



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

REBUTTAL PROOF OF EVIDENCE

of Stephen Connell BA (Hons), Dip TP, MRTPI

**on behalf of St Albans & District Council Land North of Chiswell
Green Lane, Chiswell, St Albans Hertfordshire AL2 3AJ**

LPA Reference: 5/2021/3194

PINS Reference: APP/B1930/W/22/3312277

1. For the avoidance of doubt, this rebuttal proof has been prepared to save time at the inquiry and provides a written response on various matters of disagreement with that in mind. It does not purport to respond in relation to each area of disagreement. The absence of any comment on a specific issue does not indicate my (or the Council's) acceptance of any of the points made in the Appellant's evidence.

Points of Rebuttal of Annie Gingell ("AG")

2. In relation to figure 11.1 – Key worker household incomes in Hertfordshire 2022/23- Ms Gingell sets out the banding for NHS Staff [1-8]. To provide context I have set out below the banding relative to job position. Attached to CD5.34 is also an extract from the Find NHS Pay Bands website which also provides details of income per pay band. I note this source identifies an additional band at level 9 compared to bands set out in AG's proof, but this makes no difference to the overall conclusions I make in this rebuttal. The banding is as follows:

Band 1 – entry level

Band 2 - staff include healthcare assistants, receptionists, phlebotomists, administrative staff, domestic staff and catering staff.

Band 3 staff include clinical support workers, therapy assistants, pharmacy assistants, administrative workers and clerical staff.

Band 4 staff include nursing associates, associate practitioners, pharmacy technicians, bed managers and senior clerical staff.

Band 5 staff include nurses, newly qualified midwives, paramedics, physiotherapists, occupational therapists and speech therapists.

Band 6 staff include junior sisters, charge nurses, midwives, paramedics, newly-qualified pharmacists and biomedical scientists.

Band 7 staff include ward sisters, charge nurses, senior physiotherapists, occupational therapists, pharmacists and senior midwives.

Band 8a staff include matrons, advanced clinical practitioners, service managers and speciality leads.

Band 8b staff include psychologists, lead pharmacists and lead clinicians.

Band 8c staff include heads of clinical service, senior HR managers, tactical response leads and service owners

Band 8d staff include deputy directors of clinical services, deputy chief nurse, consultant clinical scientists and departmental heads.

Band 9 staff include nurse consultants, director of clinical services and chief nursing officers.

3. In response to section 11 of AG's proof and specifically to para 11.16 - 11.24, it has been my position that there is significant uncertainty that even with a 33% discount the proposed homes in this location would be affordable. This has been demonstrated in AG's evidence [Table 11.1, 11.2 11.3], as I set out below. The purchase of homes would be limited to those at the very top of the NHS pay scale, and not for the vast majority of other key workers.

4. The details below are taken from AG's proof as outlined below and assess the affordability of a median and lower priced home in St Stephen's ward. I acknowledge that house prices in St Albans, taken as whole, are more affordable than those houses within the St Stephen's ward. However, the Appeal site is within the St Stephen's ward and so I consider the most appropriate figures would be the St Stephen's ward figures.

Median House Price

Market Price St Stephens Ward	33% discount	Deposit Assumed 10%	Subsidised Price
£700,000	£469,000	£46,900	£422,100
St Albans			
£590,000	£395,300	£39,530	£355,770

5. I note table 11.2 of AG'S proof shows houses prices (median) in St Stephen's Ward are around 15.2% higher than the median house prices in St Albans as taken as a whole. The median house price in the St Stephen's Ward [£700,000], with a 33% discount would result in a purchase price of £469,000. Assuming a 10% deposit¹ [£46,900] would result in a mortgage requirement of £422,100. Taking a mortgage multiple of $x 4.5^2$ [£422,100 /4.5] would require an income combination of £93,800.
6. The above excludes the need to pay for stamp duty³ and whether occupiers have loans and other expenses which need to be discounted from income before applying the multiples. Nevertheless, on the data provided in AG's Table 11.1, this

¹ Para 11.18 of AG proof

² Para 11.8 of AG proof

³ I accept that in some circumstances stamp duty can be deferred [shared ownership]

would not be affordable a household with a teacher or a police constable (even at the very top of the pay scale). It would only be affordable too some of those households with an NHS staff member at Band 8 of the pay scale (e.g heads of clinical service).

Lower Quartile home

Market Price	33% discount	Deposit Presumed 10%	Subsidised Price
St Stephens Ward			
£580,000	£388,600	£38,860	£349,700
St Albans			
£415,000	£278,050	£27,805	£250,245

7. I note table 11.3 of AG’S proof shows houses prices (lower quartile) in St Stephen’s Ward are around 28.45% higher than the lower quartile of house prices in St Albans as taken as a whole. Taken the lower quartile price in the St Stephen’s Ward [£580,000] with a 33% discount it would result in a purchase price of £388,600. Assuming a 10% deposit⁴ [£38.860] would result in a mortgage requirement of £349,700. Taking a mortgage multiple of x 4.5⁵ [£349,700/4.5] would require an income combination of £77,733.

⁴ Para 11.18 of AG proof

⁵ Para 11.8 of AG proof

8. The above figures exclude the need to pay for stamp duty and whether occupiers have loans and monthly outgoings which need to be discounted from income before applying the multiples. Again using, AG figures, only band 7 (upper) + of NHS worker could afford a lower quartile home.
9. It is in my opinion that even considering the subsidies as proposed, a number of the properties will be unaffordable to most key workers to purchase.
10. I acknowledge that some homes (25%) will come forward as 'First Homes' and therefore the sale price for First Homes will be capped at £250,000 (after the discount has been applied) which based on the proposed discount of 33% would equate to a starting market house value of around £333,400. They must be first time buyers, meet local connection criteria and have a combined income of less than £80,000. They must be able to secure a mortgage for at least half of the purchase price. However, given the above, it is likely that the First Homes will be smaller sized units (such as 1-bedroom accommodation) and even then, is unlikely to be affordable for single occupancy.
11. There are differences between AG's proof and my proof insofar as data sourcing. My proof illustrates my concerns about the uncertainty that the dwellings would be affordable as proposed using the Local Housing Need Assessment 2020 data. Whereas, AG has sourced her evidence from the National Education Union Salary Card, Hertfordshire Police Federation Pay scales NHS Employers Pay Scales and ONS ratio of house price to work-

place based earnings. However, both approaches reach the same conclusion.

**Rebuttal to Mr Brian Parker (“BP”) & Steven Fidgett (“SF”)
& Steve Collins (“SC-North”)**

Military housing

12. Reference has been made in the respective proofs of evidence that the proposed housing will be targeted to key workers to include military personnel. At the time of writing this rebuttal the s106 has yet to be finalised and there are a number of matters that require resolution. The current draft defines “Armed Services Member” as follows:

“a member of the Royal Navy the Royal Marines the British Army or the Royal Air Force or a former member who was a member within the five (5) years prior to the purchase of the First Home, a divorced or separated spouse or civil partner of a member or a spouse or civil partner of a deceased member or former member whose death was caused wholly or partly by their service.”

13. I accept that I am not an expert on accommodation for Ministry of Defence personnel. That said, in terms of proximity of military bases, the 3rd Battalion of the Royal Anglian Regiment is located in Bury St Edmunds, Suffolk. This is 57 miles away from the appeal site.

14. The closest permanent military base to the site is Northwood HQ which is a permanent joint headquarters from all three services located at Northwest London within the Borough of Hillingdon. The base is used now as the UK's principal military HQ site and home of 5 Operational HQs – including Strategic Command HQ, Standing Joint Forces HQ Permanent Joint Headquarters and the Commander Allied Maritime Command (NATO).
15. Clearly most of the personnel at the UK's headquarters will not be front line personnel as you find at the Bury St Edmunds Barracks for the Royal Anglian Regiment.
16. Attached to CD 5.35 is the tri service accommodation regulations. This document sets out the policy and guidance arrangements for the provision of accommodation for Military Personnel.
17. The Ministry of Defence ("MOD") provides and manages subsidised off/on base rented accommodation for personnel (subject to criteria). This is known as Service Family Accommodation (SFA). If on application it is found there are no SFA accommodation available then you are entitled to apply for Substitute Service Family Accommodation (SSFA) which again is rented accommodation provided, allocated and managed by a separate managed partner (Mears Group). In this case, an allowance is payable to the service personnel to enable them to make private arrangements to live in rented accommodation.

18. Attached to CD 5. 36 is a response letter to a freedom of information request⁶ in relation to numbers of SFA available for the Northwood HQ . It identifies the number of SFA 'on the books' in August 2021 as 1169 dwellings. It is noted that 98 properties are unoccupied and available. A further 182 are not available as they are allocated for maintenance and repair work. In 2021 there was a surplus of accommodation for subsidised rent for those working at this base.

19. Overall, given there are no permanent Military bases in Hertfordshire, it is questionable whether the need for owner occupied homes for active service personnel purported by the Appellant actually exists. Subsidised rented accommodation is provided by the MOD at the base or within a 10 mile radius.

20. In any event, there is already support for those wishing to buy their own home. Section 12 of the service accommodation regulations provide guidance to Help to Buy. This is not related to other Government funded Help to Buy schemes. It is considered to be an interest free loan and can be used in association with other incentives. Further, priority already exists for military personnel in relation to First Homes and Shared Ownership Schemes which is outside the scope of any key worker criteria.

Green Belt review

21. At para 7.11 of SF's proof and para 3.83 of BP's proof, it is suggested that the Council has changed its position on the

⁶ For the avoidance of doubt, this letter was not generated from any correspondence from myself.

applicability of the SKM Green Belt Review. The Appellant suggest that in December 2021, at an inquiry into inappropriate development in the Green Belt at Burston Nurseries, Chiswell Green [CD 5.7] the Council's position had changed from the previous appeal at the same site in 2019 and that the Council no longer considered the SKM Review to be relevant to decision-making.

22. I do not agree with the Appellant's position on this matter. In the 2021 appeal decision, all parties agreed the emerging Local Plan had been withdrawn and therefore no weight can be attributed to the withdrawn emerging Local Plan. However, I consider that it does not follow that Mr Shaun Greaves, or the Council considered that the findings of the evidence base document SKM Green Belt Review consequently carried no weight and therefore there had been a change in position from the 2019 appeal.
23. Indeed, as Mr Shaun Greaves was previously my business partner and fellow Director of GC Planning Partnership Ltd, I discussed this matter with him, and he confirmed that he did not consider that he had taken a different approach in relation to the relevance of the SKM Green Belt Review between the two appeals. He also confirmed that at no time had he been advised that the Council has taken a differing approach to the relevance of the SKM GB review to the decision-making process since the withdrawal of the Local Plan.
24. Attached to CD 5.37 is the related statement of common ground (landscape and visual) in relation to appeal at Burston Nurseries [CD5.7]. At Section 1.4 parties agree that the Appeal Site is a very small part of Green Belt Parcel 26. It goes on to detail that

'Green Belt parcel 26 itself plays the following role against GB purposes as defined in the Council's Green Belt Study Nov 2013'. Section 1.7 confirms that the Appeal scheme does not affect the openness of Green Belt Parcel 26 outside the Appeal site boundary. It is clear to me therefore that both parties acknowledge that the SKM Green Belt Review was a material consideration but, in that appeal, the scheme did not affect the openness of parcel 26 outside the Appeal site boundary but played a role against Green Belt purposes as defined in the Council's Green Belt Review study Nov 2013.

25. I therefore disagree with BP and SF that the Council or Mr Shaun Greaves changed its approach on the applicability of the SKM Green Belt Review.

Affordable housing needs of essential workers

26. In relation to BP's proof para 3.51 (vi) –

Even after the Covid Pandemic transformed the lives of the nation and its appreciation of Key Workers, both the Council and the GL Hearn September 2020 LHNA, which is "informing" the Council's current emerging Local Plan, continue to ignore the affordable housing needs of its essential local workers.

27. In response, I consider that the LHNA and the Council have not ignored or excluded the affordable housing needs of its' Essential Local Workers'. For example, key workers are specifically referenced at paragraphs 5.164 and 5,174 of the document.

28. I consider that the fact that the South West Herts LHNA is a robust piece of evidence dealing appropriately and robustly with Affordable Housing need (including its approach to ‘Essential Local Workers’ and ‘key workers’) has been clearly demonstrated by the fact that it was the key piece of Affordable Housing evidence for Watford’s Local Plan Examination in 2022. That Examination was successful and the new Watford Local Plan was adopted very recently in October 2022.
29. Indeed, I note that the Watford Local Plan did not include a separate bespoke assessment of key worker housing need, and nor does it include any policies specifically addressing key workers. Notwithstanding the rhetoric in Brian Parker’s proof in particular, this is not uncommon. Notwithstanding this, the Inspector found the Watford Local Plan to be sound (see the Inspector’s report at CD 5.37).
30. I also do not agree that it is impermissible to reduce the weight to be given to the affordable housing on the basis that it does not meet a full range of affordable housing needs (para 3.7 of BP Proof and para 9.18 of SF Proof). I attach at CD5.38 an appeal at the Former Imperial College for 100% shared-ownership affordable housing. One of the issues in that appeal was the weight to be given to this (see paragraph 146). As is common, the Local Plan sought a tenure mix between affordable rent and shared ownership (in this case 80:20). At paragraph 186, the Inspector found as follows:

“While the proposal would provide for 100% affordable housing, it would not meet the specific needs of the area in terms of

tenure. Whilst there are benefits from the overprovision against the policy requirement of 50%, the failure to deliver an 80:20 tenure split in favour of affordable rented accommodation would significantly reduce this benefit”.

Green Belt purposes

30. Whilst visual effects are a matter for Mr. Friend, I note that Mr. Fidgett considers, when assessing Green Belt purpose (c) “safeguarding the countryside from encroachment”, that the visual impact of the development “would be limited to localised views without significantly impacting the countryside extending to the west or north” (at paragraph 8.20).

31. In this respect, I attach at CD5.39 an appeal decision relating to the paddocks that adjoin the site to the east. This related to a development of 14 dwellings that was refused on appeal in 2014. The houses were to be 2.5 storeys (a similar height to those proposed here) and were to be located to the east of the boundary hedge on the eastern side of the site (whereas the current proposals are to the west of the hedge). Amongst other things, the Inspector noted at paragraph 8:

“The proposed rear line of dwellings would be clearly visible above the existing hedge, because of their height and scale, when viewed from a range of vantage points on the public rights of way in the Green Belt to the west of the site. The proposal would also be in view from a number of locations along Chiswell Green Lane some distance to the south. The views of the proposed dwellings from all of the above vantage points would be more pronounced during the winter months. The line of

existing dwellings along Cherry Hill and The Croft is currently visible to some degree from these vistas but they do not appear collectively as a visually discordant feature which the proposed development would successfully ameliorate.”