

Planning Appeal Ref: APP/W0530/W/21/3280395

November 2021

**Land Between Haverhill Road And Hinton Way,
Stapleford, Cambridge**

**Alternative Site
Proof of Evidence - Appendices**

Robert J Belcher

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Appendix A

Further Sites as at November 2021

Identified sites


-  Sites outside required area; sites must be between 3.5 ha and 7.5 ha
-  Green Belt and Not Previously Developed (but within size range)
-  Outside required timescale; development process cannot be achieved within a 3 year timescale (but within size range)
-  Already under development or developed (but within size range)
-  Sites that require further investigation

Greater Cambridge HELAA 2021			
Reference	Address	Key	Comments
OS039	Camfields Resource Centre & Oil Depot (Policy 27 - R5), 137- 139		
OS045	636 - 656 Newmarket Road (Policy 27 - R6)		
40385	137 Histon Road, Cambridge		
OS035	Willowcroft, 137-143 Histon Road (Policy 27 - R2)		
40385a	137 and 143 Histon Road, Cambridge		
40134a	Land south of Coldhams Lane, Cambridge		
OS260	Fulbourn Road West 1 & 2, Cambridge		
40100	Cherry Hinton Telephone Exchange, 152 Coleridge Road, Cambridge		
OS043	Clifton Road Area (Policy 27 - M2)		
40018	North Cambridge Academy, Arbury Road, Cambridge		
51485	Land south of Bateman Street, Cambridge		
OS037	Police Station, Parkside (Policy 27 - M4)		
OS044	82 - 90 Hills Road & 57 - 63 Bateman		
OS259	New Museums, Downing Street, Cambridge		
OS258	Old Press/Mill Lane, Cambridge		
OS033	379 - 381 Milton Road (Policy 27 - M1)		
40298	Land south of Wilberforce Road, Cambridge		
40390	Land at Wolfson Court, Clarkson Road, Cambridge		
OS161	West Cambridge (M13 Designated Site)		
40214	100-112 Hills Road, Cambridge		
51605	Kett House and 10 Station Road, Cambridge		
51615	Travis Perkins, Devonshire Road, Cambridge		
OS036	Travis Perkins, Devonshire Road (Policy 27 - R9)		
44108a	Garages between 20 St. Matthews Street and the Blue Moon Public		
40168	Land west of Baldock Way, Cambridge		
OS046	315 - 349 Mill Road and Brookfields (Policy 27 - R21)		
40101	Telephone Exchange and Car Park, Long Road, Cambridge		
40103	Henry Giles House, 73-79 Chesterton Road, Cambridge		
OS038	Henry Giles House, 73-79 Chesterton Road (Policy 27 - R4)		
40083	Shire Hall, Castle Street, Cambridge		
51604	The Babraham Research Campus, Cambridge		
51604a	The Babraham Research Campus, Cambridge		
40509	Land to the south of Babraham Road and east of site H1c, Sawston		
40421	Land off High Street and east of Fox Road, Balsham		Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
40037	Land off Orwell Road, Barrington		
40154	Land to the east of Haslingfield Road, Barrington		Site not suitable for a care village as next to a railway line.

40073	Land south of Chestnut Lane, Bassingbourn Cum Kneesworth	●	
40164	Land west of South End, Bassingbourn	●	
40216	Land to the south of The Causeway, Kneesworth	●	
40463	Land north of Chestnut Road, Bassingbourn-cum- Kneesworth	●	Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
48056	Park Farm, Broadway, Bourn	●	
47529	DB Group (Holdings) Ltd, Wellington Way, Bourn	●	
45107	Land to the south of the A14 Services, Boxworth	●	
OS250	Land to the south of the A14 Services	●	
51599a	Land at Highfields (phase 2), Caldecote	●	
40081	Scotts, High Street, Castle Camps	●	
40175	Caxton Depot, Ermine Street, Caxton	●	
40449	Grange Farm, Bourn Road, Caxton	●	
40158	Madingley Mulch, Madingley Road, Cambridge	●	
40014	Oakington Road, Cottenham	●	
40108	Land to the rear of 38 Histon Road, Cottenham	●	
40151	Ramphill Farm, Rampton Road, Cottenham	●	
40251	Land at Beach Road, Cottenham	●	
40296	Land to the south of Oakington Road, Cottenham	●	
40384	Old Highways Depot, Twenty Pence Lane, Cottenham	●	
40388	Land off Cotton's Field, Dry Drayton	●	
40550	Land between A428 and St Neots Road, Hardwick	●	
48058	Land to the west of Searles Meadow, Dry Drayton	●	
51607	Scotland Farm, Dry Drayton	●	
40224	Land to the north of St Neots Road, Hardwick	●	
40558	Land at Maarnford Farm, Hunts Road, Duxford	●	
40135	36 Smith Street, Elsworth	●	
40038	Land adjoining 35 Cootes Lane, Fen Drayton	●	
40115	Land west side of Long Lane, Fowlmere	●	
40116	Land west side of London Road, High Street, Fowlmere	●	
40327	Land off Long Lane, Fowlmere	●	
40456	The Triangle, Fowlmere	●	
40467	Land to the west of Chrishall Road, Fowlmere	●	
40382	19a Fowlmere Road, Foxton	●	
40418	Land off Royston Road, Foxton	●	
40271	Land east of Balsham Road, Fulbourn	●	
40272	Land east of Balsham Road, Fulbourn	●	
40286	Bird Farm, Cambridge Road, Fulbourn	●	
48059	Land at Teversham Road, Fulbourn	●	Not suitable for a care village as next to railway line.
OS055	Fulbourn Road East (Fulbourn) (Policy E/3)	●	
40163	Gamlingay First School, Green End, Gamlingay	●	
40544	Land at Potton Road, Gamlingay	●	
40329	Land to the west of Oakington Road, Girton	●	
40555	Cockerton Road, Girton	●	
OS024	Land between Huntington Road and Histon Road (SS/2)	●	

40118	Land west of High Street, Great Abington		Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
40256	Land on the north side of Pampisford Road, Great Abington		
40264	Land to the east of Strawberry Farm, Pampisford		
40212	Land off Chapel Road, Great Eversden		
40117	Land at 120 Cambridge Road, Great Shelford		
40407	Land Northeast of More's Meadow, Great Shelford		
OS056	Cambridge Biomedical Campus extension (Policy E/2)		
OS216	Land between Hinton Way and Mingle Lane, Great Shelford		
40220	Home Farm, 28 High Street, Guilden Morden		
40300	Land south of Church Street, east of High Street, Guilden Morden		Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
40563	Land south of New Road, Guilden Morden		
40285	277 St Neots Road, Hardwick		
40414	Land east of Cambridge Road, Hardwick		
40025	Eversden Road, Harlton		
40279	180 High Street, Harston		
40476	Land at Royston Road, Harston		
52689	131 High Street, Harston		
40028	Land west of Church Street, Haslingfield		
OS254	Bayer Crop Science Site, Hauxton		
40137	Land east of Clayhithe Road, Horningsea		
40536	Land to the rear of No. 24 Brookhampton Street, Ickleton		
40102	93 Impington Lane, Impington		
40260	Land at Evolution Business Park, Milton Road, Impington		
40409	Land rear of no. 7 St Georges Close, Impington		
40186	Land at Spalding Drive and Chapmans Close, Landbeach		
40336	Land off Balsham Road, Linton		
40021	Land opposite New Close, Litlington		Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
40211	Land off High Street, Little Eversden		
48740	Newton Road, Little Shelford		
40518	Land south of Hattons Road, east of Home Farm Drive, Longstanton		
40057	Land at Burnt Farm, High Street, Madingley		
40059	Land at Home Farm, Cambridge Road, Madingley		
40215	The Moor, Moor Lane, Melbourn		

40489	Land to the west of Cambridge Road, Melbourn	●	
40490	Land to the west of Cambridge Road, Melbourn	●	
47903	Land south of Cambridge Road, Melbourn	●	
40277	Land at Fenny Lane Farm, Meldreth	●	
40284	44 North End and Land at Bury End Farm, North End, Meldreth	●	
40338	Land off Whitecroft Road, Meldreth	●	Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
40479	Former GoCold building, Station Yard, High Street, Meldreth	●	
47535	Willow Tree Stables, 110-112 Whitecroft Road, Meldreth	●	
56132	Land to the rear of 124 High Street, Meldreth	●	
40345	Ely Road, Milton	●	
40321	Newton Hall Industrial Estate, Town Street, Newton	●	
40190a	Land at Mansel Farm, Station Road, Oakington	●	
40378	Land to the south west of Hurdleditch Road, Orwell	●	Site not suitable for a care village due to remote rural location and not achievable due to impact on timescale of obtaining planning permission on green field countryside land outside the development framework that is relatively large compared to the village.
40323	Land on the north side of Willingham Road, Over	●	
OS057	Over, Norman Way (residue) (Policy E/5(1))	●	
40150	Land South of Common Lane, Sawston	●	
40525	Land at Common Lane, Sawston	●	
40534	Deal Farm, Cambridge Road, Sawston	●	
OS030	Land south of Babraham Road, Sawston (H/1(c))	●	
56169	29 Station Rd, Shepreth	●	
40161	Land south of Cheyney Street, Steeple Morden	●	
40072	Land south of Albert Road, Stow-cum-Quy	●	
40109	Hall Farm, Teversham	●	
40270	Land to the east of Teversham Hall, Teversham	●	
47379	1-3 Lodge Road, Thriplow	●	
40167	Toft Social Services, Comberton Road, Toft	●	
40253	Land at Bennell Farm (west), West Street, Comberton	●	
40071	Land on the south side of Cambridge Road, Waterbeach	●	
40090	Stirling House, Denny End Road, Waterbeach	●	
40165	Whittlesford Highways Depot, Station Road, Whittlesford	●	
40561	Wedd Joinery, 84 Duxford Road, Whittlesford	●	
51660	Land north of A505 - Site A2 (east of M11 and west of Hill Farm Road),	●	
40179	Land at Belsar Farm, Sponge Drove, Willingham	●	
40468	Land south of Priest Lane, Willingham	●	
51649	Land to the north of Meadow Road, Willingham	●	
OS213	Cambridge East (Safeguarded Land)	●	
OS022	North West Cambridge (NW/4)	●	
56251	North West Cambridge (Eddington)	●	
OS218	Cambridge Biomedical Campus Extension (South of Granham's Road)	●	
OS062	North East Cambridge Area Action Plan - Amended Boundary, Sept	●	
40480	SJC Innovation Park, Cowley Road, Cambridge	●	

40171	Trumpington Park and Ride site, Trumpington		
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Additional Local Plan 2018 sites (SCDC and CCC)

Reference	Address	Key	Comments
	Orchard Park, Topper St, Cambridge		
	Land between Huntingdon Rd and Histon Rd, Cambridge (Darwin Green)		
	North of Newmarket Rd and Cherry Hinton Rd, Cambridge		
	Cambridge northern fringe adjoining sewage works.		
	Histon, Impington Lane		
	Hauxton, Bayer Crop Science site		
	Fulbourn and Ida Darwin Hospitals, Fulbourn		
	Fen Drayton Former Land Settlement Association		
	South of A1307, Linton		
	Brownfield Land Register - Greater Cambridge		
	Wing development, north of Newmarket Rd, Cambridge		
	Ruboc, The Flint, Royston (single dwelling replacement only)		

Appendix B

Table of Details of Planned Provision as at 4th October 2021

Details of planned provision – elderly care homes

Granted

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
1	A	Market and local authority	2 Station Road, Great Shelford, Cambridge, Cambridgeshire, CB22 5LR Porthaven Properties Limited No.3	<u>S/3809/19/FL - 04/09/2020</u> Demolition of existing buildings and structures and the construction of a 63-bed care home (use class C2).	63	21	No 2024	0.7
	Notes	Due to the site's previous use as a fuel depot, there is a condition to complete remediation works to the site prior to construction commencing. Non-material amendment currently pending to split development into an enabling phase and separate construction phase. South Cambs DC area. The site is too small at 0.47 ha so not suitable for the appeal scheme.						

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
2	B	Market and local authority	Land at Fulbourn Social Club, Cambridge Road, Cambridge, CB21 5BQ Henderson UK Property PAIF	<u>S/3418/17/FL - 28/11/2018</u> Demolition of the existing Fulbourn social club and construction of a new 72-bedroom care home (Use Class C2) with associated car and cycle parking, landscaping and access from The Drive, Fulbourn.	72	31	No 2024	2.8
	Notes	Construction traffic management condition discharged on 20 September 2021. Application on behalf of care home developer Hamberley Development. South Cambs DC area. The site is too small at 0.8 ha so not suitable for the appeal scheme.						

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
3	C	Local authority only	Huntingdon Road Development, Huntingdon Road, Cambridge, CB3 0LG University of Cambridge	<u>11/1114/OUT - 13/08/2012</u> Proposed development comprising up to 3,000 dwellings; up to 2,000 student bedspaces; 100,000 sq.m. employment floorspace, of which: up to 40,000 sq.m. commercial floorspace (Class B1(b) and sui generis research uses) and at least 60,000 sq.m. academic floorspace (Class D1); up to 5,300 sq.m. gross retail floorspace (Use Classes A1 to A5) (of which the supermarket is 2,000 sq.m. net floorspace); Senior Living, up to 6,500sq.m. (Class C2); Community Centre; Indoor Sports Provision; Police; Primary Health Care; Primary School; Nurseries (Class D1); Hotel (130 rooms); Energy Centre.	75	25	No 2025	5.9
	Notes	The development website suggests this will be a care home as opposed to extra care. Development of the wider scheme is underway however there is no evidence to suggest construction has begun on the care home and no detailed application to date. South Cambs DC area. The site is too large at 150.0 ha. The C2 element is only for 6,500 sqm and although a site size is not provided, it is likely to be approximately 0.4 – 0.8 ha for a 75 bed care home therefore too small for the appeal scheme.						

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
4	D	Local authority only	73 High Street, Meldreth, Royston, SG8 6LB Samved Holdings Limited	<u>S/0912/13/FL – 26/07/2013</u> Two storey bedroom extension with new dayrooms, kitchen, access, and landscaping associated works following demolition.	21	21	Yes 2022	7.3
	Notes	We understand that the home is now intended to be 46 beds rather than the 48 stated by the application. The 25-bed building to the rear of the existing property is now open with the remaining 21-beds due to begin imminently. South Cambs DC. This is an extension to an existing care home so is not an alternative site for the appeal scheme.						

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
5	E	Local authority only	Waterbeach - Barracks and Airfield Site, Waterbeach, Cambridge, CB25 9QZ Defence Infrastructure Organisation	<u>S/0559/17/OL – 27/09/2019</u> Construction of up to 6,500 new homes, including up to 600 care home units. Works will also include 3 primary school, sports and fitness centres, shops, offices, industrial units, community centres and places of worship, medical centre's, a lake side hotel and supporting infrastructure.	60	20	No 2025	9.3
	Notes	This application includes plans for up to 600 C2 use residential units that will be "a care home or similar". We have assumed a 60-bed care home/80-units of extra care for the purpose of our analysis. This application forms part of a major development which includes application S/2075/18/OL. Construction has commenced on the residential element but not the care element. South Cambs DC area. Total site is too large at 293 ha. This new town is a 20-year project. Infrastructure works started in September 2020. The first 89 homes are expected to be built by October 2022 and a primary school in 2023. Phase 1 does not include any C2 so this is likely to be achieved beyond 2025.						

Pending

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
6	F	Local authority only	Former Hotel Felix, Whitehouse Lane, Cambridge, Cambridgeshire, CB3 0LX Cassel Hotels (Cambridge) Ltd	<u>21/00953/FUL</u> Demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works.	80	40	No (pending application) 2024	5.9
	Notes	South Cambs DC. The site is too small at 1.39 ha so not suitable for the appeal scheme.						

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Construction commenced/ estimated earliest year of delivery	Distance from subject site (miles)
7	G	Local authority only	Land Adjacent to Waterbeach Barracks and Airfield Site, Waterbeach, Cambridge, Cambridgeshire, CB25 9LY RLW Estates Ltd	<u>S/2075/18/OL</u> Outline planning permission (with all matters reserved) for development of up to 4,500 residential units, business, retail, community, leisure and sports uses, new primary and secondary schools and sixth form centre, public open spaces including parks and ecological areas, points of access, associated drainage and other infrastructure, groundworks, landscaping, and highways works.	60	20	No (pending application) 2025	9.0
	Notes	This scheme will include 'up to 450 units within use Class C2'. Given the outline nature of this application and the very large scale of the C2 element, we have assumed a 60-bed care home/80-units of extra care for the purpose of our analysis. This application forms part of a major development which includes application S/0559/17/OL. South Cambs DC area. Total site is too large at 200 ha. This new town is a 20 year project. Any C2 element may be suitable, but is likely to be achieved beyond 2025 as the outline application is still pending and the size of the C2 element and its phasing are unclear at present.						

Sources: subscribed data sources and relevant planning departments, Carterwood. Research completed 4 October 2021.

Summary of planned provision – Housing with care

Granted

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
8	A	Market only	Cherry Hinton, Coldhams Lane, Cambridge, CB1 9XG Marshall of Cambridge (Airport Properties) Limited	<u>18/0481/OUT – 18/12/2020</u> Outline planning application (all matters reserved except for means of access in respect of junction arrangements onto Coldhams Lane, Cherry Hinton Road and Airport Way) for a maximum of 1200 residential dwellings (including retirement living facility (within Use Class C2/C3)), a local centre comprising uses within Use Class A1/A2/A3/A4/A5/B1a/D1/D2, primary and secondary schools, community facilities, open spaces, allotments, landscaping and associated infrastructure.	90	No 2025	3.6
	Notes	Outline planning application granted in December 2020 which includes 90 C2/C3 units. We have assumed units will be 'with care' and included in our analysis. Application for approval of details reserved by conditions (Contamination: completion of preliminary scheme of investigation for the design verification stage of groundwater remediation) submitted September 2021. Cambridge City Council area. Total site area too large at 55.93 ha. Now a joint venture between Bellway Homes and Clarion Housing Association. No further planning activity on the C2 element (just groundwater conditions). The illustrative masterplan is unclear as to which part the C2 is. Planning statement (para 1.4) states up to 90 bedspaces of C2/C3, depending on market demand. The C2 element, whatever its size, may be suitable, but is not within a 3 year achievable timescale; the planning process does not appear to be advanced enough and the C2 is likely to be late in the project, depending on market demand.					

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
9	B	Market and local authority	73 High Street, Meldreth, Royston, Hertfordshire, SG8 6LB Samved Holdings Ltd	<u>S/2291/15/FL – 09/02/2016</u> Alterations and refurbishment of the homestead, including demolition of previous extension, together with new vehicle access from high street and restoration and rebuilding of front boundary wall.	5	No 2023	7.3
	Notes	The building currently forms part of the Maycroft care home which is in the process of being extended. This application proposes that 'The Homestead' will become independent of the care home. South Cambs DC area. The care home is also being extended so the OPH units do not present an alternative site.					

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
10	C	Market and local authority	Waterbeach Barracks and Airfield Site, Waterbeach Cambridge, CB25 9QZ Defence Infrastructure Organisation	<u>S/0559/17/OL - 27/09/2019</u> Construction of up to 6,500 new homes, including up to 600 care home units. Works will also include 3 primary school, sports and fitness centres, shops, offices, industrial units, community centres and places of worship, medical centre's, a lake side hotel and supporting infrastructure.	80	No 2025	9.3
	Notes	This application includes plans for up to 600 C2 use residential units that will be "a care home or similar". This application forms part of a major development which includes application S/2075/18/OL. South Cambs DC area. Total site is too large at 293 ha. This new town is a 20 year project. Infrastructure works started in September 2020. The first 89 homes are expected to be built by October 2022 and a primary school in 2023. Phase 1 does not include any C2 so this is likely to be achieved beyond 2025.					

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
11	D	Market and local authority	<p>Land off Rampton Road, Cottenham, Cambridge, Cambridgeshire, CB24 8TJ</p> <p>Gladman Developments Ltd</p>	<p><u>S/2413/17/OL – 09/08/2017</u></p> <p>Outline application for the construction of up to 200 houses (including up to 40% affordable housing) and up to 70 apartments with care (C2) 5ncludes SUDS, demolition of no.117 Rampton Road, introduction of structural planting and landscaping, informal public open space and children’s play area, surface water flood mitigation and attenuation, vehicular access points from Rampton Road and associated ancillary works.</p>	70	No 2024	9.7
	Notes	<p>Documents do not specify the number of affordable houses so for the purpose of this research we have assumed all 70 are private. Reserved matters, which included the reduction in units to 57, was refused in October 2019 and no re-submission to date. The Committee report for that application stated that the development of the residential element and apartments with care would come forward as two separate phases by two separate parties. South Cambs DC area. The total site is too large at 14.16ha. The 57 apartments over 2.5 storeys were refused on grounds including scale, hight and size. The C2 element of the site is too small at 0.61 ha so would not be suitable for the appeal scheme. Reserved matters for the 200 houses approved September 2020.</p>					

Pending

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
12	E	Market only	Anstey Hall Hotel, Maris Lane, Trumpington, Cambridgeshire, CB2 9LG Trumpington Investments Ltd	<u>20/01426/FUL</u> Construction of 87 two bedroom apartments, flanking a new public park to the south of Anstey Hall in order to provide assisted-living accommodation for people over 65 and includes natural ventilation and SUDs. The listed house will be adapted to serve as the central facilities for the retirement community.	87	No (Pending application) 2025	2.6
	Notes	Anstey Hall is Grade 1 listed. Should planning permission be forthcoming it is likely that any conditions will be onerous and the proposed scheme will have a protracted timescale. Cambridge City Council area. The site is too small at 2.5 ha so would not be suitable for the subject scheme regardless as the listed building needs to be retained.					

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
13	F	Market only	Land to rear of 163 - 187 High Street, Bottisham, Cambridgeshire, CB25 9BJ Axis Land Partnerships	<u>20/00296/OUM</u> Development of retirement care village in class C2 comprising housing with care, communal health , wellbeing and leisure facilities.	170	No (Pending appeal) 2025	6.8
	Notes	This application is for a care village. The exact breakdown of units is to be determined by a subsequent reserved matters application, but the application states a maximum of 170 extra care units. East Cambs DC area. This planning application was made by the appellant in the subject case.					

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
14	G	Market and local authority	Land Adjacent to Waterbeach Barracks and Airfield Site, Waterbeach, Cambridgeshire, CB25 9LY RLW Estates Ltd	<u>S/2075/18/OL</u> Outline planning permission (with all matters reserved) for development of up to 4,500 residential units, business, retail, community, leisure and sports uses, new primary and secondary schools and sixth form centre, public open spaces including parks and ecological areas, points of access, associated drainage and other infrastructure, groundworks, landscaping, and highways works.	80	No (Pending application) 2025	9.0
	Notes	App is directly adjacent to S/0559/17/OL – A mixed development. The Planning Statement states that the development will include 'up to 450 units of institutional use (class C2), which could take the form of elderly or other care provision'. For the purpose of this research we have assumed the units will be for elderly residents. The Planning Statement also suggests that the amount of affordable housing has not been decided yet so we have assumed that the tenure for the sheltered housing units will be private. Assumed scheme size of 60/80 but noted rest of units in report and could be either CH or OPH. South Cambs DC area. Total site is too large at 200 ha. This new town is a 20 year project. Any C2 element may be suitable, but is likely to be achieved beyond 2025 as the outline application is still pending and the size of the C2 element and its phasing are unclear at present.					

	Map ref.	Catchment	Site address and applicant	Scheme (with planning ref/date granted)	Net elderly beds	Dementia beds	Distance from subject site (miles)
15	H	Market only	<p>Land South Of Radwinter Road, Ashdon, Saffron Walden, Essex, CB10 2RE</p> <p>McCarthy & Stone Retirement Lifestyles Ltd</p>	<p><u>UTT/20/2175/DFO</u></p> <p>Details following outline approval: utt/17/3426/op (approved under appeal app/C1570/w/19/3227368) for extra care housing (use class 2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout and scale.</p>	<p>16</p> <p>(+56 granted pp)</p>	<p>No</p> <p>(Pending application)</p> <p>2024</p>	9.8
	Notes	<p>A subsequent detailed application has been granted which reduces the number of extra care units to 56. The original application is currently subject to an appeal which may increase the number to 72. We have therefore included 56 units as granted and 16 as pending in our analysis. Uttlesford Council area. The site is too small at 1.29 ha so not suitable for the appeal scheme.</p>					

Appendix C

**Planning Appeal APP/B1930/W/20/3259161, Chelford House, Coldharbour Lane,
Harpenden AL5 4UN**



Appeal Decision

Hearing Held on 8 and 9 June 2021

Site visit made on 10 June 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2021

Appeal Ref: APP/B1930/W/20/3259161

Chelford House, Coldharbour Lane, Harpenden AL5 4UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jarvis Commercial Ltd and Porthaven No.3 Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/19/1642, dated 24 June 2019, was refused by notice dated 10 March 2020.
 - The development proposed is the redevelopment including the demolition of the former Chelford House to a 63-bed care home (C2 Use Class), with amendments to access, parking, amenity space and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment including the demolition of the former Chelford House to a 63-bed care home (C2 Use Class), with amendments to access, parking, amenity space and associated infrastructure at Chelford House, Coldharbour Lane, Harpenden AL5 4UN in accordance with the terms of the application, Ref 5/19/1642, dated 24 June 2019, subject to the following conditions on the attached schedule A.

Procedural Matters

2. A section 106 agreement dated 28 June 2021 concerns a travel plan and fire hydrants provision and contributions for public library facilities, travel plan evaluation and support. This seeks to address a Council reason for refusal of the proposal based on infrastructure matters. Additionally, a Unilateral Undertaking (UU) dated 24 June 2021 concerns the temporary provision of affordable care rooms with residents identified by the County Council. Such matters will be considered in the reasoning under obligations in this decision.
3. In 2011, an application for a Certificate of Lawfulness for A1 retail use for the premises was refused by the Council. Despite the time lapse since, there is a lack of supporting documentary evidence over the relevant time period to determine the lawfulness of the existing use. The relevance of this will be commented upon later in the decision, having regard to recent changes to the Town and Country Planning (Use Classes) Order (UCO) 1987.
4. On the 20 July 2021, a revised National Planning Policy Framework (the Framework) was published. Both main parties' chose not to submit any further correspondence on this matter.

Main Issues

5. The main issues are (a) whether or not a non-B class use would be justified for the appeal premises, (b) the living conditions of the residents of the care home, having regard to outside amenity space provision, outlook, noise and disturbance, (c) the viability of neighbouring employment uses and (d) whether adequate capacity exists for public utility connections.

Reasons

Local employment policy

6. The appeal site comprises a commercial building which is occupied by a retail user specialising in soft furnishings. Within the site, there is also a permitted car wash alongside the building. Vehicular access is from Coldharbour Lane. Either side of the site, there are office and industrial buildings at 28-30 Coldharbour Lane and a newer, 'Waterside' office development. Opposite the site on Coldharbour Lane, there is substantial landscaping on an embankment and beyond this, the back gardens of residential properties. To the rear of the site, there is the River Lea and behind this, new office and residential developments. On Coldharbour Lane, there are further office and industrial buildings to the north of the site and Nos 28-30.
7. Coldharbour Lane is a designated employment area under the City and District of St Albans District Local Plan Review (LP) 1994 and the Harpenden Neighbourhood Plan (NP) (2018 -2033) 2018. The NP explanatory policy text states that the designated site is one of four that provide B class employment within the Harpenden area, with the exception of small offices in the town centre and indicates that their continued protection will ensure that the town retains a small but productive amount of employment floorspace. Within Coldharbour Lane, there is an Article 4 direction that prevents permitted changes of uses of business class buildings to dwelling houses, Class C3 use.
8. LP Policy 20 states that within this area, the Council will assess applications for housing as not acceptable and that B1 Use Class is the normally acceptable use. Given care homes are a form of housing, there would be a conflict with this LP policy. Under NP Policy ER2, a change of use to a non-B Class use within the employment area will not be supported unless it can be demonstrated that the premises are no longer suitable for business use or there is clear evidence that there is no prospect of a new commercial occupier being found.
9. The neighbouring building at 28-30 Coldharbour Lane is of similar age to the appeal building and given its industrial nature, has been assigned a 2-star CoStar rating under an Employment Needs Assessment (ENA)¹. This denotes a property in need of significant refurbishment, having limited functionality and attracting low rent. The CoStar property rating system cannot rate the suitability of Chelford House due to its retail nature, but it is of a similar age and form which the ENA indicates denotes similar shortcomings.
10. The ENA identifies a considerable surplus of office and industrial floorspace within St Albans City and District Council area (SADCA) and a wider area, Primary Market Area (PMA), that covers the district and a number of neighbouring local planning authorities. Along with the Aitchison Raffety

¹ Employment Needs Assessment, Chelford House, Harpenden, Savills, April 2021.

marketing report 2019 (ARMR), the ENA indicates that the Harpenden employment areas are considered to be of localised attraction, not as appealing as larger settlement locations in terms of location and quality. Both detail a steady decline in office/employment demand in this area and difficulties in marketing the neighbouring unit and that at Batford Mill in Harpenden, although both are now occupied.

11. Only one of the criteria in NP Policy ER2 has to be met but in applying the policy, both criteria focus on justification relating to the premises and in respect of whether there is a prospect of an occupier being found, the policy requires clear evidence.
12. In terms of suitability, there is no specific detailed evidence for the premises itself. Although not detailed, the ARMR states the building is in reasonable repair. Not all new occupiers will find it essential to have high quality accommodation and there are other business users in the industrial estate making use of older style buildings. In terms of prospect of another user being found, the ENA evidence is generalised, and the indicated advertising does not refer to the appeal unit. Local policies encourage B1 use and therefore, there should be no impediment to the advertising of the premises, along with other focussed evidence on the prospect of an occupier being found for the unit.
13. The ENA details a viability analysis that shows site building demolition and redevelopment based on office or industrial use to be financially unviable. This viability analysis, based on professional guidance and national policy, and use of local comparative variables, including rent values, is comprehensive and the Council has also raised no objection to this analysis. Whilst this proves redevelopment for office and industrial on the site is unviable, it does not address whether the reuse of the building could not take place.
14. For all these reasons, the change of use of the site to a non-B Class use would conflict with LP Policy 20 and NP Policy ER2.

Living conditions

15. Outside amenity areas would be located around the new building, mainly adjacent to Coldharbour Lane, a hard surfaced area serving Nos 28-30 and the river. The areas would comprise smaller private terraces serving the ground floor units whilst the north west corner units would have balconies, as well as communal areas. Adjacent to the 'Waterside' development, there would be mainly vehicle parking, ambulance/transport drop off/pick up area, waste storage, access and collection area.
16. LP Policies 69 and 70 requires all development to be a high standard of design but neither policy sets area requirements for the provision of outside amenity areas. Although LP Policy 70 states that the size of private gardens should reflect the number of people, the range of activities and local residential character, the policy does not specifically deal with care home requirements.
17. The appellants' landscape design strategy details a series of themed landscaped spaces that, for example, relate to the river, people senses and horticulture. Through the implementation of a landscaping condition, outside areas could be attractively planted and laid out with areas for residents, to sit, relax and move around. Not all residents will be able to physically access the external space on a frequent basis due to age and mobility, but as part of the

- proposal, there would be shared lounge/dining areas, café, cinema and activity room within the building. Therefore, the extent of outside amenity area for residents would be acceptable given the nature of the proposal.
18. From the outside amenity areas and care home rooms, residents would view vehicle parking areas, both those serving Nos 28-30 and the care home itself, and road traffic on Coldharbour Lane. However, windows would be set back from the common boundary due to intervening areas of amenity space and the main communal sitting out area would be adjacent to the river. There would also be landscaping along the common boundary with the premises at Nos 28-30 and between the road and frontage of the care home, visually filtering out neighbouring built form and activity.
 19. The proposal would introduce a care home into a designated area for employment use. The neighbouring 'Waterside' development has two storey office uses above a ground floor used for parking whilst the other neighbouring unit at Nos 28-30 has a kitchen firm, architects' practice and temporary community foodbank. Local employment policy encourages B1 use for the industrial estate.
 20. Such uses would not generate significant levels of noise and disturbance through activities and operations, and in any case, care home residents would benefit from stimulus activity. At the hearing, the appellants detailed how noise and activity from outside would help the well-being of care home residents, especially those with dementia, because it gives them opportunities to observe daily activity in the wider world. Furthermore, the neighbouring units would not be of a larger enough size to generate excessive HGV movements, where significant noise and disturbance would be generated, and local employment policies do not encourage heavy industrial B2 Class uses for the area. The Council's Environmental Health Department (EHD) has raised no objections to the proposal subject to conditions seeking acceptable internal noise conditions.
 21. For all these reasons, the living conditions of the future residents would not be compromised, having regard to the provision of outdoor space and outlook, noise and disturbance, and there would be no conflict with LP Policies 69 and 70.

Viability of neighbouring employment uses

22. Paragraph 187 of the Framework states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The development would be of a high standard in terms of the provision of amenity space and outlook, and there would not be no detrimental impact arising from noise and disturbance generated by surrounding activities and operations. Along with the lack of objection from the Council's EHD, there has been no objections from neighbouring unit occupiers in the industrial estate. The occupiers of neighbouring units could change but LP Policy 20 encourages B1 Class uses and such uses by their definition can be located within residential areas without significant adverse effects.
23. In summary, there is no evidence to demonstrate that the operations and activities of neighbouring uses in the employment area would be adversely

affected. Given this, the proposal would not affect the viability of neighbouring and future employment uses within the industrial estate.

Public utilities

24. NP Policy SI11 states that major development proposals should be supported by robust evidence of capacity within the existing utilities network to accommodate the proposed development without a negative impact on existing residents and users. It also requires, where no confirmation has been provided by providers on capacity, that information on the impact studies of the extent, cost and timescale for any required upgrade works, and a commitment to work with relevant parties to secure those upgrade works be submitted.
25. Relevant utility companies have raised no objections in respect of the provision of foul, water and electricity services. Whilst there is no confirmation in respect of gas or broadband, the site is in existing use within an urban area and satisfying utility requirements would be essential for the developer to progress the scheme from a commercial point of view. Both the Council and appellants have accepted that a planning condition could satisfy policy requirements to overcome this issue. Accordingly, there are no grounds to object to public utility provision on capacity grounds, subject to a planning condition being imposed, and thus, the proposal would comply with NP Policy SI11.

Obligation requirements

26. LP Policy 143B requires development to make provision for infrastructure consequences. The s106 agreement provides contributions towards public library facilities, travel plan evaluation and support, and the provision of a travel plan and fire hydrants. The UU provides for up to seven bedrooms to be provided at a discounted rate for 24 months with the ability of the County Council to nominate potential residents for those affordable bedrooms.
27. A demand for the use of library facilities would be generated by residents of the care home and the library contribution has been calculated in accordance with a justified methodology under the Hertfordshire County Council's (HCC) Planning Obligations Toolkit 2008. It would be used to enhance the local library in Harpenden. Given the number of bedrooms, the care home would generate an amount of traffic requiring a travel plan under NP Policy T3 and this policy requires sustainable transport modes to be maximised to reduce pollution levels. HCC require a contribution sum for the evaluation, monitoring and ongoing support of the required travel plan, and has submitted supporting costings that are justified and reasonable.
28. Given the nature and scale of development, fire safety measures are required. Under the toolkit, the Fire and Rescue Service requires a water scheme to be submitted for approval that provides for the construction and maintenance of fire hydrants such that they are always suitable for use and eventual adoption by the Fire and Rescue Service. Under the obligation, any required hydrants are to be provided prior to occupation.
29. For all these reasons, these provisions and contributions would meet the statutory tests of the Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the Framework. In particular, the contributions are necessary to make the development acceptable in planning terms, directly

- related to the development and are fairly and reasonably related in scale and kind to it. The proposal would comply with LP Policy 143B and NP Policy T3.
30. In respect of affordable care home rooms under the UU, there is an unmet housing need, including care home accommodation within the area. There is need for affordable housing for all age and groups justifying the need for affordable care rooms. Furthermore, the South West Hertfordshire Local Housing Needs Assessment (LHNA) 2020 indicates local authority care homes are not being built and that it may be appropriate to continue to seek the provision of some affordable bedspaces within private developments to meet social care needs.
31. The County Council, the consultee on social provision of care home accommodation, has objected on the grounds of the quantity and affordability of the care rooms being provided under the UU. However, there are no planning policies or documentation before me stipulating the necessary requirements. Both LP Policy 7 and NP Policy H6 affordable housing requirement do not relate to the provision of affordable care home rooms. For all these reasons, all the evidence indicates a significant need for affordable care home rooms and the UU contributes to meeting the need, albeit on a small scale. Accordingly, the obligation would meet the tests set out previously and this would be a small benefit in favour of the proposal.

Other matters

Housing supply and care home need

32. The agreed position on housing supply is 2.4 years which is well below the requisite five-year supply and the latest Housing Delivery Test Result 2020 (published February 2021) is low at 63%. As part of housing supply, the Council includes care home accommodation developments using a ratio from the Housing Delivery Test Rulebook (HDTR). Based on this, the development would contribute towards much needed housing through the equivalent delivery of 35 dwellings, based on the HDTR. The development would deliver a range of specialist housing options for older people and would release currently occupied dwellings back into the housing stock.
33. LP Policy 62 and NP Policy H8 support care home accommodation in suitable locations. There are bed surpluses in neighbouring local planning authority areas but the LHNA identifies significant need for nursing home bedrooms within SADCA in the period up to 2036. The Carterwood Comprehensive Planning Needs Assessment (PNA) 2021 indicates that unmet need is even more acute if beds are defined as 'Market Standard' bed spaces, that include ensuite facilities.
34. Both the LHNA and PNA establish a rising demand for residential care in general, especially for specialist dementia care provided by the development, and even taking account of the lower need measurement of LHNA, the provision of 63 beds would make an important contribution towards meeting identified local need, and based on the information supplied, this would be likely within the next 3 years. Elderly people requiring care home accommodation are less able to wait than those in the general population needing accommodation because their needs are immediate. Accordingly, there is an urgency in meeting this unmet need and for all these reasons, significant weight is given to these housing and people care benefits.

35. In encouraging small community homes in suitable locations, LP Policy 62 requires homes to be dispersed within the community and not being located close to one another. Such criteria are not conflicted with here. NP Policy H8 supports specialist accommodation in sustainable locations, requires developments to be well integrated with communities and have safe and stimulating design. The proposal would be in sustainable transport location, especially with a travel plan, and the building and its external areas would be attractively designed and finished. The site's accessibility, care of residents from the area and local employment opportunities would ensure integration, and the development would be safe and stimulating in design.

Alternative site assessment

36. The Alternative Site Assessment (ASA)² has considered suitability, availability and achievability of other potential sites from a wide initial list which has been narrowed down. Significant areas of land within the identified market catchment area of the development site have been excluded but it is based on detailed search from multiple sources, including the Council's Strategic Housing Land Availability Assessment 2018, property websites and land agent enquiries, and takes into account planning constraints such as the Green Belt. Furthermore, the Council has not identified any other sites that could have been covered by the ASA.
37. Under the ASA, a key availability criterion is that sites can be developed within 3 years which is based on the appellants experience and need to meet an acute need. For suitability, a fixed plot size has been used which excludes smaller and larger sites. Smaller sites would necessitate less bedrooms or an additional fourth floor resulting in considerably greater building costs. Once operational, greater staffing costs would also be incurred because of the need for proportionately more staff due to more floors. For larger sites, negotiations with other parties would also inevitably delay the timeframe for development. The ASA's methodology does not follow the approach for assessing housing and economic land availability in Housing and Economic Land Availability section in the Planning Practice Guidance, but nor should it have to, as this relates to housing supply. Overall, the ASA is comprehensive, well-reached and demonstrates the difficulties of finding alternative sites which lends further weight in favour of the proposal.

Employment and economy

38. The proposed care home would generate 75 full time equivalent (FTE) employees in comparison with 18 FTE for the existing A1 occupier. In addition, the proposed care home provides a range of different job types, including higher grade management positions, care workers and ancillary staff, including catering and maintenance. The existing use of the site is A1 retail use whilst local employment policies encourage B1 business use, both of which fall within a new Class E. The appellants' Economic and Social Value Impact Assessment³ demonstrates that the number of jobs that will be supported by the proposed development exceeds that supported by all other alternative uses under Class E and would represent a scenario with the potential to support the highest level

² Alternative Site Assessment, Elderly Care home, Chelford House, Coldharbour Lane, Harpenden, Hertfordshire, AL5 4UN, Carterwood, March 2021.

³ Economic and Social Value Impact Assessment, Chelford House, Harpenden, City & District of St Albans, Turley Associates, September 2020.

of employment for the site. Furthermore, the proposed development could generate an annual contribution of £4.4 million to the local economy.

39. The Council's South West Herts Economic Study (ES) Update (2019) has confirmed significant reduction in office and industrial floorspace over the last decade in the County. The Hertfordshire Local Partnership indicates that existing businesses are unable to expand due to the inability to find suitable floorspace. A local businessperson has objected that local premises are unavailable and that the Coldharbour Lane industrial estate has a high occupancy.
40. However, the ENA indicates that need for office and industrial land has been overestimated by the ES for the period 2018-2036 because of the influence of greater homeworking, even before the Corvid pandemic, higher employment floorspace densities, and use of a contingency allowance (safety margin). The latter results in inflated demand. The ENA indicates that the loss of the employment site would make little impact on the supply of employment land provision within the SADCA or wider PMA.
41. Indeed, the ratio of demand relative to office floorspace supply shows negative demand for the SADCA during the period 2020-2024 whilst the ratio for the PMA for the same period results in 15.2 years indicating considerable over supply. For industrial floorspace, the demand/ supply ratios are 11.8 and 9.3 years for SADCA and PMA for the same period which similarly indicates considerable over supply. Parties have agreed that Harpenden serves a localised demand, but the ENA details that nearby office and industrial clusters have currently substantial levels of available floorspace.
42. No substantiated evidence has been provided to support statements of shortage of business premises at the present time or challenge the conclusions of the ENS that postdates the ES. As a result, the ENA findings and the provision of the full time employment are more persuasive in demonstrating that the employment strategy of the LP and NP would not be adversely harmed though the redevelopment of this site.

Other benefits

43. For care home residents, there would be reduced loneliness through the provision of a care home with facilities and community interaction through community activities. In a well-designed and elderly friendly environment, there would be reduced falls. Together with the provision of beds reducing hospital bed blocking, this would generate cost savings to the NHS. Through implementation of an appropriate condition, there would be biodiversity improvements to the riverbank.

Class E, flooding and drainage, highways

44. The UCO changes have introduced a new Class E which permits greater flexibility for change of uses from A1 or B1 to non B1 uses contrary to the general aims and requirements of local employment policies. However, there is little evidence that this has occurred on a widespread basis and accordingly, such a consideration does not weigh in favour of the proposal.
45. The Environment Agency (EA) records show the site to be within fluvial Flood Zones 2 and 3 and Affinity Water (AW) details a nearby EA defined groundwater Source Protection Zone. However, the appellants more recent

flood modelling within a Flood Risk Assessment (FRA) show that most of the site is outside of the flood zones, the exception being small areas adjacent to the riverbank. The EA and the Lead Local Flood Authority have raised no objections to the FRA subject to conditions. Both the Council's EHD and AW have raised no objections to the proposal subject to appropriate conditions remedying any land contamination. On this basis, flooding and pollution concerns would be resolved though the imposition of planning conditions.

46. County Highways have raised no objection to the proposal, including in respect of vehicular and bicycle parking matters. There is no reason to disagree with their highway view in the absence of any contrary evidence. Cycle parking provision would be greater than that required by local transport policy. Although this policy is about 20 years old, such provision is acceptable given that the site's location within an area well served by walking and public transport.

Planning Balance

47. Planning law requires applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework makes clear that the planning system should be genuinely plan-led.
48. Both employment and care home policies are central to the consideration of the proposal given its nature and location. However, there is a significant imbalance between employment and housing provision within the area. The Council has only 2.4 years housing land supply (HLS) and yet considerable office and industrial provision. To address housing supply, work has started on a new Local Plan 2020-2038 but this is at a very early stage limiting any weight to it.
49. Whilst the proposal would result in the loss of employment site for Class B uses, the proposal would not adversely affect the employment strategy of the LP and NP by reason of the overall supply of office and industrial floorspace within the SADCA and PMA. In terms of consistency with the Framework, both LP and NP policies are more restrictive than national policy in the Framework. Paragraph 81 of the Framework requires policies to create conditions in which businesses can invest, expand and adapt, but does not restrict this solely to B Class uses. As such, the weight to these policy conflicts should be reduced. Accordingly, greater weight should be given to the proposal's accordance with LP and NP care home policies than its conflicts with LP and NP employment policies and the proposal should comply with the development plan as a whole.
50. The tilted balance of paragraph 11. d) ii of the Framework would apply given the absence of 5 year HLS. The proposal would boost housing supply and address the needs of a group, elderly people, with a specific housing requirement in accordance with paragraph 60 of the Framework. A favourable decision here would not help a B class use to invest, expand and adapt but it would for a care home business that would employ people and provide financial benefits to the local economy. The Framework places significant weight on the need to support economic growth and productivity. As a result, the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. The presumption in favour of sustainable development is a material consideration.

51. Even if I had concluded a departure from the development plan, the presumption in favour of sustainable development and other material considerations in favour are of sufficient weight to indicate that the decision should be taken otherwise than in accordance with the development plan and planning permission should be granted.
52. This proposal has been considered on its particular planning merits and therefore, this decision would not create a precedent for proposals elsewhere in the area, including instances where the harmful effects of proposals are not outweighed by their benefits.

Conditions

53. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed. The appellants have agreed to these.
54. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary to ensure satisfactory external building finishes, landscaping, management of the landscaping and the retention of existing trees and vegetation of merit. To protect and encourage biodiversity, conditions are necessary to require details of native planting and wildlife infrastructure and implementation of acceptable management. A condition is necessary to require details of utility connections to minimise disruption to relevant networks. Given the commercial use of the site, there is potential for contamination within the site and therefore, a planning condition is required to ensure any pollutants do not harm people, water resources and ecosystems.
55. To ensure acceptable drainage of the site, conditions are necessary to require the implementation of an acceptable surface water drainage and management plan. In the interests of highway safety, a condition detailing the implementation of a Construction Management Plan is required. To safeguard residents' living environment, conditions are necessary to demonstrate that appropriate noise levels can be maintained internally. To ensure acceptable vehicular parking and access, conditions are imposed to ensure that the development is implemented in accordance with relevant plans.

Conclusion

56. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1145PL-RDT-ZZ-XX-DR-A-0100 Rev PL1; 1145PL-RDT-ZZ-XX-DR-A-0101 Rev PL1; 1145PL-RDT-ZZ-GF-DR-A-0200 Rev PL1; 1145PL-RDT-ZZ-01-DR-A-0300 Rev PL1; 1145PL-RDT-ZZ-02-DR-A-0400 Rev PL1; 1145PL-RDT-ZZ-03-DR-A-0500 Rev PL1; 1145PL-RDT-ZZ-04-DR-A-0550 Rev PL1; 1145PL-RDT-ZZ-ZZ-DR-A-0600 Rev PL1; 1145PL-RDT-ZZ-ZZ-DR-A-0601 Rev PL1; 1145PL-RDT-ZZ-ZZ-DR-A-0602 Rev PL1 and 1145PL-RDT-ZZ-ZZ-DR-A-0603 Rev PL1.
- 3) No development shall take place above slab level 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 site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees, including fencing, and appropriate working methods shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be strictly adhered to during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced tree protection area of the approved scheme.
- 5) No development shall take place above slab level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

These details shall include:

- (a) schedules of plants noting species, plant supply sizes and proposed numbers/densities;
- (b) finished levels and contours;
- (c) boundary treatments/means of enclosure;
- (d) car parking layouts;
- (e) other vehicles and pedestrian access and circulation areas;
- (f) hard surfacing materials;
- (g) minor artefacts and structures, including furniture, refuse or other storage units, signs, and lighting);
- (h) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.);
- (i) retained historic landscape features and proposals for restoration where relevant;
- (j) existing trees to be retained;
- (k) existing hedgerows to be retained.

All hard and soft landscaping work shall be completed in full accordance with the approved details, prior to the first occupation of the development hereby permitted or in accordance with a programme agreed in writing with the local planning authority.

If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise the local planning authority gives its written consent to any variation. The tree or plant shall be planted within three months of felling/dying or if this period does not fall within the planting season by 31 January next.

- 6) No development shall commence above slab level until a biodiversity plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of native planting and boxes for birds and bats. The biodiversity works shall be completed in full accordance with the approved details, prior to the first occupation of the development hereby permitted or in accordance with a programme agreed in writing with the local planning authority.
- 7) No development above slab level shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

The plan shall also include the following details:

- (a) details of any vegetation/trees to be cleared; associated ecological risks involved and suitable risk avoidance, such as timing of works;
- (b) how any invasive species found will be managed;
- (c) maintenance regimes;
- (d) any new habitat created on the site;
- (e) management responsibilities;
- (f) treatment of site boundaries and/or buffers around water bodies;
- (g) details of silt mitigation/management measures in preventing silt and debris entering the adjacent watercourse.

Following the first occupation of the development hereby permitted, the plan shall be carried out as approved, and any subsequent variations shall be agreed in writing by the local planning authority.

- 8) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority detailing the capacity and provision of existing utilities and proposed works to serve the proposed development and any necessary measures to safeguard existing residents and users of the utility network from disruption. Any required measures shall be carried out in accordance with the approved details when connections to relevant utilities are made.
- 9) No development shall commence until an assessment of the risks posed by any contamination within the site, including intrusive site investigation

as necessary, has been carried out, and the results have been submitted to and approved in writing by the local planning authority. The assessment shall include a survey of the extent, scale and nature of contamination and an assessment of the potential risks to human health, property (existing or proposed) including buildings, service lines and pipes, adjoining land, ground waters, surface waters, chalk groundwater table and ecological systems.

In the event that the assessment indicates that remediation is necessary, development shall not commence until a Remediation Statement has been submitted to and approved in writing by the local planning authority. The Remediation Statement shall include details of all works to be undertaken, proposed remediation objectives and criteria, a timetable for the carrying out of any necessary remediation works, and details of the verification or validation of those works. No part of the development hereby permitted shall be occupied until any necessary remediation scheme has been carried out and completed in accordance with the details thereby approved, and until any necessary verification or validation report has been submitted to and approved in writing by the local planning authority.

If any contamination is found during the course of construction of the approved development that was not previously identified, no further development shall take place until a scheme for the investigation and remediation of that contamination has been submitted to and approved in writing by the local planning authority. Any remediation works thereby approved shall be carried out and completed, and any necessary verification or validation report shall be submitted to and approved in writing by the local planning authority, before any part of the development is first occupied.

- 10) No development shall take place until a detailed surface water drainage and management plan for the site has been submitted to and approved in writing by the local planning authority. Such a plan shall be based on the Technical Note carried out by JBA Consulting, reference: 2018s0753 V2.0, dated: 17.01.2020 addendum to the previously submitted Flood Risk Assessment carried out by JBA Consulting, reference 2018s0753 version 4.0, dated February 2019.

The plan shall include;

- a) a detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features;
- b) detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
- c) appropriate SuDS management and treatment measures, such as permeable paving, rain gardens, bioretention planters etc. The aim should be to reduce the requirement for any underground storage;
- d) Provision of half drain down times less than 24 hours for proposed SuDS features;

- e) Detailed assessment of existing drainage system including CCTV survey to determine the full extent and details of the system including confirmation of the surface water and foul outfalls;
- f) Detailed management scheme setting out responsibilities, maintenance and adoption arrangements and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be fully implemented prior to the first occupation of the development hereby permitted.

- 11) No part of the development shall be occupied until a verification report for the implemented works, under the approved surface water drainage and management plan, has been submitted to and approved in writing by the local planning authority. The report shall be appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage and management plan. It shall also include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and control mechanism.
- 12) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of the:
 - (a) construction and storage compounds (including areas designated for car parking);
 - (b) siting and details of wheel washing facilities;
 - (c) cleaning of site entrances, site tracks and the adjacent public highway;
 - (d) timing of construction activities to avoid school pick up/drop off times;
 - (e) provision of sufficient on-site parking prior to the commencement of construction activities.
- 13) No development shall take place until full details, demonstrating that the internal noise levels for all habitable rooms within the care home shall comply with the internal noise level criteria set out in Table A and the requirement below it, has been submitted to and approved in writing by the local planning authority. The internal noise level criteria are to apply to all external noise sources including, but not limited to, traffic, industry and construction. The development shall thereafter be fully implemented in accordance with the agreed details prior to the first occupation and such agreed details shall thereafter be permanently retained.

Table A

Activity	Location	0700-2300 hours	2300 to 0700 hours
Resting	Living room	35 dB $L_{Aeq, 16 \text{ hour}}$	
Dining	Dining room/area	40 dB $L_{Aeq, 16 \text{ hour}}$	
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq, 16 \text{ hour}}$	30 dB $L_{Aeq, 8 \text{ hour}}$

The $L_{Amax,f}$ for night time noise in bedrooms should be below 45dBA.

- 14) Prior to the first occupation of the development hereby permitted, an acoustic report detailing the testing of noise levels in living rooms and bedrooms of all the flats, and the external amenity space has been submitted to and approved in writing by the local planning authority. Such a report shall demonstrate compliance with the internal noise level criteria contained within Table A and the requirement (below it) of the previous condition and be undertaken in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings (or in an equivalent British Standard if replaced). If the noise levels have not been achieved, the report shall detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.
- 15) Prior to the first occupation of the development hereby permitted, vehicular parking, turning and loading/unloading shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.
- 16) Prior to the first occupation of the development hereby permitted, details of the construction of the vehicular access and associated kerb radii (shown on drawing number 19014/001 Rev B within Transport Statement, Milestone Transport Planning, May 2019) and arrangements for highway surface water disposal shall be submitted and approved in writing by the local planning authority. During the construction of the development hereby permitted, the access, kerb and drainage shall be completed in accordance with the approved details.

APPEARANCES

FOR THE APPELLANTS

Charles Banner QC	Keating Chambers
Mike Jones	Bidwells
Andy Williams	Define
Mark Powney	Savills
Robert Belcher	Carterwood
David Driscoll	Porthaven Care Homes Group
M Bashford	Chelford Fabrics

FOR THE LOCAL PLANNING AUTHORITY

Shaun Greaves BA (Hons) DipURP MRTPI	Director GC Planning Partnership Ltd
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Appeal decision APP/B1740/W/20/3265937 Site of The Rise and Three Neighbouring Properties, Stanford Hill, Lymington, SO41 8DE PP.
2. Document titled Appendix H: Calculation of Travel Plan Evaluation and Support Contributions submitted 15 June 2021.
3. Head of Integrated Accommodation Commissioning & Workforce Development Adult Care Services comments on draft Unilateral Undertaking (setting out temporary provision of affordable homes) objection submitted 16 June 2021.
4. Unilateral Undertaking dated 24 June 2021.
5. Section 106 agreement dated 28 June 2021.
6. Agent response on the revised Framework dated 22 July 2021.
7. Local planning authority response on revised Framework dated 28 July 2021.

Appendix D

Planning Appeal APP/G2245/W/21/3271595, Kent and Surrey Golf and Country Club, Crouch House Road, Edenbridge TN8 5LQ



Appeal Decision

Hearing 28 September 2021

Site visit made on 6 July 2021 and 28 September 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2021

Appeal Ref: APP/G2245/W/21/3271595

Kent and Surrey Golf and Country Club, Crouch House Road, Edenbridge TN8 5LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Pacalis Group Companies, BLCP Eden 1 Ltd and BLCP Eden 2 Ltd against the decision of Sevenoaks District Council.
 - The application Ref 19/02834/OUT, dated 20 September 2019, was refused by notice dated 25 September 2020.
 - The development proposed is replacement of existing golf clubhouse and hotel following demolition of existing to create a continuing care retirement community (CCRC) for the elderly alongside a new golf clubhouse with hotel accommodation containing shared social, managerial and operational space to operate and service the continued golf course use and the CCRC with all matters reserved except for access.
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Decision

1. The appeal is allowed and outline planning permission is granted for replacement of existing golf clubhouse and hotel following demolition of existing to create a continuing care retirement community (CCRC) for the elderly alongside a new golf clubhouse with hotel accommodation containing shared social, managerial and operational space to operate and service the continued golf course use and the CCRC with all matters reserved except for access at Kent and Surrey Golf and Country Club, Crouch House Road, Edenbridge TN8 5LQ in accordance with the terms of the application Ref 19/02834/OUT, dated 20 September 2019 and subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Pacalis Group Companies, BLCP Eden 1 Ltd and BLCP Eden 2 Ltd against the decision of Sevenoaks District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The original application was made in outline with only access to be determined at this stage. All other matters were reserved for future determination. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development, but have regarded all elements of these drawings as indicative apart from the details of the access.

4. The appellants have submitted a copy of a completed signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 22 June 2021. This deals with control of the use of the development (occupation), highway contributions and infrastructure including the provision of a controlled pedestrian crossing and bus stop works, communal transport for residents and staff, ecology and landscape management, public access to the golf course and facilities, public open space and contributions to public rights of way improvements. I will discuss this in more detail later in this decision.
5. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. The parties have had an opportunity to comment on the implications of the revised Framework during the appeal process. I have dealt with the appeal accordingly.

Background and Main Issues

6. The parties do not dispute that the proposal would be inappropriate development in the Green Belt as defined in the Framework. The main issues are therefore:
 - the effect of the proposal on the openness of the Green Belt; and
 - 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.

Reasons

7. The appeal site lies on the western side of Crouch House Road. It comprises the clubhouse building which includes hotel accommodation and a large area of surface parking plus two of the golf course holes at the eastern end of the golf course. The clubhouse is a reasonably large, one and a half storey, L-shaped building. It lies a short distance back from Crouch House Road beyond the car parking. Adjacent to the clubhouse there is a single-storey building and a disused golf driving range which lies outside the appeal site.
8. The site is surrounded by open land, comprising the remainder of the golf course and fields and the adjacent golf driving range, with housing development on the opposite side of Crouch House Road. A railway line runs along part of its north-eastern boundary. A public right of way (PROW) crosses through the site. This limited development on the western side of the road, gives the area an open and spacious character. Its eastern boundary is adjacent to the urban confines of Edenbridge on the opposite side of Crouch House Road. The site lies entirely within the Green Belt.

Openness of the Green Belt

9. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of the scale of the development, its locational context and both its spatial and visual implications.

10. The indicative drawings show substantial built development extending westwards from Crouch House Road onto undeveloped land. The proposed clubhouse, hotel and hub building would be two-storeys and the largest building. It would be positioned at the far western end of the site on the edge of the retained golf course. The residential units would be arranged as short terraces and blocks of flats of between 1.5 and 3 storeys, extending in a linear pattern along two internal access roads between the hub building and Crouch House Road to the east.
11. The extension of the built form into open land would inevitably cause harm to openness. The appellants consider that the harm to the openness is limited, arguing that since the appeal proposal is for outline permission, matters relating to the appearance, landscaping, layout and scale of the development are all reserved and could change through any reserved matters approval.
12. Whilst I acknowledge this point, the proposed replacement clubhouse building would have to be significantly larger than the existing in order to accommodate the range of activities proposed. It would also need to be closer to the golf course and therefore positioned away from the built up area. Moreover, a large number of residential buildings as well as access roads and parking spaces would be built on land that is currently open. Consequently, I find that the proposal would significantly reduce the spatial openness of the area.
13. The appeal site is enclosed by boundary vegetation, hedgerows and trees. The site is also bunded. These provide some limitations to views into the site. However, in order to achieve a satisfactory relationship with the existing built up area, it is inevitable that much of the proposed development would need to be positioned towards the eastern side of the site, closer to Crouch House Road from which there would be open views into the site. The presence of internal roads and buildings would have a greater visual impact on the area than the existing building on the site. This would not be sufficiently screened by either the boundary vegetation or bunding within the site. It would also be visible from the railway line and a public footpath. There would therefore be a significant adverse effect on the visual openness of the site.
14. The Council's Green Belt Assessment 2017 assessed the District's Green Belt against the five purposes of the Green Belt, as set out in the 2019 Framework. The appeal site lies within a parcel of Green Belt land of some 300 hectares. This parcel was assessed as being strongly performing Green Belt due to its importance in preventing the outward sprawl of Edenbridge into the surrounding open land and maintaining an essential gap between the built up area and the villages beyond.
15. The appeal site is around 8 hectares and accounts for under 3 per cent of this parcel of Green Belt. It is close to the built up area and some distance from other settlements. Development of this relatively small area would not significantly undermine its purpose in maintaining an essential gap, although it would represent encroachment into the countryside with the subsequent loss of openness.
16. Notwithstanding that the scheme would result in the loss of a relatively small parcel of Green Belt, I conclude that the appeal proposal would result in a significant loss of openness both visually and spatially thereby causing

significant harm to the Green Belt. Therefore, it would be contrary to the objectives of the Framework.

Other considerations

17. The Framework sets out that identified harm to the Green Belt may be weighed with any other material consideration in order to determine if there are very special circumstance which may justify inappropriate development. The appellants have referred to a number of matters, each of which I deal with below.

Housing Supply

18. The Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites and has confirmed that its housing policies are out of date. The statement of common ground indicates that the shortfall in delivery is 'severe'. At the hearing, it was agreed that the Council had 2.6 years supply. I certainly consider this to be a significant shortfall.
19. The Framework sets out at paragraph 11(d)(i) and Footnote 8 that where a five year supply of housing land cannot be demonstrated or delivery of housing has been substantially below the housing requirement over the previous three years, then the most important policies for determining the application should be considered out of date and planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 sets out that this includes land designated as Green Belt.
20. The proposed development is seeking the provision of 100 units of extra care housing. Both parties agree that this type of accommodation would fall within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (UCO).
21. The PPG¹ advises that housing provided for older people, including residential institutions in Class C2, should be counted towards housing land supply. It goes on to explain at paragraph 16a² that housing provided for older people should be counted 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.
22. The Council in its Housing Land Supply update³ (HLS report) sets out that C2 units are expressed in terms of bedspaces. It utilises a methodology for calculating the equivalent number of C3 housing units from C2 units based on an average household occupancy of 1.87 adults.
23. Whilst this approach is noted, I find that the nature of the proposed units would be more akin to a small dwelling with a separate kitchen and living area and mostly two bedrooms. Notwithstanding that the proposal would fall within Class C2, given that each unit would be capable of accommodating a small household rather than just a single occupant occupying a room within a more traditional residential care home setting, I consider that it would be

¹ Paragraph: 035 Reference ID: 68-035-20190722

² Paragraph: 016a Reference ID: 63-016a-20190626

³ Sevenoaks District Council, Housing Land Supply Update, 27th September 2019 (Update to take account of C2 supply)

reasonable to count this as a dwelling rather than on the basis of bedspaces. For this reason, it seems to me that the proposed development would contribute 100 residential units, albeit of a specialist nature, to the Council's housing land supply.

24. Even if I am wrong and the contribution to housing should be adjusted to be counted as bedspaces, the scheme would contribute an equivalent of at least 53 housing units based on the provision of 100 bedspaces. However, it seems to me that since the majority of units provide two bedrooms, in reality this figure could be higher and its overall contribution to housing supply greater.
25. Data within the SHMA shows that nearly 73 per cent of older person households within the District are relatively likely to live in outright owned accommodation. These people will often have significant equity in their homes which may mean that market solutions will also be required to meet their needs. Amongst these households, there is a high proportion of under-occupancy with nearly 59 per cent of such households having at least 2 spare bedrooms.
26. The emerging Local Plan, whilst carrying very limited weight, recognises that encouraging older people to downsize can play an important role in releasing larger homes for growing families. Whilst not all older person households would either need to or wish to move into a retirement village such as proposed here, there is evidence that such accommodation does meet a need for some. The provision of specialist housing more suited to the needs of this part of the population is likely to encourage them to move, freeing up housing stock and would make a valuable contribution to overall housing supply.
27. The Council acknowledges its shortage of housing land. However, it considers that the provision of housing would not outweigh the overriding need to protect the Green Belt from harmful development in accordance with paragraph 11(d)(i) of the Framework. Whilst I accept that on its own, the provision of general housing would not be sufficient to outweigh the harm to the Green Belt. I do nevertheless find that the contribution to housing supply including the freeing up of housing stock, are factors that together carry substantial weight in the balance.

Housing Needs of Older People

28. The Framework sets out at paragraph 61 that local planning authorities should undertake a local housing needs assessment, conducted using the standard method in national planning guidance. Paragraph 62 goes on to require that it assess the housing needs of different groups including for older people.
29. The Planning Practice Guidance⁴ (PPG) sets out that the need to provide housing for older people is critical in view of the rising numbers in the overall population. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities. Extra care housing is once form of housing for older people which is recognised by the Government as providing such benefits.
30. The Council produced a Strategic Housing Market Assessment (SHMA) in 2015 which formed part of its evidence base for the Council's emerging Local Plan.

⁴ Paragraph: 001 Reference ID: 63-001-20190626

The SHMA predicts an increase in those aged over 65 within the District by 48 per cent from 2013 to 2033, with particularly strong growth expected in those aged over 75, driven by improving life expectancy. With an aging population, the Council accepts that there is a need for the type of housing proposed. However, it disputes that the scale and location of the proposed development are able to meet the need appropriately.

31. The SHMA makes an assessment of overall housing need, including the need for different types of home, particularly for a growing older population. As part of its assessment, the SHMA sets out the need for specialist housing and accommodation for older persons. It places specialist housing including sheltered and extra care housing for older persons into Class C3 of the UCO. It makes a separate assessment of the need for care home bedspaces, considered to fall within Class C2.
32. The SHMA estimated a requirement for an additional 1,319 specialist housing units in the District between 2013 and 2033. This equates to an annual need of 66 dwellings. This is based on existing provision of 102 affordable extra care units and 1,490 sheltered housing units, both market and affordable.
33. Notwithstanding the inconsistency between the use classes applied to this type of housing, as extra care housing, I consider the scheme would contribute to the need for 1,319 specialist housing units as set out in the SHMA, rather than making a contribution to the need for C2 units, which is based on bedspaces. In providing 100 extra care units it would make a sizeable contribution to the overall need set out within the SHMA.
34. Although the SHMA treats extra care housing as Class C3, from the evidence submitted, the Council has calculated the delivery of extra care housing as falling within Class C2. The Council undertook a review of schemes delivering C2 accommodation as set out within its HLS report. This provided details of schemes with planning permission falling within Class C2. A number of these were providing traditional care homes but there is evidence that several were providing extra care accommodation.
35. Based on analysis of these approved schemes and the figures and evidence put forward by the appellants, there appears to have been provision of around 189 extra care unit completions between 2015 and 2019 and a further 67 extra care units with planning permission. These figures have not been disputed.
36. No evidence has been put to me to demonstrate that there have been any further schemes permitted within the District since 2019. On this basis, and using the requirement set out in the SHMA, around 256 units of extra care accommodation have or will be provided. Part of this provision included a scheme at White Oak Court, Sycamore Drive⁵ was completed for a change of use of 51 units from sheltered housing to extra care. These 51 units existed prior to the SHMA have been undertaken and would have counted against the existing supply. Therefore, whilst they count towards the supply of extra care units they would not have contributed to a net gain in the overall number of specialist housing within Sevenoaks.

⁵ Council Ref: SE/18/00568/FUL

37. By my calculation, the overall contribution to the 1,319 figure provided by extra care housing would amount to just over 200 units. This equates to around 15 per cent of the overall SHMA requirement for specialist housing to 2033. With the addition of a further 100 units, this would bring the figure to around 23 per cent at around halfway into the SHMA period.
38. Since I have not been provided with any details of how many Class C3 sheltered housing units have been provided, it is not possible to reach a firm conclusion as to what the overall level of delivery has been against the annual need identified within the SHMA and the extent of any shortfall or oversupply. Even in the absence of confirmed numbers of sheltered accommodation delivery, the delivery of less than a quarter of the overall need for specialist housing as extra care housing (including the appeal scheme), does not suggest there has been or would be an oversupply of such housing.
39. The Council submitted a Market Position Statement 2021-26⁶ (MPS) for accommodation with care and support. This set out the requirement for extra care housing specifically for older persons, referred to as Housing with Care, for all local authorities covered by Kent County Council. The Council confirmed that the MPS was based on 2017 population forecasts and used a model endorsed by the Housing Learning and Information Network (Housing LIN). It also covered both market and affordable requirements although it did not split the need into these types.
40. The MPS sets out that within Sevenoaks there is a shortfall of 93 extra care units to 2026 and on the basis that this demand would be met, a further 39 extra care units would be required between 2026 and 2031. A total of 132 additional units would be needed. Essentially, by the end of 2031, it suggests that Sevenoaks would require a total of 253 extra care units. Based on the MPS, the appeal scheme would meet the entire need for the District to 2026 in a single location.
41. However, I find it hard to reconcile the MPS figure with the evidence put forward within the SHMA and the HLS report in relation to both demand and supply. By my calculation, the MPS indicates that as of March 2021, Sevenoaks was assessed to have 121 units either currently available or in the 'pipeline'. However, the SHMA in 2015 identified that there were 102 existing extra care units and the HLS report, indicates that some 256 units have either been implemented or have permission. This would bring combined existing and pipeline supply to around 360 units and significantly higher than the 121 identified in the MPS.
42. A need of some 66 units per year as indicated in the SHMA would equate to 660 units over an equivalent ten year period. This would be significantly more than the 132 units predicted to be needed during the MPS ten year period of 2021-2031. Even taking account that some of the 660 units needed would be traditional sheltered accommodation, I nevertheless find that the disparity between these assessments of need would be significant.
43. I recognise that the MPS is a more up-to-date document. However, I have no information as to how the figures have been calculated to inform both the existing and pipeline supply position within the MPS. It is also not clear what

⁶ Kent County Council, Accommodation with Care & Support Adult Social Care Commissioning Market Position Statement 2021-26 (Last updated 04/2021)

the methodology has been to determine future demand and the extent to which this has been informed by local assumptions for Sevenoaks District. I have no evidence of the extent to which this has been subject to scrutiny. For these reasons, I can only give this limited weight.

44. The SHMA figures were based on data and a toolkit from the Housing LIN. It used the 2012-based sub-national population projections. The appellants have indicated that this would have been the SHOP@ tool (Strategic Housing for Older People Analysis Tool). This is a tool for forecasting the housing and care needs of older people. The Housing LIN toolkit indicated that there should be around 170 units of specialised accommodation (other than registered care home places) per thousand people aged over 75 years.
45. The appellants have asserted that the figure of 170 specialist housing units per 1,000 of the population is split into 12.5 per cent sheltered housing, 2.5 per cent enhanced sheltered and 2 per cent extra care accommodation. Enhanced sheltered and extra care accommodation are similar and it was accepted by the Council that it would be reasonable to count these together. In combination, it was agreed that the need for this type of accommodation would represent 4.5 per cent of the population aged over 75 years.
46. Using this toolkit, the appellants have made an alternative assessment of demand for extra care housing. This is based on the mid-2019 population projections⁷, taking a percentage of the population of over 75s. This gives an existing need of 555 units of extra care and enhanced sheltered housing increasing to 841 units by 2033. The current supply, both existing and in the pipeline, of around 360 units of this type falls significantly short of the 555 units needed.
47. The appellants have argued that this figure should be adjusted to 8 per cent, thereby taking into account those aged between 65 and 74 years as well as aspirations and social policy. I look at each of these in turn.
48. Whilst the accommodation would be available to anyone over the age of 55 who meets the eligibility criteria which includes amongst other things a need for care, physical frailty and social isolation, based on evidence from research and surveys of other care homes, the need is expected to be from those in their late 70s and 80s, with the average age of residents around 82 years. Therefore, whilst I accept that there will be people from within the lower age bracket who will both qualify for and choose this housing option, I have no figure to quantify this. I nevertheless agree that the figure of need would be higher to take into account this age group.
49. In terms of social policy and aspirations, it seems to me that with increased provision of extra care housing there could be an uplift in demand due to a shift from more traditional care home accommodation. This is borne out in the MPS, the SHMA and the Council's 2017 Local Housing Needs Study. On this basis, I agree that the appellants' figures based on 4.5 per cent may be conservative but I am unable to reach any firm conclusions on this.
50. Due to differences in methodologies and assumptions and recognising that the SHMA is now some years old, it is not possible to reach a definitive position on overall need. The Council advised at the Hearing that it has commissioned

⁷ ONS Mid-2019: April 2020 local authority district codes – Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland

work to look at older person's housing needs within the District. However, this is not yet available. Nevertheless, I find that, on balance, based on existing supply including that in the pipeline, the population and its projected increase within older year groups, there is currently an existing and significant shortfall and a growing need for this type of housing. The proposed development would make a significant contribution towards meeting this requirement.

51. The Council's draft Local Plan⁸, following an unsuccessful Judicial Review of the Inspector's conclusions that the plan should not be adopted, holds no weight in decision making. However, it recognises that a high proportion of the District's housing requirement will be for specialist accommodation for older people, quoting the housing need figures from the SHMA. Whilst the Council's intentions for planning for older persons housing as set out within the draft Local Plan are noted, there are currently no policies in place that would specifically secure this type of housing.
52. With an aging population within the District and based on the evidence of need, I have no reason to dispute that the proposal would meet the housing needs of older people. However, I turn now to consider whether this accommodation is being provided in the right place.
53. The draft Local Plan proposed that older person housing is concentrated in the three main strategic settlements in Sevenoaks, Edenbridge and Swanley. This is to ensure that older persons' housing is distributed spatially and sustainably so that not only can it meet the need identified, but also be located where older persons can remain close to their existing connections, family and community. Whilst not adopted policy, this approach to my mind, seems reasonable.
54. None of the submitted evidence provides any analysis of need below District level. However, as one of the larger settlements within the District, it would be reasonable to expect that a proportion of the overall need would arise within Edenbridge.
55. The Council has referred to a number of elderly care accommodation developments within the urban confines of Edenbridge quoting figures in the region of 240 units. However, no extra care housing has been provided within Edenbridge and its parish. Furthermore, with the exception of Edenbridge Manor Care Home, which is a traditional care home providing 85 units, the other developments date back to 2012 or earlier. They therefore pre-date the SHMA assessment and the need set out therein is evidently on top of this existing provision.
56. There is no evidence to suggest that there is any extra care housing serving Edenbridge. The schemes for this type of housing to which I have been referred are for developments in other settlements, including Sevenoaks and Swanley. The proposed development would make a contribution to different types of specialist housing designed to meet the diverse needs of older people serving Edenbridge. Whilst it would be a sizeable development, in serving the third largest settlement within the District it would meet a local need.
57. The appeal site was submitted under the call for sites in 2017 for housing development. It was assessed as being unsuitable due to the loss of an

⁸ Sevenoaks District Local Plan, Proposed Submission Version Regulation 19 Consultation December 2018

outdoor sports facility and for the majority of the site being isolated from the main town. In particular that the site was not in walking distance of public transport and existing services and facilities, thereby trips to these facilities would be reliant on the car.

58. The Sevenoaks Allocations and Development Management Plan 2015 (ADMP) identified two possible sites for mixed use development including housing for older people and a further six housing sites identified as suitable for housing specifically designed for older people. These were considered too small by the appellants for what they were proposing. From the evidence submitted, of those developed none have delivered any such housing and a number remain undeveloped.
59. The Council has not specifically stated the proposed development should be delivered on one of the allocated sites although it considers sites within urban confines should be considered. It also maintains the position set out within the ADMP that it can meet its housing targets without the need to release land in the Green Belt and by focusing development within the existing urban and village locations of the District. However, at the Hearing I was told that less than 1,000 houses would be delivered on allocated sites within existing urban areas on non-Green Belt land which suggests that land within the Green Belt would need to be considered.
60. In such circumstances, the appellants have argued that they are unable to compete with general housing developers for suitable larger sites as required for their proposal. No viability assessment has been put to me to substantiate that claim. Nevertheless, I accept that there is a minimum number of units and site area that would be likely to be required to support the retirement village concept and the viable provision of shared on-site facilities for residents. I also acknowledge that the availability of sites is considerably constrained by both the Green Belt and Area of Outstanding Natural Beauty designations that cover 93 per cent and 60 per cent respectively of the District.
61. I note that an Inspector in allowing an appeal⁹ for a development of 79 extra care unit at Land to the rear of 237-259 London Road, West Malling within neighbouring Tonbridge & Malling Borough Council where Green Belt designations likewise limited the choice of sites, reached a very similar conclusion.
62. The SHMA suggests that the provision of specialist housing is split roughly 60:40 between market and affordable tenures. The appeal scheme would deliver market housing and the Council has confirmed that it would not be liable for affordable housing contributions.
63. Consequently, I conclude that the proposed development would make a significant contribution to meeting the overall need for specialist housing within the District for which the current development plan does not make adequate provision for and for which the emerging local plan, whilst supportive, would be unlikely to deliver for some time yet.

⁹ APP/H2265/W/18/3202040

Locational factors

64. The SHMA recommends that the Council identifies sites in accessible locations for specialist housing. The proposed extra care accommodation would be on the edge of the urban area, some 1.2 kilometres from the town centre. For less mobile residents, it would not be within easy reach of services and facilities which would be around a 15 to 20 minute walk from the site. Given the age of anticipated future occupants, this would be neither convenient nor provide a realistic option for many of them. Whilst there is a bus stop opposite the site, the service is not considered to be sufficiently frequent to provide a satisfactory means of access to the town centre.
65. In view of the anticipated age of the future occupants, the appellants have explained that the operational model is based upon bringing services and facilities to the residents. This would be supplemented by a communal transport service for residents to enable them to access local services and facilities off-site with a buggy transport system operating within the site between the residential units and the hub building. Details and the provision of this would be confirmed through a Communal Transport Plan which would be secured through the submitted UU.
66. Whilst there is nothing to prevent future residents from owning and using a car, in view of their advanced age and the arrangements for access to services and facilities, it seems to me that future residents would not be overly reliant on the use of the private car, usage of which is likely to be modest.
67. There is an existing golf course and hotel on the site, which when operational, would be accessed by staff, club members and hotel guests. The appeal scheme would increase the number of staff and the hotel capacity on site with subsequent increases in trips to and from the site. In terms of staff coming to work at the site, the appellants argue this is no different to people working at industrial premises on the edge of town. Furthermore, whilst the walking distance may not be suitable for future residents, this does not mean that younger or more mobile people working or visiting the site would not be able to walk or cycle to it. The site is, after all, on the edge of the settlement, linked to it by footpaths and not entirely disconnected from it.
68. Overall, I conclude that the appeal site is not in a highly sustainable location and there would inevitably be some increase in traffic to and from the site, including trips by private cars. However, with alternative transport means for future residents as well as taking into account the existing use of the site, this only carries limited weight against the proposal. In coming to this view, I am also mindful that locational factors were not identified by the Council as a reason for refusal.

Health and Well-Being Benefits

69. There is a body of evidence to support the provision of housing for older people, such as extra care housing, which allows for and enables social contact and interaction, helping to address issues of loneliness and isolation that can occur. To be successful in this, such developments need to be situated in the community, close to local amenities and facilities, to ensure that people within the scheme can stay independent and involved members of that community for as long as possible.

70. The entire site would include a mix of uses with associated comings and goings and activities. Future occupants would have the benefit of living as a community with associated opportunities for social interaction with each other and others attending at the hub building. This would help tackle issues of isolation. Whilst some concerns about opportunities for social interactions have been raised in respect of the layout, this could be addressed through the reserved matters.
71. The appellants have provided evidence of the beneficial impact on public health budgets as future residents would have on-site care and support services. Moreover, with future occupants being able to retain their independence with the care they need, the scheme would promote improved well-being.
72. I find I have no reasons to disagree with this position and I agree that there are likely to be overall benefits to health and well-being from this proposal. However, because the scheme is a distance from off-site local services and facilities which may limit opportunities for interactions beyond the immediate community, I reduce the weight accorded to this and therefore give it moderate weight.
73. The Council has raised a concern about the impact of this scale of facility on existing local infrastructure, such as health care provision. Whilst this is noted, the intention is to draw people mainly from the local area who would already be registered for such services. Furthermore, with improved well-being and the provision of on-site consulting rooms for visiting health care practitioners to administer treatments, it is not expected to give rise to significant additional pressure on existing services.

Safeguarding the Long Term Future of the Existing Golf Course and Use

74. The existing golf course on the site is currently closed. It is located within an area where there are a significant number of golf courses. Some of these have closed down which the appellants attribute to an issue of oversupply as well as reduced demand for such facilities from the population. In these circumstances, the appellants have indicated that the golf club will not reopen at the end of the current pandemic.
75. The loss of an outdoor sports facility was one of the reasons for not including the site within the site allocations for the local plan. The appellants have argued that the proposal would enable the retention of the golf course, for which there is local support, and there would be no loss of an outdoor sports facility.
76. The appellants contend that the appeal golf course is well located to the settlement, providing an opportunity for combined trips and access to employees. The care community would allow for the diversification of the hotel / golf course use with shared facilities and services. This would ensure the ongoing viability and commerciality of the golf course, would enable the maintenance of the land and provide a leisure facility within an accessible location.
77. It has been suggested that the existing golf course is not financially viable. However, I have been provided with no evidence of income and expenditure or falling membership numbers to demonstrate that there is no longer a need

or viable operating model for the golf course to continue. Whilst I accept that the existing facilities are in need of modernisation and that works to them would improve the appearance of the area along Crouch House Road, it has also not been demonstrated that refurbishment of the existing facilities would be prohibitive. In the absence of this and whilst I understand the appellants' desire to improve the golf course facilities, I can only give this very limited weight.

78. The appellants have also highlighted that with the existing golf course closed, there are problems with unauthorised access to the land with people using motorised vehicles and causing damage to the grounds. In bringing the site back into active use with associated maintenance and supervision, this type of anti-social behaviour could be more effectively addressed. Whilst security and fencing could help solve the problem, with public footpaths crossing the site, this would be a difficult and expensive solution.
79. I appreciate that it would be easier to tackle such issues were the golf course to be operational. However, as it has not been demonstrated that the golf course could not reopen without the proposed development, I attribute very limited weight to this matter.

Economic Benefits

80. At the time of the planning application some 14 full-time equivalent staff were employed at the site. The appellants consider the combined use would result in more than 100 individual positions extending to between 130 to 150 people employed with part time working and seasonal working. This would be equivalent to 110 full time staff. In addition, associated economic benefits with serving the residential and leisure use is estimated to be some 30 to 40 jobs through suppliers and delivery of services.
81. Whilst these figures may vary a little, it seems inevitable that the proposed use which includes an expanded operation and new uses would generate a considerable amount of additional employment over and above the existing with a knock-on effect locally. During the construction period, the development would create employment on site as well as those working on the site contributing to the local economy.
82. The existing hotel accommodation provided within the golf clubhouse is not of a high standard, with poor disabled access. There is no evidence of any deliberate neglect of the hotel. The scheme would provide an enlarged hotel with better facilities which may give rise to some additional tourism and associated economic benefits over the existing hotel. However, it seems to me that a new hotel could be provided in place of the existing. As such I find it would essentially be replacing an existing hotel, albeit with a larger one, this carries limited weight in terms of justifying the proposal.
83. When taken together, the scheme would provide additional employment and a number of associated economic benefits. Overall, these are positive benefits of the scheme to which, in combination, I give moderate weight.

Open Space

84. As part of the proposal new publicly accessible open space of 0.5 hectares would be created and secured through the UU. Whilst this would contribute to health, well-being and provide space for the community, it would also be on

an area of existing open land that was part of the golf course. Furthermore, it seems to me that this new area of open space would largely meet the needs of the proposed development and its future occupants, employees and visitors. Consequently, I find this delivers very modest public benefits and therefore carries very limited weight.

Public Footpath

85. The scheme includes upgrades to the PROW both within the appeal site and wider site. This would make it more accessible by all, with improved surface material to enable wheelchair users to use it. However, this upgrade to the surface of the PROW is largely to accommodate the increased use of the footpath arising from the proposal. As such, whilst there would be some benefit from this, I only give this very limited weight.

New pedestrian crossing

86. The scheme includes the provision of a controlled pedestrian crossing, traffic calming measures and improvements to the nearby bus stops on Crouch House Road. The road is subject to a 30 mph speed limit, however, evidence indicates that these are regularly and significantly exceeded. The local highway authority has supported the highway improvements in terms of traffic calming and the provision of a pedestrian crossing. The proposed crossing would largely benefit future occupants and users of the proposed development in providing safe pedestrian access to it. Nevertheless, in helping to reduce speeds along this road there would be a wider benefit to the community. I therefore give this moderate weight.

Facilities for wider community

87. The proposed facilities would be open to the wider community providing bookable space for community meetings and weddings. From what I heard, there are a number of existing community facilities within Edenbridge and there is no identified need for additional community facilities. Whilst I do not have full details of these and whether they would be directly comparable with what the appeal scheme is offering, it nonetheless appears that Edenbridge is already relatively well-served in this regard. It seems to me that the provision of these facilities would largely provide a benefit to the owners of the facilities. Nevertheless, a small public benefit would be derived from having these facilities as an option to what is already available. I give this very limited weight.

Planning Obligation

88. The signed Section 106 Agreement makes provision for appropriate control of the use and its occupation as well as provision for communal transport, landscape and ecology management, open space, highway and PROW improvements. The full details of the highway improvements would be secured by way of a Section 278 Agreement under the Highways Act 1980. I am satisfied that each sought obligation meets the three tests set out in paragraph 57 of the Framework for planning obligations. As a result, I have taken the completed planning obligation into account.

Other Issues

89. A question has been raised about the cost of the accommodation and whether it would be affordable. The scheme is not proposing the provision of affordable units and would provide market extra care housing. The appellants have indicated these would be priced according to local market conditions. The sale price of these market units is not a matter before me.
90. Concerns have been raised about the effect of the proposal on the local area both during and after its construction. There may be some disruption during construction works, however, a condition requiring a construction traffic plan to be agreed prior to works commencing would alleviate this. The highway authority has assessed the trip generation from the proposed development as submitted by the appellants. They have not disagreed with this nor indicated that it would give rise to an unacceptable increase in traffic to the detriment of highway safety.
91. Several interested parties have raised concerns about the capacity of the local sewage network to accommodate the proposed increase in dwellings and other uses on the site. The imposition of a condition requiring details to ensure this is satisfactory and implemented accordingly would secure this.
92. The appellants submitted ecological appraisals and impact assessments¹⁰ which demonstrated that the footprint of the proposed development would be unlikely to significantly impact protected or notable species. However, as the proposal is in outline and the landscape and layout is indicative, further consideration of these matters would be considered under any reserved matters application.
93. The replacement fairways for those lost through the proposed development would be likely to give rise to some harm due to vegetation clearance and the protected and priority species known to be there through the appellants' survey. The Council has confirmed that any vegetation clearance to change the layout of the existing golf course would not require planning approval. If the correct licences and appropriate mitigation were to be implemented, the owners of the site could clear vegetation on site irrespective of this appeal scheme.
94. The appellants, through the UU, would provide an Ecological and Landscape Management Plan to detail the management of the property and its operations. This would provide for the protection, mitigation and enhancement of the biodiversity and ecology of the appeal site and its surrounds.

The Green Belt Balance

95. Paragraph 147 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause significant harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 148 of the Framework.

¹⁰ The Ecology Go-op, Preliminary Ecological Appraisal, 4 March 2019 and The Ecology Co-Op, Ecological Impact Assessment, 9 September 2019

96. The proposal would make a contribution to general housing supply within the District of 100 units including through the release of family housing to the market. In view of the Council's significant shortfall in housing supply, I accord substantial weight to this.
97. The scheme would provide 100 units of extra care housing for older people. This would address an existing shortfall and contribute to meeting a critical need. Due to its location on the edge of the settlement with limited direct access to the existing services and facilities, I reduce the weight attributed to this provision. I nevertheless consider this carries significant weight.
98. Notwithstanding the location of the development, I find future residents would benefit from improved well-being and health. The proposed scheme would also provide a number of economic benefits in terms of job creation and support for local services. In addition, the highway improvements would provide some wider benefits in terms of highway safety along Crouch House Road. I accord each of these factors moderate weight.
99. Although of benefit to the appearance and security of the area, it has not been satisfactorily demonstrated that the safeguarding and improvements to the golf club and its facilities are reliant on the wider scheme. This therefore carries very limited weight. The provision of facilities to the wider community are also matters to which I accord very limited weight.
100. The provision of open space and improvements to the PROW would be largely of benefit to the proposed development and its occupants and users. I therefore accord these benefits very limited weight.
101. The proposal would not be in a highly sustainable location. However, I have found that this carries limited weight against the scheme. Taking this into account, I nevertheless find that the other considerations cumulatively clearly outweigh the harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development exist.
102. The demonstration of very special circumstances accords with national policy. Any conflict with Policies LO1 and LO8 of the Sevenoaks Core Strategy 2011 (CS) which together seek to protect and maintain the extent of Green Belt and other identified conflicts with the development plan are outweighed by other material considerations.

Conditions

103. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 56 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
104. In addition to the standard conditions relating to the submission of reserved matters it is necessary to identify the plans to which the decision relates, but only insofar as they relate to reserved matters for consideration at this stage, as this provides certainty. Conditions restricting the number of units, quantum of floorspace and height of each element of the proposed development are necessary to control the extent of the development. A condition requiring the extra care units to be constructed to accessible and adaptable standards is reasonable in view of the proposed future occupants of the development.

105. To protect trees on site, local amenity and highway safety, conditions securing a tree protection scheme and construction traffic management plan are necessary.
106. Conditions securing an Order for the realignment of the PROW and certification for its provision and for its surface, are both necessary and reasonable to ensure this work is carried out as approved and to an appropriate standard. A condition preventing any planting within 1 metre of its edge is necessary in the interests of public safety. I have however omitted a condition preventing disturbance of the surface as the Council confirmed this is covered by other legislation.
107. I have imposed conditions requiring the details and implementation of the disposal of foul and surface water sewage and a sustainable surface water drainage scheme and verification of this in the interests of the safe and suitable operation of the site. Conditions requiring investigation of potential contamination and its remediation are necessary to ensure the site is safe for the use proposed.
108. In the interests of protecting ecology and enhancing biodiversity, conditions to secure works to be carried out in accordance with the submitted ecology assessments and to provide for biodiversity enhancements are necessary and reasonable.
109. I have imposed conditions requiring details of the provision of electric vehicle charging sockets, car parking for a car share/club and a travel plans in order to deliver sustainable travel. A condition requiring details and implementation in accordance with sustainable design, construction and energy efficiency measures is reasonable in the interests of reducing the environmental impact of the development and tackling climate change. However, I have amended the targets to accord with the requirements of adopted Policy SP2 of the CS.
110. Conditions requiring details of materials, hard and soft landscaping, lighting scheme and means of enclosure are necessary and reasonable in the interests of the character and appearance of the development. Exceptionally, a condition restricting permitted development for means of enclosure is reasonable for the same reason.
111. I have not imposed a condition seeking archaeological investigation as the site is not located within an area of archaeological potential.

Conclusion

112. I have concluded above that, for this appeal, very special circumstances exist to justify inappropriate development in the Green Belt. My findings on other matters do not lead me to reach a different conclusion. Consequently, I conclude overall that the proposal would comply with the relevant provisions of the Framework and the development plan when considered as a whole. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Rachael Pipkin

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans (noting the indicative and illustrative nature of many the plans, ahead of detailed design work and submission in reserved matters):

- P01 Block Plan
- P02 Proposed Site Layout 1 of 2
- P03 Proposed Site Layout 2 of 2
- P04 Proposed Golf Course Layout
- P05 Proposed Site Section A A
- P06 Proposed Site Section B B
- P07 Proposed Site Section C C
- P08 Proposed Site Section D D
- P09 Proposed Site Sectional E to F
- P15 Location plan
- P20 to P45 and P60 - P45
- P50 Proposed Club and Care Hub 1 of 2
- P51 Proposed Club and Care Hub 2 of 2
- Existing impermeable areas 19033-D03A
- Proposed impermeable areas 19033-D04A
- 19033-GA-01-C Access & Traffic Calming
- 254KSGLM02 Landscape Masterplan
- 768 - P70 Indicative Building heights
- Drainage Strategy layout Sheet 1 of 2 19033-D01-G
- Drainage Strategy layout Sheet 2 of 2 19033-D02-F

- 4) No more than 100 individual accommodation/extra care units shall be built on the site within the Continuing Care Retirement Community in the C2 Use Class with a maximum internal floor area of 13,145 square metres and shall have a maximum of two full storeys with some having accommodation in the roof space areas.
- 5) The community hub and golf clubhouse, with hotel accommodation, will have a maximum internal floor area of 3,470 square metres and shall have a maximum of two storeys.
- 6) In terms of ancillary buildings – cycle storage, buggy store, refuse stores, golf course serving buildings – there will be a maximum internal floor area of 480 square metres and no more than 55 square metres maximum internal floor

area in terms of small clubhouse/hub gathering and activity building for use by the CCRC.

- 7) All of the extra care units will comply, as a minimum, with the technical standard M4(2) for accessible and adaptable dwellings as set out in the Building Regulations.
- 8) No site clearance works, or development shall take place until a tree protection scheme has been submitted to and approved in writing by the Local Planning Authority. The site clearance works, and development shall be carried out in accordance with the approved tree protection scheme.
- 9) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall be implemented in accordance with the approved details.
- 10) No development shall take place over the alignment of Public Footpath SR600 until an Order for its permanent diversion has been made and confirmed, and the diverted route has been fully provided and certified.
- 11) The public rights of way within the development site shall be surfaced by the developer to a specification to be submitted to and agreed in writing by the Local Planning Authority prior to commencement. This shall be implemented in accordance with the approved details before any of the proposed units are occupied or the clubhouse/hotel/hub building is brought into use. It will thereafter be maintained.
- 12) No hedging or shrubs should be planted within 1 metre of the edge of any public rights of way on the site.
- 13) No development shall be commenced until information and details of the phasing of the development ensuring it aligns with any required reinforcing of the sewage network to ensure adequate waste capacity is available.

Construction of the development shall not commence until details of the proposed means of foul sewage and surface water sewage disposal have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be fully implemented and not altered without the prior written permission of the Local Planning Authority.

- 14) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme will be based upon the principles from Drainage Strategy Sheets (Sheet 1: 19033, D01, G and Sheet 2: 19033, D02, F). The discharge rate from the site shall not exceed the agreed discharge rate of 40.1 l/s (Q_{bar} for all storm events) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

- 15) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
- 16) Before the development commences, an investigation and risk assessment of land contamination shall be completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Where unacceptable risks are identified, an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the Local Planning Authority.
- 17) Where remediation is necessary in relation to condition 16, and unless otherwise agreed in writing by the Local Planning Authority, none of the development shall be occupied until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

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 immediately to the Local Planning Authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

- 18) The development shall be implemented in accordance with the recommendations, mitigations and enhancement features detailed in the Ecological Impact Assessment dated 23 December 2019 and Preliminary Ecological Appraisal dated 4 March 2019 by the Ecology Cooperation Ltd. Prior to the commencement of development updated versions (including updated appropriate surveys as required) will be submitted to and approved in writing by the Local Planning Authority. Such amended versions will take into account any layout and landscaping detailed design submitted as part of any reserved matters application.
- 19) Prior to the commencement of development, details of measures and a programme of works to enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and the programme of works. The required details shall include the following:
- Native tree and hedgerow planting,
 - Wildflower meadow seeding,
 - Bat and bird boxes, and
 - Lighting scheme that avoids light spill onto the boundary features and retained mature trees.
- 20) Prior to first occupation of the development hereby approved, a scheme to provide electrical charging sockets, for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. These details shall include number, type and location. The sockets shall be provided and installed in accordance with the approved details prior to the first occupation of any part of the development.
- 21) Prior to first occupation of the development hereby approved, details of car parking facilities for car share/car club vehicles and a programme of works, shall be submitted to and approved in writing by the Local Planning Authority. The car parking facilities shall be provided in accordance with the approved details and the programme of works, shall be for the exclusive use of electric vehicles, and shall be retained for such use, at all times.
- 22) Prior to first occupation of the development hereby approved, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The measures within the approved travel plan shall be implemented in accordance with the approved details and programme. In addition to the details set out in the Framework Travel Plan details within Transport Assessment 19-TP0015 v1r1 by Neil Brant Consulting September 2019. The plan shall contain the following information:
- Measures to promote sustainable travel, including sustainable transport incentives to residents: and
 - Travel plan implementation and monitoring schedule.
- 23) The development hereby approved shall not be commenced until details of the implementation and design of the matters contained in the Sustainable Design & Construction Statement & Renewable Energy Assessment P2082-B20-REP-MEP-002 by Box Twenty dated September 2019 have been submitted to and

approved in writing by the Local Planning Authority. Such measures shall include:

- That the Club and Care Hub Building achieves BREEAM Excellent rating.
- At least a 10% reduction in total carbon emissions through on-site installation and implementation of decentralised, renewable or low-carbon energy sources

The development shall be carried out in accordance with the approved details.

- 24) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples/details of the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
- 25) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the hard and soft landscaping, finished levels or contours, car parking layouts, vehicle and pedestrian access and circulation areas, hard surfacing materials and all means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development.
- 26) Details of the landscaping planting plans and schedules of trees and plants, including species, sizes and numbers, along with details of all new trees and bushes, and trees that are to be retained, and a written specification of the landscape works (including a programme for implementation, cultivation and other operations associated with plan and grass establishment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved landscaping planting plans and schedules prior to first occupation of the development.

Any tree or shrub which forms part of the approved landscaping which, within a period of five years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

- 27) Details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme prior to first occupation of the development and shall thereafter be retained for the lifetime of the development.
- 28) No development shall take place before details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The means of enclosure shall be carried out in accordance with the approved details and shall thereafter be permanently retained and maintained.

- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising revoking and re-enacting that Order with or without modification), no new fences, gates, walls or other means of enclosure shall be erected without the prior written approval of the Local Planning Authority.

End of schedule

APPEARANCES

FOR THE APPELLANTS:

John Sneddon

Managing Director, Tetlow King
Planning

David Boden

Pacalis Group Companies

Matthew Hunt

BLCP Eden 1 Ltd and BLCP Eden 2 Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mark Mirams

Principal Planning Officer

Emma Henshall

Senior Planning Officer, Policy

Naiomi Sargant

Planning Officer, Policy

Nicky Biddall

Kent County Council Public Rights of
Way Officer

INTERESTED PARTIES:

James Corrish

Local resident

Appendix E

APP/H2265/W/18/3202040 Land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD



Appeal Decision

Inquiry Held on 4-7 December 2018

Site visit made on 7 December 2018

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2018

Appeal Ref: APP/H2265/W/18/3202040

Land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Retirement Villages West Malling Ltd against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/17/00506/OA, dated 23 February 2017, was refused by notice dated 13 November 2017.
 - The proposal is an outline application for an extra care development of 79 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures.
-

DECISION

1. The appeal is allowed and planning permission is granted for an extra care development of 79 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures on land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD in accordance with the terms of the application, Ref TM/17/00506/OA, dated 23 February 2017, subject to the conditions set out on the attached schedule.

POLICY CONTEXT

2. I am required by statute to determine the appeal in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan currently includes the Tonbridge and Malling Borough Core Strategy (2007) (the CS), and the Tonbridge and Malling Managing Development and the Environment Development Plan Document (2010)(the DPD).
3. It is a material consideration that the Council is preparing a new Local Plan which will replace the existing development plan and which has recently been the subject of a Regulation 19 public consultation prior to its submission to the Secretary of State for Examination. However only limited weight may be accorded to that emerging plan 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.

4. The National Planning Policy Framework (2018) (the Framework) is another important material consideration.

MAIN ISSUE

5. Since the planning application was determined there have been further negotiations between the Appellant and the Council. As a result the Council now advises that Reasons for Refusal 2 and 3 have been overcome. In accordance with the use as defined in the completed Section 106 legal agreement the Council now accepts that this would be a Use Class C2 development (Residential Institution) and not a Use Class C3 development (Dwellings). A recalculated open space financial contribution has been agreed in the Section 106 agreement. Notwithstanding CS Policy CP17, the Council also now accepts that it is unnecessary to provide the affordable housing required by the development plan. Whether or not that is a correct interpretation of CS Policy CP17, the more up-to-date Framework at paragraph 64 is a material consideration and also seeks to preclude such specialist housing for the elderly from a requirement to provide affordable housing.
6. Reason 4 related to the effect of the development on the ecology of the site and bio-diversity. A revised indicative layout was submitted after the application was determined. It shows how some of the buildings could be relocated to reduce the impact on wildlife habitat. The Council now considers that this objection has also been overcome subject to the application of suitable planning conditions setting out clear parameters.
7. I agree with the Council's conclusions on the above agreed matters. Apart from the access the site is in the Green Belt. The parties also agree that the development would be inappropriate in the Green Belt as defined by national policy to which Policy CP3 here defers. At the Inquiry the parties' witnesses also agreed that there would be harm to the openness which is an essential characteristic of Green Belts as well as encroachment into the countryside. However the extent of that harm is disputed.
8. The main outstanding issue is thus whether the harm to the Green Belt by reason of inappropriateness and any other harm, including harm to openness and encroachment into the countryside, would be clearly outweighed by any other considerations.

THE SITE

9. The appeal site is an approximately level area of land that was last used for agriculture. It stands to the rear of a row of detached houses in deep plots that front London Road (A20). The appeal site is open and undeveloped except for a track which provides access to a backland dwelling at 237 London Road. To the east is low density residential development on rising land between the site and Town Hill. That residential area lies within the defined settlement boundary for West Malling, which line also here defines the Green Belt boundary. The southern half of the site is largely covered with self-seeded trees and shrubs. It adjoins a low railway embankment. Beyond the railway is mainly open land including allotments and a sports field. To the south west is other open land of rural character forming part of the extensive curtilages of dwellings at Brickfields and beyond which are open fields in agricultural or similar uses.

REASONS

Green Belt

10. CS Policy CP3 is the most relevant development plan policy and it provides that national Green Belt policy will be applied here. That national policy is currently expressed in the Framework which was revised as recently as July 2018.
11. It is not disputed that the development would be inappropriate in the Green Belt as defined by the Framework (and hence also the development plan) in that it does not qualify as any of the listed exceptions that define what development is not inappropriate. National policy requires that substantial weight be accorded to the harm of inappropriate development to the Green Belt and that very special circumstances would be needed to clearly outweigh that and any other harm including the harm to openness and of encroachment on the countryside.
12. As a substantial built development on undeveloped land the proposal would inevitably reduce the openness which national policy describes as an essential characteristic of the Green Belt. However the extent of that harm is disputed. The Appellant acknowledges that there is spatial harm but there is disagreement as to whether that is compounded by perceived visual harm to openness and, if so, the extent of that harm. In particular, the Appellant relies on the site's visual containment in views from public places.
13. It is likely that the development would be little visible from London Road or Town Hill and that the setback from the railway and partial screening by retained or reinforced planting would mitigate other visual impacts in public views. Nevertheless, the several substantial 2-3 storey apartment blocks indicated in the submitted proposals would be seen from the adjoining residential areas to the north and east and from more distant buildings on Town Hill such as Malling House. They are also likely to be partially visible in public views both from the railway and from the public footpath that passes close to the site's western boundary. The scale of the built development and associated parking areas and the associated reduction in openness would also be very apparent to the many residents, staff and visitors at the development itself. That visual and spatial harm to openness would therefore constitute significant additional harm to the Green Belt.
14. That the built development would be on undeveloped land, formerly in agricultural use, outside the defined settlement, and adjoining other open land to the south west and beyond the railway also means that the development would result in encroachment into the countryside contrary to one of the Framework's 5 defined purposes of the Green Belt.
15. Harm to openness and encroachment into the countryside must nevertheless be distinguished from other landscape and visual effects to which the Council does not here object. Based on the indicative layout and scale of buildings I agree with the parties that the site's relative containment and the opportunities for retained and improved landscaping mean that there need be no significant harm to landscape character. In relation to visual effects, whilst there would be some adverse impacts on the currently open and undeveloped views as seen from adjoining residential areas, the railway and the public footpath, I do not consider that these would be significantly or unacceptably harmful.

16. Neither, subject to appropriate conditions and the final design, need there be significant harm to bio-diversity or associated policy conflict.

Other Considerations

17. National policy provides that the identified harm to the Green Belt may be weighed with any other material considerations in order to determine if there are very special circumstances which may justify inappropriate development. A number of matters have been cited by the Appellant and the main considerations are examined below.

Housing Supply

18. At the Inquiry it was not disputed that the residential units to be provided as part of the proposed C2 residential institution would still count as housing provision for the purposes of housing land supply calculations.
19. The Council acknowledges that it cannot identify the minimum 5 year supply of housing land against objectively assessed housing needs that is required by Section 5 of the Framework. The most recent figure of 4.7 years supply was assessed in October 2017 but was based on figures as at March 2017. That data is now 20 months old and the current supply position may be different. Nevertheless there is no evidence to demonstrate that the housing supply position has improved since then, and it may have worsened. In these circumstances it is material that Paragraph 11 and Footnote 7 of the Framework provide amongst other things that where a 5 year supply of housing land cannot be demonstrated then the most important development plan policies for determining the application should be considered out of date and planning permission for the proposal should be granted. However different considerations apply in some circumstances.
20. CS Policy CP14 defines the settlement boundary for West Malling. It seeks to protect the countryside outside that boundary from unsuitable development. The appeal proposal does not qualify as an exception under that policy. However that boundary was defined in the context of a different and now outdated assessment of housing needs derived from the withdrawn South East Regional Strategy and its evidence base. For that reason, whereas the proposed development is in conflict with Policy CP14, the Council accepts that, because of the shortfall against the 5 year supply, that conflict would not be a reason to refuse planning permission and it did not do so in this case.
21. The Appellant has suggested that the Green Belt boundary was also defined in relation to housing land needs and should similarly be discounted as out of date. However one of the essential characteristics of Green Belts is their permanence. Whilst national policy does permit the alteration of their boundaries in exceptional circumstances it also seeks that they should otherwise be set to endure beyond the plan period.
22. There is no evidence before me that the current Green Belt boundaries were directly related to local housing needs. Moreover before considering changes to the Green Belt there would have been the opportunity in Tonbridge and Malling to direct necessary development to those parts of the Borough to the east of West Malling that are beyond the Green Belt. But in any case I am aware that the former Regional Strategy did not seek to exactly match housing needs and supply within each local planning authority. Rather it sought the redistribution of

housing supply from constrained areas, including the Green Belt, to less constrained parts of the region.

23. The Framework goes on to provide at Paragraph 11(d) (i) and Footnote 6 that specified Framework policies to protect areas and assets of particular importance, including the Green Belt, can still provide a clear reason for refusing the development proposal if the Framework policies would be breached. Notwithstanding the housing land supply shortfall it would thus remain necessary to establish that very special circumstances existed in order for inappropriate development in the Green Belt to proceed.
24. The parties have drawn attention to Written Ministerial Statements of 1 July 2013 and 17 December 2015 which provide in summary that an unmet demand for housing: *'is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'* However that wording would not preclude that an unmet demand for housing may still be weighed against the harm to the Green Belt, whether on its own or in combination with other factors.
25. I conclude that the overall shortfall in housing supply is one significant factor to be weighed in the balance but is unlikely on its own to clearly outweigh the harm to the Green Belt.

Housing Needs of Older People

26. Paragraph 60 of the Framework provides that local planning authorities should prepare a local housing need assessment. Paragraph 61 provides that, amongst other things, the amount and tenure of housing needed for different groups should be assessed and reflected in planning policies including housing for older people and people with disabilities. The latter provision is relevant insofar as Extra Care housing seeks to address the needs of older people who are in need of care due to a reduced ability to perform some tasks.
27. The Council produced a Strategic Housing Market Assessment (SHMA) in 2014 as part of the evidence base for the emerging Local Plan. Amongst other things it seeks to estimate the need for specialist housing for older persons both now and in the period leading up to the year 2030. At Table 59 it identified a total need in 2014 for 193 affordable extra care units, rising by 177 units to create a total identified need for 370 units by 2030. By contrast, and relying on the on-line tool provided by the Housing Learning and Improvement Network, it estimates the current need for extra care market housing (such as the appeal scheme) as 0 in 2014 and 0 by 2030. Nevertheless paragraph 9.28 explains that the tenure split between market and affordable extra care housing should be treated as only indicative in that it is influenced by the area's current tenure of specialist housing for older persons. This implies that there had been an absence of extra care market housing in the Borough in 2014 when the SHMA was prepared. The paragraph goes on to recognise that a demand for market extra care housing is nevertheless to be expected in Tonbridge and Malling *'particularly given the level of savings and equity of many older households'*. However, unhelpfully, this is not quantified in the SHMA estimates.
28. The Council has not sought to define a different tenure split or to otherwise quantify the estimated need for extra care market housing. Instead, for the purposes of the Inquiry, its non-expert witness based his assessment on the overall need identified in the SHMA for 370 extra care dwellings. He has identified that 184 units had already been provided since 2014, leaving an

identified need for 186 units of all tenures by 2030. That may well underestimate the overall need and demand for extra care accommodation because an increased provision of open market units for sale may attract current home-owners to move to extra care accommodation. But that would not necessarily result in a reduced demand from non-home-owners for units to rent, whether affordable or otherwise.

29. The Planning Statement submitted in support of the application included a revised estimate of the need for extra care housing in the Borough, again based on an on-line tool (as recommended in national Planning Practice Guidance) but with the application of a reasonably justified split of 35% rented units to 65% leased units for purchase (such as the appeal scheme). That resulted in a modestly increased estimated overall future need for 420 units by 2030 of which 273 would be the estimated need for leased units.
30. For the Inquiry the Appellant's expert witness submitted further evidence suggesting a significantly greater need to provide an additional 590 extra care units in the Borough between 2018 and 2035 of which 499 would be for sale (on lease). Whilst acknowledging the witness's experience in this field, I accord limited weight to these precise figures. The chosen period extends well beyond the period for the emerging Local Plan. Also the Council did not present an expert witness of its own to test the underlying assumptions. Nevertheless the Appellant's expert evidence provides additional support for the contention that the SHMA figures seriously underestimate the future need in the Borough for extra care housing and especially the likely demand for units for sale. In particular this is agreed to be an affluent area with significant numbers of home-owning older people for whom their current homes are likely to become increasingly unsuited to their needs.
31. Whilst the Appellant's estimates of need exceed those of the Council, their expert witness still only expects 4.5% of people in relevant age groups to be accommodated in extra care schemes, divided between 3% in leased units for sale and 1.5% in rented units. These are lower percentages than occur in other countries such as the United States and Australia and may reflect the fact that this is a relatively novel and high cost concept with relatively luxurious units, and that significant annual service charges and lease assignment fees have to be paid to the operator. The great majority of older people are thus likely to remain within their own homes although some will move to sheltered housing schemes or to residential care homes. That there are already some other types and tenures of specialist housing for the elderly in West Malling does not negate the need in the Borough for this type of extra care market housing or render West Malling an unsuitable location.
32. Whereas the SHMA estimated a zero need for extra care market units (albeit with qualifications) that was based on the previous lack of provision. The sector is expanding nationally and the latest evidence shows an active demand for such development in the Borough. In addition to the 24 shared ownership (affordable) extra care units for sale at Rosewell House in Tonbridge, 27 of the extra care units permitted at The Orpines, Wateringbury are to be made available for outright leasehold sale. That would however make only a small contribution to the overall level of need identified in the Planning Statement, let alone that in the evidence of the Appellant's expert witness. Neither is there any specific provision for either extra care housing or other specialist housing for older people in the emerging Local Plan.

33. That the Council has previously accepted that there is an unmet need for extra care housing in the Borough is demonstrated by its grant of planning permission in 2016 for that development at The Orpines, Wateringbury (Council Ref TM./16/00920/FL). That development is similarly to be located in the Green Belt. As in the present case, that was judged to be inappropriate development in the Green Belt; it being disproportionately larger than the care home which it replaced and also harmful to openness.
34. The Officer Report for that development misinterpreted the conclusions of the SHMA by wrongly citing the identified need for 410 care home bedspaces as part of the justification for the development. In fact there would have been the direct loss of such bedspaces arising from the demolition of a care home, albeit offset by the development of 51 extra care units. Nevertheless that identified shortage of 410 care home bedspaces can itself contribute to the need for alternative provision for those in need of care which may include extra care developments.
35. The Wateringbury report did conclude that there is a clear need for accommodation for the growing older population and that this is not only quantitative but also qualitative. The report acknowledges that: '*... a general recognition exists that there is also a shortage of high quality and purpose-built facilities which meet the evolving needs of older people in the UK.*' In that case the development was judged to meet part of such needs and that was the main contribution to the report's conclusions that the harm to the Green Belt was clearly outweighed by that need such that very special circumstances existed to permit the development.
36. Notwithstanding its approach to the Wateringbury scheme and that acknowledgement of a shortage of such accommodation in the UK, at the Inquiry the Council has suggested that there is now not a local need for extra care developments. This was on the basis that the relative numbers of people in older age groups or who own their own properties in those age groups are not markedly different in Tonbridge and Malling from the national averages in England. However there is widespread evidence of a general under-provision of housing of all types across England of which the rapidly worsening affordability ratio is clear evidence and is especially marked in Tonbridge and Malling.
37. That there are national shortages both of general housing and also of high quality purpose-built accommodation to meet the needs of older people does not diminish the identified need for local provision but rather confirms it. Moreover, housing needs assessments must necessarily allow for cross border movements and in this case, whilst there is evidence that a significant proportion of prospective purchasers will either already live locally or will have family or friends that do, the location of the appeal scheme close to the Borough boundary would be likely to attract some residents from other authority areas.
38. The Council suggested at the Inquiry that what it identified as a more modest need for extra care housing of unspecific tenure could be addressed either by development on sites to be allocated for general housing in the emerging Local Plan or as windfall development at the rate of 20 or so a year. However, because extra care developments need to be of a sufficient size to support the shared facilities they are unlikely to come forward on small sites or at that rate. The Appellant has submitted a sequential site assessment to support their view that there are no sequentially preferable sites available to come forward in the short term. This evidence has not been challenged by the Council.

39. The Appellant also claims that for viability reasons it rarely succeeds in obtaining suitable larger sites when in competition with general housing developers and normally instead seeks out sites which are less attractive to such developers because of some policy or other constraint. These claims were not substantiated by examples or by any financial information. It is nevertheless clear that the retirement village concept requires a minimum number of units and site area in order to support the viable provision of shared on-site facilities for residents. That of itself would limit the choice of suitable sites, particularly in a Borough with extensive areas of Green Belt. Neither is there any evidence before me of the successful development of retirement villages as the result of development plan allocations.
40. I conclude that there is a local need for residential accommodation of this type and tenure for which the current and emerging development plan does not make adequate provision and that the development would make a significant contribution towards meeting such needs.

Freeing up General Housing

41. One consequence of the national and local housing shortages and of the associated past rise in property values, including in Tonbridge and Malling, are that those older people who purchased their existing homes many years ago are likely to hold substantial equity as the result of rising property values and because they may have paid off their mortgages. Some of those homes are likely to have been purchased originally to accommodate families and may be poorly suited to the present needs of their occupiers due to their size, internal layout, large gardens, or a location remote from necessary services and facilities. However their occupiers are likely to be cautious about moving to a rented property if it means relinquishing the security of their home ownership and the wealth stored in it. On the other hand, and as the SHMA recognises, in an affluent area they may have the equity and savings which provide the means to purchase specialist property such as extra care housing which is more suited to their needs and which can continue to be a source of security and equity.
42. As the Government has recognised in paragraphs 4.42 to 4.44 of the White Paper '*Fixing our broken housing market*', helping older people to move at the right time and in the right way can help their quality of life as well as freeing up more homes for other buyers. Under-occupied homes could then be released onto the market where they would be particularly attractive to those in younger age groups in need of larger houses to raise families. The provision of specialist housing more suited to the needs of older persons is likely to encourage them to move and would make a valuable contribution to overall housing needs which should be weighed in the balance.

Health and Well-Being Benefits

43. I acknowledge the Appellant's evidence, which the Council does not dispute, that the development would be likely to provide health and well-being benefits including: the care package; monitoring of the residents' well-being; facilities to encourage activity and mobility; and reduced isolation. The on-site support would be likely to reduce the need for residents to make use of primary health care services or social services as well as relieving pressure on hospital bed-spaces. Whilst local residents report current pressures on GP services in West Malling, the Appellant's evidence suggests that such pressures are to be

addressed as part of new provision of services at Kings Hill, whether or not the appeal proposal goes ahead.

44. I conclude that there are likely to be overall benefits to health and well-being to be weighed in the balance.

The Emerging Local Plan

45. A very relevant consideration is that the emerging Local Plan includes a proposal to remove the appeal site from the Green Belt and to allocate it for the development of an estimated 110 dwellings.
46. That proposal has the support of the Council's officers and members. However it is likely to have been the subject of representations in the recent consultation including objections from the Parish Council and others. The content and nature of those representations has yet to be processed by the Council and is not before me. The Local Plan has yet to be submitted for examination and it may be modified prior to its adoption as part of the development plan. Therefore only limited weight can be accorded to these draft changes to the Green Belt or the draft allocation. Nevertheless it is relevant to consider the evidence base which contributed to the decision to include those changes and the extent to which the appeal proposal would accord with the Council's objectives or otherwise.
47. The Council's Green Belt Study in 2016 reviewed the existing Green Belt and tested it against the criteria set out in the then Framework which have generally been carried forward in the current version. This included a strategic assessment of the Green Belt in the vicinity of West Malling, albeit without the scoring of individual parcels of land against criteria that was a feature of the Rushcliffe study referred to by the parties.
48. The Stage Two Report of August 2018 considered whether exceptional circumstances justified changes to the Green Belt boundary. One important consideration was whether Green Belt sites should be released to increase the supply of housing as a means of addressing the worsening affordability ratio in the Borough, as well as making additional provision for affordable housing, whilst also promoting a sustainable pattern of development. The study concluded that exceptional circumstances would justify the removal of the appeal site and another smaller site at West Malling from the Green Belt: *'to ensure that a degree of development comes forward in order to promote local growth and make a reasonable contribution to the economic well-being of [West Malling] ... and ... provide for sustainable locations for living'*.
49. The Study also proposes that additional land to the east of West Malling be added to the Green Belt to protect the setting and special character of the historic town and to prevent towns merging, functions which the appeal site does not perform.
50. The draft housing allocation policy does not specify the form that housing should take on the appeal site. The Council does not dispute that extra care housing would qualify in terms of providing units of housing to contribute to the Borough's housing supply.
51. The appeal scheme would provide 79 units. The emerging Local Plan's higher estimate of site capacity is 110 dwellings and is based on a standard application of a density of 30 dwellings per hectare to this and other sites in the emerging Plan. That does not appear to take account of the on-site constraints and especially the wildlife habitat. If that habitat were to be protected in the manner

indicated in the appeal scheme then it is likely that a general housing development would need to have a similar layout with apartments predominating but reduced communal facilities. Even so the estimated capacity of 110 units appears ambitious and may be unachievable, not least because of the greater requirements for on-site parking and amenity space. General housing would also be likely to generate significantly more vehicle movements, especially at peak hours. That would have implications for the operation of the junction with the A20 and would be likely to require a wider access road within the site.

52. Were the site to be developed instead with the typical 2-3 storey houses with gardens that some neighbouring residents say they would prefer then its likely capacity in terms of dwelling numbers would be much reduced if a similar area of the site were to be set aside to protect wildlife and the landscape.
53. At the Inquiry the Council's witness suggested that the development would not accord with the emerging Local Plan because it would not include affordable housing. The parish council would also prefer that if the site is developed it should include low cost housing for young people and families. However the draft Local Plan allocation does not specify what form housing on this site should take and does not specifically require that it is to be developed for affordable or family housing.
54. Whereas CS Policy CP17 generally seeks the provision of affordable housing and paragraph 6.3.25 would include retirement housing in those requirements, the Council has agreed that Use Class C2 should here be exempt from a requirement for affordable housing. In any case the more up-to-date Framework at Paragraph 64 now seeks to exempt specialist housing for the elderly from such requirements. In the same way, whilst draft Local Plan Policy LP39 would specifically seek that extra care housing should include affordable housing provision that Plan has yet to be examined and may similarly prove to be inconsistent with the Framework in that regard.
55. The Framework would allow for the first time that affordable housing may come forward on unallocated sites in the Green Belt to address local needs. Thus the development of this site need not be the only means of providing affordable housing in the parish. The proposed release of the site from the Green Belt is itself partly with the object to improve overall housing supply to address affordability concerns more widely.
56. The Council did not refuse planning permission on the grounds of prematurity to the Local Plan and I do not consider that the circumstances set out in paragraph 49 of the Framework exist here to justify dismissal for that reason.
57. My attention has been drawn to the Secretary of State's decision at Tewkesbury to permit a large housing development in the Green Belt on a site which had been included in the Local Plan previously submitted for examination but which was subject to objections and before the examination of that Local Plan had been concluded (ref APP/G1630/V/14/2229497). That case differs in that the Tonbridge and Malling Local Plan has yet to be submitted for examination and is at an earlier stage. Nevertheless it is an example of a case where the need for the development on a site which the local planning authority proposed for release from the Green Belt was considered by the Secretary of State to qualify as very special circumstances that clearly outweighed the harm to the Green Belt.

58. It is not disputed that the site is in a sustainable location adjacent to the built up area of West Malling which is defined as a rural service centre. The attractive high street and its many facilities would be within walking distance for more mobile residents. There are public transport services and the S106 agreement includes provision for a mini-bus service for residents. There is evidence that many primary residents would be in their 80s when they purchase their units and that, whilst some may bring cars when they move in, their use and ownership of cars is likely to be modest. The maximum ownership and use of cars is likely to occur when the development is first fully occupied and to decline with time as the average age range of the occupiers is extended.
59. I conclude that the development would accord with the objectives of the Green Belt Study to promote local growth in West Malling, contribute to its economic well-being and provide a sustainable location for living. It would also accord with the site's draft allocation for residential development in the emerging Local Plan. Site constraints indicate that the higher estimated dwelling capacity for the site estimated in the emerging plan is unlikely to be realised. Whilst the development would not include affordable housing, and would therefore not accord with draft policy LP39 in the emerging Local Plan, that consideration is outweighed by the apparent inconsistency of Policy LP39 with the Framework in that regard.

CONDITIONS AND PLANNING OBLIGATIONS

60. The submitted S106 Legal Agreement includes a suitable definition of the proposed development as Use Class C2 and an appropriate financial contribution to off-site provision of open space as well as other relevant provisions. The S106 Unilateral Undertaking includes a justified and appropriate contribution to the library services needed to serve the future residents and appropriate financial provision for monitoring the Travel Plan. Both documents satisfy the legal tests for S106 planning obligations.
61. Draft planning conditions were submitted by the Appellant and the Council and were the subject of discussion at the Inquiry where some changes were agreed to add necessary provisions or to remove unnecessary conditions. I have made further minor changes to the wording and the order of the conditions. The reasons for each condition are included on the attached schedule. Having regard to what I saw on site including the existing background noise from London Road, the set back of the London Road dwellings from the access track and the existing fencing there, I do not now consider that it is necessary to require the provision of the acoustic fencing that was discussed at the Inquiry.

CONCLUSIONS

62. For the above reasons I conclude that the development would be in conflict with CS Policy CP14 in respect of development in the countryside outside the settlement boundary for West Malling. However that conflict is outweighed by the failure of the Council to demonstrate that it has at least a 5 year supply of housing land. The lack of affordable housing provision, if it does conflict with CS Policy CP17, is outweighed by the provision in the more up-to-date Framework at paragraph 64 that specialist housing for the elderly should not be subject to such requirements.
63. For the purposes of CS Policy CP3 and the national policy to which it defers, the development would be inappropriate in the Green Belt, harmful to its openness and would cause encroachment onto the countryside, contrary to a main purpose

of the Green Belt. **Substantial weight** is accorded to the overall harm to the Green Belt albeit that the harm to openness and encroachment is mitigated by the site's visual containment and limited public visibility. Nevertheless there are a number of other considerations to weigh against that harm.

64. I accord **significant weight** to the contribution that the development would make to general housing supply given the lack of a 5 year housing supply in the Borough, including through the likely consequential release on to the market of family housing as older residents move to the proposed development.
65. I accord **substantial weight** to the contribution that the development would make towards the need for specialist extra care housing for sale to older people which was not accurately estimated in the SHMA and for which the current and emerging development plan does not make adequate provision.
66. I accord **significant weight** to the health and well-being benefits for the future occupiers of the development.
67. I accord **limited weight** to the emerging local plan and to its evidence base whereby the Council has concluded that exceptional circumstances justify the proposed release of the appeal site from the Green Belt for residential development in order to promote local growth in West Malling in a sustainable location and to improve overall housing supply and affordability.
68. My overall conclusion is that these other considerations cumulatively clearly outweigh the harm to the Green Belt and as such qualify as very special circumstances. As the demonstration of very special circumstances accords with national policy the proposed development does accord with CS Policy CP3 and the other identified conflicts with the development plan are outweighed by other material considerations. The appeal should therefore be allowed.

Robert Mellor

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga	of Counsel, instructed by Mr A Stansfield, Director of Central Services, Tonbridge & Malling BC
He called Mr M Fewster BA(SocSci)GDipRUP	Principal Planning Officer Tonbridge & Malling BC

FOR THE APPELLANT:

Mr Christopher Young	of Queen's Counsel, instructed by Mr Iain Warner
He called Mr James Donagh BA(Hons) MCD MIED Mr N Appleton	Director at Barton Wilmore – Consultant on housing for older people Executive Chairman of Contact Consulting (Oxford) Ltd – Housing needs expert
Mr Guy Flintoft BA(Hons) DipTP DipUD MRTPI	Planning Director- Retirement Villages West Malling Ltd
Mr Paul Whatley	Landscape Architect & Associate Director of Lloyd Bore Ltd
Mr Iain Warner BSc(Hons) DipTP MRTPI	Director at Tetlow King Planning

INTERESTED PERSONS:

Mr Arnold	Local Resident
Mr Peter Cosier	Local Resident

INTERESTED PARTY:

Mr Richard Byatt	Chairman of the Planning Committee of West Malling Parish Council
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DOCUMENTS

- 1 Suffolk Coastal v Hopkins Homes judgement 10 May 2017
- 2 Land at Perrybrook to the North of Brockworth decision
APP/G1630/V/14/2229497
- 3 Land north of Asher Lane, Ruddington Appeal decision
APP/P3040/W/17/3185493
- 4 Opening Statement of Mr C Young QC on behalf of the Appellant
- 5 Opening Statement of Mr A Ranatunga on behalf of the Local
Planning Authority
- 6 List of corrections of errors in Mr Fewster's proof of evidence
- 7 Final S106 Planning Agreement between Appellant and Tonbridge
and Malling BC- executed and dated copy
- 8 Final S106 unilateral undertaking to Kent County Council -
executed and dated copy.
- 9 Tonbridge and Malling BC draft conditions
- 10 Appellant's draft conditions

- 11 Letter from Housing Learning and Improving Network (LIN) to Iain Warner of Tetlow King dated 30 November 2018
- 12 Housing LIN and EAC Consultation Paper — Shop@ Analysis Tool Review July 2016
- 13 Planning Application form, Abbeyfield extra care at Wateringbury, ref 16/00920/FUL
- 14 Tables updating current and pipeline supply of Extra Care housing in TMBC
- 15 Update to Appleton need report tables 15 and 16 based on changes in Document 14
- 16 As per Document 15 plus committed extra care site at Wateringbury
- 17 Copy of letter from Tetlow King to Housing LIN dated 22 November 2018
- 18 Letter dated 27 November 2017 to TMBC from applicants re Wateringbury scheme setting out revised tenure split
- 19 Tables comparing Tonbridge and Mailing to England on indices relating to indicators of care
- 20 Table showing programme for bringing forward the appeal development
- 21 Closing submissions for Council
- 22 Closing submissions for Appellant

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4) The development hereby permitted shall be carried out within the site defined by the red line on the Site Local Plan Ref RETI150716 SLP-02 Revision C.

Reason: In the interests of certainty as to the extent of the site.

Access

- 5) The development shall not be occupied until measures for the modification of the existing access at the A20 London Road have been implemented as set out on the Proposed Highway Arrangement Drawing Ref PL01 Revision A.

Reason: In the interests of highway safety.

- 6) The development shall not be occupied until traffic islands have been constructed within the A20 London Road in general accordance with the recommendations of the Stage 1 Safety Audit November 2006 (Alpha Consultants) in order to facilitate safe vehicle turning movements and safe pedestrian crossing movements adjacent to the site access.

Reason: In the interests of highway safety.

- 7) At or before the time of the first submission of Reserved Matters pursuant to Condition 1, details relating to the following shall be submitted for approval in writing by the Local Planning Authority:

- a) Provision of a section of passing bay of a width of 5.5m to allow for any incidences when an entering and exiting service vehicle may concurrently occur over the length of the access road;
- b) Provision of a pedestrian link between the site proper and the A20 London Road;
- c) Internal swept path analyses demonstrating efficient refuse collection, servicing and emergency access;

- d) The location of underground services/service strips suitable for maintenance to avoid disruption to the access; and
- e) Provision of surface water drainage from the access road to avoid discharge onto the A20 London Road.

Reason: In the interests of safety and traffic flow.

Travel Plan

- 8) The development shall not be occupied until a Travel Plan in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and in general accordance with the 'Framework Travel Plan' document dated February 2017 has been submitted to and approved in writing by the Local Planning Authority

The approved Travel Plan shall be implemented prior to occupation and for each and every subsequent occupation of the development by a new occupier.

Reason: To encourage sustainable travel modes in accordance with local and national policy.

Levels

- 9) No development shall take place until a plan showing the proposed finished floor level of the new buildings and finished ground levels of the site in relation to the existing levels of the site and adjoining land have been submitted for the written approval of the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

Ecology

- 10) At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a revised ecological impact assessment report shall be submitted for the written approval of the Local Planning Authority. The report shall include updated dormice, reptile and badger surveys and a detailed mitigation strategy to safeguard protected species, their habitats and local biodiversity. The development shall be undertaken in strict accordance with the recommendations, mitigation and enhancements features detailed in the approved updated ecological report.

Reason: In the interests of minimising the impacts of the development on the wildlife habitats on the site and to local biodiversity.

- 11) At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a plan that sets out the parameters of the built form of the development to include an ecological buffer in general accordance with drawing 3822-LLB-XX-XX-DR-L-0001-S03/P01 dated 11 June 2018 and the recommendations of the revised ecological impact assessment report shall be submitted for the written approval of the Local Planning Authority. The layout and landscaping details submitted pursuant to condition 1 shall accord with the approved parameter plan.

Reason: To ensure that badgers, dormice and reptiles found on site and their habitat are adequately protected and that there is a landscape buffer at the edge of the built up area.

- 12) No development shall take place until a detailed scheme for the translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) a methodology for the collection of reptiles and measures to prevent reptiles returning to the site prior to and during the development;
 - b) surveys to confirm that the translocation site is currently not holding a significant population of reptiles;
 - c) details of how the translocation will be enhanced and be in a suitable condition to support the likely number of animals which will be moved, prior to any animals being captured for transportation; and details of the management of the translocation site in perpetuity.

The translocation shall be undertaken in strict accordance with the approved details and the development shall not commence until a verification report has been submitted to and approved in writing by the Local Planning Authority confirming that the reptiles have been removed from the site.

Reason: To ensure that reptiles are protected and are not adversely impacted by the proposed development.

Landscape and Trees

- 13) No development above ground shall take place until there has been submitted for the written approval of the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. The approved scheme of landscaping shall be in general conformity to the indicative landscape drawing (ref 3822-LLB-XX-XX-DR-L-0001-S03/P01 dated 11 June 2018). The landscaping details shall include an implementation programme for all planting, seeding and turfing. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 14) The landscaping details of the reserved matters submission shall include a further arboricultural report to be submitted for the written approval of the Local Planning Authority that:
- a) identifies the trees and shrubs to be retained;
 - b) provides a comprehensive assessment of the impact of the development on the existing trees on the site and on adjoining land; and
 - c) includes measures to protect the retained trees and shrubs during the construction of the development in accordance with BS5837:2012.

The existing trees and shrubs shown to be retained, shall not be lopped, topped, felled, uprooted or wilfully destroyed other than where indicated in the approved arboricultural report, without the prior written consent of the

Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of 5 years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

Materials

- 15) No development above ground shall commence until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

Boundary treatment

- 16) The development hereby permitted shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be implemented in full in accordance with the approved details and in accordance with a programme to be agreed in advance in writing by the local planning authority.

Reason: To protect the character and appearance of the area, to safeguard residential amenity, and to control access to the adjacent railway line in the interests of safety.

Construction Management Plan

- 17) No development hereby permitted shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) measures to prevent the deposit of materials on the highway
- (f) on-site turning for construction vehicles
- (g) measures to ensure protection of protected species and habitats during construction access arrangements

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In the interests of parking, highway safety, neighbouring residential amenity and the character of the area.

Foul Drainage

- 18) Foul water shall be disposed of directly to the mains sewer.

Reason: To prevent pollution of groundwater.

Sustainable Drainage

- 19) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based on the principles recommended within the FRA Thomasons Ltd (January 2017), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 20) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 21) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

Lighting

- 22) No development above the ground shall take place until details of a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

Reason: To protect the visual amenity and ecology of the rural locality.

Refuse/Waste

- 23) The development shall not be occupied until a scheme for the collection and storage of refuse for the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided in accordance with the approval details prior to first occupation of the development.

Reason: To facilitate the collection of refuse and preserve visual amenity.

Noise

- 24) No development above the ground shall take place until a noise report detailing the current noise climate at the site due to the close proximity of the development to both the A20 and railway line and a scheme of noise attenuation measures for the development having regard to the relevant standards outlined in BS8233:2014, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of any part of the development and shall be retained at all times thereafter.

Reason: To protect the amenities of the residential occupiers of the development.

Contamination

- 25) (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
- (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Security

- 26) No development above the ground shall take place until details of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority.
- 27) The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety.

Archaeology

- 28) No development shall commence until the landowner, or their agents or successors in title, has secured and implemented:
- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Appendix F

**APP/B1930/W/19/3235642 Land to the rear of Burston Garden Centre, North
Orbital Road, Chiswell Green, St Albans, AL2 2DS**



Appeal Decision

Inquiry Held on 27-28 November and 3-5 December 2019

Site visit made on 4 December 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/B1930/W/19/3235642

Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, AL2 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Castleoak Care Partnerships Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/18/1324, dated 14 May 2018, was refused by notice dated 20 March 2019.
 - The development proposed is 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 pedestrian/bridleway improvements, landscaping, amenity space and car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised landscaping master plan (INQ9) was submitted during the course of the Inquiry. This depicts the removal of an access track to the eastern boundary of the site and instead further landscaping is proposed along the site edge with the public bridleway.
3. Parties were given an opportunity to comment on this and expressed no concern at this amendment. I consider that the change is minor, and I am satisfied that no party would be prejudiced by my taking the amended plan into account. Accordingly, the Inquiry went on to consider the revised landscaping proposals.
4. A planning obligation was submitted in draft form (INQ21), discussed at the Inquiry and subsequently finalised after the Inquiry. I have taken it into account.

Main Issues

5. The appellant accepts that the proposal would constitute inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), and that openness would be harmed.

6. In light of the above, the main issues are:
- i) The extent to which the development would harm the openness of the Green Belt and/or conflict with its purposes;
 - ii) The effect of the proposal on the character and appearance of the area;
 - iii) The effect of the proposal on the significance of the grade II* listed Burston Manor and grade II listed outbuildings, as derived from their setting; and,
 - iv) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Background

Site Description

7. The appeal site forms the eastern portion of Burston Garden Centre (BGC) of around 3.8ha in size. It is currently unused and comprises open grassland, sheds, polytunnels, glasshouses and planting beds which were formerly used for rose propagation. The site is accessed from the North Orbital Road (A405) via an existing private access track within BGC.
8. Abutting the site to the north is Burston Manor House, a grade II* listed building originally dating from the 12th Century with grade II listed 17th Century outbuildings. A close boarded fence forms the perimeter boundary to the east, along a public bridleway. How Wood and How Wood Village lies beyond. To the south the site has a heras fence separating it from Birchwood. Birchwood Bungalow is located adjacent to the south eastern corner of the site. To the west is the remainder of the BGC site with a number of large glasshouses.
9. The site is located in the Green Belt and is designated as part of a Landscape Development Area and also as an area of archaeological significance, as set out in the development plan.

Appeal Proposals

10. Permission is sought to develop the site as a retirement village with 'extra care' housing for older and retired people together with a 64-bed care home. The housing would comprise 45 care bungalows and 80 1, 2 & 3 bed apartments. There would be a central village green and clubhouse with bar/café, restaurant, library and other facilities.
11. It was a matter of common ground that the proposed development falls wholly within a C2 use class. Although local objections were made in respect of affordability, the Council and appellant considered that no affordable housing contributions should be sought as there was no policy basis to require this for a C2 use.
12. Access would be via the existing track, which would be widened along its length through the removal of part of the existing glasshouses at BGC. This would create a tree-lined avenue into the site. The newly created 'Burston Lane' would form a main central access into the site itself, roughly following the line of a former tree lined field boundary at Burston Manor.

13. A number of secondary routes would also be created as well as pedestrian routes through the site, connecting with the existing bridleway alongside How Wood. The proposal would also include the creation of a new bridleway along the south of the site. The application also includes a proposal for improvements to the access junction with the A405 by way of a signalised junction and signalised pedestrian crossing points.
14. The assisted living apartments would be divided between 3 blocks which are 3-storeys in height with single storey entrance pavilion link buildings and canopied walkways. The clubhouse would face out across the village green area, while the assisted living blocks would be served by parking courtyards and courtyard gardens.
15. With the exception of a detached 'gatehouse' within the site, the bungalows would be semi detached and form blocks with parking courtyards to the front and private gardens and patios to the rear. The care home would be positioned to the north eastern 'nib' of the site and would be 2-storey with a central main entrance and rear wings around a central courtyard area.
16. The landscape strategy for the site would include planting of trees and hedges, both along the boundary edges and within the site. Communal gardens would serve the apartments, and the bungalows to the north of the site would have communal edible gardens and a fruit tree walkway between the groupings. The care home would incorporate private sensory and water gardens.
17. The general palette of materials would be red brick with tile hanging and soldier course detailing, pudding stone walling, and dark facing brick and weatherboarding. Roofs would use clay tiles and windows would be dark coated metal.

Policy Context

18. The development plan for the purposes of the appeal comprises the saved policies from the St Albans Local Plan 1994 (LP). The St Albans City & District Local Plan Publication Draft (emerging LP) was submitted for examination and this is due to begin in January 2020. This seeks to allocate broad locations for development, including for C2 units, and includes a review of the Green Belt as part of the identification of these. The appeal site is not allocated in the emerging LP.
19. The site also falls within the St Stephen Neighbourhood Plan area which was designated in 2014. It was explained by Mr Parry that a draft Neighbourhood Plan (emerging NP) has been developed (INQ7) following early public engagement. It is anticipated that this will be subject to public consultation in 2020. The BGC site as a whole is included in the emerging NP as an allocation for a retirement village and for the removal from the Green Belt, although both the appellant and Council expressed their concerns in terms of whether Green Belt boundaries could be altered by a NP.
20. Both the emerging LP and the emerging NP have yet to be formally examined and in accordance with paragraph 48 of the Framework, can only attract limited weight. I come back to the issue of the emerging plans later in my decision but it is notable is that neither the Council or the appellant seek to rely on these in making their cases and give these documents limited or no weight.

21. The Framework is also a material consideration. It was common ground between parties that St Albans can only currently demonstrate a 2.2 year deliverable supply of housing and that, in accordance with national policy, the C2 specialist housing would go towards meeting part of the overall housing need.

Reasons

Green Belt Openness and Purposes

Openness

22. LP Policy 1 seeks to restrict development in the Green Belt. It sets out a number of exemptions to this or allows development in very special circumstances. It does not, however, fully align with the Green Belt policies of the Framework as the exemptions are more restrictive than those set out in paragraph 145.
23. The Government attaches great importance to the Green Belt. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permeance. Openness has both a visual and spatial element.
24. It is common ground that the site should not be regarded as previously developed land and as such the proposals would constitute inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be accorded to that harm. Such development should not be approved except in very special circumstances whereby inappropriateness and any other harm is clearly outweighed by other considerations.
25. There was debate at the Inquiry in respect of the quality of the site. However, I consider that the existing structures including the glasshouses, polytunnels and other structures associated with the sites horticultural use should not be seen as harmful to the purposes or characteristics of the Green Belt. Put simply, they are structures which are common in rural areas and, crucially, are not seen as inappropriate in Green Belt policy terms.
26. The parties disagree as to the extent of the effect of openness, although the appellant accepted that there will be some impact upon this. In considering openness against the baseline outlined above, the proposed development would introduce 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.
27. In visual terms, the appellants landscape witness considered the effects to be very limited due to the visual containment that exists around the site as well as the mitigation and landscaping proposals through planting and public access within the site.
28. The Landscape and Visual Impact Assessment (INQ12) identifies that moderate adverse effects would be experienced from view points taken from the bridleway to the eastern edge of the site. 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. However, the loss of openness would be clearly perceived by users of the public right of way.

29. 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.
30. Taking all of the above together, I consider that the spatial and visual harm to openness would therefore constitute significant harm to the Green Belt in addition to inappropriateness.

Purposes

31. As defined by paragraph 134 of the Framework, the Green Belt serves 5 purposes (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 spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
32. Chiswell Green is located to the north west of the North Orbital Road, with How Wood Village to the south. The appeal site address references Chiswell Green, but the BGC site as a whole does have a degree of separation from this settlement as the site is below the North Orbital Road.
33. 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. 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.
34. There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green. However, 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.
35. By virtue of its open nature the site contributes to the characteristic openness of the Green Belt. In my view, the proposed development could therefore do little else but to encroach on the countryside. As established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the Green Belt. These structures are also not comparable to that being proposed. There can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.

36. While the appellant considers that the development would not harm any of the purposes of the Green Belt, I consider that there is a clear conflict with Green Belt purposes in terms of purposes (a) (b) and (c) above.
37. The appellant also held that there is a mismatch between the evidence of Mr Greaves who considered that 3 of the Green Belt purposes would be breached (a-c), whereas the Council in their Committee Report reference only a single issue in this regard (c). In combination effects with a separate development of a hotel at Copsewood are also referenced by the Council and Mr Greaves.
38. The Committee report did not go specifically into the purposes of the Green Belt to any great degree. The issue of sprawl and merger and the urban form is, however, referenced in the 1st reason for refusal. I note that the hotel scheme has now lapsed, but in any case, I have considered the scheme on its own merits and in the light of the evidence.

Conclusion – Openness and Purposes

39. The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt. The development would not accord with the Framework nor LP Policy 1. I attach substantial weight to this conflict and the harm arising to the Green Belt and its purposes by virtue of the development's inappropriateness and the effect of openness.
40. That harm will need to be outweighed by other considerations, if very special circumstances are demonstrated and I will return to that question, in the context of the overall planning balance, later in my decision.

Character and Appearance

41. As stated above, the site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.
42. The remainder of the BGC site has substantial coverage with glasshouses which have a large footprint extending across the site but are of a reasonable height and are of a lightweight design with their framing and glazing. The main garden centre buildings, barns and stores are of a large scale in terms of their massing and height. Other expanses of hardstanding and parking are also found at the site. The buildings within the appeal site have a visual association with the wider part of BGC, and are positioned adjacent to this, with the eastern part of the site being open grassland or formed of former planting beds. The fencing to the east and southern boundaries contains the site from the woodland areas beyond.
43. In the wider area, detached properties to the north of the appeal site are set in spacious grounds. In contrast the urban form of How Wood Village and Chiswell Green is more built up with rows of detached and semi-detached houses. This is discernible from the aerial photograph of the wider area (INQ10).
44. The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained. Care has been taken with the scheme in terms of the detailed design of the proposed buildings, taking their reference from the local vernacular and palette of materials. As explained by

the appellant landscape witness and scheme architect, the concept behind the scheme and its overall layout and design is to provide 'aging in place' with different types of C2 accommodation within an enabling environment. The overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. The landscaping proposals are also extensive and form a fundamental part of the overall design concept.

45. 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.
46. 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.
47. 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.
48. 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.
49. 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. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting. These LP policy objectives are consistent with those of the Framework.

Designated Heritage Assets

50. LP Policy 86 reflects the statutory obligations¹ to have special regard to the desirability of preserving a listed building or its setting or any features of architectural or historic interest that it possesses. In a similar vein, the Framework gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm. Any harm should also require clear and convincing justification.

¹ As set out in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

51. It is common ground between parties that the development will cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings and that this harm should be given great weight. In this regard, for the purposes of my decision I am simply required to weigh that harm against other considerations, including any public benefits, similar to Green Belt policy.
52. The issue debated at the Inquiry is where the harm falls in the 'spectrum' of less than substantial harm, as Planning Practice Guidance² (PPG) makes clear that within each category of harm, the extent of the harm may vary and should be clearly articulated. The appellant assigns a minor level of less than substantial harm and the Council a moderate level.
53. Detailed analysis of the significance of Burston Manor and the outbuildings is provided with the Heritage Statement and the parties' proofs. Again, this was common ground between parties and I have no reason to disagree with their assessments. As such there is no need to rehearse this in detail here.
54. In terms of setting, Burston Manor and the outbuildings are set in private, landscaped gardens which provide screening and enclosure, both from when looking out from the grounds, and when looking towards the Manor itself from the appeal site and bridleway. Notably, there is also a moat within the gardens, likely to be associated with the manorial seat. There is also archaeological significance in light of the moat and records relating to a shrunken settlement.
55. Today, in spite of the boundary screening within the grounds, the Burston Manor grouping does have a relationship with its surroundings thus this forms its wider, or as described by parties, its 'secondary' setting. The position of both parties in respect of setting has, however, altered since the analysis of the original application; Mr Greaves does not agree that the appeal site makes an overall negative contribution to significance, whereas the Council's analysis (including that of their own Conservation Officer) did consider that the existing contribution of the site was negative. Similarly, the evidence presented by Mr Smith for the appellant in terms of the contribution of the appeal site to setting contrasted with the appellants own Heritage Statement which states that "*the remnant unmanaged grassland on the eastern reaches of the site represents a last vestige of the asset's historic pastoral landscape setting.*"
56. Originally Burston Manor would have stood in a relatively isolated location in the open landscape, as depicted on the 1766 Map. Birchwood and How Wood appear on the 1805 OS Map, although the wider landscape remained open. This remained the status quo until after the 1930's where significant development was carried out, particularly in the second half of the 20th Century with the development of How Wood Village and Chiswell Green. The BGC site was mainly developed during the 1970's and 1980's (INQ24).
57. There can be no doubt that the setting of the heritage assets has been greatly changed and urbanised during the 20th Century and that this has had an adverse effect on the Burston Manor grouping. The BGC site has distinctly urban elements including, for example, the large-scale retail and other buildings, lighting and car parking. The general intensity of the use at BGC also has an impact and gives rise to a number of comings and goings and

² 18a-018-20190723

operational effects such as noise from the access track running adjacent to the western boundary of Burston Manor. The close-boarded fencing along the eastern boundary adjacent to the bridleway is also an urban feature which detracts from the wider landscape setting and provides a barrier between the site, Burston Manor and How Wood.

58. However, 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.
59. In this regard, I consider that the appeal site has a more limited negative impact upon setting than the remainder of the BGC site. Furthermore, while it is unkempt and not in any way pristine, I consider that it does represent the last legible remnant of its historic landscape setting.
60. In considering whether additional change would further detract from, or enhance the significance of the assets, 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.
61. 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.
62. 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.
63. Additional verified views were submitted from the upper floors of Burston Manor as part of Mr Judd's Proof of Evidence which are said to demonstrate the current level of screening which would be bolstered in the short and long term by landscaping. However, these views were taken when the trees were in leaf. 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.

64. The development would involve the widening of the access road to the western boundary of Burston Manor and the removal of some bays of the BGC greenhouses to facilitate this. The barns and stores would also be removed and there would be a comprehensive lighting strategy across the site. These would help to address some of the negative effects that BGC and the appeal site have on the setting of the buildings. Nevertheless, in light of the nature and scale of the development proposed, these would not address my concerns in any meaningful way.
65. I am 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.
66. Overall the development would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group. As a result, the development would conflict with LP Policy 86. In accordance with the Framework and the statutory obligations imposed, I give great weight to that harm. I shall weigh this against the public benefits later in my decision.

Other Considerations

67. The appellant identifies a range of other considerations that are said to be in favour of the proposed development. Similar to the debate at the Inquiry as to the precise level of harm ascribed by the parties, the level of weight to be assigned to the benefits is also disputed.

General and C2 housing need

68. Particular emphasis was placed on the need to deliver housing, including the specialist accommodation being proposed. The agreed position on housing supply, at 2.2 years, is well below the requisite five-year supply and the proposed development would contribute towards this housing need and would deliver a range of specialist housing options for older people. I give this substantial weight.
69. The parties were unable to agree the precise extent of need for older people's accommodation in the area with the appellant citing a much greater need than the Council identifies. However, at the Inquiry parties submitted a Statement of Common Ground setting out the different projections of need for extra care and care homes (INQ18). This formed the basis of the discussion. A considerable amount of evidence was presented on this topic and the figures supplied for extra care units and care home beds were vastly different and there were issues around the data time periods. Debate also ensued regarding pipeline provision, which the Council had calculated based on past trends and future Local Plan provision.
70. The proper forum for determining the precise position is as part of the development plan process and having considered the submissions made, it is

not necessary for me 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, there is an immediate unmet and growing need which would not be met by the emerging LP in the short term (as evidenced by the trajectories set out in INQ23). Windfall provision is also not likely to address this. I also note the empirical evidence presented by the Parish Council, local residents associations and elected Members in terms of the need.

71. A lack of affordable care provision was raised by 'Affordable Care for St Albans' and while I don't doubt that there is also such a need, there is no policy requirement for affordable housing C2 provision.
72. In light of the current shortfall in C2 accommodation, 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, this 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. I thus consider the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.

Alternative sites

73. The appellant also held that there are no alternative sites which could accommodate the appeal proposals, although this was challenged by the Council on two points relating to availability and disaggregation.
74. In terms of the latter, Mr Appleton gave evidence on the evolving nature of housing for older people and the care village concept, with its associated demonstrable benefits. A revised report (the Carterwood Report) was submitted as part of Mr Belcher's evidence which revised the methodology to assess sites between 1ha-4ha (the appeal site being around 3.8ha in size) in order to address the Council's earlier concerns that the original study only looked at sites 2.4ha and above.
75. The question here is one of how much weight can be apportioned to a lack of alternative sites and whether need can be met in a disaggregated way. It was clear that smaller extra care units and standalone nursing homes can be provided on smaller sites. That said, the revised study goes down to 1ha, or as the appellant cited 25% of the size necessary to deliver the appeal site. In that regard, I consider the Carterwood Report to be robust for the purposes of assessing alternatives, including disaggregation.
76. I do, however, 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. None of the sites assessed were identified as being available as they were not being actively marketed. Mr Belcher explained that in assessing availability research had taken place in terms of property agents, websites and physical inspections, but in my view, this is a fundamental flaw of what was otherwise a robust exercise.
77. Only three sites were found to be suitable and achievable and as such it would not have been an onerous task to approach the landowners to ascertain any intent. I also accept the Council's point that the appeal site was also not actively marketed and thus would have failed according to this methodology.

78. Of these sites I acknowledge that they were all smaller than the appeal site. Two of the sites were owned by the County Council and while they were smaller than the appeal site, these were located adjacent to each other. It would have been a simple exercise to approach the County Council regarding these sites, and also consider whether they could be combined. I note that the other site was envisaged for retail use in the emerging LP. Again, an approach could have been made to the owner and evidence gathered in terms of whether it would be suitable for an alternative use by the planning authority.
79. While the potential for alternative sites is limited to just the three identified, the lack of robustness in respect of availability therefore moderates the weight I can attach to the purported lack of alternative sites.

Health and wellbeing

80. As briefly referenced above, the health and wellbeing benefits were set out in detail by the appellants team, and in particular by Mr Appleton and Mr Phillips, at various points during the Inquiry. These were well evidenced by a plethora of background documents put before me and as quoted by Mr Phillips proof of evidence. I also note that the PPG recognises such benefits, stating that “*offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.*”³
81. In particular the care village concept, 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 therefore attract substantial weight into the balance.

Employment

82. The parties differed in their views as to the weight to be attached to employment benefits arising from the creation of around 90 full time equivalent jobs plus temporary construction jobs, the reinvestment of the profit of the sale of the appeal site into the garden centre, and the business units at the site. This adds further weight to the case for the appeal.
83. However, I note that that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore I consider that such benefits are moderated in part by this.

Highway and accessibility matters

84. I am satisfied that traffic congestion and associated concerns relating to air pollution would not be realised. I also note that the appellant proposed to install electric vehicle charging points as part of their scheme.
85. Access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. While I note that these were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.

³ Reference ID: 63-001-20190626

86. It was said that the appeal site is in a suitable location to access services and facilities and I do not disagree. It is in close walking distance to local shops at How Wood Village and bus stops and a railway station would also be accessible. However, as a general principle, appropriate access to services and facilities, are a policy expectation for any significant development and as such are a neutral matter in my considerations.

Effect on Birchwood Bungalow

87. I am also mindful that there is an objection from a separate care facility at Birchwood Bungalow. This relates to the construction effects from noise and disturbance of the built development upon the residents who have Autism and are in full-time residential care. Accordingly, I have also had due regard to the Public Sector Equality Duty (PSED) established by section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
88. Having discussed this matter at the Inquiry, construction is anticipated to take around 2 years, and it would have a phased approach. There would be some impacts experienced by the occupants at Birchwood Bungalow but I consider that these would be time-limited and further minimised by the phased approach. I am also satisfied that specific provision could be made to reduce any such effects through the submission of a Construction Management Plan, and this could be secured by condition. I therefore find no discrimination in this regard.
89. While I have found no conflict with the PSED, this itself would not weigh in favour of the scheme in terms of my assessment of very special circumstances, rather it would be a neutral factor.

Planning Balance and Very Special Circumstances

90. For the reasons explained above, I have found that the development would harm the Green Belt due to inappropriateness, loss of openness and conflict with the Green Belt purposes. This would be contrary to LP Policy 1. The Framework requires substantial weight to be given to any harm to the Green Belt.
91. The development would also cause harm to the character and appearance of the area, in conflict with LP Policy 69 and 70. There would also be harm to the setting of the designated heritage assets, which includes the grade II* listed Burston Manor itself. Employing the terminology of the Framework, that harm amounts to 'less than substantial' but to a moderate degree. This harm, like the harm to the Green Belt, should be given great or substantial weight.
92. On the other side of the planning balance, it is clear that there is a very significant local need for elderly persons' accommodation. The development would help meet a significant proportion of this need and would address this in the short term. St Albans is an area where there is a significant shortfall in overall housing land supply and the development would contribute to this. The development would also help to free up existing market housing. As a care village, the development would cater for a wide range of individual needs in terms of physical ability, dependency and personal care, and would give rise to

- health and welfare benefits. These considerations all weigh substantially in favour of the development.
93. However, in light of my findings above, only moderate weight can be given to a lack of suitable sequentially preferable alternative sites to accommodate the proposal.
94. The development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. These matters add further weight to the case for the appeal.
95. I am conscious of the significant local support for the scheme, not just in respect of the need, as addressed above, but in more general terms. This is also reflected by the proposed allocation of the BGC site for C2 development within the emerging NP. However, the weight that can be attached to this is limited at this stage and there are question marks around whether a NP can alter the boundaries of the Green Belt.
96. The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but decisively.
97. Overall, I consider the benefits from the housing and health and wellbeing to be substantial and there are other factors which add to this weight. But even so, they do not clearly outweigh the combined weight of the harm to the Green belt, the harm to designated heritage assets and the harm to character and appearance. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues.
98. The Council expressed their concerns regarding the 'double-counting' of purported benefits insofar as they considered that specialist C2 provision, release of market housing, and health benefits are a subset of the general housing requirement. By way of response, the appellants drew my attention to two appeal decisions which accord weight to these matters on an individual basis⁴. However, taken together or separately, I consider that they do not outweigh the harm identified.
99. Consequently, 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.

Conclusion

100. For the reasons given above, and having considered all other matters raised, the appeal is therefore dismissed.

C Searson
INSPECTOR

⁴ APP/H2265/W/18/3202040 & APP/A0665/W/18/3203413

DOCUMENTS SUBMITTED DURING THE INQUIRY

- INQ1 Letter dated 22 November 2019 from Chiswell Green Residents Association
- INQ2 Typed script as read out by Linda Crocker of the Burston Wood Residents Association
- INQ3 Typed script as read out by Dee Youngs of the Park Street Residents Association
- INQ4 Appellant's Opening Submissions
- INQ5 Council's Opening Submissions
- INQ6 Representations on behalf of Affordable Care for St Albans (ACSA) as read out by Simon Kelly of Richard Buxton Solicitors
- INQ7 St Stephen Neighbourhood Plan 2019-2036 Re-Submission Document Draft October 2019
- INQ8 Revised CGI Drawings and key – reference AA6903 03-SL-3D-A—307, AA6903 00-SL-3D-A—011, AA6903 00-SL-3D-A—305 Rev A, AA6903 00-SL-3D-A—106 Rev A, AA6903 00-SL-3D-A—306 Rev A. (Supersede Core Documents CD2.25-2.28)
- INQ9 Revised Landscape Masterplan Reference 0653-00-SL-PL-L-G7-010 Rev G.
- INQ10 Google Earth satellite image of Burston Garden Centre wider area.
- INQ11 Burtson Garden Retirement Village Design and Access Statement July 2018
- INQ12 Burtson Garden Retirement Village Landscape and Visual Impact Assessment Rev B October 2018
- INQ13 Burtson Garden Retirement Village Design and Access Addendum – Landscape October 2018
- INQ14 Revised Schedule of Core Documents 2 December 2019
- INQ15 Updated Schedule of Plans and Documents Associated with the Proposals 2 December 2019
- INQ16 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019
- INQ17 Further SOCG Alternative Site Assessment 2 December 2019
- INQ18 Updated SOCG – Setting out the different projections of Need on a comparable basis 2 December 2019 ** This supersedes INQ16**
- INQ19 More Choice, Greater Voice: a toolkit for producing a strategy for accommodation with care for older people February 2008
- INQ20 Housing in later life: planning for specialist housing for older people December 2012
- INQ21 Copy of draft s106 agreement
- INQ22 St Albans City and District Local Plan 2020-2036 Publication Draft 2018 Exert of Policy S4 and S5.
- INQ23 St Albans City and District Housing Delivery Test Action Plan September 2019
- INQ24 Annotated aerial photograph showing dates of development of Burston Garden Centre Buildings
- INQ25 Site Visit annotated walking route map
- INQ26 Copy of full size application plans
- INQ27 Email from Mr Kelly dated 29 November 2019 representatives of ASCA
- INQ28 Updated draft list of planning conditions
- INQ29 Council's Closing Submissions
- INQ30 Appellant's Closing Submissions

Appendix G

Correspondence from Rangeford Villages regarding their site requirements

RANGEFORD VILLAGES

Phil Grant
Director
Axis Land Partnership
Eaton Court
Maylands Avenue
Hemel Hempstead
HP2 7TR

8th November 2021

Dear Phil

Re: Stapleford and Typical site requirements or a Rangeford Integrated Retirement Community

Further to our recent discussions regarding the proposed development at Stapleford, please find below details of Rangeford Village's site requirements in respect of Integrated Retirement Communities (IRC) and confirmation that in order to deliver the level of accommodation and facilities within our proposed schemes, they are typically within a range for 3.5ha to 7.5ha.

We understand that the principle benefits of this form of development have already been established and this note instead focusses on the extent of services and on-site care we provide as part of an Integrated Retirement Community; in order to maintain these services, it is essential that we provide a village of sufficient scale that the cost of these can be delivered alongside a manageable service charge to residents.

Too few units and the shared cost of services may be prohibitively costly, conversely diluting the extent of services to achieve a reduced service charge would undermine the central purpose of an Integrated Retirement Community.

IRC's are typically between 140-200 units, which provides the optimum scale of community to secure the appropriate level of care and support in perpetuity and in an affordable way. As a consequence, IRC's typically have a minimum site requirement of c3.5ha.

Rangeford Villages

Rangeford is a full member with board level representation and an approved operator of the Associated Retirement Communities Operators (ARCO), which is the main body representing the Integrated Retirement Community sector in the UK.

Integrated Retirement Communities combine high quality housing options for older people with tailored care and support services. They allow residents to own a property and to maintain their privacy and independence, with the reassurance of 24-hour on-site support staff, communal facilities, and tailored care appropriate to the needs of individual residents.

At Rangeford Villages we create exciting and dynamic environments for those entering the third phase of their life, with wellbeing and care at our core. Our aim is to enable older people to age in their own home and our on-village CQC registered Rangeford Care team provide care and support to residents and their families through their care journey with us.

We have listed below the extent of well-being and on-site care services which we provide within our retirement communities.

RANGEFORD VILLAGES

Rangeford Care

The CQC registered Rangeford Care domiciliary care service will be registered onsite and operate out of a dedicated care office with associated care treatment and consultation areas. All residents will be assessed prior to occupation and a tailored care and wellbeing plan will be agreed with all residents with on-going re-assessment on a regular basis.

The key service categories are:

- Personal Care
- Support and companionship
- Escorting to offsite events
- Medication management
- 24/7/365 coverage
- Emergency response

Rangeford Care will provide Personal Care and assistance with tasks such as:

- Washing
- Shaving
- Oral care
- Dressing
- Bathing, hair and skin care
- Continence care
- Medication management
- Getting up and going to bed
- Making and changing beds
- Meal preparation and advising on healthy eating
- Eating and drinking
- Therapeutic activities, e.g. swimming, gym etc.
- Companionship visits
- Pursuing personal interests, hobbies and leisure activities
- Management of cognitive impairment and through dementia journey
- Palliative Care

Other services are available from the non CQC registered Concierge, Wellbeing and Housekeeping departments, such as:

- Shopping
- Paying service / utility bills
- Household management
- Laundry and ironing
- Cleaning and vacuuming
- IT assistance
- Bespoke wellbeing plan
- Travel and transportation
- Comprehensive activities calendar

RANGEFORD VILLAGES








Wellbeing by Rangeford Villages

We have attached information relating to our integrated approach to wellbeing, which brings together all of the services offered within our villages and focusses on the four key areas of Purpose, Health, Community and Environment.



RANGEFORD VILLAGES

To deliver on our promise to enable our homeowners to optimise their Wellbeing in later years we provide the following communal facilities within our developments:

	Communal Space	Communal seating areas / Guest Suite / Reception / Consultation Room/ External Terraces / Front-facing amenities
	Eating / Drinking	Bistro & Bar / Cafe / Private Dining & Snooker Room
	Activity Space	Activity and Meeting Space / Hobbies Room / Members Lounge / Cinema / TV Room & Library
	Outdoor Space	Access to outdoor space from all dwellings / Boule / multi purpose outdoor activity court / Shared Private Gardens / Balconies / Allotments
	Health + Fitness Space	Swimming pool / Sauna / Steam Room/ Treatment room / Gym / Yoga & Dance studio / Male and Female , Accessible Changing areas with lockers
	Other Communal Facilities	Hairdressers / Scooter Store / WC's
	Offices	Staff Room & Changing / Admin Office / Domcilliary Care / Village Managers Office / Sales Office / Refuse Store + Plant / Maintenance Workshop

It is central to the concept of an Integrated Retirement Community that this extent of services is made available to residents and this requires a minimum scale of community, both to ensure that there are sufficient residents making use of facilities and that the service charge can be set at an affordable level.

The service charge payment is fixed and includes general management, such as upkeep of the village and its long- term maintenance, all gardening and landscaping services, and staffing of all of the facilities described above.

The optimum scale becomes c140-200 units, with average occupation of c1.5 residents per apartment to both create a true community of residents and to ensure the long-term economic viability of the Village.

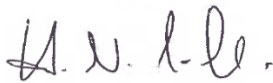
RANGEFORD VILLAGES

Summary

We have included above the extent of facilities which are required to create a sustainable Integrated Retirement Community. These facilities have the care and wellbeing of residents at their core. In order to both create an accessible and broad community of residents and to ensure the long-term economic viability of the Village, there is a minimum scale of development required.

Typically, the scale of development within an Integrated Retirement Community as is proposed at Stapleford, requires 140-200 units and a site size of between 3.5ha to 7.5ha.

Yours Sincerely



Howard Nankivell

CEO Rangeford Villages

Appendix H

Correspondence from Cinnamon Retirement Living regarding their site requirements

From: Paddy Brice <paddy.brice@cinnamonretirement.com>
Sent: 08 November 2021 08:23
To: Phil Grant <phil.grant@axislp.com>
Cc: Andrew Adams <andrew.adams@axislp.com>; Paul Jackson <paul.jackson@cinnamonretirement.com>
Subject: Care Village Developments - typical site requirements

This Message originated outside your organization.

Phil,

Proposed Retirement Village at Stapleford

Can you confirm your site requirements in respect of care village developments and are they typically within a range of 3.5ha to 7.5 ha in order to deliver the level of accommodation and facilities within your proposed scheme.

Since 2010 with Richmond Care Villages and now with Cinnamon Retirement Living our site requirements have ranged from 3.6ha to 5.4ha. We require sites of this size for 3 main reasons:

- (i) To deliver schemes of a suitable size that provide the necessary range of accommodation and facilities for our residents
- (ii) To keep service charges affordable
- (iii) To give our residents the right amount of outside space to enhance their general wellbeing

Best regards,

Paddy

Paddy Brice
Managing Director

Cinnamon Retirement Living
Suite C, The School House,
St Phillips Courtyard,
Church Hill,
Coleshill B46 3AD



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Web cinnamonretirement.com

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