

Our Ref: 333100205/A3/KV

Date: 26th April 2024

Mr. D. Elmore
Welwyn Hatfield Borough Council
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AE

BY EMAIL ONLY: d.elmore@welhat.gov.uk

Dear David,

APPLICATION REFERENCE: 6/2023/2418/OUTLINE
LOCATION: FORMER HOOK ESTATE AND KENNE;S. COOPERS LANE RPAD / FIRS WOOD
CLOSE, NORTHAW

Further to our discussion in respect of the above planning application, we enclose the following amended plans / documents with this submission:

- Amended site location plan (reducing the red line area). As discussed the land within the blue line will be bound within the S106 Agreement for the site.
- DAS addendum – reflecting the revised red line.
- Updated FRA – reflecting the proposal for the foul drainage system to connect into the mains network and thus overcome the concerns of the Environment Agency.
- Ground Level Tree Inspection – for bats
- Highways technical note – dealing with comments made by Hertfordshire County Highways.
- Landscape Addendum note – dealing with comments made by the Council's Landscape Consultant
- Green Belt Addendum note – dealing with comments made by the Council's Landscape Consultant
- Previously Developed Land note – note prepared by the Applicants dealing with the history of the site.
- Updated Planning Statement – reflecting that the NPPF has been revised since the application was submitted.

We then set out below, progress on other matters to date:

Heritage

As you are aware, a site meeting was held with the Council's heritage consultant and we note that the heritage impact remains in dispute between the parties. The Applicants consultant is reviewing the latest response to determine what other work could be undertaken to assist in this regard. We do however highlight that site sections are enclosed within the DAS and would direct the Council's heritage consultant to these.

Ecology

We note that Natural England confirm no objection to the application.

10th Floor, Bank House,
8 Cherry Street,
Birmingham, B2 5AL

Telephone: +44 (0)121 633 2900
email: Birmingham.uk@stantec.com

Registered Office:
Stantec UK Ltd
Buckingham Court
Kingsmead Business Park
Frederick Place, London Road
High Wycombe HP11 1JU
Registered in England No. 1188070

With regard to the response from Hertfordshire Ecology, we respond as follows.

- Great Crested Newts (GCN) – the District level licence has been applied for and this sits with Natural England at this point in time.
- Nesting Birds – the incorporation of nesting bird mitigation into the CEMP condition is agreed albeit an updated survey is underway regardless.
- Reptiles – the incorporation of the Precautionary Working Method Statement into the CEMP is agreed albeit an updated survey is underway regardless.
- Badgers – the need for a revisit prior to the commence of works is agreed and noted. Again incorporation of this into the CEMP is agreed albeit an updated survey is underway regardless.
- Bats – a Ground Level Tree Inspection has been completed and included with this submission – this confirms that no bats are present.
- Veteran Trees – incorporation of method statements for the protection of veteran trees into the CEMP condition is agreed.
- Lighting scheme – the imposition of a condition in this regard is agreed.
- Local Wildlife Site – it is agreed that mitigation for this can be incorporated into the CEMP condition.
- BNG – it is agreed that a net gain can be demonstrated and that this can be captured either by condition or within the S106 Agreement.
- Biodiversity enhancements - it is agreed that the species specific enhancements can be incorporated into the final landscape plan which will be secured through a future reserved matters submission.

Care Provision

Minimum Age Range

It is proposed that the minimum age be set at 60 years old.

Community Services / Facilities

The application is submitted in outline and therefore this aspect is not for determination at this stage. However, the DAS identified that the following items could be included:

- The pavilion provides communal and activity space and could include:
 - Communal seating areas / Guest Suite / Reception / Consultation Room/ External terraces / Front-facing amenities
 - Bistro & Bar / Cafe / Private dining & Snooker room
 - Activity and meeting space / Hobbies room / Members Lounge / Cinema / TV room & Library
 - Swimming pool / Sauna / Steam room
 - Treatment room / Gym / Yoga & dance studio
 - Male and Female accessible changing areas with lockers
 - Hairdressers / Buggy store / WC's
 - Staff room & changing / Admin office / Domiciliary care / Managers office / Sales
 - On Site provision of electric vehicle(s) to allow residents to travel to nearby shops, medical facilities and leisure facilities

We note that the request for this detail is related to a need to determine planning obligations however at this point, we have received no requests beyond those set out in the consultation responses. However clearly the S106 can be drafted to the effect that contributions are only payable if suitable provision is not made within the scheme at the reserved matters stage.

Building Height / Housing Mix

With regard to housing mix – again, mix is not a matter for determination at this stage and this has been confirmed in multiple appeal decisions however to assist in this respect, the potential inclusion of 3 bed homes is to provide flexibility and by way of example, we include details of 2 schemes below which include 3 bed properties:

RANGEFORD VILLAGES



Wadswick Green Luxury Retirement Village In
Wiltshire

rangefordvillages.co.uk

RANGEFORD VILLAGES



Retirement Properties For Sale For Over 60s

rangefordvillages.co.uk

In respect of the height aspect, the DAS (page 37), includes potential height details and confirms that the maximum height is three storeys in the least sensitive areas of the site and that these are the apartments and pavilion only. The houses are bungalows. We are happy to accept a planning condition in this regard – we can perhaps look at either a condition linking the future RM to the scale and massing contained within the DAS or produce a separate parameter plan in this regard.

Planning

We also then take the opportunity to respond to some of the comments made in the responses on behalf of Northaw and Cuffley Parish Council; and Northaw Park Management Ltd

(Nb – this is not intended to cover each and every point raised given that neither objection raises any new points which have not already been covered in the submitted documents; and much of each objection is citation of national or local policy – with little by way of commentary on the actual proposals. Furthermore, neither response is supported by any supporting work to justify the conclusions reached. We would also highlight that in both instances, the objectors do not appear to have considered the application in the round and both have avoided reference to the significant level of housing need which has been demonstrated through the application).

Previously Developed Land

We have submitted a Previously Developed Land report with the application and with this updated pack, also submit a note detailing the history of the site prepared by the Applicants.

Figures 3-12 and 23-31 of the PDL Statement submitted as part of the original application 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. 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. This evidence further confirms that the site is previously developed land, and it cannot be considered to be virgin land that has not previously been subject to development, thus this position is heavily contested. The PDL Statement determines that the application site is considered to categorically comply with the full definition within the NPPF definition of Previously Developed Land. Figure 2 of such document shows the extent of the area which was previously occupied by the Kennels.

We have also submitted a report produced by the Applicant which sets out the history of the site to aid understanding in this regard.

Purpose of and harm to the Green Belt

This is dealt with in detail in the submitted Green Belt Assessment and the Planning Statement as well as being covered in the Previously Developed Land report (in so far as demonstrating that the scheme comprises PDL).

The submitted Green Belt Assessment notes that the site *“benefits from a high degree of visual containment evidenced by the fact that it is difficult to appreciate this area of land in terms of views from the surrounding countryside and as such, any associated perception of visual openness related to this land is very limited”* (Paragraph 4.1). It also highlights that the site is framed by extensive woodland, a residential neighbourhood, Northaw Park and Oshwal Temple complex, noting that *“The surrounding existing built form and mature trees further physically and visually frame the site limiting its sense of openness. The site is surrounded by countryside where members of the public in various public locations can gain an appreciation of the visual aspect of openness of the local countryside. In this context in most locations and viewing context, there is limited opportunity to appreciate the sense of openness associated with the site due to the significant screening effect of built form and tree cover surrounding the site and in the wider environs. As a consequence of this 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”* (Paragraph 4.5).

The Green Belt Assessment concludes that the scheme would *“not cause material harm to the appreciation of openness in this part of the Green Belt”* (Paragraph 4.5) and notes that *“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”* (Paragraph 4.10).

With regard to comments made in respect of the comparison with other GB schemes, this serves little purpose in the assessment of the application as this application falls to be determined on its own merits.

A further note on landscape and separately Green Belt matters will be submitted picking up the comments of the Council's appointed consultant.

Housing Land Supply

Reference is made at page 2 of the Icenl response to the Council not needing to demonstrate a 5 year supply of housing as the provisions of paragraph 76 of the NPPF apply (namely, part (a) – that the adopted plan is less than 5 years old; and (b) that the plan identified a 5 year supply of sites at the end of the examination). However, this is plainly incorrect insofar as it applies to this site – footnote 79 of the NPPF confirms that paragraph 76 of the NPPF should only be taken into account as a material consideration for applications made on or after the date of publication of the December 2023 NPPF. This application was submitted (and validated) prior to the publication of the December 2023 NPPF and as such paragraph 76 is not a material consideration in the determination of this application. For the purpose of this application,

the test therefore remains one of the Council being able (or not, in the Applicants case) to demonstrate a 5 year supply of housing.

Development Plan Policy

Policy SADM 34 of the Local Plan

Iceni/NPML's response provides their assessment of the scheme against Policy SADM 34, claiming that the proposal would wholly conflict with this policy and thus result in significant harm to the Green Belt. Paragraph 5.10.13 of the Planning Statement concludes that the proposal is in accordance with Policy SADM 34. Seeing as Iceni/NPML have reached a different conclusion, it is pertinent to note that this policy (and the plan) does not deal with the 'test' set out in paragraph 153 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 (notwithstanding that the Applicants primary case is that the scheme is "appropriate development"). Therefore, the weight to this policy (and the weight to any breach) must therefore be reduced. This is dealt with in further detail in Section 6 of the Planning Statement.

Policies SP2 and SP3 of the Local Plan

Iceni/NPML consider that the scheme is inappropriate under policy SP3 that notes residential development should be avoided in open countryside and that the policy notes sufficient land has been released through Green Belt review.

The planning statement considers that "*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*". Furthermore, the housing need for specialist older person's accommodation is significant and it is not even close to being met through Plan led provision.

The Green Belt boundaries are defined by a strategy which does not seek to meet up to date housing need and therefore these boundaries must be considered out of date for the purpose of the assessment of this application.

Policy D3 of Northaw and Cuffley Neighbourhood Plan, and Policy SADM 16 of Local Plan

Aecom's claim that the proposal is contrary to Policy D3 of the NCNP, and Iceni's assertion that it is contrary to Policy SADM 16 of the Local Plan can be addressed together. The submitted information informs that a biodiversity Net Gain of 28.64% can be demonstrated and the Planning Statement asserts that "*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*" (Paragraph 5.3.11)

In respect of arboricultural matters policy D3 states that proposals should "retain existing trees on the site unless an arboricultural survey demonstrates that they are not worthy of retention". 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. the proposed development would be likely to require the removal of 21 arboricultural features, comprising 13 individual trees and 8 groups of trees. 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.

The Green Belt assessment support this, noting "*with regard to safeguarding the countryside from encroachment, I would note the following. 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" (Paragraph 4.8).

Therefore, the scheme is considered not in conflict with these two policies.

Policy SP7 of the Local Plan

Iceni argue that the scheme is in conflict with Policy SP7 as the proposal is not adjoining a village. The Planning Statement (paragraph 5.9.1) deals with this policy, noting that 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.

The proposed development will provide 10% affordable housing (in the form of discounted market sale) as specifically defined in the NPPF and the Planning Statement concludes that the proposal is in accordance with Policy SP7 insofar as it relates to affordable housing provision.

Heritage

Regarding Iceni's heritage concern in respect of the nearby Hook House, the Heritage Statement 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.

The proximity to this asset has been considered; 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.

Similarly, the 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 later in this response means that the test at paragraph 208 of the Framework is also passed. Accordingly, less than substantial heritage harm (if any) would not provide a clear reason for refusal.

Local facilities and Public transport

Both responses consider local facilities and public transport. 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. 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 vehicle(s), 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.

Landscape

Whilst the site does lie within the Northaw Common Parkland Landscape Character, the illustrative scheme envisages the provision of retirement bungalows and apartments within a strong woodland and landscape setting. 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. 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.

A technical note detailing with landscape matters will be submitted to address comments received.

Public benefits

AECOM note due to the windfall nature of the site, it is essential the applicant demonstrates how to deliver public benefits – this is not a test for windfall sites. Table 4 of the Planning Statement sets out the identified benefits of the scheme in respect of the planning balance. These will be delivered through either through the S106 Agreement or through the delivery of the scheme.

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

Viability

With regard to viability matters, this is a matter for continued discussion between the Council’s appointed viability consultants and the Applicants.

Housing Need

To finish, we would just remind you of the housing need report submitted with this application which demonstrates the significant level of housing need for specialist older persons housing. This view is supported by Hertfordshire Adult Care Services, who are arguably the most well informed body to have responded to the application with regard to need in this area and who have stated that:

“The county council have undertaken an assessment of need for all types of accommodation in each local authority and based on the current provision and population our supply and demand estimate for Welwyn Hatfield Borough shows a deficit of 828 units for this type of accommodation in this area.

Based on an expected population growth in those aged over 75 of 15,111 people by 2042 we have identified a future need for 237 units of Affordable and 591 of Market Housing with Care. On this basis alone, the county council supports this development.

While this provides a mathematical assessment of need based on certain assumptions other real-world evidence such as vacancy rates, waiting lists and rate of sales/lettings can also indicate demand (or lack of) for specialist housing for older people and should be a consideration for the council.

Equally, a mathematical surplus does not suggest that the existing provision should be automatically reduced. Evidence of vacancy rates and sales/letting rates may often be a sign of the age and/or quality of accommodation and should be a consideration for the council”.

They then go on to identify “other considerations” and we respond to these below:

- The county council would encourage the LPA to ensure that where there is an identified need for any provision of specialist accommodation, this includes an element of affordable housing or off-site contribution to it.
The proposal includes 10% affordable housing provision (should the Council prefer to secure this provision off-site; the Applicants are willing to review this option)
- The county council also look more favourably on accommodation in sustainable locations and those that provide a range of facilities on site. This scheme should have access (ideally within 500m) to public transport links and community facilities such as a GP surgery and shops. It is noted however that the scheme benefits from a range of social and communal facilities on site, to ensure delivery of a high standard of accommodation.
As set out in the transport note, on site electric vehicle provision will provide access to higher order facilities however as set out by Adult Services, the level of on-site provision can ensure that a high standard of accommodation can be provided.
- To ensure, wherever possible, that communities are suitable for a range of ages, larger strategic developments should seek to include an element of specialist housing for older people. The county council would also encourage a range of typologies, built form and tenures at a more local level and would broadly support any diversification of supply particularly where there is an identified need and where very specialist accommodation is included.
This is not a larger strategic development however diversity of housing mix and typology is proposed to cater for different needs / choices.
- The council should encourage the redeployment of any surplus stock to other tenures or levels of care in the first instance.
This is a matter for the Council and not the Applicants.
- The county council would also encourage the council to seek as much development to be built to M4(2) standards as possible, as well as seeking an element of M4(3), to ensure accommodation is better equipped to respond to changing needs. Although it is recognised that the provision of both affordable housing and M4(2)/M4(3) compliance have ramifications to a site’s viability.
This can be secured at reserved matters stage.

Adult Services finally conclude:

“On the basis of the information provided, the county council, in principle supports this application for Housing with Care”.

The Applicants commend this recommendation to the Council given the clearly identified need for the development and the clear suitability of the site to accommodate it. We trust that this addresses all matters upon which comments have been received to date; and we would be more than happy to have a further meeting to address any outstanding issues.

Yours sincerely



KATHRYN VENTHAM

Director

on behalf of Stantec UK Ltd

Enclosed:

- PDL History of Site + accompanying photos
- Updated FRA / Drainage Strategy
- DAS Addendum
- Revised Site Boundary Plan (P24_0394_DE_001_002)
- LVIA Addendum
- Planning Statement (as updated)
- Green Belt Assessment Addendum
- Highways Technical Note