



**Former Hook Estate and Kennels
Northaw**
Planning Statement

On behalf of **Swing Ltd**

Client Logo

Project Ref: 333100205 | Rev: A | Date: November 2023

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Document Control Sheet

Project Name: Land at Northam, Former Hook Estate and Kennels

Project Ref: 333100205

Report Title: Planning Statement

Doc Ref: 333100205/A5/P1 Planning Statement

Date: November 2023

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Revision	Date	Description	Prepared	Reviewed	Approved
A	26/11/23	Updated Planning Statement	KV	KV	KV

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Contents

- 1 INTRODUCTION 1**
 - 1.1 Background 1
- 2 The Site and Its Context..... 4**
 - 2.1 Site Description 4
 - 2.2 Site Context 4
- 3 Scheme Proposals 5**
 - 3.1 Description..... 5
 - 3.2 What is extra care housing? 5
 - 3.3 On-site Facilities 6
 - 3.4 On-site electric village transport service..... 6
 - 3.5 Staff and Shift Patterns 7
- 4 Planning History 8**
 - 4.1 Relevant Planning History 8
- 5 Development Plan 9**
 - 5.1 The Development Plan 9
 - 5.2 Welwyn and Hatfield Local Plan..... 9
 - 5.3 Policy SP 1: Delivering Sustainable Development..... 9
 - 5.4 Policy SP 2 Targets for Growth 13
 - 5.5 Policy SP 3 Settlement Strategy 14
 - 5.6 Policy SADM 1 Windfall Development 14
 - 5.7 Policy SADM 2 Highway Safety 15
 - 5.8 Policy SADM 3 Sustainable Travel for All 15
 - 5.9 Policy SP 7 Type and Mix of Housing 16
 - 5.10 Policy SADM 34 Green Belt 17
 - 5.11 Northaw and Cuffley Neighbourhood Plan (May 2023)..... 19
 - 5.12 Summary 19
- 6 Other Material Considerations 22**
 - 6.1 The Need for Housing (General) 22
 - 6.2 The Need for Specialist Older Persons Housing..... 22
 - 6.3 Housing Supply (Older Persons Housing) 24
 - 6.4 National Planning Policy Framework (NPPF) (July 2021)..... 27
 - 6.5 Striking the Balance..... 32
- 7 Planning Balance..... 33**
 - 7.2 Harms 33
 - 7.3 Benefits..... 34
- 8 Summary and Conclusions 37**

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1 INTRODUCTION

1.1 Background

1.1.1 This Planning Statement has been prepared by Stantec in support of an outline planning application made by Swing Ltd ('the Applicant') under the following description of development:

“Outline planning application with all matters reserved except for primary means of access for C2 (extra care) dwellings, ancillary community facilities, extensive landscaping, and access from Coopers Lane Road.”

1.1.2 The application site comprises the Former Hook Estate and Kennels, in Northaw, which lies to the north of Firs Wood Close, as shown on the submitted Site Location Plan.

1.1.3 This Planning Statement forms a conclusion on the compliance of the proposed development with the Development Plan and consider whether there are other material considerations which weigh in favour of the application. This statement draws on the conclusions of reports prepared by the wider consultant team.

1.1.4 The full list of document and plans supporting the application are set out in Tables 1 and 2 below:

Table 1: Plans

<u>Plan</u>	<u>Reference</u>
Site Application Boundary	SK01 Rev R9
Site Access Visibility Splay	SK023 R1
Illustrative Masterplan	SK23 R2
Land Use and Heights Parameter Plan	SK026 R1
Building Heights Plan	JNY11265-RPS-0100 005 Rev B
Landscape GA Plan	100 Rev A
Topographical Survey	100/001

Table 2: Documents

<u>Documents</u>	<u>Consultant</u>
Air Quality Assessment	IDOM
Application Forms	Stantec
Arboricultural Impact Assessment	ADAS
Archaeology Desk Based Assessment	RPS

<u>Documents</u>	<u>Consultant</u>
BNG Technical Note	AAe
BNG Toolkit	AAe
Design and Access Statement	LSH
Ecological Benefits Assessment	AAe
+ Breeding Bird Report	Aspect
+ Protected Species Report – Amphibians	Aspect
+ Protected Species Report – Bats	Aspect
+ Protected Species Report – Botany	Aspect
+ Protected Species Report – Dormouse	Aspect
+ Protected Species Report – Invertebrates	Aspect
+ Protected Species Report – Reptiles	Aspect
Economic Impact Assessment	LSH
Energy Statement	RPS
Flood Risk and Drainage Assessment	IDOM
Green Belt Assessment	Pegasus
Geo-Environmental Assessment	IDOM
Heritage Statement	Cogent
Landscape and Visual Impact Assessment	RPS
Noise Assessment	IDOM
Planning Statement	Stantec
Previously Developed Land Statement	LSH
Specialist Housing Need Report	Stantec
Sustainability Statement	RPS
Statement of Community Involvement	BECG
Transport Assessment incorporating Travel Plan	RPS

1.1.5 This Planning Statement is structured as follows:

- Section 2: The Site and Its Context

- Chapter 3: Scheme Proposals
- Chapter 4: Planning History
- Chapter 5: The Development Plan
- Chapter 6: Other Material Considerations
- Chapter 7: Planning Assessment
- Chapter 8: Conclusion

2 The Site and Its Context

2.1 Site Description

- 2.1.1 The application site comprises an area of previous developed area which was previously known as the “Hook Estate and Kennels” and which was owned and operated by the Greyhound Racing Association from the 1930’s through to the 1980’s. It was the leading UK greyhound kennels for over 50 years.
- 2.1.2 The kennels were located on what was formerly Hook Farm, south of Hook Wood. The mansion 'Hook House' or 'The Hook' (a Grade II Listed Building) was home to senior staff including the kennel manager and veterinary surgeon. The Hook Cottages and newly built Hook villas were divided among the trainers and their families attached to the GRA's racetracks. The kennels opened with 150 employees and a separate kennel block for each of the original three tracks. The land also included training paddocks, a swimming pool, a veterinary surgery, residential properties, further living quarters and a range of other built infrastructure.
- 2.1.3 Subsequent to the vacation of the site in the mid 1980’s, a portion of the site has been redeveloped for housing (38 dwellings known as Northaw Park). Whilst the current application site has yet to be developed, as set out in the submitted Previously Developed Land Report, evidence of its former use remains such that the site can be classed as previously developed land (pdl).
- 2.1.4 The site extends north from Coopers Lane Road with the northern part of the site lying in a valley with levels dropping from the south towards the north. The southern part of the site is well contained by existing development, adjoining the Oshwal Centre car park to the south east and across from dwellings on Hook Lane and Firs Wood Close. The site has not been in active use for a number of years.
- 2.1.5 Vehicular access and egress from the site via from Firs Wood Close and onto Coopers Lane. Pedestrians and cyclists can achieve access to and from the site via a footpath along Firs Wood Close. To the west and beyond the application site is a Public Right of Way (PROW).

2.2 Site Context

- 2.2.1 The site lies to the south of Northaw, east of Potters Bar and west of Cuffley. Northaw has a village hall, children’s nursery, primary school, church, pub and restaurant. Potters Bar (approximately 2km from the site) contains numerous shops, amenities, schools and community facilities, as well as a train station with fast trains to central London and services to Cambridge and Welwyn Garden City. Cuffley (approximately 3km from the site) contains a school, small supermarket, community facilities and a train station with services to Hertford and Central London. Cuffley provides direct services to (London) Moorgate, Hertford and Stevenage.
- 2.2.2 The site is accessible via an existing access point and private road to the south of the site, and from the aforementioned PROW which runs from north to south to the west of the site.

3 Scheme Proposals

3.1 Description

3.1.1 As set out previously, outline planning permission is sought pursuant to the following description of development:

“Outline planning application with all matters reserved except for primary means of access for C2 (extra care) dwellings, ancillary community facilities, extensive landscaping, and access from Coopers Lane Road.”

3.1.2 Means of access into the site from Coopers Lane Road is applied for in detail however all other matters (including internal means of access) are reserved for subsequent approval.

3.1.3 The scheme proposes the provision of 10% affordable housing – which will be secured through the S106 Agreement which will accompany any grant of planning permission. This will also cover matters relating to the securing of the site for C2 use and the development specification.

3.2 What is extra care housing?

3.2.1 The Planning Practice Guidance (PPG) defines Extra Care Housing as:

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

3.2.2 The proposed application is in accordance with the above provided purpose built accommodation with care provided by a on-site care agency registered through the CQC. The aim of the development is to provide a high quality and vibrant living environment with access to care as and when needed.

3.2.3 The development will enable residents to maintain their independence, with the support of 24-hour on-site staff, communal facilities, and optional care and support as needed. Features can include:

- i. Offer self-contained accommodation that can be occupied with security of tenure.
- ii. Enable residents to take advantage of personal care that is delivered flexibly, usually by staff based on the premises.
- iii. Have staff available at the retirement community 24-hours a day.
- iv. Make domestic services available for residents.
- v. Make meals available in restaurants or dining areas.
- vi. Offer communal facilities and encourage an active social programme in the community.

- vii. Aim to offer people a home for life and to enable them to 'age in place'.

3.2.4 Design features of extra care properties are likely to include:

- i. A full care call system throughout the development managed on site;
- ii. Electric cooking facilities (for safety);
- iii. Large walk in showers;
- iv. Wide doors throughout each property to allow wheelchair use;
- v. Low surface temperature radiators or underfloor heating to minimise and danger from hot radiators;
- vi. Blending valves to control the temperature of any hot water run;
- vii. Fob entry to all doors for ease of access for those with poor dexterity;
- viii. Door handles designed to ensure that hands with poor grip can open and close doors;
- ix. High level sockets throughout to avoid bending down; and
- x. Additional monitoring devices.

3.2.5 As far as being a beneficial way of living, extra care is generally recognised as enhancing quality of life through the promotion of greater independence but with the security of knowing that help is available; flexible care and support packages; allowing couples to remain together despite differing care needs; delaying the need to move into a care home and greater opportunities to make friends and stay active.

3.3 On-site Facilities

3.3.1 Whilst the masterplan is submitted for illustrative purposes only, being an outline planning application, = it is anticipated that, in addition to access to 24-hour support and service staff, ancillary on-site facilities will likely include:

- i. Consulting room;
- ii. Bar and restaurant;
- iii. Community area;
- iv. Swimming pool;
- v. Allotments; and
- vi. Electric golf buggies for on-site transport.

3.3.2 Other facilities, and often do, include a gym, spa and treatment rooms, hairdressing facilities, croquet lawn, putting green and nature walks.

3.4 On-site electric village transport service

3.4.1 An on-site electric village transport service will be available to residents and staff which will provide access to surrounding towns and villages as needed.

3.4.2 While details will be finalised, it is expected that the scheme will be provided with a wheelchair accessible eight-seater electric village transport service with driver, and one smaller vehicle added to the fleet over time as the village is fully occupied.

3.4.3 The provision and retention of the village transport service will be secured by a planning obligation.

3.5 Staff and Shift Patterns

3.5.1 As identified in the Economic Impact Assessment, it is anticipated that approximately 56.5 staff will be employed at the site, although not all staff will be on-site at any given time. Staffing levels on-site are anticipated to be circa 25 during peak times. Extra Care Housing provides a variety of job opportunities and allows for flexible / part-time working also.

3.5.2 The following shift patterns are anticipated:

- Care Staff 07:00-14:00, 14:00-21:00 and 21:00-07:00
- Reception staff 07:00-15:00, 15:00-22:00 and 22:00-07:00
- Kitchen Staff / housekeeping / maintenance 09:00-19:00

3.5.3 The following section of this report deals with the relevant planning history of the application site.

4 Planning History

4.1 Relevant Planning History

- 4.1.1 A summary of the most recent planning history can be found on the Council's web-site. With the exception of an application in 2019 for 38 affordable homes, the remaining applications pre-date the publication of the NPPF and are therefore of limited relevance to the determination of this application.
- 4.1.2 The 2019 planning application was for a smaller scale, C3 development on the front portion of the site and was not accompanied by the same level of detail as that which accompanies this planning application.
- 4.1.3 None of the above applications are for the same form or scale of development as that applied for with this application. As such, the conclusions reached are of limited relevance.

5 Development Plan

5.1 The Development Plan

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the Act”) states that:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

5.1.2 The Development Plan insofar as it relates to this application comprises:

- The Welwyn and Hatfield Local Plan (2023); and the
- Northaw and Cuffley Neighbourhood Plan (2023_

5.2 Welwyn and Hatfield Local Plan

5.2.1 The Welwyn and Hatfield Local Plan (the ‘Local Plan’) was adopted in October 2023. A review of the main policies relevant to the determination of the application and provided below.

5.2.2 The Plan period runs from 2016 – 2036 and thus we are already some 7 years into the plan period at the time of adoption. It is also important to note that the plan was examined under the 2012 NPPF and we are now operating under a 2023 NPPF.

5.2.3 The site lies within the open Green Belt as set out on the Proposals Map.

5.2.4 Chapter 2 of the Local Plan reviews, amongst other things, the considerable population growth in recent years (which it does not attribute to housebuilding) and this suggests that this population growth is occurring for a number of reasons and thus clearly needs to be planned for and accommodated. The most notable population trend identified is the extent to which the population is likely to age; and the plan specifically states:

“The natural change resulting from this (as births exceed deaths) is a significant component of the projected future population increase for the borough, and results in a local need for specialist care facilities” (our emphasis).

5.2.5 It is also stated that house prices in the borough are well above the regional and national averages, although slightly below the average for Hertfordshire which is skewed significantly upwards by prices in areas such as St Albans. The average home in the borough in 2015 cost £331,000, against a UK average of £274,000 . It is stated that there is insufficient affordable housing in the borough, and there are currently around 1,150 households on the borough’s affordable housing waiting list with a recognised housing need.

5.2.6 In terms of housing need , to set the context, Welwyn Hatfield operates within a wider housing market area including North and East Herts, Broxbourne, Hertsmere, St Albans and the London Borough of Barnet.

5.3 Policy SP 1: Delivering Sustainable Development

5.3.1 Policy SP 1 is a framework to deliver a Local Plan vision, which for reasons which I deal with in the following two chapters, is already out of date.

5.3.2 Policy SP 1 seeks the application of the following principles:

The need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and health inequalities in the borough-whilest recognising environmental and infrastructure constraints.

5.3.3 The proposed development will help increase the supply of housing at a point at which the Council cannot demonstrate a 5 year supply of housing land; and when the need for specialist C2 accommodation is high and supply is low.

5.3.4 The Economic Benefits Assessment identifies the net economic benefits of the development to Welwyn Hatfield Borough in Tables 3 and 4 below. The proposed development will have further benefits to neighbouring areas which will be additional to the figures for the Borough. Benefits have been estimated in terms of GVA and have been calculated over a 10-year assessment period.

5.3.5 In total the proposed development will create 31.5 permanent operational jobs, 134 temporary construction jobs per annum, will provide a £19.8million increase to GVA over ten years, and will free-up 65 dwellings within Welwyn Hatfield.

Table 3: Employment Benefits of the Proposed Development

Phase	Measure	Benefit to Welwyn Hatfield
Construction	FTE jobs per annum	134
Operational	FTE jobs	31.5
NPV	GVA	£19.8million

Table 4: Summary of Non-Employment Economic Benefits

Phase	Measure	Benefit to Welwyn Hatfield
Health and care needs	GVA	£2million
Local authority social care entitlement	GVA	£3.9million
Local Retail Expenditure	GVA	£0.77million
Freed-Up Dwellings	Dwellings	65

That new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe, environmentally sensitive, accessible, culturally rich, vibrant and vital, well served and built to high design standards reflecting local character.

5.3.6 The submitted Design and Access Statement demonstrates that the proposed development can deliver an attractive Continuing Care / Retirement Living Community within a strong landscape setting.

5.3.7 The illustrative scheme envisages the provision of retirement bungalows and apartments within a strong woodland and landscape setting, with ancillary facilities such as the central pavilion which is likely to include a reception area for both residents and visitors, operational areas for a care team, consultation room; health treatment and hydrotherapy complex; dining, recreation and supporting retail facilities; and associated outdoor recreation facilities. The scheme would also accommodate staff, visitor and resident car parking spaces and provision for a dedicated electric mini-bus link to nearby communities at Potters Bar and Northaw.

- 5.3.8 The design approach can provide an exceptionally high-quality environment and create a sustainable development that supports the independent nature of residents, along with providing supporting social infrastructure.

That the location of new development should deliver a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.

- 5.3.9 The Transport Assessment establishes that the site is acceptable to serve the proposed development of up to 150 C2 (extra care) dwellings with ancillary community facilities, served via access from Coopers Lane Road. It has also been concluded that the impact of the proposed development would not have a severe residual impact on the local highway network in accordance with the requirements of the NPPF.
- 5.3.10 Importantly, it has been concluded that whilst the development is not located in a readily accessible location, that the proposed land use, coupled with the ancillary community facilities and bespoke electric minibus, make this an ideal location for the proposed development and is a location which can be made sustainable. It is a low trip generating development and appropriate opportunities to promote sustainable travel can be taken in the context of the type and location of development, the need to travel has been minimised and opportunities sort to minimise single occupancy vehicle trips and travel by private car. in accordance with the requirements of Paragraph 110 of the NPPF.
- 5.3.11 Separately, the site is not an area of highest environmental value. A number of ecological reports accompany this application. In summary, the site is dominated by areas of dense scrub, tall ruderal vegetation and semi-improved grassland. Small areas of woodland are also present within the site along with areas of amenity grassland, trees, ponds, watercourses and hardstanding. As set out in the accompanying report, a Biodiversity Net Gain of 28.64% can be demonstrated.
- 5.3.12 In respect of arboricultural matters, an Arboricultural Impact Assessment (AIA) is submitted which demonstrates that of the 137 features identified, 38 features were assessed as being of a high-quality and retention value, Category A, 50 features were assessed as being of a moderate-quality and retention value, Category B and 43 features were assessed as being of a low-quality and retention value, Category C. The remaining six features were considered to be unsuitable for retention, Category U.
- 5.3.13 Based upon the masterplan proposals, which are indicative only for the purposes of the outline application, the proposed development would be likely to require the removal of 21 arboricultural features, comprising 13 individual trees and 8 groups of trees.
- 5.3.14 The majority (18) of the features that are likely to require removal are specimens which have been assessed as having a low-quality and retention value, category C, or those which are considered to be unsuitable for retention irrespective of the development, category U. In addition, the removal of two category B features of a moderate value, and of one category A feature, of a high value, would be required based upon the indicative masterplan proposals.
- 5.3.15 Overall, it is not considered that the extent of tree removal likely to be required to accommodate the quantum of development proposed would be likely to have a significant impact. Furthermore, replacement high quality planting can be secured a reserved matters stage.
- 5.3.16 Finally, with regard to flood risk and drainage matters, The site is located primarily within Flood Zone 1. There is a small part of the site in the North East that is located within Flood Zone 2 and 3, however none of the proposed construction area is located within Flood zone 2 and 3.

5.3.17 Following the SuDS evaluation, there are a number of SuDS options available for use around the development that can be used in combination, however water quality benefits also require consideration. With the nature of the site and its proximity to the watercourse 'Northaw Brook', there is a requirement to provide adequate treatment to ensure water quality management. The following possible options are available:

- i. Filtration using grasses and other surface vegetation (e.g., swales, detention basins).
- ii. Detention by storing surface water runoff volumes and by using outflow controls to meet hydraulic criteria also allows filtering and sedimentation to take place, which contributes to water quality improvements.

5.3.18 Given the scale of the development of up to 150 dwellings, it is proposed that treatment stages i. and ii. will be incorporated within a combined detention basin/swale. The development has been planned with sufficient space for this SuDS feature.

That the natural and heritage assets of the borough should be protected and enhanced and its natural resources used prudently.

5.3.19 As set out above, it is not concluded that there is harm to natural assets which cannot otherwise be mitigated against.

5.3.20 In respect of heritage matters, this submitted report reviews The Hook House, and in particular its setting. The report concludes that it is evidently a building with a setting that has changed radically over the past century, and which is today almost beyond recognition from the time before the kennels became established in the c. 1920s.

5.3.21 The illustrative layout for the proposed development sets the proposed buildings a good distance away from the listed building, behind retained and additional landscaping. The closest proposed structures are the lowest, and the more distant taller blocks are set on the lower levels of the sloping topography. In accordance with the illustrative layout, no harm has been identified to the setting or significance of the listed building.

5.3.22 The report concludes that there are therefore no conflicts with Local Plan policies. Neither does the proposal trigger paragraphs 201 or 202 of the National Planning Policy Framework. The proposed development also complies with the statutory duties in s.66 of the Planning Listed Buildings and Conservation Areas Act, 1990.

5.3.23 We deal, in Section 7, with the way in which heritage harms should be considered in the event that a low level of harm (less than substantial) is identified.

That adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems(SUDs).

5.3.24 An Energy Statement is submitted with the application which concludes that based on the measures outlined in the report, by implementing the best practice guidance, the development can achieve the relevant sustainability and energy targets. The proposed residential buildings are designed to reduce their heating requirement by aligning the fabric specifications with the Future Homes Standard indicative fabric requirements. The high-level energy analysis undertaken, has shown that a 12% saving for the residential units and a 5% saving for the non-residential units can be achieved by the use of energy saving measures and a 'fabric first' approach.

5.3.25 The proposed strategy includes high insulation standards, very efficient building services and installation of solar panels.

- 5.3.26 According to the initial calculations, it is anticipated that based on the measures outlined in the report, the development will achieve both its sustainability and energy targets, with a large proportion of the scheme's energy demand generated from on-site renewables (PVs and heat pumps). The use of batteries on site to store electricity is also discussed within the report and will be implemented after the installation of the PV panels.
- 5.3.27 It has also been estimated that after the energy demand reduction measures and the incorporation of renewable technologies the overall CO2 reductions for the domestic part will be 70% and 44% for the non-domestic part.
- 5.3.28 During later design stages, energy calculation based on the actual drawings will be carried out.
- 5.3.29 It is therefore concluded that the principles within SP1 can / are capable of being achieved by the proposed development.
- 5.3.30 Embedded within this policy is the presumption in favour of sustainable development albeit it reflects the presumption in the NPPF 2012 as opposed to the NPPF 2023. Whilst there are differences in the precise working; there is none the less a 'test' of harms against benefits in the event that the relevant policies are out of date. In the planning balance, we set out how Policy SP 1 effectively brings the balance required by Policy 148 of the NPPF into the Development Plan; thus passing the 148 balance (in the case that the scheme is found to represent inappropriate development (which is not our primary case)) is, in effect, the unitary test for compliance with both the Local Plan and the NPPF.

5.4 Policy SP 2 Targets for Growth

- 5.4.1 With regard to residential development, the following points are the pertinent ones in relation to Policy SP 2.
- 5.4.2 Firstly the pre-face to the policy advises that the Council will **“support levels of ... housing ... growth ... which are consistent with the vision and objectives of this strategy and the principles of sustainable development”**. (our emphasis); and include:
- **The full Objectively Assessed Need (OAN) for the plan period is identified as 15,200 new homes (760 homes per annum). However the plan identifies supply to deliver only 13,400 new homes.**
 - There is a requirement for an early review to have commenced no later than one year following the adoption of the plan and for an updated or replacement plan to have been submitted for examination no later than three years after the date of the adoption of the plan.
 - The policy positively identifies that **further land will need to be allocated at that time** and that the opportunity will also be taken to examine the plans performance to date.
 - The provision of a net increase of circa 200 bedspaces for specialist residential (C2) or nursing care between 2016 and 2036.
- 5.4.3 The plan as adopted does not therefore seek to deliver identified need as confirmed by the requirement for an urgent review. There is no updated LDS providing a timetable confirming a commitment to an early review. It is also stated, at paragraph 5.22, that the annual housing target is not a restrictive phased policy and that this will form the basis for the calculation of five year housing land supply. If insufficient land comes forward for housing, then the strategy to meet the overall target will be reviewed. As set out in Section 6 of this report, that is exactly the situation that this Council already find themselves in.

5.5 Policy SP 3 Settlement Strategy

- 5.5.1 Policy SP 3 covers both the Settlement Strategy and Green Belt boundaries (the latter defining the extent of the Borough's towns and villages). As set out previously, the application site lies within the Green Belt.
- 5.5.2 Policy SP2 positively states that additional land will be required to be released to meet identified (and future) housing need. Given that Green Belt land was required to be released through the review of this plan; it is an inevitability that further Green Belt land will be required to be released through the early review.
- 5.5.3 As it currently stands however the Green Belt boundaries are defined by a strategy which does not seek to meet identified housing need and therefore these boundaries must be considered out of date for the purpose of the assessment of this application.
- 5.5.4 The site lies close to, but not within, Northaw which is defined as a Green Belt village (which are villages set in open countryside washed over by Green Belt). It is identified that such locations have limited scope for development where compatible with Green Belt policy. We deal with the assessment of Green Belt policy in Sections 5 and 7 of this report and demonstrate that the site is compatible with policy and that the reasons for Northaw being seen as capable of accommodating only limited growth (limited local facilities and services; access via rural road network and infrequent bus services) can be overcome by the specifics of this scheme.

5.6 Policy SADM 1 Windfall Development

- 5.6.1 Policy SADM 1 states that planning permission for residential development on unallocated sites will be granted, providing (in summary) that:

The site is previously developed land. In the Green Belt, Policy SADM 34 will apply.

- 5.6.2 As set out in the submitted PDL report, the application site comprises previously developed land. I assess Policy SADM 34 on later in this section of this report; and draw a conclusion of compliance with that policy.

The development will be accessible to a range of services and facilities by transport modes other than the car;

- 5.6.3 As set out in the Transport Assessment, there are site and proposal specific measures which will be delivered as part of the scheme to ensure that the scheme is accessible. Account also needs to be taken of the nature of the development applied for, which by its nature will be low car usage. On site services and facilities will be provided which will reduce residents need to travel and be available to existing Northaw Park residents, reinforcing the connections to the existing community.

There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development.

- 5.6.4 A full suite of technical reports accompanies the application which demonstrates that there is sufficient capacity to accommodate the proposed level of development.

Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; (and)

- 5.6.5 We set out in Section 6 of this report that there is a significant shortfall in housing land supply provision such that additional housing land is required to be released for development. In addition, we also submit a report showing the acute need for older persons housing (the provision of which is supported by the Plan).

Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

- 5.6.6 As stated previously, the site does not lie within Northaw however it is the nearest settlement. The proposed development is not a standard residential development; it is a C2 development which requires development of a scale sufficient to ensure on-going viability of on-site services and facilities. It is not considered that any harm (in relation to the settlement hierarchy) would arise as a result of the grant of planning permission for the site; and none is identified by the submitted reports in this regard.
- 5.6.7 In the absence of any harm being caused to Northaw relative to its position within the settlement hierarchy, it is considered that the proposed development could reasonably be considered a windfall development within the context of Policy SADM 1. Neither the Local Plan nor the NPPF preclude greenfield (or Green Belt) sites being considered as windfall sites. However we also highlight that this policy is based upon a strategy to deliver housing which does not meet current OAN and therefore as with all policies which are built around this strategy, it cannot be considered up to date.

5.7 Policy SADM 2 Highway Safety

- 5.7.1 Given that the application includes means of access (site access only) for consideration; the above policy is one of the most important policies for the determination of this application. The above policy sets out that development proposals will be permitted where there is no severe residential cumulative impact once mitigation measures are taken into account; that a Transport Assessment should be submitted; that there would be no negative impacts on highway safety; that proposals are designed to allow safe and suitable means of access to and from the site for all uses; and that a suitable level of parking provision is provided.
- 5.7.2 The submitted Transport Assessment concludes that the impact of the proposed development would not have a severe residual impact on the local highway network in accordance with the requirements of the NPPF. Furthermore, the development will provide a safe means of access to the Site. Whilst the development is not located in a readily accessible location, the proposed land use, coupled with the ancillary community facilities and bespoke electric minibus, make this an ideal location for the proposed development. It is a low trip generating development and appropriate opportunities to promote sustainable travel can be taken in the context of the type and location of development, the need to travel has been minimised and opportunities sort to minimise single occupancy vehicle trips and travel by private car. in accordance with the requirements of Paragraph 110 of the NPPF.
- 5.7.3 As such, there is no transport reason why the development should not be permitted and the proposed development complies with Policy SADM 2.

5.8 Policy SADM 3 Sustainable Travel for All

- 5.8.1 This policy requires the provision of a Travel Plan. A draft Travel Plan framework is submitted with this application.
- 5.8.2 An on-site electric village transport service will be available to residents and staff which will provide access to Potters Bar, Northaw and other places of interest within the surrounding area.
- 5.8.3 The details will be finalised and captured within the S106 as part of this application, however it is provisionally anticipated that the scheme will deliver a wheelchair accessible eight-seater electric village transport service with driver, and one smaller vehicle added to the fleet over time as the village is fully occupied.

- 5.8.4 The funding of the village transport service charge will be covered by the service charge of residents and will therefore guarantee its provision in perpetuity. This is a standard provision in many such communities.
- 5.8.5 The proposed development complies with Policy SADM 3.

5.9 Policy SP 7 Type and Mix of Housing

- 5.9.1 Policy SP 7 supports the need for a range of housing to support the needs and requirements of different households. Affordable housing is defined in the Glossary of the Local Plan as **including** (our emphasis) social rented; affordable rented and immediate housing provided to households whose needs are not being met by the market. This does not preclude other types of affordable provision, which is the correct approach given that this Local Plan was examined under the 2012 NPPF, not the 2023 NPPF which encompasses a broader definition.
- 5.9.2 The 2012 NPPF specifically excluded housing which was not either social rented, affordable rented or intermediate housing from the definition of affordable housing. However the 2023 NPPF has a broader definition of affordable housing which includes both discounted market sale (sold at a discount of at least 20% below local market value) and 'other affordable routes to home ownership' which is defined as housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).
- 5.9.3 Policy SP 7 does not preclude the forms of affordable housing set out in the 2023 NPPF; however to the extent that if were to be read in that way, then the weight to be afforded to the policy should be reduced as it does not accord with the 2023 NPPF.
- 5.9.4 The proposed development will provide 10% affordable housing (in the form of discounted market sale) as specifically defined in the NPPF. A Financial Viability Assessment will demonstrate that the nature of the development and the costs associated with this means a reduction in affordable housing provision is required in order to secure a suitable return to the landowner and deliver this much needed development.
- 5.9.5 The approach to seeking a reduction in affordable housing provision supported by a Financial Viability Assessment is supported by Policy SP 7 where it is stated that "**subject to viability**, affordable housing will be sought..." (our emphasis). In this regard it should be noted that a C2 development includes large areas of leisure, entertainment and other facilities which whilst reflected in the build costs do not translate to an equivalent increase in the sale value of the residential units.
- 5.9.6 We therefore conclude that the proposal is in accordance with Policy SP7 insofar as it relates to affordable housing provision.
- 5.9.7 Policy SP7 'Specialist housing' targets a net increase of 200 Use Class C2 bedspaces, in addition (as opposed to as part of) the overall housing target. Whereas the 620 units 'housing for older people' is part of the overall target¹.
- 5.9.8 With regard to the need for specialist older persons housing, a specific report has been submitted in this regard which demonstrates that the scale of the older population in Welwyn Hatfield, its projected growth, the prevalence of disability amongst the older population and the number of older people living alone point to a need to significantly boost the supply of specialist housing for older people.

¹ Welwyn Hatfield Local Plan 2016, paragraph 9.1 (policy box) page 66, and paragraphs 9.7, 9.8 page 68.

5.9.9 With the final two aspects of this policy which could be considered relevant to this proposed development; firstly – it is not considered that self-build / custom build home would be appropriate for this development. People are moving into this development at a time in their lives in which they are seeking to make things easier for themselves and feel part of a community as opposed to focusing on whether they should spend considerable time designing a bespoke dwelling. Secondly, the final aspect relates to housing mix. Whilst there is an indicative mix schedule in the DAS – again this has to be considered in the context of the development applied for, which is specifically catering for couples / single persons downsizing. Regardless however, this is not a matter for determination at this stage.

5.10 Policy SADM 34 Green Belt

5.10.1 Policy SADM 34 is drafted as a permissive policy in that planning permission **will** be granted for development in accordance with national policy and other policies in the Local Plan. The policy states that proposals for previously developed land should preserve the openness of the Green Belt and not conflict with the purposes of including land within it, taking into account whether the land makes a significant contribution to one or more purposes of the Green Belt; whether the scale of development/activity would compromise that purposes and the extent of impact on both physical and visual openness of the Green Belt.

5.10.2 There are three aspects to consider here.

Previously Developed Land

5.10.3 The local plan glossary defines previously developed land (pdl) as land which was or is occupied by a permanent structure (excluding agriculture or forestry buildings), including the curtilage of the developed land and any associated fixed surface infrastructure. This is slightly different from the 2023 NPPF which, amongst other things, advises that it should not be assumed that the whole of the curtilage should be developed and that land where the remains of the permanent structure or fixed surface structure have blended into the landscaped should not be considered pdl.

5.10.4 The application is accompanied by a report dealing specifically with this matter which concludes that:

The site formed part of the wider Hook House and Kennels Estate, which extended over a wide area and included kennel buildings, stables, staff houses, staff dormitories, staff recreation block/ bar, swimming pool, administration block, workshops, boiler house, laundry, sick kennels/veterinary wing, paddocks to train the dogs and open spaces for the staff. These previous uses have been well documented in an extensive range of historic maps, photographs and aerial photographs.

The Statement demonstrates that the majority of the site is in accordance with the previously developed land definition with the NPPF Glossary, which includes the former paddocks within the site curtilage. This is because they are considered to be functionally related to the former use therefore fall within the curtilage of a permanent structure. The paddocks are by definition are therefore also deemed to be PDL.

Figures 3-12 and 23-31 of this Statement demonstrate that there are a number of fixed surface structures, infrastructure and foundations related to the site's previous use as kennels that are clearly visible on site. Evidence on site today still includes prominent structures, foundations, drainage and fence lines as evidenced above. These structures have evidently not blended

into the landscape, which are instead visually prominent features in a number of locations.

Evidence of contamination and made ground has also been found at the site which are consistent with its former use as dog kennels. The evidence of contamination and made ground on site, further confirms that the site is previously developed land, and it cannot be considered to virgin land that has not previously been subject to development. In light of the above, a significant proportion (84%) of the application site is considered to comply with the full definition within the NPPF definition of Previously Developed Land.

5.10.5 The submitted report has assessed the site in the context of the NPPF 2023.

Openness

5.10.6 In this respect, we refer to the Green Belt Assessment submitted with the application, which advises (in respect of openness) that:

“... with the proposed scheme in place, whilst clearly it would introduce a quantum of built form in the countryside, the perception of openness as appreciated in visual aspect terms would not materially change with the scheme in place. It is recognised that the proposed scheme would be permanent and not time limited which has also been factored into this analysis, whilst also recognising that there would be some degree of activity with a residential neighbourhood as proposed, principally around the comings and goings of people living their lives in this small residential community. In overall terms, the proposed scheme would have some effect upon the sense of openness of the Green Belt but this would be localised and limited and at the lower end of the scale and not cause material harm to the appreciation of openness in this part of the Green Belt.

Purposes

5.10.7 Unrestricted urban sprawl - proposed development would be geographically restricted to the curtilage associated with the former dog training facility in terms of development footprint and associated enclosures. The development would also be tightly framed by extensive mature woodland and built form associated with the existing residential neighbourhood of Northaw Park and the religious Oshwal Centre and as such, **would not conflict** with this Green Belt purpose.

5.10.8 Prevention of neighbouring towns merging – the only town in the immediate and indeed wider locality is Potters Bar. Even with regard to this town, the proposed development would be separate and distinct from this town. The site itself currently makes little contribution and has no significant role in maintaining separation between towns or in the prevention of towns merged in together and as such, the proposed scheme **would not conflict** with this purpose.

5.10.9 Safeguarding the countryside from encroachment - the proposal would introduce some development that technically lies within the countryside and as such, would result in a limited degree of encroachment. However, this would be mitigated to a significant degree by the surrounding mature woodlands and existing residential enclave of Northaw Park effectively screening the proposed scheme and as such, **the perception of encroachment would be low and limited and not significant.**

5.10.10 Preserving the setting and historic character of towns – the proposed development would be located some considerable distance from the nearest town Potters Bar and its historic core and Conservation Area. The scheme would also lie some distance from the Conservation Area

associated with the village of Northaw to the north. Both the site and the proposed scheme would have no effect upon this purpose, indeed, arguably **this particular purpose is not relevant** given the proposal's location.

5.10.11 Regeneration and recycling of derelict land – it is self-evident upon examination of the site that this land has been previously developed given the presence of various forms of built infrastructure. This proposal would facilitate the opportunity to comprehensively reuse what is now currently derelict land and could be categorised as either recycling derelict land or regeneration. Either way, **the proposal would comply** with this particular purpose of Green Belt.

5.10.12 It can therefore be concluded that the proposal is in accordance with Policy SADM 34. However, we also highlight that in the event a different conclusion is reached, this policy (and the plan) does not deal with the 'test' set out in paragraph 148 of the NPPF – that of very special circumstances in the event that a proposal is deemed inappropriate development i.e. Policy SADM 34 makes no provision for inappropriate development to come forward through demonstration of very special circumstances. Therefore the weight to this policy (and the weight to any breach) must therefore be reduced. We deal with the application of paragraph 148 of the NPPF in Section 6.

5.10.13 As set out previously, as this is an outline planning application – we have, in this section, addressed the policies which are the most important for the determination of the application.

5.11 Northaw and Cuffley Neighbourhood Plan (May 2023)

5.11.1 Many of the policies within the Neighbourhood Plan relate to the more detailed aspects of the development which would otherwise be covered at the reserved matters stage.

5.11.2 Of importance, is paragraph 3.16 which states:

“The overall number of properties in the Parish has changed little over the past decade however the size of properties has increased significantly. This has been due to a trend of existing properties being extended or demolished and rebuilt at a larger scale, with a knock-on effect being that there is an under-supply of smaller properties available for residents to move into. This, in combination with high local house prices, means that there are fewer opportunities for families to live in the Parish or for older residents wishing to downsize and remain in their community.”

5.11.3 It is however our conclusion that the proposals do not conflict with the Neighbourhood Plan.

5.12 Summary

Compliance with the Development Plan

5.12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the Act”) states that:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

5.12.2 In assessing compliance with the Development Plan, we take account of the case of Cornwall Council v Corbett [2020] EWC Civ 508 and the Court of Appeal findings which confirmed the Council's approach of identifying a policy conflict (in that case a conflict in respect of the harm to an Area of Great Landscape Value) but concluding that there was compliance with the

Development Plan as a whole. The Court of Appeal noted that Local Plan policies can pull in different directions and that the weight to be given to policies and to determine compliance with the Development Plan as a whole, is a matter of planning judgement. It is our view, that this clearly confirms that the compliance with the Development Plan does not mean compliance with every policy therein, and that a failure to comply with the Development Plan does not automatically mean that the proposals are not in accordance with the Development Plan.

- 5.12.3 We therefore conclude that the proposals comply with the up to date policies of the Development Plan when taken as a whole.
- 5.12.4 In particular, through Policy SP 1, the presumption is built in the Development Plan i.e. the Development Plan anticipates and facilitates a position where it may be necessary to undertake a planning balance in order to meet plan objectives. The 2023 NPPF includes the policy balance required through paragraph 148 NPPF (i.e. that the substantial weight given to harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations). Thus in the event that a different conclusion in reached in respect of Policy SADM 34 (and paragraph 149 of the PPF) but that conclusions are agreed in respect of the 148 balance, then the proposal will also accord with the Development Plan.
- 5.12.5 In the event that it were concluded that there is a breach of the development plan, it is then important to assess whether or not the policies in question are up to date. There are two circumstances when policies can be found out of date. The first is that the policy is out of date as it has been overtaken by things which have taken place since the plan was adopted. In this regard, in 2020, the Court of Appeal held that the analysis of the meaning of ‘out of date’ in the former NPPF 2012 by Lindblom applied in the same way to the 2020 NPPF in that policies are out-of-date (for purposes other than those that relate to Footnote 8 of para 11(d) of the NPPF) if they have been: “...***overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date***”.
- 5.12.6 With regard to this application, the current housing delivery strategy as set out in the LP does not seek to meet current housing need. This is expressly set out in Policy SP 1 and the Policy requires a review to have commenced within one year of adoption (i.e. by October 2024) and for the plan to be submitting within 3 years of adoption (i.e. by October 2026). The current local plan review was commenced in 2009; submitted in 2017 (i.e. a period of 8 years) and adopted in 2023 – a total plan review period of 14 years.
- 5.12.7 There is already an express acknowledgement built into the Local Plan that more land is required to be released to meet the full OAN and future need.
- 5.12.8 Policies SP 2 and SP 3 address the supply of new homes and the location of new homes. Both are therefore based upon delivering a level of supply which does not meeting need; and Green Belt and built up area boundaries restrict the ability to meet up to date need.
- 5.12.9 Policy SP 3 is a policy which seeks to direct development to that “within the main settlements”. Beyond the existing built up area, the land is (in the main) Green Belt and thus we are working with the built up areas (which define where development can go) and Green Belt boundaries which arise from an approach to supply which does not meet the housing requirement. In addition, as we set out in the follow section, the Council cannot demonstrate a 5 year supply of housing land. The approach I have taken here is in line with the *Suffolk Coastal v Hopkins Homes: Rich borough Estates v Cheshire East* (2017) (CD K1) and specifically paragraph 63 of the Supreme court judgement:

He [the Inspector] was clearly entitled to conclude that the weight to be given to the restrictive policies was reduced to the extent that they derived from settlement boundaries that in turn reflect out-of-date housing requirements (paragraph 63).

- 5.12.10 At this point in time, and in the absence of a 5 year supply of housing land, the most important policies for the determination of the application are out of date.
- 5.12.11 Policy SP 1 of the Local Plan directs us to consider a balancing exercise; which is also the test at paragraph 148 of the NPPF, i.e. whether the scheme's benefits clearly outweigh its harms, including harm to the Green Belt. For reasons which are developed in the following sections, this is clearly the case.
- 5.12.12 In consequence, there is no conflict with the DP taken as a whole. In which case, pursuant to Section 38(6) TCPA 1990 the proposal should be granted planning permission unless material considerations suggest otherwise. It is not considered that material considerations do indicate otherwise. We return to the overall planning balance in Section 7.
- 5.12.13 The following section reviews what we consider to be the other material considerations which weigh heavily in favour of the application.

6 Other Material Considerations

6.1 The Need for Housing (General)

The Need for Housing

- 6.1.1 The Council does not have a sufficient land made available to deliver an NPPF compliant assessment of identified local housing need. However alongside this, we also conclude that the Council cannot demonstrate a 5 year supply of housing land.
- 6.1.2 We conclude that the Council can only deliver 1.7 years supply (20% buffer) and 1.9 years supply (5% buffer).
- 6.1.3 This is a serious and significant shortfall and one which must weigh significantly in favour of the development in the planning balance.
- 6.1.4 We therefore conclude that very substantial weight should be afforded to the delivery of housing in general.

6.2 The Need for Specialist Older Persons Housing

- 6.2.1 The scale of the older population in Welwyn Hatfield, its projected growth, the prevalence of disability amongst the older population and the number of older people living alone point to a need to significantly boost the supply of specialist housing for older people.
- 6.2.2 The key numbers that frame the current situation (2021 Census based) are as follow:
- 18,940 residents aged 65 and over in 2021, predominately living in households, a number projected to grow by 34% within the next 20 years.
 - 5,740 household residents aged 65 and over classified as disabled under the Equality Act, a number predicted to increase by 23% to 7,060 within the next 10 years.
 - 5,870 household residents aged 65 and over living alone, susceptible to loneliness and at increased risk of developing illnesses such as anxiety and depression; a number predicted to increase by 23% to 7,200 within the next 10 years.
 - 20% of Welwyn Hatfield's homes occupied by 'older households', but only 5% of Welwyn Hatfield housing is specialist housing for older people.
- 6.2.3 The ratio of owner occupied 'older households' to specialist housing for older owner occupiers is 19 to 1, signifying the fact that the vast majority have no specialist housing choices open to them.
- 6.2.4 The evidence points to an especially large shortfall in the provision of specialist housing for older owner occupiers. To illustrate, on the assumption that the supply of specialist housing for older owner occupiers is raised to a level equivalent to half of all 'older households' that are owner occupiers, and provided on a one third, two third basis, the resultant split would be 1,110 'Housing with Care' and 2,250 'Retirement Housing' owner occupied units.
- 6.2.5 Whilst this hypothetical scenario represents a very ambitious increase in supply, it is from a low base and continues to assume that most (64% in 2021) older owner occupier household residents aged 65 and over do not live in specialist housing for older people.
- 6.2.6 Given the wider benefits associated with 'Housing with Care' discussed in Section 2 and Appendix 1 of Specialist Housing Need report, the local indicators of need, the dearth of

local supply, and in the context of older peoples housing need being uniquely (in planning guidance terms) characterised by Government as critical, it is difficult to put an upper limit on specialist housing requirements in Welwyn Hatfield.

- 6.2.7 Using the current (existing) supply of specialist housing for older people in the district as the starting point and applying the 'Housing in Later Life' provision rates by type and tenure to the district's population aged 75 and over, Tables 4.2 and 4.3 summarise the calculation of district wide specialist housing requirements.
- 6.2.8 Table 5 below relates to current specialist housing requirements (2023) based on supply by type and tenure in 2023 and the population in 2021 (the latest available ONS population estimate). The net current requirements, which excludes current supply, are shown in column E (target increase or decrease). The gross current requirements, which include current supply, are shown in column F.
- 6.2.9 Table 6 relates to future specialist housing requirements (2031) based on supply by type and tenure in 2023 and the population in 2031 (using the latest available ONS population projection for that year). The future net requirements and future gross requirements are shown in columns E and F respectively.
- 6.2.10 Neither table accounts for potential developments (subject to planning or conditions / further approval), that may come forward in the next ten years. In this case, we might assume that between 114 units (consented, but conditioned) and 250 units (subject to planning, in place of the 114 consented units) will be delivered at Welwyn Garden City by 2031. However, because of the uncertainty associated with the delivery of these units, we do not assume that they will be delivered.

Table 5: Current Requirements for Specialist Housing for older people in Welwyn Hatfield (2021 population and 2023 Q3 supply based)

Specialist Housing Type and Tenure	6.2.11 Current provision (number of units in 2023)	6.2.12 Current units per 1,000 residents aged 75+ in 2021 (9,357)	6.2.13 Target units per 1,000 residents aged 75+ in 2021 (9,357)	6.2.14 Increase or decrease to reach target	6.2.15 Resulting number of units in 2023
Affordable 'Retirement Housing'	6.2.16 2,303	6.2.17 246	6.2.18 60	6.2.19 - 1,742	6.2.20 561
Market 'Retirement Housing'	6.2.21 291	6.2.22 31	6.2.23 120	6.2.24 832	6.2.25 1,123
Affordable 'Housing with Care'	6.2.26 30	6.2.27 3	6.2.28 25	6.2.29 204	6.2.30 234

Market 'Housing with Care'	6.2.31 59	6.2.32 6	6.2.33 40	6.2.34 315	6.2.35 374
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Source: EAC (2023 Q4), ONS Census 2021-based Mid-Year Population Estimate and Stantec

6.2.36 Table 6: Future Requirements for Specialist Housing for older people in Welwyn Hatfield (Projected 2031 population and 2023 Q3 supply based)

Specialist Housing Type and Tenure	6.2.37 Current provision (number of units in 2023)	6.2.38 Current units per 1,000 of residents aged 75+ in 2031 (11,433)	6.2.39 Target units per 1,000 residents aged 75+ in 2031 (11,433)	6.2.40 Increase or decrease to reach target	6.2.41 Resulting number of units in 2031
Affordable 'Retirement Housing'	6.2.42 2,303	6.2.43 201	6.2.44 60	6.2.45 -1,617	6.2.46 686
Market 'Retirement Housing'	6.2.47 291	6.2.48 25	6.2.49 120	6.2.50 1,081	6.2.51 1,372
Affordable 'Housing with Care'	6.2.52 30	6.2.53 3	6.2.54 25	6.2.55 256	6.2.56 286
Market 'Housing with Care'	6.2.57 59	6.2.58 5	6.2.59 40	6.2.60 398	6.2.61 457

Source: EAC (2023 Q3), ONS 2018-based Sub National Population Projections and Stantec

6.2.62 Based on the 'Housing in Later Life' target provision rates, there are current requirements for 315 additional units of 'Housing with Care' for owner occupiers and 832 additional units of 'Retirement Housing' for owner occupiers in Welwyn Hatfield. These net requirements increase to 398 units of 'Housing with Care' for owner occupiers and 1,081 units 'Retirement Housing' for owner occupiers in 2031.

6.3 Housing Supply (Older Persons Housing)

Welwyn Hatfield's supply of 'Housing with Care' housing

6.3.1 Table 7 below lists Welwyn Hatfield's current supply of 'Housing with Care' specialist housing developments, including current capacities, year built and tenure. In this case, all are classified as Extra Care developments, although we note that Chilton Green (ref.3) does not benefit from onsite care, available 24/7.

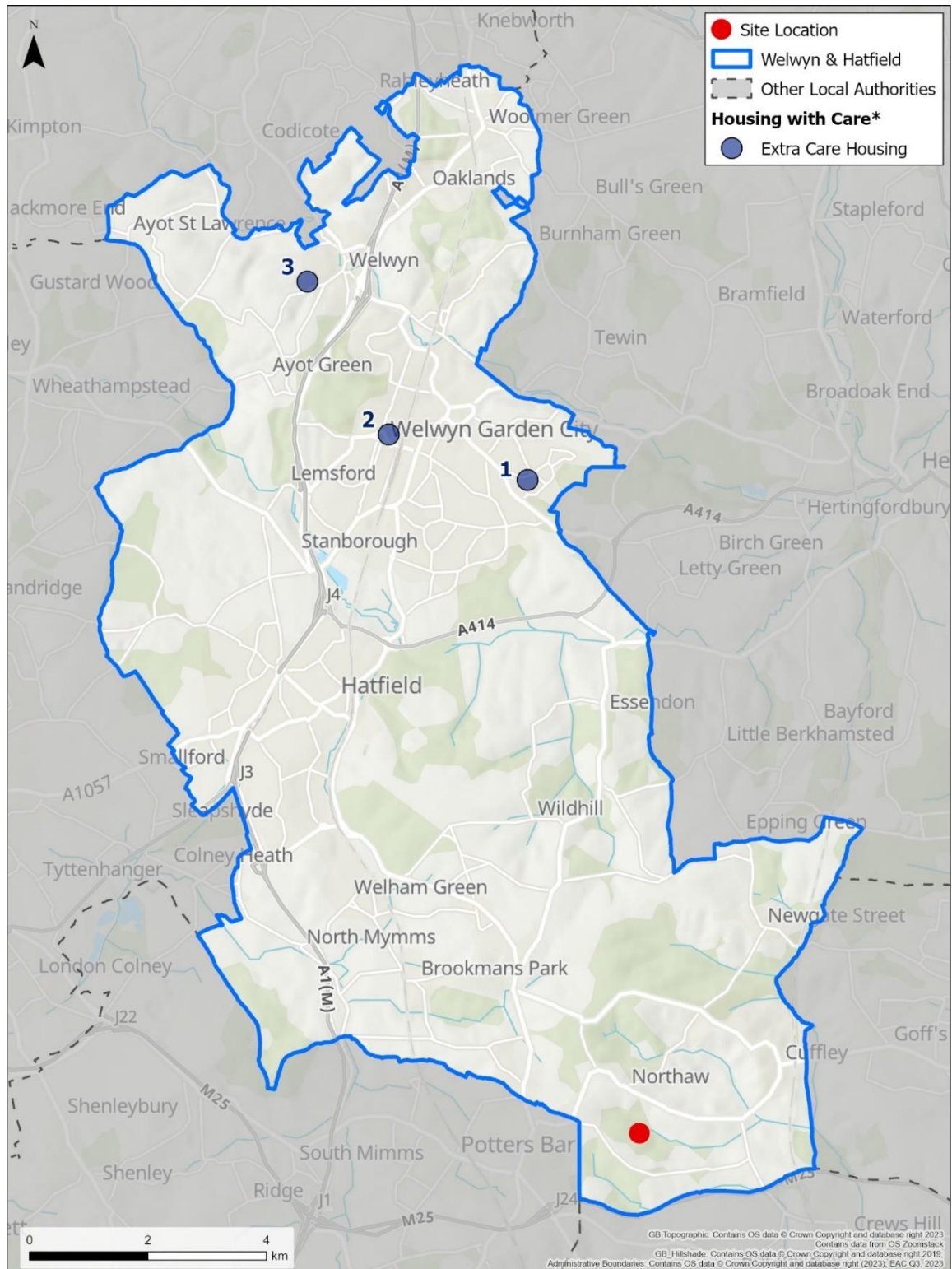
Table 7: Existing 'Housing with Care' developments within Welwyn Hatfield

Map Ref	Manager	Scheme	Year Built	Type and Tenure	Units
1	First Garden Cities Homes	Swan Field Court	2007	Extra Care: Rent (social landlord)	10
2	McCarthy Stone YourLife Service	Peel Court	2013	Extra Care: Leasehold	59
3	Welwyn Hatfield Borough Council	Chilton Green	1980	Flexicare; Rent (social landlord)	20
Total					89

Source: EAC (2023 Q4) and Stantec

- 6.3.2 Figure 1 (overleaf) shows the location of the developments listed in Table 4, relative to the location of the Proposed Development. The existing 'Housing with Care' developments are numbered in order of their distance (nearest first) from the Proposed Development.
- 6.3.3 We therefore conclude that **very substantial weight** should be afforded to the delivery of specialist housing for older people.

Figure 1: Existing 'Housing with Care' developments within Welwyn Hatfield



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Source: EAC (2023 Q4) and Stantec *The labels refer to Table 4.1, locations numbered in order of distance from the Proposed Development.

6.3.6 We are aware that planning permission for a major mixed-use redevelopment of the former Shredded Wheat Factory, Bridge Road, Welwyn Garden City was granted on 15th February 2019. The development description included ‘114 extra care homes (Use Class C2)’ (6/2018/0171/MAJ). The Decision Notice identifies development blocks to be used for C2 uses, and states that:

Commencement of development of these blocks shall not occur until details of final layout, levels of provision of care, staffing, management and supporting facilities have been submitted to and approved by the Local Planning Authority. Each block shall not be occupied other than in accordance with these details.²

6.3.7 The stated reason for this condition includes ensuring that specialist housing needs for are catered for in accordance with Policy H9 of the Welwyn Hatfield District Plan 2005 and in accordance with Policy SP7 of the Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016).³

6.3.8 A subsequent hybrid planning application has been submitted (6/2021/0181/MAJ), that introduces changes to the consented former Shredded Wheat Factory’s north site, the location of the above-mentioned extra care units. This hybrid application is yet to be considered by the Development Management Committee. If consented, this would increase the number extra care units from 114 approved under 6/2018/0171/MAJ, to 250 as proposed in the hybrid application 6/2021/0181/MAJ. The accompanying Planning Statement identifies the would-be extra care operator as Audley, who would deliver their Mayfield Village product⁴. We would expect these homes to be predominately leasehold tenure.

6.3.9 Outline permission (6/2018/2768/OUTLINE) was granted for a large mixed-use development, including an area of the development proposed for extra care, on land to the west of Hatfield Business Park and Hatfield Station. The Planning Statement advises that ‘*further discussions will be undertaken with specialist operators in due course*’. No indication of scale, tenure or type is provided. A Notice of Decision dated 1st March 2022 advises that the outline application has been withdrawn.

Summary of Need and Supply of Specialist Older Persons Accommodation

6.3.10 Therefore in conclusion The scale of the older population in Welwyn Hatfield, its projected growth, the prevalence of disability amongst the older population and the number of older people living alone point to a need to significantly boost the supply of specialist housing for older people.

6.3.11 The evidence points to an especially large shortfall in the provision of specialist housing for older owner occupiers. The current supply of specialist housing for older owner occupiers is limited to 59 units ‘Housing with Care’ and 291 units ‘Retirement Housing’.

6.4 National Planning Policy Framework (NPPF) (July 2021)

6.4.1 The NPPF (the Framework) is a material consideration that must be taken into account in the decision-making process and the last iteration of the framework was published on in September 2023.

6.4.2 On 22 December 2022, the government began a consultation on a further revision of the Framework.

² Notice of Decision, Application Number 6/2018/0171/MAJ. Date of Approval: 15 February 2019. Paragraph 36

³ Ibid.

⁴ <https://www.mayfieldvillages.co.uk/how-it-works>

- 6.4.3 At the present time, no weight can be given to the changes currently being consulted upon. This is confirmed in the advice to the Planning Inspectorate contained in PINS Note 14/22 on the 14th December 2022, which confirms that full weight must be afforded to the provisions of the NPPF (2021) and the PPG.
- 6.4.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Its focus is primarily on achieving sustainable development and the matters to be considered.
- 6.4.5 Paragraph 7 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. As such, the objective of sustainable development is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.4.6 Paragraph 8 outlines three overarching objectives for achieving sustainable development – economic, social and environmental. These are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 6.4.7 At the heart of the NPPF is a presumption in favour of sustainable development which, as set out a paragraph 11(c) for decision-taking means “*approving development proposals that accord with an up-to-date development plan without delay*”; or (paragraph 11(d)) “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date* ⁽⁸⁾, *granting planning permission unless:*
- (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or**
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.**
- 6.4.8 Footnote 7 directs that that the policies referred to are those in this Framework (as opposed to those in the Development Plan) relating to, amongst other things, Green Belt.
- 6.4.9 For reasons which we cover later in this section and the following one, in this instance paragraph 11(c) and footnote 7 do not direct a clear reason for refusal.
- 6.4.10 Footnote 8 confirms that with regard to the most important policies being out-of-date, this includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As it currently stands, both of these apply.
- 6.4.11 Paragraph 20 makes clear that a plan should make sufficient provision for housing (including affordable housing). The thrust of this policy is not proposed for amendment under the NPPF revisions.
- 6.4.12 In this case whilst the OAN figure is clear, the plan does not propose to meet the identified need.
- 6.4.13 Paragraph 60 clearly highlights that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 6.4.14 Paragraph 63 outlines that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required.

- 6.4.15 With regard to the supply and delivery of housing, paragraph 74 identifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- 5% to ensure choice and competition in the market for land; or
 - 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - 20% where there has been significant under delivery over the previous three years, to improve the prospect of achieving the planned supply.
- 6.4.16 As it currently stands, the Council can only demonstrate 1.7 year supply (20% buffer) and 1.9 years (5% buffer) and the need for a 20% buffer was confirmed in the most recent Housing Delivery Test. It is noted that the Council have not yet entered into a new monitoring year post adoption of the Local Plan. Clearly therefore this position will need to be reviewing again post 1st April 2024.
- 6.4.17 Paragraph 77 advises that to ensure implementation of housing proposals in a timely manner, local authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. The Applicants are willing to discuss this matter with the Council.
- 6.4.18 Paragraph 81 identifies that the Government places significant weight on the need to support economic growth. We include a report dealing with the significant economic benefits arising from the delivery of the Appeal Scheme and afford this significant weight in the planning balance.
- 6.4.19 Paragraph 92 stresses that planning should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles communities and to promote safe and accessible environments to discourage crime and disorder. The merits of the scheme in this regard are discussed in detail in the submitted DAS.
- 6.4.20 Section 9 (Paragraphs 104-109) relates to 'promoting sustainable transport' and requires all developments that generate a significant amount of movement to provide a Travel Plan and be supported by a Transport Statement or Transport Assessment. This is covered in detail in the Transport Assessment and framework Travel Plan – both of which review the specific scheme proposals and propose appropriate measures for the scheme.
- 6.4.21 Paragraph 105 advises that significant development should focus on locations which are or can be made sustainable. Both the DAS and Transport Assessment identify the nature of the scheme and the ways in which the scheme, through the provision of on-site services and facilities, will limit the need to travel and that specific transport measures can be provided which will limit the use of the private car.
- 6.4.22 Paragraph 110 sets out four matters which should be secured in development applications. These are listed as:
1. Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 2. Safe and suitable access to the site can be achieved for all users;

3. The design of streets, parking areas, other transport elements and the content of associated design standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
4. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.4.23 The above objectives are all achieved.

6.4.24 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe. The Transport Assessment confirms that the impact will not be severe.

6.4.25 Consideration has been given to public transport and non-vehicular movements in accordance with Paragraph 112 of the NPPF and a Transport Assessment Travel Plan was produced in accordance with Paragraph 113.

6.4.26 Section 12 (Paragraphs 126-136) relates to 'achieving well-designed places'. Paragraph 126 highlights that good design is a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments: function well; add to the overall quality of the area for the lifetime of development; are visually attractive; have appropriate and effective landscaping; are sympathetic to the local character including the surrounding built environment; maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.

6.4.27 The Applicant has produced a detailed Design and Access Statement demonstrating that a landscape led high quality scheme can be provided.

6.4.28 Paragraph 138 identifies the following five purposes of the Green Belt:

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

6.4.29 The contribution that the Site makes to these purposes of the Green Belt is addressed in the Green Belt Assessment, where it is concluded that it is primarily purposes (i) to (iii) which are relevant and that with regard to purpose (i) there is no conflict; purpose (ii) there is no conflict and purpose (iii), there is some conflict however there is only limited encroachment.

6.4.30 Paragraph 147 states:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.4.31 However, before we moved to consider paragraph 148, it is important to review paragraph 149 and determine whether, in fact, the proposed development is **appropriate** development.

6.4.32 Paragraph 149 advises that the construction of new buildings in the Green Belt should be considered inappropriate development save for identified circumstances. One of these (g) states:

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

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.4.33 We have already set out that the PDL report identifies that the site should be classed as previously developed land and that the Green Belt Assessment identifies that the redevelopment of this site would not cause substantial harm to the openness of this site.

6.4.34 In respect of affordable housing need, the provision of 10% affordable housing in the form of discounted market sale meets the NPPF definition of affordable housing. Furthermore, as set out previously, the Specialist Housing Need report identifies a significant need for older persons housing and for an affordable provision also.

6.4.35 On that basis, it is considered that the scheme complies with paragraph 149 such that it is not deemed inappropriate development. Paragraph 11(c) therefore directs that the development be approved without delay (in the event that it is deemed as being compliant with the Development Plan). However paragraph 11(d) is also relevant in that in this event, the presumption in favour of sustainable development is not disapplied by footnote 7 and the tilted balance also comes into play. We carry out the planning balance in the following section.

6.4.36 In the event that an alternative view were to be taken in respect of compliance with paragraph 149, then it would be necessary to assess the scheme against paragraph 148 of the NPPF. In such circumstances, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

6.4.37 It is our view that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by the benefits such that very special circumstances are demonstrated. This is addressed in further detail in the following section. We also highlight that this planning balance exercise is not proposed to be amended by NPPF revisions.

6.4.38 The first sentence of Paragraph 167 states that when determining applications, local authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Footnote 50 of the NPPF advises that a site-specific flood risk assessment should be provided for proposals involving sites of 1 hectare or more. It is then stated that “development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) in can be demonstrated that the development of the site will comply with the five criteria as listed below:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.4.39 A site specific Flood Risk Assessment (FRA), proportionate to the stage of the development was submitted with the application and demonstrates compliance with paragraph 167 of the NPPF.

6.4.40 Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Appeal Scheme is accompanied by a site specific Flood Risk assessment and incorporates SUDS.

6.4.41 Paragraphs 179 – 182 relate to, amongst other matters, harm to biodiversity, loss or deterioration of irreplaceable habitats, protection of habitats sites. No issues have been raised in the submitted reports in respect of ecological / biodiversity matters and a significant biodiversity net gain is delivered.

6.4.42 We conclude that the appeal scheme is in accordance with the relevant sections of the NPPF.

6.5 Striking the Balance

6.5.1 As explained previously, we consider that as facilitated by Policy SP 1 of the Local Plan, there are clear and compelling other material considerations that direct that planning permission should be granted even if – against our views above – it were decided that the scheme would conflict with the development plan when read as a whole. We return to the overall planning balance below.

7 Planning Balance

- 7.1.1 It is acknowledged that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open (Framework Para 137). Inappropriate development is, by definition harmful, and will only be allowed when the potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations such as to give rise to very special circumstances.
- 7.1.2 As set out in the previous section, we consider that the proposed scheme is appropriate development as per paragraph 149 of the NPPF. However regardless, of whether the scheme is brought forward under the 'tilted balance' permitted by paragraph 11(d) or under the balance at paragraph 148 of Framework; some form of balancing exercise is required. I also note that this balancing exercise is brought into the statutory development plan by Policy SP 1 of the Local Plan.
- 7.1.3 In effect, in a case like this, whether the scheme's benefits clearly outweigh its harms is the determinative test for judging both (i) accordance with the statutory development plan, and also (ii) the NPPF, both when read as a whole.
- 7.1.4 We conduct the planning balance below.

7.2 Harms

- 7.2.1 Any harm to the Green Belt, including definitional harm, harm to openness and purposes, must attract substantial weight in the planning balance.

Purposes

- 7.2.2 The Green Belt Assessment concludes the following in terms of the contribution of the site to the purposes of the Green Belt:
- 7.2.3 Purpose 1 – no contribution to Purpose 1 identified and therefore no harm identified.
- 7.2.4 Purpose 2 – little contribution and therefore no conflict.
- 7.2.5 Purpose 3 – the site makes a limited contribution towards this purpose.
- 7.2.6 Purpose 4 – no contribution and no harm.
- 7.2.7 Purpose 5 – the proposal would comply with this particular purpose of Green Belt.

Openness

- 7.2.8 In addition to the purposes of the Green Belt, an essential characteristic of the Green Belt as set out in NPPF paragraph 137, is its openness. Openness can be considered by definition (absence of built development in principle); spatially/volumetrically (how much openness is taken up by built development); or in terms of a visual aspect (how the openness or its loss is perceived visually).
- 7.2.9 With the proposed scheme in place, whilst clearly it would introduce a quantum of built form in the countryside, the perception of openness as appreciated in visual aspect terms would not materially change with the scheme in place. It is recognised that the proposed scheme would be permanent and not time limited which has also been factored into this analysis, whilst also recognising that there would be some degree of activity with a residential neighbourhood as proposed, principally around the comings and goings of people living their lives in this small

residential community. In overall terms, the proposed scheme would have some effect upon the sense of openness of the Green Belt but this would be localised and limited and at the lower end of the scale and not cause material harm to the appreciation of openness in this part of the Green Belt.

Landscape Character

- 7.2.10 An extensive landscape and visual accompanies the proposed scheme and has heavily influenced the way in which the illustrative masterplan has developed.
- 7.2.11 This has concluded that the proposed development would result in adverse effects upon existing landscape character. However, due to the use of retaining walls, the careful positioning of the terraces and interplay of new building heights which step down the valley sides, together with the landscape design and green roofs, it is considered that the Proposed Development provides a sympathetic response to the landscape setting of the Site and one which retains its existing and important tree cover largely unaffected. Overall, the Proposed Development would not result in significant harm to landscape character and visual amenity within the study area.

Development outside built up area

- 7.2.12 Whilst there is limited conflict with Policies SP 1 and SP 3 in that the scheme is proposing development in the Green Belt and outside of the built up area, I afford this conflict only limited weight for the reasons which I have already explained in relation to the out of date housing policies / boundaries.

Summary

Harm	Weight
Harm to the Green Belt	Substantial
Visual effects of development	Limited
Development outside of built up area	Limited

7.3 Benefits

- 7.3.1 With regard to the benefits of development, whilst I am aware that some of them can be classed as 'mitigation', I do not consider that this means that they cannot also count as a benefit.

Specialist Housing

- 7.3.2 The Specialist Housing for Older People report identifies a significant level of need and a dearth of supply such that this should be afforded nothing less than **very substantial weight**.

Contribution towards meeting housing need

- 7.3.3 In the context of a significant shortfall in housing land supply against the 5 year minimum requirement, the delivery of 150 homes should attract **very significant weight** in the planning balance.

Health and Well-Being Benefits

- 7.3.4 The delivery of health and well-being benefits for residents including significant improvements to residents' health, independence, reductions in risk of falls and frailty and improved psychological well-being is afforded **substantial weight**.

Affordable Housing

- 7.3.5 The Appeal Scheme will deliver a high-quality development of 15 new homes which is a substantial benefit given the acute affordable housing need and the shortfall in housing in the time of a national housing crisis. **Substantial weight**.

Economic Benefits

- 7.3.6 In the current economic climate, **significant weight** should be afforded to economic benefits in accordance with paragraph 81 of the NPPF. An Economic Benefits Report is submitted with the application which sets out the benefits to be delivered including increased local expenditure, improved vitality and viability of local services and facilities.

Social Care Benefits

- 7.3.7 The Delivery of Social Care Needs Benefits, including a reduction in visits to GPs, reducing ambulance call outs, reducing hospital stays which reduces the burden on the NHS and other social care needs. **Moderate weight**.

Community Facilities

- 7.3.8 Provision of ancillary community facilities, which will be available to all on-site residents, the existing community and residents at Northaw Park is afforded **moderate weight**.

Bio-Diversity Net Gain

- 7.3.9 The Appeal Scheme includes a net gain of 28.64% including the areas of planting and landscaping across the Site. **Limited weight**

Sustainable Building Measures

- 7.3.10 Sustainability measures will ensure the scheme meets a high standard of energy efficiency and sustainability, and along with the provision of an on-site village transport service, this is afforded **limited weight**.

Summary

- 7.3.11 Table 4 below identified the benefits of the Appeal Scheme.

Benefit	Weight
Provision of specialist housing	Very substantial
Meeting housing need	Very substantial

Benefit	Weight
Health and well-being benefits	Substantial
Affordable Housing	Substantial
Economic Benefits	Significant
Social care benefits	Moderate
Provision of community facilities	Moderate
BNG	Limited
Sustainable building measures	Limited

- 7.3.12 When carrying out the planning balance, I note separately the submitted Heritage Statement concludes that there are no indications that the setting of any listed buildings are particularly sensitive and there is no indication the proposed development would cause harm to the significance of the building, or its appreciation. However in the event that the Council conclude that there is 'less than substantial harm' to the nearby heritage assets it has been demonstrated that the significant number of public benefits listed above means that the test at paragraph 202 of the Framework is also passed. Accordingly, less than substantial heritage harm (if any) would not provide a clear reason for refusal.
- 7.3.13 Having conducted the Planning Balance, I conclude that in compliance with paragraph 148 of the NPPF (and thus Policy SP 1 of the Local Plan) that the harm to the Green Belt by way of openness by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such that very special circumstances are demonstrated.

8 Summary and Conclusions

- 8.1.1 For the reasons which have been set out, it is concluded that the proposed scheme complies with the Development Plan read as a whole. By virtue of paragraph 149 of the NPPF, the proposal is considered to represent appropriate development in the Green Belt and, being compliant with the up to date policies of the Development Plan, should be approved without delay. However paragraph 11d(ii) of the NPPF is also relevant and having undertaken a planning balance, it is clear that the harms do not outweigh the benefits of the development/
- 8.1.2 In the event that it were to be concluded that the scheme did not represent appropriate development in the Green Belt, an assessment has also been carried out against paragraph 148 of the NPPF. Whilst it is accepted that there is some harm by definition due to inappropriate development, it is our view that the potential harm to the Green Belt by reason of inappropriateness, and other limited harm arising from the proposal, is clearly outweighed by other benefits such that very special circumstances are demonstrated. This 'balance' of harms against benefits is facilitated by Policy SP 1 of the Development Plan and thus we are able to draw a positive conclusion on compliance with the Development Plan. The benefits clearly outweigh the significant harm such that very special circumstances are demonstrated.
- 8.1.3 In this event, it is not necessary to then separately apply the tilted balance under Policy 11d(ii) given that in reaching the conclusion under paragraphs 147 / 148 of the NPPF, an assessment of benefits against harm has already been undertaken.
- 8.1.4 Fundamentally, there is an urgent and acute need for specialist provision for older persons in the Borough and insufficient land identified to meet this need.
- 8.1.5 We conclude that the benefits the proposed development will deliver are very substantial and the need for the scheme is compelling. The benefits clearly outweigh the localised harm to the site and its immediate surroundings. In the event, that any conflict is identified with the Development Plan, there are clear material considerations which indicate that planning permission should be granted.

Appendix A Planning History Summary

Appendix B Development Plan Policies