



## **Written Statement Responding to Inspector's Questions**

### **Matter 3: The Spatial Strategy, Settlement Hierarchy and Development Strategy**

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## **Examination of the St Albans Local Plan 2020-2036**

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**Prepared on behalf of CastleOak Care Communities**

**Respondent I.D: 1187716**

**Our ref: DP/JC/204884**

11 December 2019

**Matter 3: Whether the Spatial Strategy, Settlement Hierarchy and Development Strategy is justified, effective and consistent with national policy. [Policies S1 and S2]**

- 1.1. This Statement provides CastleOak Care Communities response to the Inspector's Questions relating to the approach to strategy for growth set out in the Submission Stage Draft St Albans Local Plan. It generally is broadly reflective of submissions made by other organisations at the Submission Stage of the Local Plan.
- 1.2. This Statement should be read in conjunction with CastleOak's objections to the St Albans's Proposed Submission Local Plan consultation (17 October 2018). A number of principal objections were made in respect of draft Policy S2 (Development Strategy).
- 1.3. The broad thrust of the objections relate to the failure to identify sufficient housing land and that land at Burston Garden Centre, should be removed from the Green Belt and allocated to assist in addressing this in respect of Policies S1 and S2.
- 1.4. The Council through its Development Strategy accept that it cannot meet its future housing requirements noting that 81% of the land in the district is Green Belt. The district is relying on the release of land within the Green Belt to deliver most of its objectively assessed housing need of 14,608 dwellings (913 dwellings per annum) between 2020 and 2036. Accordingly, it has identified Broad Locations for Growth under draft Policy S6 to deliver circa. 10,085 dwellings through the delivery of large scale strategic urban extensions over the plan period i.e. circa 69% of its overall housing need with the balance of 4,523 to made up through the delivery of windfall sites.
- 1.5. Whilst CastleOak fully endorses the release of land within the Green Belt to meet future need, the strategy is fundamentally flawed because there is an over reliance on:
  - Large strategic site release with no evidence base to demonstrate that any of these sites are deliverable; and
  - 'windfall sites' to make up the shortfall.
- 1.6. In addition it is noted that the district is proposing to adopt a stepped approach to housing where it under delivers in the early years of the Plan and over delivers in the latter years; as follows:
  - 2020/21 to 2024/25 = 3,401 dwellings (680 dw/pa);
  - 2025/26 to 2029/30 = 6,006 dwellings (1201 dw/pa); and
  - 2030/31 to 2034/35 = 4,670 dwellings (934 dw/pa).
- 1.7. This equates to a total of 14,076 between 2020 and 2035 with an additional 795 dwellings to be delivered in the final year of the plan period 2035/36.
- 1.8. Even assuming adoption in 2020 the Council only expects about 600 new homes to be delivered on Broad Location for Growth sites before 2024/25.

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## Examination of the St Albans Local Plan: Matter 3 - 1187716 (Castleoak Care Communities)

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- 1.9. There can be no justification for this approach noting that the fundamental tenet of housing delivery is to meet its 5-year housing land supply requirement.
- 1.10. Turning specifically to meeting the specific housing needs of the elderly, St Albans has failed for many years to provide the housing its residents need: this is an area of sustained market failure.
- 1.11. Castleoak estimate that there is a current and future need for a further 2,449 extra care units and care beds. This is real people, in need of care now noting the combined current shortfall of 681 care beds.
- 1.12. There are 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 reality is that the Council has literally no idea where its next C2 unit is coming from.
- 1.13. The Local Plan, across all of its Broad Locations seeks to deliver a total of 500 beds and none at least before 2024/25 at the earliest. This is just 20% of actual need.
- 1.14. All that can be said with confidence is that the gaping and growing shortfall in existing elderly care provision will not be addressed by the Local Plan to any meaningful extent any time soon.
- 1.15. The Council should therefore be proposing to release sites from the Green Belt that are capable of being delivered immediately and within the first 5 years of the Development Plan.
- 1.16. The Castleoak site at Burston Garden Centre is considered to meet all of the attributes that would justify release from the Green Belt noting that development of the site for elderly persons housing would:
- Address significant housing need (delivery of circa 189 care beds);
  - Represent a redevelopment of a site that would not undermine the purposes of keeping land within the Green Belt;
  - Represent development of a site well contained within the landscape, albeit noting its location close to a listed building; and
  - Have associated socio, economic and environmental benefits.

**Q1: *What is the basis for the overall spatial strategy and broad distribution of growth set out in policy S1? What options were considered and why was this chosen?***

- 1.17. The proposed distribution of growth set out at Policies S1 and S2 is derived from the housing requirements for the district.
- 1.18. The district is very constrained by planning designations, with effectively all land outside of the settlement boundaries comprising undeveloped Green Belt. Given the limited capacity for increasing housing land supply on previously developed land within the urban areas, the release of Green Belt land is essential.

- 1.19. Notwithstanding the above, we do raise concern as to the Council's approach to designations, specifically as the policy strictly limits the release of land from the Green Belt to large scale strategic 'Broad Locations'. We cannot see any evidence that the Council has given any serious consideration to alternative approaches which might (and we consider would) result in more sustainable development which is also deliverable.
- 1.20. Having come to the conclusion, rightly in CastleOak's view, that Green Belt release is justified, the Council has failed to carry out an appropriate Green Belt assessment to determine which site or sites would best meet the identified need having regard to Green Belt harm and other relevant considerations. It is only after satisfactory completion of this important stage that exceptional circumstances are capable of being fully demonstrated.
- 1.21. Specifically, a finer grain assessment could identify a series of other smaller scale sites (including those which comprise previously developed or despoiled land in a sustainable location) which would be suitable for Green Belt release due to site specific circumstances. Indeed, sites such as Burston Garden Centre could make a very valid contribution to housing and other needs within the first 5 years of the Plan particularly given the Council's continuing poor performance of housing delivery. The Burston Garden Centre site is on the edge of settlement boundary, is in a sustainable location, and partially comprises previously developed land.
- 1.22. The issues in respect of the approach to considering Green Belt matters is set out in detail in the Hearing Statement for Matter 4, and issues in respect of housing delivery and supply are considered in the Hearing Statement for Matter 8.
- 1.23. Consequently, the Council's approach is inconsistent with national policy and guidance. By focusing on only large scale Green Belt allocations the Council has significantly limited and indeed artificially suppressed the number of sites which it could and should be considering for release from the Green Belt without any robust justification for adopting this approach. The consequence is the inflexibility of Policies S1 and S2 undermines the District's ability to facilitate and meet its own development needs, specifically the delivery of much needed new homes and older peoples accommodation.

**Q6: Is the proposed development strategy set out in policy S2 appropriate and realistic?**

- 1.24. The district is heavily constrained by Green Belt, but is also affected by a high level of need for both general housing and other uses, such as C2 care uses (which are considered in more detail later in these representations). In this respect, we support the Council's intention to enable some release of some Green Belt land in order to support the delivery of what it considers to be its housing need. However, we have concern in the methodology the Council has used for identifying this land, and the compliance of this with national policy.
- 1.25. At Policy S2, the Council states that:

*"The 'exceptional circumstances' required for Green Belt release for development only exist in the broad locations set out in Policy S6 and the Policies Map. 'They also only exist*

*for the specific forms of development and with the required elements set out in Policy S6, the Policies Map and other Policies in the Plan”*

- 1.26. For the reasons set out in this Examination Statement, we consider that this approach is not compliant with national policy.
- 1.27. It is agreed that the focus in the main settlements in the first instance is justified. In this respect, Policy S1 states development will be directed towards St Albans, Harpenden, London Colney and Hemel Hempstead, with more moderate development within the category 2 Large Village settlements such as Chiswell Green and How Wood (although a broad location for urban expansion is also identified for Chiswell Green).
- 1.28. Notwithstanding, for the reasons set out above and within considered in more detail in Matter 4, it is held that the Council's approach to distributing growth within the Green Belt is not appropriate and not in accordance with national policy.
- 1.29. There are additional concerns in respect of the reliance on the delivery of a small number of strategic development sites within the broad locations, including the provision of significant infrastructure. This is considered in more detail within our Hearing Statement for Matter 8. In our view, a more realistic approach would be a combination of strategic development within broad locations combined with appropriately selected smaller and medium scale development at the edge of settlements.
- 1.30. Consequently, it is our view that Policy S1 and S2, and the Council's approach to Green Belt release should be amended to be consistent with national policy and guidance. Specifically, should consider the potential to allocate specific smaller scale edge of settlement sites for development within the main settlements, with more moderate allocations at sustainable locations such as Chiswell Green and How Wood which are slightly further down the settlement hierarchy.
- 1.31. For clarity when determining planning applications, it would also be helpful to incorporate an amendment which makes reference to inappropriate development in the Green Belt being permissible in very special circumstances, to be consistent with national policy.

**Q7: Will this provide a sufficient mix of sites and provide the size, type and tenure of housing to meet the needs of different groups in the community? Does this reflect the evidence from a local housing needs assessment**

- 1.32. Castleoak works exclusively in the older persons care sector, developing, designing and building care homes and other assisted housing for older people. Castleoak is working in partnership with the site owner in promoting a new state-of-the-art care community through the planning process, both through this Local Plan Examination in Public, and also through the development control process.
- 1.33. The Council in March 2018 refused planning permission for the demolition of all existing horticultural structures and redevelopment of the site to provide a new retirement community comprising a 64 bedroom care home, 125 assisted living bungalows and apartments, a

community clubhouse together with associated access and alterations to pedestrian/bridleway, landscaping, amenity space and car parking (LPA ref: 5/18/1324). A planning appeal was submitted against this decision, and Public Inquiry hearing sessions were held recently in November and December 2019, with a decision anticipated in early February 2020.

- 1.34. Whilst Castleoak in principle welcomes the inclusion of a minimum requirement for C2 care accommodation over the Local Plan period, there are significant concerns in respect of the figure itself (which the Council has set at 500 C2 bedspaces over the plan period as set out at Draft Policy L2), and the approach taken by the Council in ensuring that sufficient specialist housing and accommodation for older persons can be delivered.
- 1.35. Paragraph 61 of the NPPF specifically confirms that when determining the minimum number of homes needed, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including for older people).
- 1.36. Whilst we note that Policy L2 is a detailed policy which would be considered later within the Examination, this is clearly interlinked with the spatial growth strategy set out at Policies S1 and S2, and the broad locations for growth at Policy S6.
- 1.37. Following on from our 17 October 2018 submission, a Needs Assessment has been prepared by Contact Consulting (October 2019) with further details on the extent of older persons housing need dealt with in our Examination Statement in respect of Matter 5. However, in summary Contact Consulting's report demonstrates that there is a very significant requirement for 2,449 units of specialist accommodation over the plan period. Whilst not all of this would necessarily be for C2 care beds, a very significant proportion would. The Contact Consulting report also confirms that it considers that the minimum figures in draft Policy L2 to significantly underestimate the need for specialist housing for older people. It also specifically questions why the Council is only seeking to deliver part of the need identified in the SHMA report.
- 1.38. Given the above findings, the allocation of a minimum of only 500 C2 bedspaces (and 250 C3 older persons bedspaces) within the plan period is considered to be clearly and significantly inadequate, as inferred by the Council's own SHMA. This is a very significant deficiency within the Local Plan, and quite clearly the plan as currently drafted would not be compliant with NPPF paragraph 61.
- 1.39. The allocation of specific sites within strategic policy S2 for specific types of specialist development would enable the Council to meet the needs of different groups in the community, in accordance with NPPF Paragraph 61. In this respect, the Castleoak site at Burston Garden Centre could make a significant contribution to the Council's immediate need for older persons accommodation (which also contributes to housing requirements generally), in a sustainable edge of settlement location. This closely adheres to the principles of paragraph 68 of the NPPF which requires the need for LPAs to identify through the development plan and brownfield registers to accommodate at least 10% of their housing requirement on smaller sites.

**Q9: Does this strategy rely on windfall housing and if so, is this made clear in the Plan and is it based on the advice in paragraph 70 of the NPPF?**

- 1.40. The housing trajectory includes various different sources of new housing, including 'with application submitted', 'with pre-application discussions occurring', 'SHLAA and other sites', 'Garage sites program', 'windfall allowance', 'office to residential prior approval 10% discount' and 'Council owned sites' (which we note is also listed under 'Local Plan/NPPF Policies – Delivering Urban Optimisation'). All of these sources are considered to comprise windfall sites which are defined in the NPPF as being 'Sites not specifically identified in the development plan'. Together, these total 3,906 over the plan period. Over the 16 year plan period, this equates to just over 244 homes per annum.
- 1.41. We also note that 'Council owned sites' appears to be listed within the Housing Trajectory twice.
- 1.42. In any case, the recognition that windfall housing is anticipated is set out within Appendix 2 of the Local Plan, and Policy S2 should make this clear. In accordance with NPPF paragraph 70, the Council should provide compelling evidence that these sources will provide a reliable source of supply.
- 1.43. Given the Council's proposed spatial strategy, windfall development is envisaged to come forward within the existing settlement boundaries of St Albans City, the main towns, and large villages, with some also coming forward within the defined Green Belt settlements, and very limited scope for new development within settlements located within the rest of the Green Belt.
- 1.44. The Council's 2018 Authority Monitoring Report (AMR) indicates that over the period 2018 – 2036 (18 years), a 'windfall allowance' (in the Council's definition) of 1,939 homes is allowed for at an average of 108 homes per year, and it also indicates that 114 would be delivered per annum from 2022/23 onwards. In comparison, the 2017 AMR set out a projected total of only 1,891 homes over the 19 year period 2018 – 2036 through windfall development (at an average of 100 dwellings per annum only), including 105 homes per annum from 2021/22 onwards. It is unclear why the projected level of new homes to be delivered through the windfall allowance has increased. This appears to be a contrived figure which has been retrofitted to support the emerging Local Plan.
- 1.45. It is also noted that the majority of appropriate previously developed land will have already been built out as a result of the Council's constrained policies to date. Consequently, it is held that the identified level of windfall development set out in the Plan is considered to be ambitious and not justified in accordance with NPPF Paragraph 70. This issue is considered in more detail within the Examination Statement for Matter 8.