspectors appointed by the Secretary of State to examine the Plan the decision was taken at the Council's Cabinet meeting on the 19 November 2020 to withdraw the Plan. During the meeting Cllr Jamie Day, portfolio holder for planning, said that starting anew, the Council have an opportunity to better address issues which have become ever more pressing since the withdrawn draft was composed. It may reasonably be concluded that this should include the specific provision of care accommodation.
- 5.41. Hearing sessions into the now withdrawn Plan were held between 21 and 23 January 2020. Over those three days there was discussion on legal compliance, the Duty to Cooperate (Dtc) the spatial strategy and matters relating to the Green Belt. The inspectors then wrote to the Council on the 27 January 2020 raising their serious concerns in terms of legal compliance and soundness and confirming that they were cancelling the subsequent hearing sessions arranged for February 2020.
- 5.42. This is the second time in the last 18 months inspectors appointed by the Secretary of State have effectively directed St Albans to withdraw a draft Local Plan. The relevant recommendations from them were on the 14 April 2020 (**Appendix E**) and 1 September 2020 (**Appendix F**) respectively on the grounds of their serious concerns in terms of legal compliance and soundness. The 1 September 2020 letter sets out the basis of their conclusions in detail and states that the Council had failed in its DtC fundamentally rendering the Plan legally unworkable and directing that the Council withdraw it or, in the event it does not withdraw the plan, recommending that it is not adopted because of a failure to discharge the DtC.
- 5.43. One of the key issues raised by the 2 inspectors in their letter of 14 April 2020 following the early conclusion of the Local Plan Examination was that they believed that discounting potential sites in the Green Belt of less than 500 units was not the right approach. At paras. 43 to 45 of their letter, they set out the benefits of smaller sites, such as that proposed:

“43. Additionally, we see no reason why the identification of some smaller sites would unacceptably spread the adverse impacts of development on Green Belt purposes. Whilst this would extend the impact of development over a wider geographic area, the extent of the resultant impacts would be likely to smaller given the more limited scale of the sites (in comparison to the cumulative impact on the Green Belt purposes of developing large adjoining strategic sites, such as to the east of Hemel Hempstead as proposed).”

44. We accept that large scale urban extensions would provide significant amounts of new infrastructure which both the new and already established communities would benefit from. On the other hand, a range of sites including smaller sites could also provide benefits. For example, they could be delivered more quickly without requiring additional infrastructure, provide choice and flexibility in the housing market and secure affordable housing more immediately.

45. Overall, although previously recognised as a source of housing to be identified at some stage, smaller sites have been disregarded as part of the plan making process. It is our view that this approach has ruled out an important potential source of housing that may have been found to have a lesser impact on the purposes of the Green Belt than the sites selected without sufficient justification.”

Neighbourhood Plan

- 5.44. The site falls within the St Stephen Neighbourhood Plan area, which was designated in 2014.
- 5.45. On the 5 October 2020 the St Stephen Neighbourhood Plan – Pre-Submission (Regulation 14) Consultation Draft was published and was formally on public consultation until the 27 November 2020.
- 5.46. As set out in para. 1.4:

“The purpose of the Plan is to guide development within the Parish and provide direction to any interested parties wishing to submit planning applications. The process of producing the Plan has sought to involve the community as widely as possible and the different topic areas are reflective of matters that are of considerable importance to St Stephen, its residents, businesses and community groups”.

- 5.47. Paras. 1.9 to 1.11 set out the extensive engagement with the community that has taken place in preparing the Plan and demonstrates the significant level of support for it.
- 5.48. At para. 4.5 the Plan recognises that:

“There is, however, an identified and evidenced local housing need in St Stephen and consideration should be given to how that is to be delivered, including where any new housing might be sited”.

- 5.49. At para. 4.8 reference is made to the St Stephen Neighbourhood Plan Steering Group having considered each of the most suitable potential development sites in detail and recommends that six of the nine sites no longer meet the Green Belt criteria including land at Burston Nurseries, Chiswell Green i.e. the site the subject of this application.

- 5.50. It is considered, at para. 4.9 that it would be suitable and appropriate to amend the Green Belt boundary at Burston Nurseries and the other locations and bring these areas within the built-up area boundary.
- 5.51. Accordingly, as set out in para. 4.12 draft Policy S1 seeks to define the Built-up Area Boundaries for the neighbourhood plan.

“POLICY S1: SPATIAL STRATEGY

1. In accordance with Paragraph 136 of the NPPF, it is proposed that the Green Belt boundary be amended to exclude the following six locations, as shown on the Policies Map:

... Land at Burston Nurseries.

2. The Built-up Area Boundaries within St Stephen will be extended to encompass these locations, as shown on the Policies Map.

3. New development in St Stephen Parish shall be focused within the Built-up Area Boundary of Bricket Wood, Chiswell Green and Park Street, identified on the Policies Map.”

- 5.52. Policy S2 sets out the proposed housing Strategy for the neighbourhood.

“POLICY S2: HOUSING STRATEGY

1. Over the period 2019 to 2032, new residential development of a minimum of 340 dwellings (including specialist care housing) will be provided in St Stephen, excluding any strategic allocations in the St Albans Local Plan, be located on five identified sites:

Land at Burstons Nurseries – approximately 200 units specialist housing.”

- 5.53. The emerging Neighbourhood Plan reflects the continued very high level of local community support for development of the nursery for specialist housing– support that has been evident since the proposals were first put forward. Once adopted the Neighbourhood Plan will form part of the statutory development plan for St Albans. The emerging Neighbourhood Plan is therefore a material planning consideration in the assessment of the current proposals and “weight” in favour of the scheme must be attached to it accordingly.
- 5.54. The applicant submitted representations on the 25 November endorsing the draft Neighbourhood Plan’s proposals to:
- Support a care home or retirement village within the Parish

- Release land at Burston Nurseries from the Green Belt to provide up to 200 units of supported and assisted living accommodation

and duly strongly supporting draft policies:

- Policy S1: Spatial Strategy (page 23)
- Policy S2: Housing Strategy (page 25)
- Policy S19: Retirement / Care Home Facilities (page 58)
- Policy S20: Burston Nurseries (page 60)

Conclusions

- 5.55. St Albans District Council has failed for many years to provide the housing its residents need. This is an area of sustained market failure. This is in large part because of the absence of an up to date local plan. The development plan here - the District Local Plan Review 1994 - is hopelessly out of date. The Plan was a review of the original District Plan adopted in 1985 (page ix, para. 2). The Plan itself said that the Council:

“... recognises that there is a need to prepare Alterations or a full review of the District Local Plan, looking to 2001 or beyond, as a matter of urgency” (page ix, para. 4).

- 5.56. This links to Policy Intention 35 (page 238) which states that the Council would:

“... prepare, as a matter of urgency, alterations or a full review of the Plan, taking into account the County Structure Plan Approved Alterations 1991 and looking to 2001 and beyond”.

- 5.57. That never happened.
- 5.58. There are no allocated sites. This means that the Council is entirely dependent on windfall sites to meet the needs of its residents; it also means that the Council has no policy basis for requiring C2 provision as part of any housing schemes that do come forward. In short, the stark reality is that the Council has no policy basis for the delivery of new care accommodation.
- 5.59. It will be demonstrated with reference to the proceeding sections of this Statement that the proposals have been formulated with full regard to all relevant planning policies and would not conflict, nor would cause harm, to any interest of acknowledged importance. A further justification of the proposals is set out in the following section.

6. Very Special Circumstances

- 6.1. This Section of the Planning Statement outlines the key issues in respect of the determination of this planning application having regard to national planning policy, the development plan and other material considerations. It is accepted that the proposals represent inappropriate development and that there is other harm to the Green Belt and less than substantial harm to designated heritage assets, albeit very limited in extent. The Statement then proceeds to consider whether or not there are very special circumstances (VSC) / public benefits that outweigh the harm to the Green Belt by reason of inappropriateness and any other harm such that the appeal proposals are acceptable in planning policy terms.
- 6.2. The proposals are summarised in Section 4 of this Statement and set out in detail with reference to the submitted plans and Design and Access Statement, with the latter setting out the design philosophy behind the proposals, with the proposals described in section 5 and critically how these revised proposals have responded to the concerns raised by the appeal Inspector in respect of the previous proposals (section 4) and further pre-application discussions (section 3).
- 6.3. Further justification for the proposals in landscape and heritage terms is set out in the LVIA; noting particularly the:
- Identification and description of changes likely to generate effects
 - Assessment of likely significant effects
 - Scope for mitigation
 - Residual effects on landscape both during construction and operation
- 6.4. The Built Heritage Statement assesses the likely potential impacts on Burston Manor and its curtilage arising from the development, specifically with regard to taking into account the appeal Inspector's conclusions that the previous proposals would cause moderate harm to these assets within the spectrum of less than substantial harm. The Statement includes an appraisal of the site and surroundings, together with an assessment of the significance of the Burston Manor and curtilage assets that have the potential to be impacted by the proposed development, including consideration of the contribution of their settings to their significance with due regard the previous Inspectors assessment of this. The Statement also assesses how the development proposals may impact on that significance.
- 6.5. The design changes have enabled a more informal arrangement of the remaining units with a greater focus on landscaping, green space and protecting the setting of Burston Manor. More generally, the redesign has focused on addressing the reasons why the previous scheme was refused by the Council and subsequently dismissed at appeal.

- 6.6. Fundamentally there has been a change in focus insofar as the proposals now serve to celebrate rather than hide Burston Manor by modifying the layout to facilitate views of the Manor from within the site and to increase the openness of views from the Manor itself. This includes the realignment of the pedestrian route through the eastern part of the development (to and from How Wood Village shops) and the provision of an interpretation board on the village green, which will provide information about the Manor and its historic importance.

The Material planning issues

- 6.7. As set out in para. 1.6 of this Statement the key issue is whether there are Very Special Circumstances to justify the grant of planning permission, i.e. whether the harm caused by the scheme's inappropriateness, and any other harm the scheme would cause (including the less than substantial heritage harm it would cause) would be clearly outweighed by the scheme's public benefits.
- 6.8. In the assessment of harm to the Green Belt, consideration is also given to harm to designated heritage assets within the category of other harm.
- 6.9. These material planning considerations are set out under the following headings.

Whether the proposals amount to inappropriate development in the Green Belt and what impact it would have on the Green Belt, heritage assets and character and appearance.

- 6.10. Section 5 of this Statement identifies the appropriate planning policy context in which the proposals need to be judged as to whether they amount to inappropriate development in the Green Belt and what impact they have on the Green Belt and heritage assets and any other harm with reference to:

Green Belt

- The NPPF: Section 13 reference to paras. 133 to 147
- St Albans Local Plan "Saved" Policy 1 – Metropolitan Green Belt
- St Albans Local Plan "Saved" Policy 69 – General Design and Layout; and St Albans Local Plan "Saved" Policy 70 –Design and Layout of New Housing

Heritage assets

- The NPPF: Section 16 reference paras. 184 to 202
- The NPPG: reference paras. ID: 63-004-20190626, 005 Reference ID: 63-000-20190626 01 Reference ID: 63-010-20190626 ID: 63-012-20190626 and ID: 63-013-20190626)
- St Albans Local Plan "Saved" Policy 86 – Buildings of Special Architectural or Historic Merit

Character and appearance

- The NPPF: Section 9 reference to paras. 108 to 111 and Section 12 referencing paras. 124 to 132
- St Albans Local Plan “Saved” Policy 69 – General Design and Layout; and St Albans Local Plan “Saved” Policy 70 –Design and Layout of New Housing

Inappropriate development

6.11. The site is located within the Green Belt and it is accepted that the proposal would not fall within any of the exceptions set out in paragraphs 145 or 146 of the NPPF. It is therefore inappropriate development in the Green Belt and that by definition the development would be harmful and should not be approved except in very special circumstances.

6.12. The applicants accept that the proposals still comprise “inappropriate development” in the Green Belt and that, as a result, the application needs to be determined by reference to the “very special circumstances” test set out in the NPPF, i.e. whether:

“... harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

6.13. This is the key policy test. If the answer to this test is “yes” then there are “very special circumstances” and permission should be granted.

6.14. In applying the “very special circumstances” test it is first of all necessary to ascertain what goes into the negative side of the balance, i.e. what harm the scheme would cause.

6.15. This is a two-stage process:

- i. First of all, there is the harm caused “by reason of inappropriateness” i.e. the ‘in principle’ harm caused by the fact that the application scheme is inappropriate development in the Green Belt. The NPPF confirms that inappropriate development is “by definition” harmful to the Green Belt (para. 143, NPPF).
- ii. Second, the scheme would cause “other harm”. This is both in relation to the Green Belt and also in relation to heritage assets. Both fall under “other harm” for the purposes of the “very special circumstances” test (para. 144, NPPF). This needs to be considered under the following sub-headings.

Any other harm

Defined harm to the Green Belt: openness

- 6.16. The applicant acknowledges that the scheme would harm the openness of the Green Belt. The Applicant's position is that the harm would be limited given the enclosed nature of the site, and the impact would be mitigated by the proposed planting within and around the edges of the site and the openness afforded by public access through the scheme and in particular to the new green central space within the site.
- 6.17. The level of harm has also been decisively reduced from that of the appeal scheme with reference to a significant reduction in built form and considerable remodelling of the proposals and enhanced landscape treatment as summarised in para. 22 above.
- 6.18. In summary, the revised proposals have directly responded to the previous appeal Inspector's conclusions on openness, as set out in paras. 22 to 30 of her decision notice for the following reasons.
- 6.19. The revised proposals have been framed to significantly reduce what the Inspector previously described as a:

"... substantial amount of built form spread across the site at 1, 2 and 3 storeys in height. The scheme would thus far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms" (para. 26).

- 6.20. There is no escaping the fact that the proposals still introduce a "substantial" amount of new development including the retention of the 2.5-storey assisted living units. However, for the reasons summarised in para. 22 above, the quantum and density of development is considered to be decisively less than previously proposed noting the significant reduction in the difference between the height, volume and site coverage of the proposed development when compared to the existing structures.
- 6.21. As is the case with the appeal proposals the proposals will remain contained within the site noting that the Inspector accepted that:

"Due to the location of the site behind Burston Manor and the BGC and its relative containment by How Wood and Birchwood, I agree that the new buildings would have limited zones of visibility from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway" (para. 28).

- 6.22. The reduction in built form, with the introduction of more informal elements of the arrangement of buildings, hardstanding and landscape as summarised in para. 22 means that there has been

a significant reduction in mass and formality of development when compared to the previous proposals. In combination these measures will help reduce the perception of openness by users of the surrounding public rights of way and prospective future residents, staff and visitors to the proposed retirement community and directly address the concerns of the Inspector that:

“... the loss of openness would be clearly perceived by users of the public right of way.” (para. 28) and

“In addition, the scale of the built development and associated parking areas and reduction in openness would also be very apparent to the many residents, staff and visitors to the development. Moreover, in introducing a new public access through the site and along the perimeter of Birchwood through the development of a new public bridleway, I consider that the mitigation itself would increase the visual effects experienced from the loss of openness.” (para. 29).

- 6.23. The revised proposals have been framed to significantly reduce what the Inspector previously described as proposals that would result in:

“.... spatial and visual harm to openness would therefore constitute significant harm to the Green Belt in addition to inappropriateness.” (para. 30).

Defined harm to the Green Belt: Purposes

- 6.24. Para. 134 of the NPPF explains that the Green Belt serves five purposes. The question here is whether the application scheme would harm any of these purposes.

- 6.25. With reference to paras. 31 to 38 of the previous Inspector’s appeal decision she concluded that the appeal proposals would harm three of the five purposes of the Green Belt; namely:

- (a) to check the unrestricted sprawl of large built-up areas
- (b) to prevent neighbouring towns merging into one another
- (c) to assist in safeguarding the countryside from encroachment

- 6.26. The Applicant does not seek to dispute these conclusions and accepts that:

“The appeal site would abut How Wood and would effectively enclose the woodland by development. How Wood itself is not of a significant depth nor is it so dense as to provide a definitive edge to How Wood Village in this location. As I saw on site, which was in winter when the trees are not in leaf, filtered views of the rear of properties along Walnut Close and Spruce Way were visible through the woods....” (para. 33).

- 6.27. The Inspector then went onto observe that:

“.... The development would therefore be visible from these properties, although there would be larger amounts of landscaping included within the site and along the boundary. (para. 33).

6.28. The Inspector accepted that:

“There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green ...” (para. 34).

6.29. However, she went onto conclude that:

“... it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.” (para. 34).

6.30. Taking all these points together softening the built form and further enhancing the landscape treatment along the eastern boundary of the site, as referenced in para. 22 above, facilitates a much more sensitive edge with How Wood and sympathetic relationship with the rear properties along Walnut Close and Spruce Way. This will be to the extent that there will be no material visibility to these properties from the application site even during the winter months.

6.31. Whilst it is accepted that by definition, the proposals by introducing residential form, will to an extent have an “.... urbanising effect in this location...”, as noted by the appeal Inspector (para. 35) it is a significantly reduced form to that previously proposed. Accordingly, given the proposed changes summarised in para. 27 above, it is accepted that this will conflict with, and by definition be harmful, to the 3 stated purposes of the Green Belt identified above. However, crucially the revised proposals will generate a reduced level of harm that is considerably towards the lower end of this harm than that associated with the previous appeal proposals.

6.32. Pausing there, the applicant accepts that substantial weight must be given to any harm caused to the Green Belt (para. 144, NPPF).

Harm to heritage assets

6.33. Both the Council and the Inspector, with reference to paras. 50 to 66 of the Appeal decision, accepted that the previous scheme would cause less than substantial harm to the significance of Burston Manor and the associated Granary. The only issue between the parties was where the harm falls in the spectrum of less than substantial harm (The NPPG requires that the extent of the harm within the range should be identified and clearly articulated: 18a-018-20190723). At the time of the appeal, the Applicant's position was that the impact is at the bottom end of the scale – i.e. “no more than minor harm at the lower end of the spectrum”.

- 6.34. In the event the Inspector disagreed, placing a moderate level of harm within the spectrum of less than substantial harm. The focus of her concerns was on her assessment of the effect of the proposal on the significance of the Grade II* listed Burston Manor and Grade II listed outbuilding, as derived from their setting which the Inspector summarised as follows:

“... the appeal site with its low level polytunnels, along with the planting beds and grasslands to the eastern and southern parts helps maintain a semblance of the open and agricultural character, albeit diminished. As historic early 19th Century woodland groups Birchwood and How Wood form a positive part of the historic evolution of the wider environs of Burston Manor. Today, the appeal site does allow for the appreciation of these woodlands from the grounds of Burston Manor and vice-versa. This helps to maintain a sense of the historic relationship here, particularly with How Wood due to the open grasslands to the north-eastern nib of the site. I saw that this relationship is more visible in the winter when the deciduous boundary trees within the grounds of Burston Manor are not in leaf.” (para. 58).

- 6.35. Furthermore:

“... while it is unkempt [the appeal site] and not in any way pristine, I consider that it does represent the last legible remnant of its historic landscape setting.” (para. 59).

- 6.36. In considering whether additional change would further detract from, or enhance the significance of the assets the Inspector concluded that there would be a significant change:

“... and the Burston Manor grouping would effectively be contained by urban development. I agree with the Council that this would amount to the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost.” (para. 60).

- 6.37. Additionally:

“There would be significant landscaping and planting at the site, but as I have stated above, built elements of the proposed development would take up a large proportion of the site and thus would dominate in this regard. Effort has been made to restrict the building heights across the appeal site including locating the bungalows to the south of the boundary with Burston Manor. However, due to the amount of development at the site, there would be limited separation between the built form and the boundaries of Burston Manor.” (para. 61).

6.38. Furthermore:

“The proposed care home in particular would be of a significant built scale and massing in the open north eastern nib of the site. The s106 agreement would secure offsite planting, including between the eastern boundary of Burston Manor and would have a significant screening effect of the care home, but this would do little to overcome the urbanisation. Instead it would further serve to divorce the assets from their wider surroundings and would add to the containment of the heritage assets.” (para. 62).

6.39. The Inspector noted that the negative impacts would be most profound during the winter months, noting that while:

“... there are some evergreen trees providing screening, my site visit in the winter months revealed a much greater level of visibility from Burston Manor, from both within the grounds and as viewed from the upper floors. The severing effect I have identified from the proposed development would be more perceptible and while the additional landscaping would aid this, the effects would still be experienced from the assets.” (para. 63).

6.40. In forming her conclusions, the Inspector was:

“mindful that grade II* listed buildings represent the top 7% of England’s most significant designated heritage assets. In combination with the grade II listed building and the moat and archaeological potential, the development would be firmly within the realms of ‘less than substantial harm’. I am of the clear view that this would be to a moderate degree when applying the spectrum or scale put to me at the Inquiry, as opposed to the limited harm attested by the appellant. The lack of comment from Historic England does not alter my conclusions in respect of the harm I have found.” (para. 65).

6.41. For the reasons described above the current application proposals fully respond to these concerns when compared to the appeal proposals.

6.42. Overall, and taking into consideration the scope for these further mitigation measures it is considered that the application will give rise to a low level of less than substantial harm to the significance of Burston Manor and its curtilage. This is lower than the level of harm identified by the Inspector for the previous appeal scheme.

Character and appearance

6.43. Paras. 41 to 49 of the previous appeal Inspector’s decision provided her assessment of the previous proposals on character and appearance where she came to the conclusion that:

“Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site”. (para. 49).

6.44. In coming to this conclusion, she observed that the:

“... formality of the layout would not be out of place with the general layout of the built form in the wider area. In some regard, the footprint of the linked apartment blocks and the care home buildings would not be out of place with the large footprints of the buildings at the BGC site. They would, however, be markedly different in their general scale, massing and form to the BGC buildings. There would also be marked differences between the scale and density of properties in How Wood Village and to properties to the north of the appeal site.” (para. 45).

“In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas”. (para. 46).

“The close boarded fence along the eastern boundary of the site with the bridleway is a visually discordant feature which would be removed by the proposed development. As per the amended landscape masterplan this area and the removal of the access track would give way to additional landscape planting along its periphery.” (para. 47).

“However, as stated above, the development would be seen behind properties at Walnut Close and Spruce Way and would effectively enclose How Wood. In particular, the proposed care home would be built on land which is currently open and due to its scale, it would have a large and dominating effect, in spite of the additional peripheral landscaping here.” (para. 48).

6.45. There is no need to rehearse a detailed response again here as these matters have been covered in response to the concerns raised by both the Inspector and officers in respect of Green Belt and heritage harm as set out in Section 4 and in paras. 6.16 to 6.42 of this Section.

6.46. Overall, the revised scheme would have only very localised landscape and visual impacts, resulting from the introduction of the new built form as described in Section 4 with reference to the submitted plans and Design and Access Statement. The scheme is very well designed, the LPA and the appeal Inspector recognised this in regard to the previous proposals, with attractive

buildings set in sensitively landscaped grounds. The scheme will sit sympathetically in its rural edge of settlement environment where visual effects will be negligible, and within the context of Burston Manor and its curtilage. This will be a very attractive place to live – with its tree lined routes and well-designed buildings and spaces.

Conclusions on harm and introduction to benefits

- 6.47. The Applicant does not shy away from the fact that the scheme would be, simply by virtue of being on a site designated as green belt, harmful in some important respects, albeit critically the significant reduction in built form, changes to the design and layout and enhanced landscape treatment proposed in this revised application means that the level of harm to both the Green Belt and heritage assets is to a much lower level when compared to the appeal proposals.
- 6.48. This proposal is all about striking a sensible planning balance. As set out below, the Applicant's position is that this scheme will deliver a series of substantial public benefits, indeed even greater than was the case with the appeal scheme that comfortably justify the grant of permission in accordance with the "very special circumstances" test. In simple terms, the reduced level of harm is **decisively** outweighed by the greater public benefits the scheme would deliver.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

- 6.49. Section 5 of this Statement identifies the appropriate planning policy context in which the proposals need to be judged as to whether any harm to the Green Belt would be clearly outweighed by other considerations with reference to:
- The NPPF: Section 5 reference to paras. 59 to 79, Section 6 reference para. 80 to 84, Section 8 reference paras. 91 to 101, Section 11 reference paras. 117 to 123 and Section 13 reference to paras. 133 to 147
 - The NPPG: reference paras. ID: 63-004-20190626, 005 Reference ID: 63-000-20190626 01 Reference ID: 63-010-20190626 ID: 63-012-20190626 and ID: 63-013-20190626)
 - St Albans Local Plan "Saved" Policy 1 – Metropolitan Green Belt
- 6.50. The VSC's and public benefits specific to this particular scheme and this particular Site are outlined in detail below.
- 6.51. Given the age of the Local Plan it is appropriate to apply the Green Belt policy tests of the NPPF in assessing the scheme. As already rehearsed in section 5 the NPPF sets out a presumption against the grant of planning permission for "inappropriate development" in the Green Belt and that that inappropriate development will only be permitted in the Green Belt in "very special

circumstances” (para. 143). Very special circumstances will only arise if the harm that the development causes (i.e. harm to the Green Belt plus any other harm) is clearly outweighed by other material planning considerations (para. 144).

Local need for high quality care accommodation

- 6.52. St Albans has failed for many years to provide the housing its residents need: this is an area of sustained market failure. This is in large part because of the absence of an up to date local plan. The development plan here - the District Local Plan Review 1994 - is hopelessly out of date. The Plan was itself a review of the original District Plan adopted in 1985 (page ix, para. 2). The Plan itself said that the Council “recognises that there is a need to prepare Alterations or a full review of the District Local Plan, looking to 2001 or beyond, as a matter of urgency” (page ix, para. 4). This links to Policy Intention 35 (page 238) which states that the Council would “prepare, as a matter of urgency, alterations or a full review of the Plan, taking into account the County Structure Plan Approved Alterations 1991 and looking to 2001 and beyond”. That never happened.
- 6.53. There are therefore no allocated sites. This means that the Council is entirely dependent on windfall sites; it also means that the Council has no policy basis for requiring C2 provision as part of any housing schemes that do come forward. In short, the stark reality is that the Council has no policy basis for the delivery of new care accommodation.
- 6.54. During the course of the previous appeal Inquiry there was considerable disagreement between the Applicant and the Council on the precise extent of need for older people’s accommodation in the area with the Applicant citing a much greater need than the Council identified. The Inspector concluded in her decision that it was not necessary to reach a precise conclusion on the need and supply of this type of housing. This is because, even using the Council’s more modest figures showing a shortage of 150 private extra care units, there is an immediate unmet and growing need which would not be met in the short term – noting in relation to Extra Care delivery the average has been under 27 units per annum from 2012-2018, meaning that (ignoring zero delivery in 2019) it would take nearly 6 years to make up even the LPA’s existing shortfall of 150 private extra care units. The Inspector agreed that windfall provision is also not likely to address this (para. 70).
- 6.55. In light of the current shortfall in C2 accommodation, the Inspector concluded that there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, the delivery of the site would be likely to be achieved within the next 5 years. Related to this point, the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. She thus considered the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development (paras. 72 and 92).

- 6.56. From the assessment it remains the case that there are no other extra care schemes in the pipeline. There are not even any other applications – there haven't been any since 2017.
- 6.57. Given the scale of the differences the Planning Need Assessment prepared by Carterwood Chartered Surveyors and accompanying this application has sought to address the key differences between the LPA and the Applicant's previous assessment figures.
- 6.58. The key findings are set out both in the Executive Summary and in the Key Findings and conclusions section of the Carterwood Report on planning need. The conclusions of Carterwood are that the actual shortfall in the prospective delivery of private extra care units is significantly higher than 150 predicted by the Council and the reality is the shortfall will have risen to 470 units private extra care units by 2023, 529 private extra care by 2030 and 642 units by 2040. This clearly shows that need is not static and it is imperative to take into account the fact that meanwhile the need would only be increasing in line with an ageing population.
- 6.59. As acknowledged by the appeal Inspector the appropriate forum for determining the precise position on quantifying need, and planning to meet these needs, is as part of the development plan process (para. 70). However, in the absence of an emerging Plan, and there is no evidence to suggest that a credible new Plan will happen anytime soon, all the evidence points to a very substantial and growing need which is going to remain unmet for many years.
- 6.60. On this basis, the delivery of new C2 units should continue to be given very significant weight – and arguably within a higher spectrum of very significant weight than when the Inspector was determining the appeal 12 months ago.

General housing need.

- 6.61. The Council's 5-year housing supply has reduced from 3.3-years supply (as at 1 April (2017 AMR)) to a 2.2-year supply at the time of the appeal (as at 1 April (2018 AMR)) and since the appeal reduced down again to just 1.9-year supply (as at 1 April (2019 AMR)). Assuming the same trajectory there will continue to be a year-on-year fall of 0.7 years supply given no new housing allocations have been identified which means by 1 April 2022 the Council will have no supply at all. The Council accepted at the time of the appeal that it will not be able to demonstrate a 5-year housing land supply it has an adopted new Local Plan in place, i.e. until some unknown point in the future but not likely to be less than 3 to 4 years. The Inspector duly gave substantial weight to the appeal proposals ability to deliver a scheme that would contribute to meeting the Council's general housing needs (para. 68).
- 6.62. The 2019 HDT measurement indicated that housing delivery was below 95% of the Government's new assessed housing requirement between 2016 and 2019 for St Albans. Paras. 73 to 75 of the NPPF 2019 set out that 'Housing Delivery Test (HDT)' results that will be applied each year (from November 2018 onwards) for most plan-making authorities. Results

from the 2019 Housing Delivery Test for St Alban's (published in February 2020) indicated a HDT measurement of 63%. This result was calculated for the period 2016-17 to 2018-19, with 1,1397 net homes delivered against the HDT housing requirement of 2,219 dwellings. As housing delivery for the District was below 85% of the Government's new assessed housing requirement, at this time the 20% 'standard' buffer as set out in NPPF 2019 paragraph 73c) has to be applied.

- 6.63. It follows that unless the Council suddenly finds some new sites that it is not currently aware of then the 5-year supply will fall yet further as sites that are currently in the 5-year supply are built out. In other words, the Council has very nearly run out of land. The application scheme's contribution to the LPA's 5-year supply of housing is a very significant material benefit which should be given substantial weight and arguably within a higher spectrum of substantial weight than when the Inspector was determining the appeal at the start of this year – given firstly the further reduction in supply and secondly the increased weight to the matter following the introduction of the HDT.

Lack of alternative sites

- 6.64. In considering the appeal proposals the Inspector took into account evidence from the Applicant that there are no alternative sites which could accommodate the appeal proposals, which was challenged by the Council on two points relating to availability and disaggregation.
- 6.65. In terms of the latter, the Inspector accepted the Applicant's evidence on the evolving nature of housing for older people and the care village concept, with its associated demonstrable benefits and that a size of site criteria of between 1 ha and 4 ha (the application site being around 3.8 ha) was appropriate, i.e. down to 25% of the size necessary to deliver the appeal site. Within this regard, the Inspector considered the methodology of approach to be robust for the purposes of assessing alternatives, including disaggregation (paras. 73 to 75).
- 6.66. However, the Inspector did share the Council's concerns regarding the application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability when applied to 3 sites; namely:
- Pioneer Youth Club, Harpenden Road, St Albans, AL3 5AY
 - Ariston playing field, Sandridge Road, St Albans, AL3 5HX
 - Ridgeview, Barnet Road, London Colney, AL2 1BP
- 6.67. She was critical that none of the 3 sites were identified as being available on the basis that they were not being actively marketed and, in her view, this was a fundamental flaw of what was otherwise a robust exercise.
- 6.68. Accordingly, the weight she attached to the lack of alternative sites was moderated on this basis (paras. 76 and 93).

- 6.69. Forming part of this application the Sequential Assessment of Alternative Sites report has been updated by Carterwood, to reflect the current position, but also to specifically respond to these concerns from the appeal Inspector on the robustness of evidence concerning the Pioneer Youth Club, Ariston playing field, and Ridgeview sites.
- 6.70. In order to robustly check the availability of these 3 sites, Carterwood have corresponded directly with the pertinent land owners, the details of which are contained within the Alternative Assessment of Sites report. The respective landowning parties have responded as follows:
- Hertfordshire County Council have confirmed that the **Pioneer Youth Club** site is not available, as it is the subject of an option to buy in favour of the County Council's joint venture vehicle, Chalkdene Developments LLP, who are currently working up proposals for the development of the site and it is unlikely that this will become available in the open market.
 - Hertfordshire County Council have confirmed that the **Ariston playing field site** is not available as it is held by the Council in anticipation of a school being located there and there is no early prospect of it becoming available in the open market.
 - Sainsbury's have confirmed that **Ridgeview** is not available from their point of view, as it is held on a long lease from them by St Albans City and District Council. The Council have stated that they do not have any sites available and have announced that it is to bring the building back into use itself as temporary accommodation and private flats. Ridgeview is therefore also not available.
- 6.71. Aside from the quantitative needs' assessment outlined above, it is also important to consider the proposal in respect of its quality of life input. The provision of a care community of this nature has significant social and welfare implications in providing greater independence for older people and reducing social isolation. The range of facilities and activities offered within the scheme will encourage social integration and dramatically improve the quality of life for residents with impaired mobility or confidence. In turn, the provision of on-site care and support services reduces the pressures on hospital and GP services in the locality (as considered in future detail below).
- 6.72. In conclusion, the updated report demonstrates beyond any doubt that there are still no alternative sites available, including the 3 sites the subject of the Inspector's concerns. Accordingly, it is submitted that significant weight should be attached to the fact that there are no suitable sequentially preferable alternative sites to accommodate the proposals.

Health and wellbeing benefits

- 6.73. There is clear evidence that investment in the type of specialist care accommodation for the elderly of the type proposed in this appeal provides substantive benefits to the health and well-

being of older people. Carterwood refer in the Needs Assessment – Qualitative Assessment section of their submitted Planning Needs Assessment to the tangible benefits for:

- The NHS and the wider community
- To prospective future residents themselves

6.74. Further evidence of the health and well-being benefits of new retirement communities is set out in the following published research documents:

- The Affordability of Retirement Housing, All Party Parliamentary Group on Housing and Care for Older People report, 2014 (**Appendix G**)
- Collaborative Research between Aston Research Centre for Healthy Ageing (ARCHA) and the ExtraCare Charitable Trust, April 2015 (**Appendix H**)
- Evaluating Extra Care – Valuing what Really Matters. The Case for Taking Relationships Seriously (Case Study 129), Lacey & Moody, Housing LIN December 2016 (**Appendix I**)
- Establishing the Extra in Extra Care, Dylan Kneale, International Longevity Centre UK (ILC UK), 2011 (**Appendix J**)
- Village Life – Independence, Loneliness and Quality of Life in Retirement Villages with Extra Care, August 2015 (**Appendix K**)

6.75. The appeal Inspector, with reference to the PPG (ID: 63-001-20190626), particularly referenced the care village concept (para. 80), with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits she concluded attract **substantial weight** into the balance.

6.76. The research serves to demonstrate significant benefits to health and well-being for the following reasons.

6.77. Firstly, significant cost savings to the national social care budget noting conclusions of the Lacey & Moody report (referring to a Housing LIN Case Study) (CD5.3). Set out on pages 1 and 2 are 6 key cost and well-being benefits associated with the provision of extra care housing. The findings are based on evaluating the benefits associated with a new extra care development known as Strand Court in North East Lincolnshire (July 1015).

6.78. The key benefits found were:

***“1. Care package costs to the Local Authority for residents were reduced significantly 1. following taking up residence, although they increased slightly in the following 7-9 months, but were still 16% below pre-admission levels for people with complex needs and 18% below for people with non-complex needs. This compares with increases of 23% and 14% respectively amongst the control group.*”**

2. Ten of the new residents had previously been in a care home, and whilst 3 returned there over the first 7-9 months there were no 'new' admissions to a care home from the other 46 new residents – amongst the control group 63 were at home at the start of the evaluation period and 6 were admitted to a care home over the same period.

3. An estimate of savings to the Local Authority of home care or care home services compared are £260k pa, which is an average of c£4,600 per person.

4. The death rate amongst residents has been lower than in the control group, despite similar age profiles and initial levels of need.

5. The number of episodes reflecting mental health needs has been significantly lower for 5. people in Strand Court when compared with the control group, and the number of new dementia diagnoses has been higher.

6. The number of contacts to the local 'single point of access' amongst those with complex needs has reduced very significantly, by c60%, compared with the year prior to admission.

These findings continue to demonstrate a strong case for 'housing with care' solutions as part of a local economy. Work is ongoing to provide a broader perspective, including the potential to work with a linked dataset to obtain a clearer picture of the impact on health resources. Initial indications from this work do not currently suggest a reduction in hospital admissions on a before and after basis, or in comparison with the control group, although this is being kept under review."

6.79. If the cost savings associated with 3 above were applied to the appeal proposal i.e. an annual saving of £4,600 per person, the development of 189 units assuming a population of around 1.25 people per unit would generate £1,086,750 of savings per year on this basis.

6.80. The positive impact of extra care on health and well-being benefits is further explored in the Establishing the Extra in Extra Care report (**Appendix K**) in which the ILC UK provided some empirical evidence setting out key benefits.

6.81. Key findings are summarised in the Executive Summary of the report as follows:

"1. Extra care housing is a home for life

About 8 per cent of residents in extra care housing in this study enter institutional accommodation from extra care housing after five years of residence. Compared to those living in the community in receipt of domiciliary care, those in extra care housing are less likely to enter institutional

accommodation. Among a matched population aged 80+ we would expect about 19 per cent of those living in the community in receipt of domiciliary care to enter institutional accommodation, compared to just 10 per cent of those in extra care housing. This highlights the efficacy of extra care in supporting people with a diverse range of support needs. Furthermore, this can represent substantial savings in social care budgets.

2. Extra care is a healthy home for life

About a quarter of residents who enter extra care housing with additional social care needs, or who develop additional social care needs within extra care housing, later go on to experience an improvement; for example, moving from a high intensity social care package to a low intensity social care package. In addition, many more experience stability in care needs and do not exhibit the diminution in abilities that usually necessitates higher levels of social care.

3. Extra care housing is associated with a lower uptake of inpatient hospital beds

Residence in extra care housing is associated with a lower likelihood of admittance to hospital for an overnight stay compared to a matched sample living in the community. However, among those admitted, extra care housing residents were likely to stay longer. This finding seems to demonstrate an overall tendency for extra care residents to be less reliant on hospital inpatient beds for minor procedures, and for extra care housing residents to utilise inpatient services only in times of crisis. Nevertheless, overall those in extra care housing had a lower incidence of overnight hospitalisation than a matched group living in the community. For example, we would expect an average person aged 80 and above in receipt of domiciliary care in the community to spend around 6 nights of the year in hospital, while a resident in extra care housing with similar demographic characteristics would spend around 5 nights. These findings suggest a substantial fiscal benefit to residence in extra care housing in terms of hospital expenditure and also in terms of residents' quality of life. In addition, we also present the argument that our estimates may overstate the case of longer stays in hospital for extra care housing, and we therefore would simply emphasise that those in extra care housing have a lower probability of entering hospital than a matched sample in the community.

4. Extra care housing translates into fewer falls

A lower than expected number of falls was recorded in a small sample of extra care housing residents than in a matched comparison group living in the community. This can translate into substantial budgetary savings by lowering

reliance on health services as it also potentially demonstrates that extra care residents exhibit a lower likelihood of moving to institutional care.

5. Extra care housing supports some of the oldest and frailest members of society

The average age of extra care residents is in the very late 70s and early 80s across all three providers included in this research (Audley Retirement, Extra Care Charitable Trust and Retirement Security Limited). Not only were extra care residents older, but other factors also suggested that extra care residents had higher support needs than would be expected among a population of similar age living in the community. The number of people living with dementia, the aftermath of a stroke or Parkinson's disease was higher in extra care residents than in the general population. Residents of one extra care housing provider included in this study were also more likely to be claiming Attendance Allowance, a benefit reflective of personal care needs, than those in the population.

6. The benefits of residence in extra care housing could translate into substantial cost savings, particularly in the long-term

Assessing the costs of different models of care is challenging. In this research we speculatively outline that there is likely to be a higher individual and societal cost to delaying movement into specialist retirement housing for some older people. This is due to the higher transition rates into institutional accommodation than those in community settings are likely encounter. Furthermore, we also highlight that there are fiscal benefits to be observed from the lower rate of hospitalisation, the lower rate of falls and decreases in social care packages received. These benefits are also likely to signal benefits to the quality of life of older people.

7. Expansion of the extra care housing sector, as part of the retirement housing sector more generally, could help to alleviate housing challenges facing people of all ages

Older people are now more likely than ever to be resident in housing that may not best fit their needs. Part of the reason for this may be due to the lack of adequate housing available, and the lack of information on the available options. Expanding the extra care housing sector, as part of an effort to grow and diversify the older people's housing market, could help alleviate the housing shortage facing young people and families through freeing up family sized housing." (pp. 4 and 5).

6.82. Thirdly, the Village Life report (**Appendix K**):

“identified that extra care housing residents were far less likely to enter institutional accommodation than a comparable sample of people in the community receiving home care services, so even if some residents must inevitably transition into another institutional setting at some point, extra care housing does appear to be a promising option for helping older people remain living independently in their own homes for longer under these schemes” (pp. 8)

6.83. The Village Life report goes on to then also note that:

“... Part of the innovation inherent to extra care housing is how it offers a compromise or third way between residential care and staying in one’s previous home. This type of housing offers an alternative to traditional forms of institutional care settings, such as care homes, where concerns related to social care funding have also been increasing, and there is evidence that extra care housing is in fact more cost-effective than care homes, at least for some older people. At the same time, extra care housing serves as an alternative to remaining in one’s previous home – ‘staying put’– which can be detrimental for people as they age when the housing is ill-suited to their needs (e.g. impaired mobility and several stairs), care service provision can be disjointed and inadequate, or the residence contributes to social isolation.” (pp. 8)

6.84. In light of this analysis, and the conclusions of the previous appeal Inspector (paras. 81 and 90) the proposals will deliver substantive health and well-being benefits. This is a matter that must be afforded **substantial weight** in favour of the proposals as part of the overall assessment of VSC / public benefits.

Release of under-occupied family housing

6.85. A further significant benefit of the proposal is that the retirement community has the potential to free up other sectors of the housing market, by releasing much needed family housing accommodation.

6.86. Residents moving into assisted living accommodation often ‘downsize’ from larger dwellings and the proposal therefore helps to ensure a knock-on housing benefit. This in turn will help to reduce pressure on other sites in the area, including other possible greenfield sites.

6.87. The recognition that older people will look to downsize is consistent with guidance in the PPG which states that:

“In decision-taking, evidence that development proposals for accessible manageable homes, especially for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that

supports the approval of such homes” (Paragraph 037 Reference ID: 3-3037-20150320).”

- 6.88. The Later Life in the United Kingdom publication by Age Concern, Updated May 2019 (**Appendix L**) indicates that there are over 6.5 million households comprising over 65's in the country (ONS 2018)), a majority of which are deemed to be under-occupied. Providing these households with a realistic and desirable alternative housing option to 'downsize' in accordance with their needs would typically release larger family housing.
- 6.89. In their latest report Last Time Buyers, Legal and General (L&G), April 2019 (**Appendix M**), L&G found in conjunction with the Centre of Economics and Business Research found that:

“Of all the households with homeowners aged 55 and over with at least two unoccupied rooms (5.7 million), over half would consider downsizing (3.1 million), and among all homeowners aged 55 and over, the proportion looking at downsizing has grown from under a third (32%) in 2014 to 39% today. But far fewer have actually done so – just 13% – suggesting that the impetus is there, but the housing stock is not.” (pp. 5).

- 6.90. Alongside the benefits of 'down-sizing', the importance of providing the right type of housing for older people has wider social and welfare benefits in respect of providing greater independence and greater social interaction for the reasons explained above.
- 6.91. It was common ground that the appeal scheme would lead to the freeing up of under-occupied family housing. This is not just a unit numbers game, it is about freeing up of under-occupied housing. That is particularly important in an area where the Council cannot demonstrate that there is enough land to meet existing and future needs. Accordingly, the Inspector attributed this aspect of the proposals as very significant which **weighed substantially** in favour of the development (paras. 72 and 92). The current proposals would deliver 124 specialist units and at the same time it would free up housing to meet existing unmet demand. This is a matter which, like the appeal proposals, should be afforded very significant weight.

Employment and economic benefits

- 6.92. The Need Assessment – Local Market Quantitative Assessment section of Carterwood's Planning Need Assessment report provides analysis on the employment and economic benefits of the proposals.
- 6.93. The Assessment confirms that subject scheme will provide full-time and part-time roles in order to fulfil its obligations to residents and cover care and support requirements. Below is a breakdown of Carterwood's estimated roles/occupations and long-term job creation. This is based upon data collected by Worcester Research in 2016 on the Bishopstoke Park retirement village in Hampshire, operated by Anchor Hanover and over 160 units in size.

- 6.94. In addition to directly employing a local workforce, the Carterwood report states that schemes also employ the services of a wide range of local companies in the provision of services in order to service a scheme of this size. Data quoted in the Housing for Later Life report in 2011 estimated an average 40-unit extra care apartment scheme provides investment of approximately £5m into older people's housing and the local economy (in 2020 costs this would be significantly higher having been subject to 10 years' inflation). The report also found that around 50 people were needed for construction.
- 6.95. The Worcester Research group applied the above construction cost and utilised other research of their own as part of a resident survey and identified the following economic contribution for a typical 150-unit village:
- £15m in initial investment in capital asset (we estimate this to be greater and more likely to be in the region of £20 to £30m for a large 150-unit village)
 - Approximately 187 jobs during the construction phase
 - £1.7m in on-going salary to local workers
 - At least £160,000 per annum in additional business to local suppliers
 - Around £1.3m expenditure in the local economy from residents (including multiplier effects)
 - Between £152,000 and £190,000 in additional council tax to support local service provision.
- 6.96. In light of this analysis the Applicant considers that the substantive employment benefits arising from the proposals is a matter that must be afforded significant weight in favour of the proposals, noting the Inspector gave the employment benefits significant weight in the determination of the appeal (paras. 82 and 94).

Highway improvements

- 6.97. The delivery of the proposed care facility will facilitate the implementation of the revised access arrangements will deliver significant improvements to local safety conditions for through traffic, existing garden centre users and future development traffic as set out in the Transport Assessment.
- 6.98. In light of this analysis I consider that the highway benefits arising from the proposals is a matter that must be afforded some weight in favour of the proposals as part of an overall assessment of VSC / public benefits.

Site availability and achievability

- 6.99. The site is capable of being delivered in the short-term as a means of meeting economic, and housing benefits outline above and will introduce a high-quality new development on what is currently an under-utilised and vacant site.
- 6.100. The ability to deliver the scheme immediately, is a matter that must be afforded some weight in favour of the proposals as part of an overall assessment of VSC / public benefits.

6.101. As advised above, this application will deliver the following benefits in addition to those set out above; i.e:

- A local marketing commitment for a proportion of units, to recognise the need for care accommodation for existing residents of and those with close ties to St Albans
- A significant contribution towards the provision of affordable housing

6.102. In the context of housing delivery to meet both an affordable, local and specialist housing need these additional benefits must weigh **very substantially** in favour of the proposals.

Additional Matters

6.103. The withdrawal of the draft replacement St Albans City and District Local Plan 2020-2036 by the by the Council at its Cabinet meeting on the 19 November 2020 due to fundamental legal and procedural flaws identified by the Government's planning inspectors appointed to examine the Plan also weighs substantially in favour of the application proposals. The current development plan here - the District Local Plan Review 1994 - is hopelessly out of date and in many respects is not consistent with national planning policy.

6.104. One of the key issues raised by the inspectors following the early conclusion of the Local Plan Examination was that discounting potential sites in the Green Belt of less than 500 units was not the right approach. Conversely, in line with these conclusions the development of the application site would be consistent with the approach of selecting smaller sites given:

- The proposals would provide a valuable contribution to the identification of some smaller sites that would not unacceptably spread the adverse impacts of development on Green Belt purposes
- The extent of the resultant impacts associated with the proposals would be smaller given the more limited scale of the sites (in comparison to the cumulative impact on the Green Belt purposes of developing large adjoining strategic sites)
- The site will deliver 124 supported care homes within the next 2 to 3 years without requiring additional infrastructure and would provide choice and flexibility in the housing market and secure affordable housing more immediately in line with a clearly identified need
- Refusing planning permission on the application site effectively rules out an important potential source of housing that will undoubtedly have a lesser impact on the purposes of the Green Belt than the sites selected in the draft Plan without sufficient justification.

6.105. Furthermore, the application site falls within a sustainable location and there remains considerable local support for the proposals. In the applicant's experience it is unheard of for a Green Belt scheme to be supported so strongly by local groups. In this instance, it appears that this is as a result of the diligent and thorough manner in which the St Stephen's

Neighbourhood Plan has been progressed to date. The Parish Council have actively engaged with local residents, seeking and taking on board their opinions and priorities for the area, culminating in a clear set of priorities which included the allocation of this site for a retirement village. The appeal Inquiry heard from separate residents' associations who spoke strongly in favour of the scheme, as well as Councillor Featherstone, the ward member for St Stephen's.

- 6.106. On the 5 October 2020 the St Stephen Neighbourhood Plan – Pre-Submission (Regulation 14) Consultation Draft was published. The Plan recognises that there is an identified and evidenced local housing need in St Stephen and consideration should be given to how that is to be delivered, including where any new housing might be sited. Accordingly, with due regard to the Parish Council's own evidence base the Plan supports the removal of the application site from the Green Belt and allocation for approximately 200 units of specialist housing.
- 6.107. Whilst it is accepted that applications need to be determined on their own merits with regard to the Development Plan and other material considerations referenced is now made to 2 appeal decisions for extra care accommodation in Green Belt locations.
- 6.108. The context and evidence in these cases are obviously unique to each other and to this appeal to each other and to this application. However, they are both informative as to how the planning balance was struck.
- 6.109. The relevant decisions are:
- Beechmoor Garden Centre, Great Boughton, Chester, 17 July 2019 (PINS APP/A0665/W/18/3203413) (**Appendix N**)
 - 237-259 London Road, West Malling Tonbridge and Malling, 19 December 2018 (PINS APP/H2265W/18/3202040) (**Appendix O**)
- 6.110. At 237-259 London Road, West Malling, Tonbridge and Malling the Inspector allowed an appeal in outline on the 19 December 2018 under APP/H2265W/18/3202040:

“... for an extra care development of 79 units (comprising of apartments and cottages) all within Use Class C2) ...”

- 6.111. The Inspector's reasons for allowing the appeal are clearly set out in paras. 10 to 59 of the decision letter. In the case of general housing supply, paras. 18 to 25, he concluded that the overall shortfall in housing supply is one significant factor to be weighed in the planning balance. Further with reference to meeting the particular housing needs of older people, paras. 26 to 40, the Inspector established there was a clear need for residential accommodation of this type and tenure. Further he concluded the current and emerging development plan does not make adequate provision and that development of the appeal Site would make a significant contribution towards meeting such needs.

- 6.112. On freeing up general housing, he concluded at para. 42, that the provision of specialist housing more suited to the needs of older persons is likely to encourage them move and would make a valuable contribution to overall housing needs which should be weighed in the balance.
- 6.113. At para. 44 the Inspector concluded that there are likely to be overall benefits to health and well-being to be weighed in the balance.
- 6.114. On the emerging Local Plan, it had not reached examination stage. Accordingly, the Inspector stated at para. 3 of the West Malling decision that only limited weight may be accorded to it as there have been relevant objections to the draft plan and the policies may change before the Plan is adopted as part of the development plan. What is particularly pertinent to note is para. 38 of the West Malling appeal decision were the Inspector's observations on the Council's argument that extra care housing of unspecific tenure could be addressed by development on Sites to be allocated for general housing in the emerging Local Plan or as windfall development. This is the same approach as was the St Albans emerging Local Plan which, unlike West Malling, for the reasons set out in Section 5 absolutely no weight can be attached to it.
- 6.115. What is clear from para. 39 is that the Inspector rejected this as a legitimate approach to accommodating the future needs of the elderly:

“... the retirement village concept requires a minimum number of units and site area in order to support the viable provision of shared-site facilities for residents. That of itself would limit the choice of suitable sites, particularly in a Borough with extensive Green belt. Neither is there any evidence before me of the successful development of retirement villages as the result of development allocations ...”

Within this context the Inspector at West Malling concluded at para. 40 that:

“... the current and emerging development plan does not make adequate provision and that the development would make a significant contribution towards meeting such needs”.

- 6.116. At Great Boughton the Inspector allowed an appeal for:

“... demolition of the existing garden centre buildings and redevelopment of the site to provide a total of 110 care apartments and bungalows ...”.

- 6.117. It was common ground that the proposals were inappropriate development in the Green Belt and accordingly VSC would need to be demonstrated to justify development within the Green Belt. In allowing the appeal the Inspector set out the VSC that justified the proposals under the 'Other Considerations' (paras. 38 to 46) and 'Planning Balance and Very Special Circumstances' (paras. 49 to 54) of his decision letter.

6.118. At para. 49 the Inspector stated that there would also be some additional harm resulting from the failure to provide affordable housing noting that there was a Development Plan policy in place requiring an affordable housing contribution for C2 development.

6.119. In summary the Inspector concluded:

- Despite being able to demonstrate a 5-year supply of housing land (7.56 years as set out in para. 45) the Inspector concluded that there was a need for specialist provision for the elderly and that in line with NPPG the need to provide housing for the elderly was critical (para. 38)
- The soon to be adopted Development Plan does not include a specific requirement for housing for older people, and the Council expects all needs to be catered for within the general housing requirement (para. 38). However, the Inspector disagreed and stated that it was unlikely to be the case that other forms of housing would necessarily meet the demand for specialist assisted living accommodation for the elderly para. 39)
- In the context of the above the fact the development would make a sizeable contribution to help meeting these demands is something to which he attributed very substantial weight (para. 40)
- That substantial weight should also be afforded to the associated socio-economic benefits described elsewhere in this Statement

Planning Balance and Very Special Circumstances / Public Benefits

6.120. The Applicant accepts that the development would cause harm to the Green Belt by virtue of it being an inappropriate form of development and insofar as it would have a detrimental, albeit minimal, impact on the openness of the Green Belt.

6.121. They further accept there is less than substantial harm to designated heritage assets albeit this harm being at the lowest end of the spectrum of less than substantial harm.

6.122. Substantial weight should be attributed to the harm caused to the Green Belt and any other harm in this respect. It is submitted that there would be no other additional harm resulting from the proposals.

6.123. Having balanced the weight given to this harm against the special circumstances and public benefits of the scheme and concluded that both individually and collectively these amount to very substantive social and economic benefits, the Applicant attaches:

- i. **Very significant weight** to the contribution the development would make to meeting the needs for specialist housing in the area for older people
- ii. **Substantial weight** to the contribution general housing needs
- iii. **Very significant weight** towards the provision of affordable housing
- iv. **Significant weight** to offering a proportion of the homes to residents, or family members of residents, living locally
- v. **Significant weight** to the fact that there are no suitable sequentially preferable alternative sites to accommodate the proposals

- vi. **Substantial weight** to the health and well-being the proposals will bring to both future residents of the scheme as well as relieving pressure on existing health services
- vii. **Very significant weight** to the release of under-occupied family housing
- viii. **Significant weight** to the employment opportunities the scheme will deliver
- ix. **Some weight** to the benefits of the site access improvements that the scheme will deliver
- x. **Some weight** to the site being able to be delivered now

6.124. The reduction in “harms” to the previous appeal and the introduction of very significant additional benefits when combined with the policy vacuum at the District Level that has arisen following the withdrawal of the replacement Local Plan and emergence of the Neighbourhood Plan means that the overall planning balance is now weighed decisively in favour of the application proposals.

7. Other Considerations

7.1. Section 6 identifies the appropriate planning policy context in which the proposals need to be judged as to whether any harm to the Green Belt would be clearly outweighed by other considerations with reference to:

- The NPPF: Section 12 reference paras. 124 to 132, Section 14 reference paras. 148 to 169 and Section 15 reference paras. 170 to 183
- St Albans Local Plan “Saved” Policy 34 - Highways Considerations in Development Control; Policy 35 - Highways Improvements In Association with Development; Policy 39 - Parking Standards, General Requirements; Policy 43 - Elderly Persons Dwellings and Residential Homes Hostels, Parking Standards; Policy 69 - General Design and Layout; Policy 70 - Design and Layout of New Housing; Policy 74 - Landscaping and Tree Preservation; Policy 84a - Drainage Infrastructure; Policy 97 – Existing Footpaths, Bridleways and Cycleways; Policy 104 - Landscape Conservation; Policy 106 - Nature Conservation; Policy 111 - Archaeological Sites; Policy 143a - Watling Chase Community Forest; Policy 143b – Implementation; and Revised Parking Policies and Standards, January 2002

7.2. As was the case with the previous appeal proposals, this application submission is accompanied by a comprehensive suite of technical documents (**Appendix B**) that demonstrate that there are no overriding physical constraints that preclude the development from being built, including ground conditions, flood risk and drainage, trees and highways.

7.3. With regard to the Equality Act 2010 (EA), and as was the case with the appeal proposal, there are no issues in respect of this application. With regard to construction impact on the residents of the care home immediately to the south of the site, as with any sensitive receptor this is just a case of appropriate management. It can be dealt with by condition.

7.4. Given that the environmental constraints are to be addressed in broadly the same manner as the previous appeal proposal, it is noted with regard to this proposal that on all technical matters’ officers concluded that the proposals were acceptable, with specific reference to:

- Amenities of both current and prospective future occupiers
- Ecology
- Contamination
- Highways and access and parking provision
- Archaeology
- Drainage

- 7.5. In addition, an Agricultural Land Classification assessment of the application site has been undertaken. This concludes that the loss of a small inaccessible parcel of circa 1.2 ha of good quality agricultural land does not present an overriding constraint to the development of the site in planning policy terms.

8. Conditions and S106 Matters

Conditions

- 8.1. The Applicant proposes to adopt the same planning conditions that were previously agreed with the LPA in the event that the appeal had been allowed.
- 8.2. These are:

Time limit

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Approved plans, documents and strategies

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, strategies and documents:

Title	Drawing Number
Architects Plans (PRP)	
Site Location Plan	0653-00-SL-PL-A-G7-010 B
Existing Site Plan	0653-00-SL-PL-A-G7-011 B
Proposed Block Plan	0653-00-SL-PL-A-G7-012 B
Proposed Site Plan	00-SL-PL-A-G7-013 B
Landscape Masterplan	00-SL-PL-L-G7-014 B
Contextual Site Sections	00-SL-SE-A-G7-015 B
Proposed Site Sections	00-SL-SE-A-G7-016 B
Proposed Arrival	00-SL-PL-A-G7-017 B
Cycle & Refuse Store - Plans and Elevations	00-SL-PL-A-G7-018 B
Assisted Living - Ground Floor Plan	0653-01-00-PL-A--110 B
Assisted Living - First Floor Plan	0653-01-01-PL-A- 111 B
Assisted Living - Second Floor Plan	0653-01-02-PL-A--112 B
Assisted Living - Roof Plan	0653-01-03-PL-A -113 B
Assisted Living - Elevations Sheet 1	0653-01-99-EL-A--114 B
Assisted Living - Elevations Sheet 2	0653-01-99-EL-A--115 B
Bungalows Type A - Plans and Elevations	0653-03-00-PL-A--310 B
Bungalows Type B - Plans and Elevations	0653-03-00-PL-A--311 B
Bungalows Type C - Plans and Elevations	0653-03-00-PL-A--312 B
Bungalows Type D - Plans and Elevations	0653-03-00-PL-A--313 B
Bungalows Type E - Plans and Elevations	0653-03-99-EL-A- 314 B
Bungalows Type F - Plans	0653-03-00-PL-A--315 B
Bungalows Type E - Elevations	0653-03-99-PL-A- 316 B

Flood Risk and Drainage (Intrado)	Reference / Date
Flood Risk Assessment and Drainage Strategy	IR20077/DS1 Rev. B (September 2020)
Drainage Calculations	Appendix A of Drainage Strategy
Storm Water Drainage Strategy	IR20077 Rev. D - Appendix B of Drainage Strategy

Trees (Quaife Woodlands)	Reference / Date
Arboricultural Survey and Planning Integration Statement	December 2020

Highways (PEP)	Drawing Number
215m Forward Visibility Envelopes and Longitudinal Sections, 8 January 2019 (Peter Evans Partnership)	3019.14
Permitted Signalised Junction and Proposed Site Access Arrangement with 215m Forward Visibility Envelope and Speed Mitigation Measures, 8 January 2019 (Peter Evans Partnership)	3019.15
Proposals for 60mph Speed Limit on A405 North Orbital Road, 11 January 2019 (Peter Evans Partnership)	3019.16

Materials

- 3) No above ground works, other than demolition and site clearance, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 4) No above ground works, other than demolition and site clearance, shall take place until details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Tree Protection

- 5) The development hereby approved shall be carried out wholly in accordance with the tree protection measures set out in the document entitled "Arboricultural Survey and Planning Integration Statement" (ref AR/3741/jq) Rev A dated 9th October 2019 produced by Quaife Woodlands.

Landscaping

- 6) The development hereby approved shall not be occupied until details of a scheme of hard and soft landscaping, which shall include the submission of a planting schedule prescribing details of the size and species of proposed planting, are submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full in the first planting season following the completion of the development or otherwise in accordance with a timetable which shall have been agreed in writing by the local planning authority. If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become

diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

External lighting details

- 7) No lighting columns or external lights shall be installed until details of external lighting has been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and location of lights and lighting columns, the level of illumination and time of operation. The development shall be implemented in accordance with the approved details.

Highway Works

- 8) Prior to the occupation of any of the buildings hereby permitted the vehicular access at North Orbital Road shall be upgraded in accordance with drawing numbers 3019.14, 3019.15 and 3019.16, or such other plans as approved in writing by the LPA, and arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Construction Management

- 9) No development shall commence, including demolition, until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved plan unless otherwise agreed with the Local Planning Authority. The Construction Management Plan/Statement shall include details of:
 - A. Access arrangements to the site.
 - B. Traffic management requirements.
 - C. Construction and storage of compounds (including areas designated for car parking, loading/unloading and turning areas).
 - D. Siting and details of wheel washing facilities.
 - E. Cleaning of site entrances, site tracks and the adjacent public highway.
 - F. Provision of sufficient on-site parking prior to commencement of construction activities.
 - G. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
 - H. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Rights of Way

- 10) Notwithstanding the details indicated on the submitted drawings no works impacting on Rights of Way shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

Archaeology

- 11) No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed WSI.

Following the completion of the fieldwork, formal provision for the post investigation assessment shall be put in place. This assessment will be in accordance with the programme set out in the approved WSI. Provision will be demonstrated and confirmed in writing with the LPA for the analysis and publication of the site archive, if appropriate. This will include all necessary works up to and including an appropriate publication and will include an agreed timetable and location for that publication. Should these provisions not be required, formal agreement will be sought and shall be agreed in writing with the LPA.

Flood Risk and Drainage

- 12) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy produced by Quad Consulting reference 0653-00-SL-RE-GO-1041 Rev C dated April 2018 including the following mitigation measures detailed within the FRA, unless otherwise agreed in writing with the Local Planning Authority:

A. Undertake appropriate drainage attenuation to limit discharge into unnamed ditch/watercourse to 10 l/s.

- B. Provide attenuation to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
- C. Implement the drainage strategy to include permeable paving, swales, ponds, tree pits and attenuation tanks as indicated on drainage drawings 0653-SP-SL-PL-C-G77-005_G, 0653-SP-SL-PL-C-G77-006_G and 0653-SP-SL-P-C-G77-007_G unless otherwise agreed in writing with the Local Planning Authority.

No development shall commence, excluding demolition and site clearance works, until the final design of the drainage scheme, which shall be based upon the submitted Flood Risk Assessment is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, which shall include:

- A. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should also show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- B. Silt traps for protection of any residual tanked elements.
- C. Details of final exceedance routes, including those for an event which exceeds 1:100 + climate change rainfall event.

Within 1 month of completion of the approved drainage works a management and maintenance plan for SuDS features and drainage network shall be submitted to the Local Planning Authority for approval. The Plan shall include final confirmation of management and maintenance requirements and a complete set of as-built drainage drawings. The management and maintenance of the drainage infrastructure shall be carried out in accordance with the approved plan.

Refuse

- 13) Facilities for the storage of refuse shall be provided within the development hereby approved. Details of such facilities, including screening shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The refuse areas shall remain thereafter and shall not be used for any other purpose.

Car Parking

- 14) The Car Parking shown on the approved drawings shall be retained as car parking and used for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Contamination

- 15) The development shall be carried out in accordance with the methodology and recommendations contained within the Preliminary Geoenvironmental and Geotechnical Assessment by Tweedie Evans Consulting dated August 2017, unless otherwise agreed in writing with the local planning authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Slab levels and surrounding ground levels

- 16) Details of the proposed finished floor levels of all buildings and the finished ground levels of surrounding property, including the finished relationship with the adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be thereafter be implemented in accordance with the approved details.

Removal of permitted development rights

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be constructed without the prior permission of the Local Planning Authority.

Public Access Strategy

- 18) Prior to the occupation of the development a public access strategy shall be submitted to the local planning authority for approval that identifies external amenity areas of the development that are accessible to the public. The public access strategy will be maintained for the lifetime of the development, unless otherwise agreed in writing with the local planning authority.

Electric vehicle charging

- 19) Prior to occupation, a scheme for Electric vehicle charging points (EVCP) shall be submitted to the local planning authority for approval that provides for 20% of the proposed car parking spaces to have active charging points. The EVCP shall thereafter be

constructed and marked out and the charging points installed prior to any of the units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

Noise issues

- 20) Before the use commences a noise assessment shall be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise on the proposed development.

Sound insulation measures shall be incorporated into the design of the proposed development as necessary, so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Piling Works

- 21) If piling is to be the method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Kitchen Extraction System – Odour Control

- 22) The commercial kitchens of the approved buildings shall be fitted in accordance with a scheme detailing the equipment for the purpose of extraction, filtration and abatement of fumes and odours which has first been submitted and approved in writing by the Local Planning Authority. This shall include noise and vibration mitigation systems. The

approved extraction/filtration/abatement equipment shall be installed before the use hereby permitted is commenced and shall be maintained including deep cleaning and operated thereafter in accordance with manufacturer specification to ensure its continued satisfactory operation.

Hours of Delivery

- 23) No commercial deliveries shall be taken at or dispatched from the premises outside the following times, before 6:30 hours or after 20:00 hours Monday to Saturday, and before 9:00 or after 18:00 hours on Sundays or Bank Holidays.

Planning Obligations and CIL

- 8.3. The Applicant proposes to commit to the same terms as the proposed S106 Agreement to St Albans DC and Hertfordshire CC in respect of the previous planning appeal; namely:

- Library contribution
- Audit and monitoring contribution
- Provision of fire hydrants
- Bridleway improvements
- Travel plan
- Communal facilities provision
- A commitment to elderly care package

- 8.4. Additional commitments are proposed in respect of:

- An affordable housing contribution
- A commitment to marketing a proportion of the homes to residents, or family members of residents, living locally

- 8.5. The Council has no adopted CIL charging schedule in place and that as such it will continue to seek developer contributions through section 106 agreements.

- 8.6. The applicant welcomes discussion with the LPA on these matters during the determination period of this application.

9. Conclusions

- 9.1. This proposal is all about making a sensible planning judgment. Yes, the scheme will be harmful in some respects, and appropriate weight must be given to that harm, but the scheme would also deliver a series of substantial public benefits, most obviously (but not limited to) the delivery of much needed specialist accommodation in an area of longstanding and continuing market failure. The Council accepts it needs to build on land that is currently in the Green Belt to meet its housing needs going forward. There is a policy vacuum at the local level, with the Emerging Local Plan now withdrawn on the recommendation of the Local Plan inspectors appointed to examine it and hence no immediate prospect of a policy basis for the delivery of specialist housing to meet the identified need. Crucially, whilst there is focus on the 'number of units' of care accommodation required, it is beholden on everyone to also fully appreciate that these represent real people in need of care now. The Council should not delay meeting that need or delay the delivery of all the other benefits the scheme will deliver.
- 9.2. As set out above, there are "harms" here and crucially these have been significantly reduced from the previous appeal proposals through considered amendments to the scheme. But there are also very important benefits, including additional benefits geared towards delivering affordable housing and meeting the local need, starkest amongst which is the Council's ongoing failure to address the existing and growing care needs of its older residents. The growing population will bring with it a rise in the number of people experiencing functional difficulties or declining health status. Meeting those needs is critical (para 63-001-20190626 NPPG) and this requires a positive response now. Windfalls, even if they come forward at historic levels, will not keep pace with the growing needs. Whether and when a new Local Plan will deliver any specialist care units for the elderly is anyone's guess. Meanwhile people remain in need of care now.
- 9.3. The reduction in "harms" to the previous appeal and the introduction of very significant additional benefits means that the overall planning balance is now weighed decisively in favour of the application proposals.
- 9.4. From the Applicant's experience it is unheard of for a Green Belt scheme to so strongly be supported by local groups. The previous appeal inquiry heard from separate residents' associations who spoke strongly in support the scheme. Councillor Featherstone, ward member for St Stephen supports the scheme. Although the emerging Neighbourhood Plan does not carry material weight at this stage it is instructive to see that the intention of the Plan's authors is that the site should be developed for specialist care accommodation. The Committee decision in respect of the previous appeal proposals came down to a casting vote.
- 9.5. The Council is respectfully asked to take a decisive and positive step and grant permission for this application

Appendices

A. Open letter from the Minister for Care, Helen Whately MP (4 May 2020)

B. Schedule of Plans and Documents

- C. Appeal Decision: Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, AL2 2DS (Appeal Ref: APP/B1930/W/19/3235642) (9 January 2020)**

D. Statement of Community Involvement (DPV Consult, October 2020)

E. Inspectors Post New Local Plan 2020-2036 Hearing Letter (14 April 2020)

F. Inspectors Post New Local Plan 2020-2036 Hearing Letter (1 September 2020)

G. The Affordability of Retirement Housing, All Party Parliamentary Group on Housing and Care for Older People report, 2014

H. Collaborative Research between Aston Research Centre for Healthy Ageing (ARCHA) and the Extra Care Charitable Trust, April 2015

- I. **Evaluating Extra Care – valuing what really matters. Written by Lacey & Moody, December 2016**

- J. Establishing the Extra in Extra Care. Published by the International Longevity Centre UK, 2011**

K. Village Life – Independence, Loneliness and Quality of Life in Retirement Villages with Extra Care, August 2015

L. Later Life in the United Kingdom, Age Concern, Updated May 2019

M. Last Time Buyers, Legal and General (L&G), April 2019

**N. Beechmoor Garden Centre, Great Boughton, Chester, 17 July 2019 (PINS
APP/A0665/W/18/3203413)**

O. 237-259 London Road, West Malling Tonbridge and Malling, 19 December 2018 (PINS APP/H2265W/18/3202040)