

REGISTERED NUMBER:	5/2020/3022/LSM
APPLICANT:	Mr Stephen Rickard Castleoak Care Developments Ltd
PROPOSAL:	Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works
SITE:	Land to Rear of Burston Garden Centre North Orbital Road Chiswell Green St Albans Hertfordshire
APPLICATION VALID DATE:	15/12/2020
HISTORIC BUILDING GRADE:	Adjacent Grade II* and Grade II
CONSERVATION AREA:	N/a
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD	St Stephen/Park Street

RECOMMENDATION	REFUSE PLANNING PERMISSION
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1. Reasons for Call in to Committee

- 1.1. The application has been called-in to committee in the event that officers are minded to recommend that planning permission be refused for the following reason:
- 1.2. *Redevelopment of the site in accordance with this application would contribute to meeting requirements for assisted living accommodation in St Stephen that were identified as part of the St Stephen Neighbourhood Plan process. Local feeling is that meeting these requirements would, on balance, constitute very special circumstances that would justify the redevelopment of this site in the Green Belt*
- 1.3. This call-in was received by Cllr Yates who, prior to the recent elections, was a District Councillor.

2. Relevant Planning History

- 2.1. Various applications have been received for the garden centre site for development including sales area, extensions, glasshouses, storage buildings, siting of caravans for seasonal agricultural workers. The following history is in relation to the part of the site that is proposed to be developed under this current application:
- 2.2. 5/2018/1324 Demolition of all existing horticultural structures and redevelopment of the site to provide a new retirement community comprising a 64 bedroom care home, 125 assisted living bungalows and apartments, a community clubhouse

together with associated access. Refused and dismissed at appeal. Inappropriate development in the Green Belt.

- 2.3. 5/2013/0360 Insertion of an automated gate (resubmission following refusal of 5/2012/2860). Approved
- 2.4. 5/2012/2860 Installation of automated gate and erection of fencing. Refused
- 2.5. 5/2007/2951 Display of one non illuminated triangular advertising board (retrospective). Approved.
- 2.6. 5/2006/0774 30m Telecommunications lattice tower, three dishes and ancillary equipment. 5/1996/1475 Deemed application on appeal against Enforcement Notice for the erection of a 2m high fence. Withdrawn.
- 2.7. 5/1995/0496 Glasshouse. Conditional permission
- 2.8. 5/1987/1655 Erection of glasshouse. Conditional permission
- 2.9. Adjacent highway

5/2014/3049 Highways work to provide improvement and introduction of new signal controls at Garden centre access onto the A405.

Copsewood and A405 Junction North Orbital Road Chiswell Green St Albans Hertfordshire

- 2.10. 5/2018/2666 Variation of Conditions 4 (finished appearance) and 25 (approved plans) to allow changes to the roof, floor plans and facade of planning permission 5/2015/0722 dated 22/08/2016 for Hotel with 150 bedrooms, conference and function centre, associated car parking, realignment of roundabout and retention of bungalow (amendments to 5/2012/2055 dated 27/09/2013 and 5/2013/3450 dated 21/03/2014). Pending
- 2.11. 5/2015/0722 Hotel with 150 bedrooms, conference and function centre, associated car parking, realignment of roundabout and retention of bungalow (amendments to 5/2012/2055 dated 27/09/2013 and 5/2013/3450 dated 21/03/2014). Approved

3. Site Description

- 3.1. The site comprises land associated with Burston Nurseries. The site has been used for the growing of plants associated with the horticultural use of the site. There are a number of buildings on the site comprising cold store, glasshouses and buildings associated with the horticultural use of the land. The site is fairly level. To the south west of the site is Burston Garden Centre, which comprises glass houses and a sales building. To the north and north west is Burston Manor, a Grade II* Listed Building and the Dove Cote Grade II listed, partially screened from the site by large conifer trees. To the south is woodland, located on the southern boundary is a telecoms mast and Birchwood Bungalow is located adjacent to the south eastern corner of the site. The eastern boundary of the site is adjacent a footpath and bridleway, which leads to How Wood.

4. The Proposal

- 4.1. Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works
- 4.2. The proposal is for a 'continuing care retirement community'. It comprises assisted living apartments, the bungalows are self-contained accommodation to enable older people to retain their independence by living in their own accommodation with a range of communal amenities.
- 4.3. Access to the site is proposed via a new access from the A406 (North Orbital Road). This access would be sited in the same position as the existing access, but would comprise a signalised junction, with a roundabout within the site serving the garden centre, care village and the existing dwellings. A total of 140 car parking spaces are proposed for residents, staff and visitor use.
- 4.4. The access road would run along the north eastern edge of the garden centre, between the garden centre and Burston Manor. Access to the care village would be from the new access road. An access road is proposed to run through the site in a north eastern / southwestern direction. The assisted living apartments are proposed at 2.5 storeys. The assisted living bungalows will be 1.5-storey in height. The bungalow are across the site, with the assisted living apartments located in the southern part of the site. The development is arranged around a village green and access road.

5. Representations

5.1. Publicity / Advertisement

Site Notice Displayed	Expires 27.2.2021
Press Notice Displayed	Expires 27.2.2021

5.2. Adjoining Occupiers

- 5.2.1. 1, 10, 11, 12, 2, 3, 4, 5, 6, 7, 8, 9, Albany Mews Arrlington Court Lye Lane, Birchwood Bungalow How Wood; Burston garden centre, Burston Manor, Cleveland, Deepset, Hertfordshire Fisheries, Jemarold North Orbital Road; Mobile Home 1, 2, 3, 4, 5 Burston Garden centre; Tenderden, The Hawthorns Lye Lane; The Limes Burston manor North Orbital Road; Wrexhams Lye Lane; 15 Hyburn Close;; 1 Magnolia Close; 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 3, 4, 6, 7, 8, 9 Spruce Way; 1, 10, 11, 12, 2, 3, 4, 6, 7, 8, 9 Walnut Close, 10, 12, 14, 16, 18, 2, 20, 22, 4, 6, 8 Willow Way; 1, 11, 13, 15, 17, 19, 21, 22, 23, 25, 27, 29, 3, 31, 33,35, 7, 9 Grovelands; 2 Mill Cottages, Burydell Lane; 3 Birchwood Way; 34, 26, 38, 40, 42,43,44, 44a, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 63a, 65, 67, 67a, 69, 69b, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91 Mayflower Road; 40, 44 Park Street Lane; 90 Maplefield Park as well as those that commented on the previous application on the site.

- 5.2.2. Representations Received from: Herts Wildlife Trust;

Herts Wildlife Trust

5.2.3. Objection: This application does not demonstrate a 'measurable' net gain to biodiversity.

5.2.4. This development must demonstrate that it can deliver a 'measurable' net gain in biodiversity in accordance with NPPF, BS 42020. At present it contains no objective, quantified assessment of net ecological impact and so should be refused until a calculation which utilises the DEFRA biodiversity metric has been submitted and approved. The following additional information is required:

Net gain to biodiversity (habitats) should be adequately and objectively demonstrated by application of the DEFRA biodiversity metric.

5.2.5. NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value

d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing 'measurable' net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure 'measurable' net gains for biodiversity.

5.2.6. The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

5.2.7. In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information

5.2.8. The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

5.2.9. The most objective way of assessing net gain to biodiversity in a habitat context is the application of the Defra biodiversity metric. This metric assesses ecological value pre and post development on a habitat basis, has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF, and its use is advocated in govt guidance e.g. <https://www.gov.uk/guidance/natural-environment>

5.2.10. In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score of 10% to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved.

5.2.11. If the development results in less than 10% net gain, a biodiversity offset must be proposed and endorsed by a legitimate biodiversity offset broker or provider with full establishment, management and monitoring regimes.

5.2.12. Once the extent of the mitigation, compensation and enhancement measures are established by the metric, they should be definitively proposed, so that they can form the basis of a condition. BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

5.2.13. A clear indication of all ecological measures that will be delivered by the development must be provided. This could be conditioned as part of the decision by adapting a condition from BS 42020. However, until a Defra metric assessment has been conducted, the character and extent of onsite provision will not be known.

5.2.14. Hertfordshire and North Middlesex Ramblers Association

5.2.15. We therefore take a neutral view of this application but ask the district council to take into account the following issue in its considerations of the balance between the very special circumstances and the harm to the Green Belt.

5.2.16. This proposal is offering two very valuable additions to the rights of way network which are of benefit to both residents and the general public.

5.2.17. a. A safe crossing of the A405 between bridleway 3 (BR03) and BR03A

5.2.18. b. A new bridleway along the southern boundary of the site linking the existing BR03 and Lye Lane. The A405 is a substantial barrier for walkers, cyclists and equestrians between Chiswell Green and How Wood/Park Street. There is no safe, at grade crossing between the Park Street roundabout and the M25 junction. The footbridge at Tippendell Lane is inconvenient for residents in the southern parts of Chiswell Green and may be difficult for wheel chair users. It is not available to equestrians. Bridleway BR03/03A is effectively severed by this road as

few people are willing to risk crossing it on foot, on horseback or by cycle at this point. The proposed signalized crossing would re-connect the two parts of this bridleway for all non-motorised users. It would open up the shopping area of How Wood to the residents of Chiswell Green and the convenience store and café at the nearby petrol station to the residents of How Wood and the retirement village including wheel chair users.

- 5.2.19. The unprotected at grade crossings of the A405 between Lye Lane and Noke Lane are notoriously hazardous. They are avoided by most people but are the only route to the bus stop near the Noke hotel for visitors and staff from the care homes in Lye Lane. The existing FP18 and this new crossing would give these people a safe route to the bus stops in Watford Road.
- 5.2.20. The new bridleway along the southern boundary would give them a safe route to the shops and railway station in How Wood. It also provides the only off road route between BR03 and Lye Lane for cyclists and equestrians and avoids the narrow footway beside the A405 for pedestrians. If this application is approved we ask the council to ensure by condition or S106/278 agreements that the signalized crossing of the A405 is provided and that the new bridleway is dedicated as a public right of way preferably before the first unit is occupied. It will also be necessary to upgrade part of FP18 to bridleway status.

5.2.21. St Albans and District Footpaths Society

- 5.2.22. The St Albans and District Footpaths Society is a charity whose main objective is to protect and preserve public rights of way, particularly footpaths, in St Albans City and surrounding areas.
- 5.2.23. The Society support the comments in the letter dated 1st March 2021 from the Footpaths Secretary for the St Albans District, Ramblers Association concerning the improvements to rights of way which this application is funding.

5.3. Summary of Representations:

5.4. 22 letters In Support

- Love Bricket Wood and would love to think I could continue to live here for many more years with a retirement village.
- This has been a long time coming.
- Would love to stay in the village now I'm older.
- There are no retirement village in the area and I would need to move away from my family and friends, church and activities in order to remain independent.
- Bricket Wood Residents Association would fully support this proposal. We are an aging population and Bricket Wood has a large number of elderly residents. The retirement village offers a comfortable safe place to live with a package of progressive wrap around care meeting the medical and social needs of the elderly population.
- A significant number of our elderly residents live in large 3, 4 or 5 bedroom properties and would like to downsize to suitable accommodation, but there are no retirement flats in Bricket Wood.
- Bricket Wood Residents are passionate about preserving Green Belt however the land at Burston garden centre is unused, derelict and unattractive as so does not meet the criteria in the NPPF for being Green Belt.

- This will be a carefully landscaped community with a range of planting promoting wildlife and biodiversity and will offer dense and attractive screening from Burston Manor. This is a good use of this piece of Green Belt.
- Will provide improved equestrian access across the A414 together with speed restrictions to improve road safety.
- It would provide increased business to local shops and business in the area.
- Support but the accommodation should be offered to local people in the first instance, new residents are unlikely to integrate into the village whereas existing residents will continue to mix and integrate this facility into the village.
- The traffic measures will help stop speeding traffic.
- This facility is most needed in a most Covid -19 Pandemic.
- Will not infringe on residents.
- Park Street and District Residents Association consider this an ideal development that will help address the burgeoning demand for assisted living accommodation in the area and to revitalise the Garden centre. An added benefit of the urgently needed highway improvements for those walking and driving to the garden centre and enhance the public bridleway network.
- Patchetts Green Bridleway Trust: The application site includes part of bridleway St Stephen 3. In recent years the landowner has added extra width to this bridleway and last year there was an agreement to widen a further section and extend it to Mayflower Road. The Trust, on behalf of local riders, is very grateful for these actions.
- The planning application would further improve the bridleway provision here. The Travel Plan document, at section 3.2.3 commits to the creation of a bridleway along the southern edge of the site and on to Lye Lane. The provision of this route would be a major improvement for riders, and by extension cyclists (as bicycles can use bridleways by virtue of the Countryside Act 1968). It provides a way of getting from bridleway 3 to Lye Lane without using the verge of the A405. We would strongly commend this to the planning committee.
- In addition, we note that the planned entrance to the site appears to make provision for a light-controlled (Pegasus) crossing of the A405, so re-joining bridleway 3 and bridleway 3A which were severed by the A405.
- The protection and enhancement of bridleways is part of the saved policy 97 of the local plan, and is also part of the Watling Chase Community Forest plan, which is material under saved policy 143A.
- We ask that all steps needed to dedicate the bridleway on the part of the developer be made the subject of a s.106 agreement (as has been offered) with a requirement that it be completed before the first unit is occupied. That would either be an express dedication (can be unilateral by the landowner) or getting the developers signature on the public path creation agreement with the county council.

7 letters of objection

- Gross overdevelopment within the Green belt which will cause significant harm to the setting of Burston Manor, a listed building.
- The assisted living complex will tend to be self-sufficient, serviced by own staff and will not necessarily integrate into the local community.
- Burton Manor will be isolated, cut off by this sprawl of housing, the north orbital road and adjacent garden centre.
- The Manors setting will be degraded.
- There is nothing in this application which deserves to alter the previous planning decision, even as scaled down and amended.
- It conflicts with local and national policy designed to check unrestricted sprawl between built up areas and prevent settlements merging.

- The proposal causes harm to the remaining countryside between St Albans and its satellite settlements and to the siting of the heritage building.
- This would affect traffic times, which increases the carbon footprint for the area.
- No objection to the housing, but do object to the signalised junction, it is unnecessary and high risk of health to those in the area.

5.5. **St Stephen Parish Council**

Strongly Support, with the condition that an approved landscaping scheme is implemented before the sale of the first unit. This proposal meets local needs as reflected in the communities survey and in the draft Neighbourhood Plan. Requested Call-in if Officers minded to refuse

6. Consultations:

6.1. **Environmental compliance**

- 6.1.1. No objections subject to conditions relating to noise assessment; noise impact assessment; post construction noise monitoring; piling works; odour control on kitchen extract system; hours of delivery; unsuspected contamination.

6.2. **Housing Officer**

- 6.2.1. The Housing department has completed on 4 new build projects since 2015/16. These have delivered 74 properties at an average build cost of £265,393.
- 6.2.2. Any commuted sum payment would contribute to the Housing Investment Programme, either to the new build projects that are currently on-site or towards purchasing properties on the open market

6.3. **Contaminated Land Officer**

- 6.3.1. The proposed development includes the introduction of residential dwellings with communal 'semi private' gardens, private garden/patio areas, raised allotments and edible orchard gardens.
- 6.3.2. The application is accompanied by a Tweedie Evans Consulting 'Preliminary Geoenvironmental and Geotechnical Assessment' report (ref 1706007.001.01, dated August 2017, pp.181). The report comprises a Phase I desktop study and partial site walkover with a limited intrusive Phase II site investigation. This is the same report submitted and reviewed with application 5/2018/1324; my comments detailed below:
- 6.3.3. Section 2.2.8 of the Phase I advises access to a number of the outbuildings was not possible during the site walkover and therefore the localised storage of possibly hazardous chemicals cannot be discounted. The site walkover should include all areas of the site so concerns can be identified and investigated at Phase II. The Phase I site walkover took place on the first day of the Phase II site investigations. Information about the site and access may have been gained from the previous owner/management of the site.
- 6.3.4. Figure 3 of the report shows a block plan of the site in its current layout together with the sampling locations. It would have been helpful if the areas of interest

highlighted in the Phase I, e.g. the above ground fuel storage tanks, greenhouse burners, waste, drainage inspection covers etc. had been highlighted.

- 6.3.5. Eight boreholes sampling locations were sunk across the site, five to the Northeast/Eastern undeveloped side and three to the Southwest/Western. No samples were positioned within the growing areas or to target the soils underlying the structures on the site.
- 6.3.6. Ten soil samples were collected from the made ground and sent for chemical analysis. The results were compared to the Category 4 Screening Levels (C4SLs), Soil Guidance Values (SGVs), Dutch Intervention Value and Suitable 4 Use Levels (S4ULs) generic assessment criteria at 1% soil organic matter. The development was considered to be residential with homegrown produce.
- 6.3.7. PAH exceedances of the GAC are highlighted for Benzo(a)anthracene (WS05 and WS07), Benzo(b)fluoranthene (WS05, WS06 and WS07) and Benzo(a)pyrene (WS05, WS06 and WS07). The exceedances of Dibenz(a,h)anthracene (WS05, WS06 and WS07) are not highlighted in the report.
- 6.3.8. Chrysotile asbestos was identified at WS07 in the form of loose fibres and hard cement.
- 6.3.9. Pesticide and herbicide testing screens were undertaken for WS01, WS03, WS07 and WS08. Other than WS07 all of these are in the Eastern previously undeveloped area of the site; I suspect this area may be former farmland associated with Burston Manor Farm. No sampling took place within the growing areas of the nursery itself or any possible chemical store.
- 6.3.10. The site walkover is incomplete and as a result potential areas of concern are not identified. The sampling undertaken is limited and does not fully characterise the site. The soils underlying the growing areas, greenhouses, buildings/structures and storage tanks need to be assessed with appropriate targeting of potential sources of contamination and general coverage.
- 6.3.11. Burners are highlighted in the Phase I section within the growing/greenhouse areas; there's no suggestion as to how these were powered or potentially linked. It's unconfirmed if the water tanks on site only contain/ed water or if they housed a herbicide/pesticide and water mix; one of the tanks is leaking. Underground services to the burners and/or irrigation system need to be considered. Areas of general/industrial waste need to be considered.
- 6.3.12. The Tweedie Evans Consulting Report is now coming up four years old (the site reconnaissance survey and intrusive works were undertaken 17-18th July 2017). This is a significant amount of time and conditions at the site may no longer be fully reflected by the report. The Agricultural Land Classification (November 2020) submitted with the application advises "When surveyed a bonfire pile was on the [Grade 3B] agricultural land, comprising mostly of broken pallets and other timber waste. Other material had also been disposed of on the agricultural land including subsoil and potting compost/peat."
- 6.3.13. The UK Radon mapping (<https://www.ukradon.org/information/ukmaps>) appears* to show the site within a 1-3% potential 1km grid square.
- 6.3.14. * At time of review the interactive information was not working.

6.3.15. If minded to grant, I recommend any permission include the following conditions and informatives; desk top study and site walkover; site investigation; options appraisal and remediation strategy; verification report; remediation; unsuspected contamination

6.4. **Highways England**

6.4.1. Referring to the planning application referenced above received by Highways England on 26 January 2021, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection

6.4.2. *on the basis that we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2019, particularly paragraphs 108 and 109) in this location and its vicinity.

6.5. **Hertfordshire Highways**

6.5.1. No objections, subject to conditions

6.6. **Historic England**

6.6.1. First comments: Due to current COVID-19 restrictions we have been unable to visit the site but, on the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

6.6.2. The land associated with this planning application lies to the south east of Burston Manor. This house dates to first half of the 12th century. Although altered and extended in the 15th and mid 17th century and encased in brick and weatherboard in the 19th century, the building retains much of its original fabric which can be appreciated from the interior. The site contains the remains of a moat which partly encircles the building on the south and west sides. The building was listed grade II* in 1953.

6.6.3. Historic maps of the site indicate that Burston Manor has historically been situated within a rural location with St Albans to the north and Park Street and Frogmore to the east. In 1896 Burston Manor is marked as Burston Manor Farm and is supported to the north by a range of outbuildings while to the south east, a wide expanse of open, agricultural land is between the Manor and Birch and How Woods. A network of footpaths connect Burston Manor across the countryside to other outlying properties.

6.6.4. Burston Manor has historically been an important building. It is shown as being set within its own gardens, surrounded by agricultural land that it is likely it had control of footbridges across the moat indicate that it had become a garden feature at this time and none of the readily available historic maps show any significant vegetation along the southern edge of the immediate gardens, indicating a designed visual link between the immediate garden setting and the agricultural land beyond. Views towards How Wood and Birch Wood could of been possible. The agricultural setting provides a contrast to the more formal landscaped grounds that provide the immediate setting to the listed building. This is a typical

convention of English gentry houses where parkland or, the wider rural landscape forms an intrinsic part of the experience of its setting.

- 6.6.5. It is clear that the wider setting of the manor has altered in the present day with residential developments filling the former agricultural lands between the site and Frogmore and the Northern Distributor Road to its north but, the manor has retained much of its former open setting to the south east. The existing greenhouses are unobtrusive and their height is low retaining the sense of open space beyond the garden land. This land is the former wider setting of the Burston Manor House, the reason for its existence and therefore integral to its character and significance.
- 6.6.6. The proposed development would negatively impact upon this open connection from Burston Manor to the landscape beyond. Viewpoint E in the LVIA shows this clearly, what was open views to woodland beyond, would become chimneys and rooflines. Burston Manor would become one building in the suburban sprawl, and would lose its intrinsic significance as a Manor Farm set within its agricultural setting. This would have a negative impact upon the significance of the grade II* listed building.
- 6.6.7. Policy Context.
- 6.6.8. Paragraph 193 of the NPPF indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater that weight should be)
- 6.6.9. Paragraph 194 states that any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 6.6.10. Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Historic England's Position

- 6.6.11. Historic England consider that this proposal would intrinsically alter the relationship between Burston Manor its setting. The agricultural and open character of the land have been shown through historic maps to form part of the wider setting of the building and part of its significance. The visualisations of the site show that the development would not be designed to give great weight to the conservation of the grade II* listed building by developing fully within the open land that contributes to the buildings significance and divorcing the historic building from the surrounding landscape. The scheme would not therefore be in accordance with paragraphs 193 and 194 of the NPPF.
- 6.6.12. Historic England considers that there is the potential for less than substantial harm, moderate in scale to the setting and significance of the grade II* listed Burston Manor though development within its setting. We therefore consider that it is for your local authority to undertake the planning balance as required by paragraph 196 of the NPPF.

Recommendation

- 6.6.13. Historic England has concerns regarding the application on heritage grounds.

- 6.6.14. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 196 of the NPPF.
- 6.6.15. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 6.6.16. Since providing the above comments English Heritage have visited the site and provide the following comments:
- 6.6.17. Following our site visit I can confirm that the existing scheme would have a low/moderate impact upon the significance of the grade II* Listed Building through development within its setting. We acknowledge that following the previous appeal, the scheme has been reduced in size and an attempt made to address the Inspector's concerns.
- 6.6.18. I stated on site I was happy to enter into further discussions with the applicant regarding development proposals which could result in lessening the level of harm – this would need to be done through our pre-application advice service. One round of advice would be provided for free – after this there is a fee for the service which can be provided to you on request.
- 6.6.19. I stated that there were a number of areas that could be improved upon that would lessen the harm;
- 6.6.20. The reinterpretation of the historic carriage route across this field as a pedestrian link to the existing Bridleway and on to the shops could benefit from more of a sense of arrival. When entering the development a better sense of open space could be created which would result in the views towards the Manor being more readily appreciated. This need not be a formal area of open space, rather a part of the communally maintained grounds. The placement of some of the bungalow units may need to be reconsidered as part of this.
- 6.6.21. The three storey apartment blocks were still a cause for concern due to their dominating presence however, more could be done to create a sense of permeability through the alteration to the single storey elements. Either a reduction in height of the roof or the removal of the sitting room and its replacement with an open archway should be considered. The removal of one 'wing' of the apartment block was also mentioned.
- 6.6.22. The treatment of the hard surfacing, in particular the parking and road surfaces should be looked at again. The reduction in hard surfacing and its replacement with grass or grasscrete and less formally rigid planting needs also to be re looked at.
- 6.6.23. Should the case officer be minded to approve this application as currently submitted, Historic England would not wish to alter our comments but the level of harm above should be noted. We would however be willing to work with the applicants to reduce the level of harm in the ways stated above which could result in a better and less harmful development.

6.7. **Local Lead Flood Authority**

6.7.1. No objections subject to conditions.

6.8. **Herts Valley Clinical Commissioning Group**

6.8.1. Due to its nature, this development of 80 assisted living apartments and 44 bungalows will have a significant impact on our local GP practices, all of which are either at capacity or operating in cramped conditions and therefore their ability to absorb any increase in patient population is very limited.

6.8.2. For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and we would like to propose that a charge is applied per dwelling in order to provide additional GP services capacity in the area.

6.8.3. Below is our calculation based on the number of dwellings proposed and recently updated build costs.

6.8.4. I acknowledge that the standard occupancy rate of 2.4 does not apply in this case, however, given that these residents are likely to have much higher than average impact on local NHS services, I would suggest that the same rate is maintained.

6.8.5. 124 dwellings x 2.4= 297.6 new patients

297.6/ 2,000 = 0.1488 GP (based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England (Premises Principles of Best Practice Part 1 Procurement & Development)

0.1488 x 199m² = 29.6112 m² additional space required

29.6112 x £5,410 (build costs including land, fit out and fees) = £160,196.592

£160,196.592 / 124 = £1,291.908 ~ £1,290 per dwelling

6.8.6. These calculations above are based on the impact of this development only, on the number of dwellings proposed and do not take into account any existing deficiencies or shortfalls.

6.8.7. In addition to the above, we would like you to consider that there will also be an impact on NHS community, mental health and acute care services. I have summarised the relevant cost impact per dwelling in table below:

	Cost per dwelling
Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

6.8.8. However, in I am not in a position to comment on behalf of these services and will therefore not be seeking these contributions. It is merely to bring your attention to the fact that the actual impact is greater than £1,290 per dwelling requested above.

6.9. **Hertfordshire Constabulary Crime Prevention Design Advisor**

- 6.9.1. I have held a meeting with the architects to discuss security at this location and I am happy that the matter has received due consideration in the plans.
- 6.9.2. I would ask that all external doors and ground floor windows are minimum security rated to PAS24 as would be required for C3 housing.
- 6.9.3. The desire to use 'hit & miss' brickwork in places must be carefully thought out to ensure it does not afford climbing access to rooms above ground level.
- 6.9.4. From a crime prevention perspective, I am able to fully support this application.

6.10. **Green Spaces Officer**

- 6.10.1. Due to being assisted living / social care we will not be seeking a leisure contribution.

6.11. **Waste Officer**

- 6.11.1. There are three refuse areas for the assisted living apartment residents, and one located next to the kitchen. I would assume that the one located next to the kitchen would be for commercial waste so wouldn't be affected by the council service.
- 6.11.2. The vehicle needs to be able to follow a route which requires minimal reversing.
- 6.11.3. If the car parking spaces are not all filled then there is a good likelihood of the freighter being able to access the assisted blocks and turning around. If car parking spaces are filled, then there is a sizable reversing needed to get back to access road.
- 6.11.4. The doors of the bin area need to be wide enough to manoeuvre the containers and have clear passage between the store and the vehicle to ensure good collections.
- 6.11.5. For the bungalows there should be good space for the freighter to do rounds. These will be supplied with a suite of containers and presented at kerbside for collection.

6.12. **Thames Water**

6.12.1. **Waste Comments**

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

- 6.12.2. With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Capacity

exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

6.13. **Affinity Water**

- 6.13.1. You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZ2) corresponding to Bricket Wood Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 6.13.2. If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points: Contamination of the chalk aquifer; contamination during construction; infiltration – surface water no inflicted into ground by a soakaway; drainage; bunding;

6.14. **Archaeology**

- 6.14.1. No objections subject to conditions.

7. **Relevant Planning Policy**

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.2. The development plan is the St Albans District Local Plan Review 1994.
- 7.3. The NPPF 2019 is also a material consideration.
- 7.4. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.
- 7.5. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting 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; 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.

- 7.6. Paragraphs 212 and 213 of the NPPF reads as follows:
- 7.7. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Page 11 Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.
- 7.8. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 7.9. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.
- 7.10. St Stephen is currently at post regulation 15 stage, which is after the first round of consultation, but before the second round of consultation carried out by SADC which will occur in June. As such it is given little to limited weight as it has yet to be tested against the Basic Conditions and deemed lawful by the examiner.

National Planning Policy Framework 2019

- 7.11. St. Albans District Local Plan Review 1994:
- Policy 1 Metropolitan Green Belt
 - Policy 106 Nature Conservation
 - Policy 143B Implementation
 - Policy 34 Highways Considerations in Development Control
 - Policy 35 Highway Improvements in Association with Development
 - Policy 39 Parking Standards, General Requirements.
 - Policy 43 Elderly Persons Dwellings and Residential Homes / hostels, Parking Standards
 - Policy 69 General Design and Layout
 - Policy 70 Design and Layout of New Housing
 - Policy 74 Landscaping and Tree Preservation
 - Policy 84a Drainage Infrastructure
 - Policy 97 Existing Footpaths, Bridleways and Cycleways.
 - Policy 102 Loss of Agricultural Land
 - Policy 111 Archaeological sites where planning permissions may be subject to a recording condition
- 7.12. Supplementary Planning Guidance/Documents
- Parking Strategy

8. Discussion

- 8.1. The main matters for consideration are:
- Green Belt
 - Design and Layout
 - Amenities
 - Affordable Housing

- Ecology
- Contaminated Land
- Car parking and highway safety
- Archaeology
- Drainage
- Infrastructure

8.2. This application is submitted to overcome the reasons for refusing the previous application, dismissed at appeal. A summary of the appeal decision for 5/2019/1324 is set out below (the full appeal decision is attached at Appendix 1):

- Proposal comprises a retirement village with 'extra care' housing for older and retired people together with a 64-bed care home. The housing would comprise 45 care bungalows and 80 1, 2 & 3 bed apartments. There would be a central village green and clubhouse with bar/café, restaurant, library and other facilities.

Green Belt

a) In considering openness against the baseline the proposed development would introduce a substantial amount of built form spread across the site at 1, 2 and 3 storeys in height. The scheme would thus far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms.

b) The new buildings would have limited zones of visibility from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway. However, the loss of openness would be clearly perceived by users of the public right of way.

c) In addition, the scale of the built development and associated parking areas and reduction in openness would also be very apparent to the many residents, staff and visitors to the development. Moreover, in introducing a new public access through the site and along the perimeter of Birchwood through the development of a new public bridleway, I consider that the mitigation itself would increase the visual effects experienced from the loss of openness.

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

e) There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green. However, it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.

f) By virtue of its open nature the site contributes to the characteristic openness of the Green Belt. In my view, the proposed development could therefore do little else but to encroach on the countryside. As established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the Green Belt. These structures are also not comparable to that being proposed. There can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.

g) The development would therefore result in a substantial loss of openness and would conflict with the purposes of the Green Belt. The development would not accord with the Framework nor LP Policy 1. However, it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.

Character

h) The site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.

i) The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained.

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

k) In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas.

l) Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting. These LP policy objectives are consistent with those of the Framework.

Heritage

m) The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings and that this harm should be given great weight. In this regard, for the purposes of my decision I am simply required to weigh that harm against other considerations, including any public benefits.

n) Today, in spite of the boundary screening within the grounds, the Burston Manor grouping does have a relationship with its surroundings thus this forms its wider, or as described by parties, its 'secondary' setting.

o) The appeal site has a more limited negative impact upon setting than the remainder of the BGC site. Furthermore, while it is unkempt and not in any way

pristine, I consider that it does represent the last legible remnant of its historic landscape setting.

p) The Burston Manor grouping would effectively be contained by urban development. I agree with the Council that this would amount to the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost.

q) There would be significant landscaping and planting at the site, but as I have stated above, built elements of the proposed development would take up a large proportion of the site and thus would dominate in this regard. Effort has been made to restrict the building heights across the appeal site including locating the bungalows to the south of the boundary with Burston Manor. However, due to the amount of development at the site, there would be limited separation between the built form and the boundaries of Burston Manor.

r) The proposed care home in particular would be of a significant built scale and massing in the open north eastern nib of the site. The s106 agreement would secure offsite planting, including between the eastern boundary of Burston Manor and would have a significant screening effect of the care home, but this would do little to overcome the urbanisation. Instead it would further serve to divorce the assets from their wider surroundings and would add to the containment of the heritage assets.

s) Grade II* listed buildings represent the top 7% of England's most significant designated heritage assets. In combination with the grade II listed building and the moat and archaeological potential, the development would be firmly within the realms of 'less than substantial harm'. I am of the clear view that this would be to a moderate degree when applying the spectrum or scale put to me at the Inquiry, as opposed to the limited harm attested by the appellant.

t) Overall the development would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group. As a result, the development would conflict with LP Policy 86. In accordance with the Framework and the statutory obligations imposed, I give great weight to that harm.

Housing need

u) The agreed position on housing supply, at 2.2 years, is well below the requisite five-year supply and the proposed development would contribute towards this housing need and would deliver a range of specialist housing options for older people. I give this substantial weight.

v) In light of the current shortfall in C2 accommodation, there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, this would be likely to be achieved within the next 5 years. Related to this point, the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. I thus consider the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.

Alternative sites

w) It was clear that smaller extra care units and standalone nursing homes can be provided on smaller sites. That said, the revised study goes down to 1ha, or as the appellants cited 25% of the size necessary to deliver the appeal site. In that regard, I consider the Carterwood Report to be robust for the purposes of assessing alternatives, including disaggregation.

x) Share the Council's concerns regarding the application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability. None of the sites assessed were identified as being available as they were not being actively marketed. Mr Belcher explained that in assessing availability research had taken place in terms of property agents, websites and physical inspections, but in my view, this is a fundamental flaw of what was otherwise a robust exercise.

y) The lack of robustness in respect of availability therefore moderates the weight I can attach to the purported lack of alternative sites.

Health and wellbeing

z) In particular the care village concept, with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits therefore attract substantial weight into the balance.

Employment

aa) Note that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore I consider that such benefits are moderated in part by this.

Highways

bb) Access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. While I note that these were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.

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

Inspectors Planning Balance:

dd) The development would also cause harm to the character and appearance of the area, in conflict with LP Policy 69 and 70. There would also be harm to the setting of the designated heritage assets, which includes the grade II* listed Burston Manor itself. Employing the terminology of the Framework, that harm amounts to 'less than substantial' but to a moderate

degree. This harm, like the harm to the Green Belt, should be given great or substantial weight.

ee) On the other side of the planning balance, it is clear that there is a very significant local need for elderly persons' accommodation. The development would help meet a significant proportion of this need and would address this in the short term. St Albans is an area where there is a significant shortfall in overall housing land supply and the development would contribute to this. The development would also help to free up existing market housing. As a care village, the development would cater for a wide range of individual needs in terms of physical ability, dependency and personal care, and would give rise to health and welfare benefits. These considerations all weigh substantially in favour of the development.

ff) Only moderate weight can be given to a lack of suitable sequentially preferable alternative sites to accommodate the proposal.

gg) The development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. These matters add further weight to the case for the appeal.

hh) I am conscious of the significant local support for the scheme, not just in respect of the need, as addressed above, but in more general terms. This is also reflected by the proposed allocation of the BGC site for C2 development within the emerging NP. However, the weight that can be attached to this is limited at this stage and there are question marks around whether a NP can alter the boundaries of the Green Belt.

ii) Very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants case, not just marginally, but decisively.

jj) The benefits from the housing and health and wellbeing are substantial and there are other factors which add to this weight. But even so, they do not clearly outweigh the combined weight of the harm to the Green belt, the harm to designated heritage assets and the harm to character and appearance. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues.

kk) Despite the considerable merits of the development, the inherent conflict with the development plan and national policy with regard to harm to the Green Belt, designated heritage assets and character and appearance, lead me to conclude that the very special circumstances necessary to justify the proposed development have not been demonstrated.

End of summary of appeal decision

8.3. Changes to the scheme from that refused as identified by the applicant:

- i. Spatial openness improvement The reduction in the quantum as well as the scale and mass of development, with the removal of the 64-bedroom, 3,518 sqm, 2-storey care home which was located on the north east portion of the

site, to the benefit of the setting of Burston Manor and the visual openness of the scheme as viewed from the existing bridleway

- ii. Spatial openness improvement The overall reduction in built form also includes a reduction from 45 to 44 bungalows and equates to a decrease of almost 20% of the overall floor area, down from 19,449 sqm to 15,807 sqm
- iii. Spatial openness improvement A reduction in the density of development, utilising the space freed up by the removal of the care home to increase the space between bungalows and their distance from the curtilage of Burston Manor, as well as increasing the landscaping provision across the site
- iv. Heritage and visual openness improvement A more dispersed, more informal and consequently less urban arrangement of accommodation throughout the site, including the re-orientation of the bungalows towards the northern boundary of the site so that they are no longer positioned “side-on” towards Burston Manor
- v. Heritage improvement A change of landscaping approach in relation to Burston Manor, seeking now to identify, respect and enhance views of the Manor from within the site, rather than closing them off with additional screen planting
- vi. Heritage improvement The identification and maintenance of the visual connection between Burston Manor and the woodlands
- vii. Visual openness improvement The increase in the visual permeability of the scheme, with more open views throughout the site and from the northeast and southeast towards the village green
- viii. Visual openness and landscape character improvement The removal of the close boarded fence adjacent to the boundary with How Wood to open the bridleway with the introduction of new woodland planting (trees and understorey) and the introduction of a low-level estate post and rail fence (subject to discussions with rights of way)
- ix. Visual openness and landscape character improvement Softening the built form along the eastern boundary of the site to facilitate a more sensitive edge with How Wood, greater separation from existing houses and allowing space for extensive planting of native tree species to extend the woodland area
- x. Health and wellbeing improvement The provision for enhanced pedestrian routes both through and around the perimeter of the site, including access to Burston Garden Centre and improved connectivity to the local shops and facilities in How Wood Village
- xi. Outdoor amenity improvement The re-engineering of the pond on the village green and the wider drainage scheme to ensure that all surface water, even the most extreme ‘1 in 100 year’ storm event, is contained within the swales and ponds so that the village green itself is no longer used for attenuation and is now flat and more easily accessible
- xii. *End of summary of changes as set out by applicant*

Green Belt

- 8.4. The site is within the Green Belt. The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF has been published post Policy 1 of the Local Plan and as such it is appropriate to give greater weight to the NPPF than this Policy.
- 8.4.1. When considering any planning application, 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.
- 8.4.2. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) 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.
- 8.4.3. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 8.4.4. The site is a horticultural use, which falls within the definition of agriculture as set out in S336 of the 1990 Town and Country Planning Act. The definition of

Previously Developed Land as set out in the NPPF excludes agricultural land from the definition of Previously Developed Land.

- 8.4.5. The loss of agricultural land of Grade 1, 2 or 3a will normally be refused under Policy 102, this is in line with para 170b) of the NPPF which seeks to recognise the benefits of the best and most versatile agricultural land and seeks development of poorer quality land where significant development of agricultural land is demonstrated to be necessary. The northern part of the site is classified as 'urban' and the southern part is classified at Grade 3. As such the land is not designated as being of a high enough quality to object to the loss of the agricultural land in itself.
- 8.4.6. The Planning Inspector was of the view that the development at appeal comprised inappropriate development and a case for very special circumstances needed to be made. The revised scheme remains inappropriate development.
- 8.4.7. The applicant's case for very special circumstances is summarised below:

(i) A local need for high quality care accommodation

- St Albans has failed for many years to provide the housing its residents need: this is an area of sustained market failure.
- There are no allocated sites. This means that the Council is entirely dependent on windfall sites; it also means that the Council has no policy basis for requiring C2 provision as part of any housing schemes that do come forward.
- During the course of the previous appeal Inquiry there was considerable disagreement between the Applicant and the Council on the precise extent of need for older people's accommodation in the area with the Applicant citing a much greater need than the Council identified. The Inspector concluded in her decision that it was not necessary to reach a precise conclusion on the need and supply of this type of housing. This is because, even using the Council's more modest figures showing a shortage of 150 private extra care units, there is an immediate unmet and growing need which would not be met in the short term – noting in relation to Extra Care delivery the average has been under 27 units per annum from 2012-2018, meaning that (ignoring zero delivery in 2019) it would take nearly 6 years to make up even the LPA's existing shortfall of 150 private extra care units. The Inspector agreed that windfall provision is also not likely to address this.
- The Inspector concluded that there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, the delivery of the site would be likely to be achieved within the next 5 years.
- Related to this point, the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. She thus considered the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.
- It remains the case that there are no other extra care schemes in the pipeline. There are not even any other applications – there haven't been any since 2017.
- The conclusions of Carterwood are that that the actual shortfall in the prospective delivery of private extra care units is significantly higher than 150 predicted by the Council and the reality is the shortfall will have risen to 470 units private extra care units by 2023, 529 private extra care by 2030 and 642 units by 2040. This clearly shows that need is not static and it is imperative to

take into account the fact that meanwhile the need would only be increasing in line with an ageing population.

- As acknowledged by the appeal Inspector the appropriate forum for determining the precise position on quantifying need, and planning to meet these needs, is as part of the development plan process.

- In the absence of an emerging Plan, and there is no evidence to suggest that a credible new Plan will happen anytime soon, all the evidence points to a very substantial and growing need which is going to remain unmet for many years.

- On this basis, the delivery of new C2 units should continue to be given very significant weight – and arguably within a higher spectrum of very significant weight than when the Inspector was determining the appeal 12 months ago.

(ii) General Housing Need

- The Council's 5-year housing supply has reduced from 3.3-years supply (as at 1 April (2017 AMR)) to a 2.2-year supply at the time of the appeal (as at 1 April (2018 AMR)) and since the appeal reduced down again to just 1.9-year supply (as at 1 April (2019 AMR)). Assuming the same trajectory there will continue to be a year-on-year fall of 0.7 years supply given no new housing allocations have been identified which means by 1 April 2022 the Council will have no supply at all. The Council accepted at the time of the appeal that it will not be able to demonstrate a 5-year housing land supply it has an adopted new Local Plan in place, i.e. until some unknown point in the future but not likely to be less than 3 to 4 years. The Inspector duly gave substantial weight to the appeal proposals ability to deliver a scheme that would contribute to meeting the Council's general housing needs.

- From the 2019 Housing Delivery Test for St Alban's (published in February 2020) indicated a HDT measurement of 63%. This result was calculated for the period 2016-17 to 2018-19, with 1,1397 net homes delivered against the HDT housing requirement of 2,219 dwellings. As housing delivery for the District was below 85% of the Government's new assessed housing requirement, at this time the 20% 'standard' buffer as set out in NPPF 2019 paragraph 73c) has to be applied.

- It follows that unless the Council suddenly finds some new sites that it is not currently aware of then the 5-year supply will fall yet further as sites that are currently in the 5-year supply are built out. In other words, the Council has very nearly run out of land.

- The application scheme's contribution to the LPA's 5-year supply of housing is a very significant material benefit which should be given substantial weight and arguably within a higher spectrum of substantial weight than when the Inspector was determining the appeal at the start of this year – given firstly the further reduction in supply and secondly the increased weight to the matter following the introduction of the HDT.

(iii) Lack of alternative sites

- In considering the appeal proposals the Inspector took into account evidence from the Applicant that there are no alternative sites which could accommodate the appeal proposals, which was challenged by the Council on two points relating to availability and disaggregation.

- In terms of the latter, the Inspector accepted the Applicant's evidence on the evolving nature of housing for older people and the care village concept, with its associated demonstrable benefits and that a size of site criteria of between 1 ha and 4 ha (the application site being around 3.8 ha) was appropriate, i.e. down to 25% of the size necessary to deliver the appeal site.

Within this regard, the Inspector considered the methodology of approach to be robust for the purposes of assessing alternatives, including disaggregation.

- However, the Inspector did share the Council's concerns regarding the application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability when applied to 3 sites; namely:

- Pioneer Youth Club, Harpenden Road, St Albans, AL3 5AY
- Ariston playing field, Sandridge Road, St Albans, AL3 5HX
- Ridgeview, Barnet Road, London Colney, AL2 1BP

- She was critical that none of the 3 sites were identified as being available on the basis that they were not being actively marketed and, in her view, this was a fundamental flaw of what was otherwise a robust exercise

- Accordingly, the weight she attached to the lack of alternative sites was moderated on this basis.

- Forming part of this application the Sequential Assessment of Alternative Sites report has been updated, to reflect the current position, but also to specifically respond to these concerns from the appeal Inspector on the robustness of evidence concerning the Pioneer Youth Club, Ariston playing field, and Ridgeview sites.

- The respective landowning parties have responded as follows:

- Hertfordshire County Council have confirmed that the Pioneer Youth Club site is not available, as it is the subject of an option to buy in favour of the County Council's joint venture vehicle, Chalkdene Developments LLP, who are currently working up proposals for the development of the site and it is unlikely that this will become available in the open market.

- Hertfordshire County Council have confirmed that the Ariston playing field site is not available as it is held by the Council in anticipation of a school being located there and there is no early prospect of it becoming available in the open market.

- Sainsbury's have confirmed that Ridgeview is not available from their point of view, as it is held on a long lease from them by St Albans City and District Council. The Council have stated that they do not have any sites available and have announced that it is to bring the building back into use itself as temporary accommodation and private flats. Ridgeview is therefore also not available.

- Aside from the quantitative needs' assessment outlined above, it is also important to consider the proposal in respect of its quality of life input. The provision of a care community of this nature has significant social and welfare implications in providing greater independence for older people and reducing social isolation. The range of facilities and activities offered within the scheme will encourage social integration and dramatically improve the quality of life for residents with impaired mobility or confidence. In turn, the provision of on-site care and support services reduces the pressures on hospital and GP services in the locality.

- The updated report demonstrates beyond any doubt that there are still no alternative sites available, including the 3 sites the subject of the Inspector's concerns. Accordingly, it is submitted that significant weight should be attached to the fact that there are no suitable sequentially preferable alternative sites to accommodate the proposals.

(iv) Health and wellbeing benefits

- There is clear evidence that investment in the type of specialist care accommodation for the elderly of the type proposed in this appeal provides

substantive benefits to the health and well-being of older people. Carterwood refer in the Needs Assessment – Qualitative Assessment section of their submitted Planning Needs Assessment to the tangible benefits for:

- Further evidence of the health and well-being benefits of new retirement communities is set out in published research documents.

- The appeal Inspector, with reference to the PPG (ID: 63-001-20190626), particularly referenced the care village concept (para. 80), with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits she concluded attract substantial weight into the balance.

- The research serves to demonstrate significant benefits to health and well-being for the following reasons.

- Firstly, significant cost savings to the national social care budget noting conclusions of the Lacey & Moody report (referring to a Housing LIN Case Study) (CD5.3). There are key cost and well-being benefits associated with the provision of extra care housing. The findings are based on evaluating the benefits associated with a new extra care development known as Strand Court in North East Lincolnshire (July 1015).

- The key benefits found were:

- The NHS and the wider community
- To prospective future residents themselves
- Care package costs to the Local Authority for residents were reduced significantly following taking up residence, although they increased slightly in the following 7-9 months, but were still 16% below pre-admission levels for people with complex needs and 18% below for people with non-complex needs. This compares with increases of 23% and 14% respectively amongst the control group.

- Ten of the new residents had previously been in a care home, and whilst 3 returned there over the first 7-9 months there were no 'new' admissions to a care home from the other 46 new residents – amongst the control group 63 were at home at the start of the evaluation period and 6 were admitted to a care home over the same period.

- An estimate of savings to the Local Authority of home care or care home services compared are £260k pa, which is an average of c£4,600 per person.

- The death rate amongst residents has been lower than in the control group, despite similar age profiles and initial levels of need.

- The number of episodes reflecting mental health needs has been significantly lower for people in Strand Court when compared with the control group, and the number of new dementia diagnoses has been higher.

- The number of contacts to the local 'single point of access' amongst those with complex needs has reduced very significantly, by c60%, compared with the year prior to admission.

- These findings continue to demonstrate a strong case for 'housing with care' solutions as part of a local economy. Work is ongoing to provide a broader perspective, including the potential to work with a linked dataset to obtain a clearer picture of the impact on health resources. Initial indications from this work do not currently suggest a reduction in hospital admissions on a before and after basis, or in comparison with the control group, although this is being kept under review." If the cost savings associated with 3 above were applied to the appeal proposal i.e. an annual saving of £4,600 per person, the development of 189 units assuming a population of around 1.25 people per unit would generate £1,086,750 of savings per year on this basis. The positive impact of extra care on health and well-being benefits is further explored in the

Establishing the Extra in Extra Care report in which the ILC UK provided some empirical evidence setting out key benefits.

- These findings continue to demonstrate a strong case for 'housing with care' solutions as part of a local economy. Work is ongoing to provide a broader perspective, including the potential to work with a linked dataset to obtain a clearer picture of the impact on health resources. Initial indications from this work do not currently suggest a reduction in hospital admissions on a before and after basis, or in comparison with the control group, although this is being kept under review."

- Extra care housing is a home for life. About 8 per cent of residents in extra care housing in this study enter institutional accommodation from extra care housing after five years of residence. Compared to those living in the community in receipt of domiciliary care, those in extra care housing are less likely to enter institutional accommodation. Among a matched population aged 80+ we would expect about 19 per cent of those living in the community in receipt of domiciliary care to enter institutional accommodation, compared to just 10 per cent of those in extra care housing. This highlights the efficacy of extra care in supporting people with a diverse range of support needs. Furthermore, this can represent substantial savings in social care budgets.

- Extra care is a healthy home for life. About a quarter of residents who enter extra care housing with additional social care needs, or who develop additional social care needs within extra care housing, later go on to experience an improvement; for example, moving from a high intensity social care package to a low intensity social care package. In addition, many more experience stability in care needs and do not exhibit the diminution in abilities that usually necessitates higher levels of social care.

- Extra care housing is associated with a lower uptake of inpatient hospital beds. Residence in extra care housing is associated with a lower likelihood of admittance to hospital for an overnight stay compared to a matched sample living in the community. However, among those admitted, extra care housing residents were likely to stay longer. This finding seems to demonstrate an overall tendency for extra care residents to be less reliant on hospital inpatient beds for minor procedures, and for extra care housing residents to utilise inpatient services only in times of crisis. Nevertheless, overall those in extra care housing had a lower incidence of overnight hospitalisation than a matched group living in the community. For example, we would expect an average person aged 80 and above in receipt of domiciliary care in the community to spend around 6 nights of the year in hospital, while a resident in extra care housing with similar demographic characteristics would spend around 5 nights.

- These findings suggest a substantial fiscal benefit to residence in extra care housing in terms of hospital expenditure and also in terms of residents' quality of life. In addition, we also present the argument that our estimates may overstate the case of longer stays in hospital for extra care housing, and we therefore would simply emphasise that those in extra care housing have a lower probability of entering hospital than a matched sample in the community. Extra care housing translates into fewer falls. A lower than expected number of falls was recorded in a small sample of extra care housing residents than in a matched comparison group living in the community. This can translate into substantial budgetary savings by lowering reliance on health services as it also potentially demonstrates that extra care residents exhibit a lower likelihood of moving to institutional care.

- Extra care housing supports some of the oldest and frailest members of society. The average age of extra care residents is in the very late 70s and early 80s across all three providers included in this research (Audley

Retirement, Extra Care Charitable Trust and Retirement Security Limited). Not only were extra care residents older, but other factors also suggested that extra care residents had higher support needs than would be expected among a population of similar age living in the community.

- The number of people living with dementia, the aftermath of a stroke or Parkinson's disease was higher in extra care residents than in the general population. Residents of one extra care housing provider included in this study were also more likely to be claiming Attendance Allowance, a benefit reflective of personal care needs, than those in the population. The benefits of residence in extra care housing could translate into substantial cost savings, particularly in the long-term. Assessing the costs of different models of care is challenging. In this research we speculatively outline that there is likely to be a higher individual and societal cost to delaying movement into specialist retirement housing for some older people. This is due to the higher transition rates into institutional accommodation than those in community settings are likely encounter. Furthermore, we also highlight that there are fiscal benefits to be observed from the lower rate of hospitalisation, the lower rate of falls and decreases in social care packages received. These benefits are also likely to signal benefits to the quality of life of older people. Expansion of the extra care housing sector, as part of the retirement housing sector more generally, could help to alleviate housing challenges facing people of all ages.

- Older people are now more likely than ever to be resident in housing that may not best fit their needs. Part of the reason for this may be due to the lack of adequate housing available, and the lack of information on the available options. Expanding the extra care housing sector, as part of an effort to grow and diversify the older people's housing market, could help alleviate the housing shortage facing young people and families through freeing up family sized housing.

- Thirdly, the Village Life report "identified that extra care housing residents were far less likely to enter institutional accommodation than a comparable sample of people in the community receiving home care services, so even if some residents must inevitably transition into another institutional setting at some point, extra care housing does appear to be a promising option for helping older people remain living independently in their own homes for longer under these schemes".

- The Village Life report goes on to then also note that: "... Part of the innovation inherent to extra care housing is how it offers a compromise or third way between residential care and staying in one's previous home. This type of housing offers an alternative to traditional forms of institutional care settings, such as care homes, where concerns related to social care funding have also been increasing, and there is evidence that extra care housing is in fact more cost-effective than care homes, at least for some older people. At the same time, extra care housing serves as an alternative to remaining in one's previous home – 'staying put' – which can be detrimental for people as they age when the housing is ill-suited to their needs (e.g. impaired mobility and several stairs), care service provision can be disjointed and inadequate, or the residence contributes to social isolation."

- In light of this analysis, and the conclusions of the previous appeal (Inspector) the proposals will deliver substantive health and well-being benefits. This is a matter that must be afforded substantial weight in favour of the proposals as part of the overall assessment of VSC / public benefits.

(v) *Release of under – occupied family housing*

- Further significant benefit of the proposal is that the retirement community has the potential to free up other sectors of the housing market, by releasing much needed family housing accommodation.
- Residents moving into assisted living accommodation often 'downsize' from larger dwellings and the proposal therefore helps to ensure a knock-on housing benefit. This in turn will help to reduce pressure on other sites in the area, including other possible greenfield sites.
- The recognition that older people will look to downsize is consistent with guidance in the PPG which states that: "In decision-taking, evidence that development proposals for accessible manageable homes, especially for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes" (Paragraph 037 Reference ID: 3-3037-20150320)."
- Alongside the benefits of 'down-sizing', the importance of providing the right type of housing for older people has wider social and welfare benefits in respect of providing greater independence and greater social interaction for the reasons explained above.
- It was common ground that the appeal scheme would lead to the freeing up of under-occupied family housing. This is not just a unit numbers game, it is about freeing up of under-occupied housing. That is particularly important in an area where the Council cannot demonstrate that there is enough land to meet existing and future needs. Accordingly, the Inspector attributed this aspect of the proposals as very significant which weighed substantially in favour of the development (paras. 72 and 92). The current proposals would deliver 124 specialist units and at the same time it would free up housing to meet existing unmet demand. This is a matter which, like the appeal proposals, should be afforded very significant weight.

(vi) *Employment and economic benefits*

- The Need Assessment – Local Market Quantitative Assessment section of Carterwood's Planning Need Assessment report provides analysis on the employment and economic benefits of the proposals.
- The Assessment confirms that subject scheme will provide full-time and part-time roles in order to fulfil its obligations to residents and cover care and support requirements. Below is a breakdown of Carterwood's estimated roles/occupations and long-term job creation. This is based upon data collected by Worcester Research in 2016 on the Bishopstoke Park retirement village in Hampshire, operated by Anchor Hanover and over 160 units in size.
- In addition to directly employing a local workforce, the Carterwood report states that schemes also employ the services of a wide range of local companies in the provision of services in order to service a scheme of this size. Data quoted in the Housing for Later Life report in 2011 estimated an average 40-unit extra care apartment scheme provides investment of approximately £5m into older people's housing and the local economy (in 2020 costs this would be significantly higher having been subject to 10 years' inflation). The report also found that around 50 people were needed for construction.
- The Worcester Research group applied the above construction cost and utilised other research of their own as part of a resident survey and identified the following economic contribution for a typical 150-unit village:
 - £15m in initial investment in capital asset (we estimate this to be greater and more likely to be in the region of £20 to £30m for a large 150-unit village)
 - Approximately 187 jobs during the construction phase
 - £1.7m in on-going salary to local workers

- At least £160,000 per annum in additional business to local suppliers
 - Around £1.3m expenditure in the local economy from residents (including multiplier effects)
 - Between £152,000 and £190,000 in additional council tax to support local service provision.
- In light of this analysis the Applicant considers that the substantive employment benefits arising from the proposals is a matter that must be afforded significant weight in favour of the proposals, noting the Inspector gave the employment benefits significant weight in the determination of the appeal.

(vii) Highway Improvements

- The delivery of the proposed care facility will facilitate the implementation of the revised access arrangements will deliver significant improvements to local safety conditions for through traffic, existing garden centre users and future development traffic as set out in the Transport Assessment.
- In light of this analysis I consider that the highway benefits arising from the proposals is a matter that must be afforded some weight in favour of the proposals as part of an overall assessment of VSC / public benefits.

(viii) Site availability and achievability

- The site is capable of being delivered in the short-term as a means of meeting economic, and housing benefits outline above and will introduce a high-quality new development on what is currently an under-utilised and vacant site.
- The ability to deliver the scheme immediately, is a matter that must be afforded some weight in favour of the proposals as part of an overall assessment of VSC / public benefits.
- As advised above, this application will deliver the following benefits in addition to those set out above; i.e:
- A local marketing commitment for a proportion of units, to recognise the need for care accommodation for existing residents of and those with close ties to St Albans

(ix) Local Marketing Provision

- Whilst my client understands the Council's desire to try and maintain the 'local connection' for the development over time, the reality of how re-sales work in the retirement living sector makes securing this through a legal agreement both difficult and somewhat inappropriate.
- The process of managing the re-sale of retirement living units is particularly sensitive – as in most cases the reason for the unit coming back onto the market is the death of the previous owner. The re-sales process is nearly always managed by close relatives of the resident, who are often still grieving the loss of a loved one and simultaneously managing both probate and the dispersal of their loved-one's estate.
- Whilst operators will provide as much help and assistance as they are able to support families through the re-sale process, they are very aware of the difficulties that families are facing during this time and, as a result, careful not to 'dictate' how the re-sales process is to work. As such, it is generally seen as bad practice to place too many restrictions on the re-sale process, because of the issues that this can cause to grieving families. The prospective operator has also expressed significant concern about the resales process and the

potential legal ramifications of the GDPR regulations and sharing personal data with a third party. With that in mind, I am sure you will understand that it is much easier to control first sales of the units, as this process is managed entirely by the operator.

-
- My client proposes the following local marketing provisions:

“First Sales

1. That 20% of homes on the site to be subject to the Local Marketing Provision during first sales.

2. For a period of 6 months from the start of the first Marketing Period for that 20% of units, reservations may only be made by an “eligible purchaser” which is to be defined as:

a. Applicant(s) have been permanently resident in the locality for the last year or

b. Applicant(s) who have immediate family members who are currently and have been continuously resident in the locality for the last five years. Family members are defined as parents/guardians, adult children or brothers or sisters or

c. Applicant(s) have previously lived in the locality for a continuous period of 12 months (whilst aged 18 or over) in the last five years”

- NB: For the avoidance of doubt there is no priority given between each level of the above cascade. The applicant needs to satisfy one of the above criteria to have a local connection.

- If there is not sufficient interest by the end of the six-month period to sell the units, then they can be released to the general market.

- My client proposes that ‘locality’ is defined as within the district of St Albans and/or a five-mile radius of the development.

- A significant contribution towards the provision of affordable housing

- In the context of housing delivery to meet both an affordable, local and specialist housing need these additional benefits must weigh very substantially in favour of the proposals.

- The Financial Viability Assessment (FVA) demonstrates that it is not feasible to make any contribution towards affordable housing, in large part due to the level of facilities and communal spaces that form an integral part of the scheme but which are costly to deliver and significantly reduce the amount of saleable floor area when compared to a C3 residential scheme of a similar total floor area. However, recognising the need for affordable care in St Albans, Burston Garden Centre, Castleoak and Elysian Residences (as landowners, developer and prospective operator respectively) have worked together to each accept a reduced return and we are consequently in a position to offer a substantial £750,000 (seven hundred and fifty thousand pound) contribution to affordable housing, which we hereby put forward for your consideration as an integral part of this application.

- Having been directed by you to engage with Hertfordshire County Council (Herts CC) and having also checked this approach with David Reavill, the District Council’s Strategic Housing Manager, my client had a meeting with Chris Badger, Director of Adult Care Services at Herts CC, on the 29 January 2021. The purpose of the meeting was to discuss the provision of a financial contribution to assist in the provision of housing to elderly residents living in St Albans who are in need of care but do not have the resources to access specialist accommodation themselves.

- It was understood at the meeting that Herts CC are supportive of retirement communities of the type proposed and very much see them as an important element of specialist care accommodation. It was concluded that a contribution would be welcome and would help to enable, possibly in combination with funds available to Herts CC, the delivery of care accommodation for those in St Albans unable to fund it themselves. But we are content to leave the details of how the contribution will be deployed to be resolved in the drafting of the S106 Agreement.

- Finally, it is important to stress that the applicant is having to strike a delicate balance to manage the financial viability associated with this revised proposal. As set out in the FVA, it is a proposal right at the cusp of being economically viable, given the significant reduction in scale compared to the original scheme. The provision of a significant affordable housing contribution together with obligations to market a proportion of units locally exacerbates this position and consequently limits room for further movement from the applicant on these matters.

(x) *Additional matters*

- The withdrawal of the draft replacement St Albans City and District Local Plan 2020-2036 by the Council at its Cabinet meeting on the 19 November 2020 due to fundamental legal and procedural flaws identified by the Government's planning inspectors appointed to examine the Plan also weighs substantially in favour of the application proposals. The current development plan here - the District Local Plan Review 1994 - is hopelessly out of date and in many respects is not consistent with national planning policy.

- One of the key issues raised by the inspectors following the early conclusion of the Local Plan Examination was that discounting potential sites in the Green Belt of less than 500 units was not the right approach. Conversely, in line with these conclusions the development of the application site would be consistent with the approach of selecting smaller sites. Furthermore, the application site falls within a sustainable location and there remains considerable local support for the proposals.

- In the applicant's experience it is unheard of for a Green Belt scheme to be supported so strongly by local groups. In this instance, it appears that this is as a result of the diligent and thorough manner in which the St Stephen's Neighbourhood Plan has been progressed to date. The Parish Council have actively engaged with local residents, seeking and taking on board their opinions and priorities for the area, culminating in a clear set of priorities which included the allocation of this site for a retirement village. The appeal Inquiry heard from separate residents' associations who spoke strongly in favour of the scheme, as well as Councillor Featherstone, the ward member for St Stephen's. On the 5 October 2020 the St Stephen Neighbourhood Plan – Pre-Submission (Regulation 14) Consultation Draft was published.

- The Plan recognises that there is an identified and evidenced local housing need in St Stephen and consideration should be given to how that is to be delivered, including where any new housing might be sited. Accordingly, with due regard to the Parish Council's own evidence base the Plan supports the removal of the application site from the Green Belt and allocation for approximately 200 units of specialist housing.

- The proposals would provide a valuable contribution to the identification of some smaller sites that would not unacceptably spread the adverse impacts of development on Green Belt purposes. The extent of the resultant impacts associated with the proposals would be smaller given the

more limited scale of the sites (in comparison to the cumulative impact on the Green Belt purposes of developing large adjoining strategic sites).

- The site will deliver 124 supported care homes within the next 2 to 3 years without requiring additional infrastructure and would provide choice and flexibility in the housing market and secure affordable housing more immediately in line with a clearly identified need. Refusing planning permission on the application site effectively rules out an important potential source of housing that will undoubtedly have a lesser impact on the purposes of the Green Belt than the sites selected in the draft Plan without sufficient justification.
- Whilst it is accepted that applications need to be determined on their own merits with regard to the Development Plan and other material considerations referenced is now made to 2 appeal decisions for extra care accommodation in Green Belt locations.
- The context and evidence in these cases are obviously unique to each other and to this appeal to each other and to this application. However, they are both informative as to how the planning balance was struck.
- Relevant decisions are:
 - Beechmoor Garden Centre, Great Boughton, Chester, 17 July 2019 (PINS APP/A0665/W/18/3203413)
 - 237-259 London Road, West Malling Tonbridge and Malling, 19 December 2018 (PINS APP/H2265W/18/3202040)
- At 237-259 London Road, West Malling, Tonbridge and Malling the Inspector allowed an appeal in outline on the 19 December 2018 under APP/H2265W/18/3202040:
 - The Inspector's reasons for allowing the appeal are clearly set out in paras. 10 to 59 of the decision letter. In the case of general housing supply, paras. 18 to 25, he concluded that the overall shortfall in housing supply is one significant factor to be weighed in the planning balance. Further with reference to meeting the particular housing needs of older people, paras. 26 to 40, the Inspector established there was a clear need for residential accommodation of this type and tenure. Further he concluded the current and emerging development plan does not make adequate provision and that development of the appeal Site would make a significant contribution towards meeting such needs.
 - On freeing up general housing, he concluded at para. 42, that the provision of specialist housing more suited to the needs of older persons is likely to encourage them move and would make a valuable contribution to overall housing needs which should be weighed in the balance.
 - At para. 44 the Inspector concluded that there are likely to be overall benefits to health and well-being to be weighed in the balance.
 - On the emerging Local Plan, it had not reached examination stage. Accordingly, the Inspector stated at para. 3 of the West Malling decision that only limited weight may be accorded to it as there have been relevant objections to the draft plan and the policies may change before the Plan is adopted as part of the development plan. What is particularly pertinent to note is para. 38 of the West Malling appeal decision were the Inspector's observations on the Council's argument that extra care housing of unspecific tenure could be addressed by development on Sites to be allocated for general housing in the emerging Local Plan or as windfall development. This is the same approach as was the St Albans emerging Local Plan which, unlike West

Malling, for the reasons set out in Section 5 absolutely no weight can be attached to it.

- What is clear from para. 39 is that the Inspector rejected this as a legitimate approach to accommodating the future needs of the elderly:

- "... the retirement village concept requires a minimum number of units and site area in order to support the viable provision of shared-site facilities for residents. That of itself would limit the choice of suitable sites, particularly in a Borough with extensive Green belt. Neither is there any evidence before me of the successful development of retirement villages as the result of development allocations ..."

- Within this context the Inspector at West Malling concluded at para. 40 that:

- "... the current and emerging development plan does not make adequate provision and that the development would make a significant contribution towards meeting such needs".

- for an extra care development of 79 units (comprising of apartments and cottages) all within Use Class C2) ..."At Great Boughton the Inspector allowed an appeal for: "... demolition of the existing garden centre buildings and redevelopment of the site to provide a total of 110 care apartments and bungalows ...". It was common ground that the proposals were inappropriate development in the Green Belt and accordingly VSC would need to be demonstrated to justify development within the Green Belt. In allowing the appeal the Inspector set out the VSC that justified the proposals under the 'Other Considerations' (paras. 38 to 46) and 'Planning Balance and Very Special Circumstances' (paras. 49 to 54) of his decision letter.

- At para. 49 the Inspector stated that there would also be some additional harm resulting from the failure to provide affordable housing noting that there was a Development Plan policy in place requiring an affordable housing contribution for C2 development.

- In summary the Inspector concluded:

- Despite being able to demonstrate a 5-year supply of housing land (7.56 years as set out in para. 45) the Inspector concluded that there was a need for specialist provision for the elderly and that in line with NPPG the need to provide housing for the elderly was critical (para. 38)
- The soon to be adopted Development Plan does not include a specific requirement for housing for older people, and the Council expects all needs to be catered for within the general housing requirement (para. 38). However, the Inspector disagreed and stated that it was unlikely to be the case that other forms of housing would necessarily meet the demand for specialist assisted living accommodation for the elderly para. 39)
- In the context of the above the fact the development would make a sizeable contribution to help meeting these demands is something to which he attributed very substantial weight (para. 40)
- That substantial weight should also be afforded to the associated socio-economic benefits described elsewhere in this Statement

(x) *Planning Balance and Very Special Circumstances / Public Benefits*

- i. **Very significant weight** to the contribution the development would make to meeting the needs for specialist housing in the area for older people

- ii. **Substantial weight** to the contribution general housing needs

- iii. **Very significant weight** towards the provision of affordable housing

- iv. **Significant weight** to offering a proportion of the homes to residents, or family members of residents, living locally

- v. **Significant weight** to the fact that there are no suitable sequentially preferable alternative sites to accommodate the proposals
- vi. **Substantial weight** to the health and well-being the proposals will bring to both future residents of the scheme as well as relieving pressure on existing health services
- vii. **Very significant weight** to the release of under-occupied family housing
- viii. **Significant weight** to the employment opportunities the scheme will deliver
- ix. **Some weight** to the benefits of the site access improvements that the scheme will deliver
- x. **Some weight** to the site being able to be delivered now.
- The reduction in “harms” to the previous appeal and the introduction of very significant additional benefits when combined with the policy vacuum at the District Level that has arisen following the withdrawal of the replacement Local Plan and emergence of the Neighbourhood Plan means that the overall planning balance is now weighed decisively in favour of the application proposals.

- *End of applicants vsc case*

8.5. The proposal is inappropriate in the Green Belt and the case for very special circumstances needs to overcome the in principle harm to the Green Belt, together with any other harm. Each part of the applicant’s case for very special circumstances is considered below.

8.5.1. Need and Housing Land Supply

8.5.2. SADC currently has a housing land supply of 2.5 years from a base date 1 April 2020. However, it is acknowledged that 2.5 years is still substantially below the required 5 years.

Housing Need

GL Hearn South West Herts – Local Housing Need Assessment (LHNA) (September 2020) Table 92 sets out the need for assisted living/ supported living in the District.

Table 92: Older Persons’ Dwelling Requirements 2020 to 2036 – St. Albans

		Housing demand per 1,000 75+	Current supply (2018)	2020 demand	Current shortfall/ surplus	Additional demand to 2036	Shortfall / surplus by 2036
Housing with support	Rented	60	187	752	565	348	914
	Leasehold	60	556	750	194	347	541
Housing with care	Rented	16	57	205	148	95	243
	Leasehold	13	63	163	100	75	175

Source: Derived from demographic projections and Housing LIN/HOPSR/EAC (note surpluses are denoted by a negative number)

8.5.3. It is clear that there is not a 5 year land supply and that substantial weight should be given to the delivery of housing. There is a need for older peoples housing as set out in the LHNA and therefore weight should also be given to the delivery of older peoples housing.

8.5.4. The application has removed the care home from the scheme and as a consequence the remainder of the care bungalows are spread around the site. It is not considered that the removal of the care home diminishes the identified need for this type of accommodation. The Inspector gave very significant weight to the contribution the development would make to meeting the needs for specialist housing in the area for older people. The Inspector considered that the occupation of such housing by local people would be likely to free up existing housing stock, thereby assisting the wider market. Therefore the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development. It is considered that the scheme remains comparable to the scheme at appeal in this aspect and as such it is reasonable to afford significant weight to the impact of the proposal upon the need for housing and the need for this type of accommodation. It is not considered reasonable given the housing figures above (which are greater than the 2.2 years when at appeal) to give more weight to this than the Inspector did.

Availability of other sites

8.5.5. The appeal inspector criticised the applicant's alternative site assessment as three sites were discounted. She shared the Council's concerns regarding the application of the criteria of sites which were assessed on the basis of their availability, suitability and achievability. None of the sites assessed were identified as being available as they were not being actively marketed. Mr Belcher explained that in assessing availability research had taken place in terms of property agents, websites and physical inspections, but in my view, this is a fundamental flaw of what was otherwise a robust exercise. The lack of robustness in respect of availability therefore moderates the weight I can attach to the purported lack of alternative sites.

8.5.6. The applicant has submitted an Alternative Site Assessment and has updated this to address the comments of the Inspector. The applicant has looked at the availability of 3 sites that were questioned at appeal:

- Pioneer Youth Club, Harpenden Road, St Albans, AL3 5AY;
- Ariston playing field, Sandridge Road, St Albans, AL3 5HX;
- Ridgeview, Barnet Road, London Colney, AL2 1BP.

8.5.7. The Ariston playing field site is currently undeveloped, green field land, although it may have site stability issues due to its former use for clay extraction and brick fields. The two sites at the Pioneer Youth Club and Ridgeview are previously developed.

8.5.8. In order to robustly check the availability of these alternative sites, we have written to the land owners.

8.5.9. Hertfordshire County Council have confirmed that the Pioneer Youth Club site is not available, as it is the subject of an option to buy in favour of the County Council's joint venture vehicle, Chalkdene Developments LLP, who are currently working up proposals for the development of the site and it is unlikely that this will become available in the open market.

8.5.10. Hertfordshire County Council have confirmed that the Ariston playing field site is not available as it is held by the Council in anticipation of a school being located there and there is no early prospect of it becoming available in the open market.

- 8.5.11. Sainsbury's have confirmed that Ridgeview is not available from their point of view, as it is held on a long lease from them by St Albans City and District Council. The Council have stated that they do not have any sites available and have announced that it is to bring the building back into use itself as temporary accommodation and private flats. Ridgeview is therefore also not available.
- 8.5.12. It has been demonstrated that these sites are not available to the applicant. As such it is considered that the application has overcome the objections raised to the exploration of alternative sites as identified at appeal. The lack of alternative sites for the development proposed is therefore considered to be afforded some weight.

Site availability and achievability

- 8.5.13. The applicant has made the case that the site is capable of being delivered in the short-term as a means of meeting economic and housing benefits outline above and will introduce a high-quality new development on what is currently an under-utilised and vacant site. In their view the ability to deliver the scheme immediately, is a matter that must be afforded some weight in favour of the proposals as part of an overall assessment of VSC / public benefits.

Affordable Housing and marketing commitment

- 8.5.14. They also set out that the application will deliver the following benefits in addition to those set out above; i.e:
- A local marketing commitment for a proportion of units, to recognise the need for care accommodation for existing residents of and those with close ties to St Albans
 - A significant contribution towards the provision of affordable housing
- 8.5.15. In the context of housing delivery to meet both an affordable, local and specialist housing need the applicant is of the view that these additional benefits must weigh very substantially in favour of the proposals.
- 8.5.16. The applicant is seeking weight to be given to the provision of affordable housing as part of their case for very special circumstances. There is no Policy requirement to provide any form of affordable housing on this site. The applicant has submitted a viability assessment which demonstrates that it is not feasible to make any contributions towards affordable housing in large due to the level of facilities and communal spaces that form an integral part of the scheme but which are costly to deliver and significantly reduce the amount of saleable floor area when compared to a C3 scheme of similar floor area. However the landowners, developer and prospective occupiers have each accepted a reduced return and as such are in a position to offer £750,000 contribution to affordable housing.
- 8.5.17. Given there is no policy requirement for this, a contribution towards affordable housing should be given weight as part of the case for very special circumstances. It is unclear from the information the applicant has provided whether this contribution is towards general C3 affordable dwellings or whether it is towards C2 uses, there is mention of delivery of care accommodation for those in St Albans unable to fund it themselves, but no details of how this could happen or if it is feasible have been provided. Nor is their details of how this figure has been reached. In order to consider how much weight to be given to this offer it needs to be understood whether there is a project it could be identified for and that it meets CIL Regulations. Without these details it is not possible to afford anything other

than limited weight to this offer. HCC in its role as providing care accommodation has not commented on this application.

- 8.5.18. The Councils Housing Officer has been consulted and advises that a financial contribution of £750,000 could be used towards the Councils general needs affordable housing development programme. It costs circa £265,000 to provide one property, as such this contribution would provide for circa just under 3 affordable dwellings within the District. Whilst this is more affordable housing than would otherwise be provided as a result of this scheme it is not considered to result in a significant provision of affordable dwellings when compared to the size of the scheme of 214 units (around just under 4% of the total C2 units proposed). Whilst this is not a direct comparable as the contribution would provide affordable dwelling and not C2 accommodation it does demonstrate the limited proportion of units provided. No details of how this money could be put towards funding those needed C2 accommodation has been provided by the applicant, or what it would provide.
- 8.5.19. To give an idea of what this offer could be used towards in a care home Hertfordshire County Councils web page provides the following information about how much they would pay towards a care home (<https://www.hertfordshire.gov.uk/services/adult-social-services/care-and-carers/arranging-and-paying-for-care/paying-for-your-care-costs.aspx>) :
- “The cost of a care home depends on the specific home and the level of care you need.
Below are standard rates – that's what we'll pay for new clients entering care. Care homes with higher costs may ask you to pay a little extra to meet the difference.
The following older people weekly rates apply to new placements only:
Long stay at a care home– what we pay per week
Residential Care – **£545.97**
Residential Care with Dementia and or Mental ill Health – **£632.42**
Nursing Care (excludes FNC) - **£595.89**
Nursing Care with dementia and or Mental ill Health - **£672.56”**
- 8.5.20. Whilst the provision of £750,000 is welcomed and it does weigh in the balance of the benefits of the scheme by reason of the limited impact it would have upon the provision of affordable housing and the uncertainty over how it could contribute towards C2 accommodation it is given limited weight.
- 8.5.21. As part of the applicant’s case for very special circumstances they are offering a first local marketing restriction. There is no Policy requirement for this and the principle of securing a proportion the units for local residents, given the identified shortfall of need of this type of accommodation in the area is welcome.
- 8.5.22. With regards to the local marketing commitment, 20% of units at first marketing are proposed to be made available for local residents (of SADC or within 5 miles). However this is only for the first occupiers and the applicant does not think it would be reasonable to impose this restriction on future families selling their relatives properties. Based on experience of the operator on a project within London Borough of Harrow 44% of sales come from Harrow residents of which 23% are from the local postcode. Whilst noting this concern it is not unusual for properties to have restrictions on them that affect their future sale, such as ‘elderly persons housing’; which has an age restriction which future relatives have to deal with. Concerns are raised to the 5mile limitation on the 20% of units to which this applies. Due to the proximity of the site to the M25 and that Three Rivers District,

Dacorum and Watford Borough, including major settlements outside the District such as Hemel Hempstead, Watford, Radlett and Borehamwood are within 5 miles (measured as the crow flies), it is more than likely that this restriction would allow residents from out of the District occupy these restricted units, which would severely reduce the benefits of this restriction and its impact upon local need. It is considered reasonable that the occupiers have links to the District only. Given these concerns only very limited weight is given to this offer.

Health and well being benefits

8.5.23. At appeal it was accepted by the Inspector that in particular the care village concept, with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits therefore attract substantial weight into the balance. There are no changes to warrant now reaching a different weight to these benefits.

Employment and economic benefits

8.5.24. At appeal the Inspector states that the development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. She stated that these add further weight to the case. There are no changes to warrant now reaching a different weight to these benefits.

8.5.25. However it was noted at appeal that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore she considered that such benefits are moderated in part by this.

Highway Improvements & sustainability

8.5.26. At appeal it was noted that access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. These were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.

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

8.5.28. There have been no changes in circumstances since the appeal to apply different weighting to these elements.

Local support and economic benefits

8.5.29. The Inspector stated that she was conscious of the significant local support for the scheme, not just in respect of the need but in more general terms. This is also reflected by the proposed allocation of the BGC site for C2 development within the emerging NP. However, the weight that can be attached to this is limited at this stage and there are question marks around whether a Neighbourhood Plan can

alter the boundaries of the Green Belt. Since the appeal the Neighbourhood Plan has been out for consultation but in respect of Burston Garden Centre it states:

- 8.5.30. At appeal it was identified that the development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. These matters add further weight to the case for the appeal.
- 8.5.31. Since the determination of the appeal on this site the St Albans Local Plan has been withdrawn. The St Stephens Neighbourhood Plan web page states the following:
- 8.5.32. "There is now a strong possibility that the emerging St Albans Local Plan will not progress as previously scheduled. If this occurs, it will directly impact a number of the proposed policies in the Pre-Submission St Stephen Neighbourhood Plan, namely:
- Policy S1: Spatial Strategy
 - Policy S2: Housing Scale and Location
 - AIM 3: Community facilities at the Donkey Field
 - Policy S20: Burston Nurseries
 - Policies S25 to S29: Site allocations"
- 8.5.33. If the emerging Local Plan does not progress, these policies would not form part of the Submission Version Neighbourhood Plan.
- 8.5.34. As such these matters are given limited weight in the planning balance.

Impact on Openness

- 8.5.35. LP Policy 1 seeks to restrict development in the Green Belt. It sets out a number of exemptions to this or allows development in very special circumstances. It does not, however, fully align with the Green Belt policies of the Framework as the exemptions are more restrictive than those set out in paragraph 145.
- 8.5.36. The Government attaches great importance to the Green Belt. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permanence. Openness has both a visual and spatial element.
- 8.5.37. The site should not be regarded as previously developed land and as such the proposals would constitute inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be accorded to that harm. Such development should not be approved except in very special circumstances whereby inappropriateness and any other harm is clearly outweighed by other considerations.
- 8.5.38. There was debate at the Inquiry in respect of the quality of the site. However the Inspector considered that the existing structures including the glasshouses, polytunnels and other structures associated with the sites horticultural use should not be seen as harmful to the purposes or characteristics of the Green Belt. Put simply, they are structures which are common in rural areas and, crucially, are not seen as inappropriate in Green Belt policy terms.

- 8.5.39. In the appeal decision it was set out that in considering openness against the baseline outlined above, the proposed development would introduce a substantial amount of built form spread across the site at 1, 2 and 3 storeys in height. The scheme would thus far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms.
- 8.5.40. The Inspector considered that due to the location of the site behind Burston Manor and the BGC and its relative containment by How Wood and Birchwood the new buildings would have limited zones of visibility from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway. However, the loss of openness would be clearly perceived by users of the public right of way.
- 8.5.41. It was also considered by the Inspector that the scale of the built development and associated parking areas and reduction in openness would also be very apparent to the many residents, staff and visitors to the development. Moreover, in introducing a new public access through the site and along the perimeter of Birchwood through the development of a new public bridleway, the mitigation itself would increase the visual effects experienced from the loss of openness.
- 8.5.42. Taking all of the above together, the Inspector considered that the spatial and visual harm to openness would therefore constitute significant harm to the Green Belt in addition to inappropriateness.
- 8.5.43. The changes to the scheme comprise the removal of the care home. Loss of one bungalow and the spreading out of the bungalow around the site to provide more spacing around the site. Changes to the relationship with the boundary with the bridleway have also been amended with the provision of a landscape buffer and opening up views. Taking the approach at appeal, when considering the impact upon the baseline the development, as amended, would still introduce a substantial amount of built form and spread across the site at 1, 2 and 3 stories in height, and would far exceed the height, volume and site coverage of the existing structures. The development would therefore result in a substantial loss of openness in spatial terms.
- 8.5.44. In visual terms an updated Landscape and Visual Assessment (LVIA) has been provided to reflect the updated scheme. A greater depth of perimeter landscaping represents a great improvement in the quality of the setting for the development. More space is allowed for perimeter soft landscape and integration of SuDS features (swales and ponds) throughout the communal landscaped areas, and perimeter landscaping. This in turn gives an improved soft landscape buffer along the northern boundary with Burston Manor and the eastern boundary with the existing bridleway and How Wood.
- 8.5.45. Whilst views from the bridleway would be opened up and landscaping is proposed this will result in the development being clearly visible from these viewpoints and would potentially increase the visual effects experienced from the loss of openness (As at appeal). Particularly the three storey assisted living building which is of some considerable scale and bulk. It is accepted that the bungalows as a result of their siting and landscaping could be attractive in appearance, however the openness test does not require development in the Green belt to be attractive.
- 8.5.46. The reductions in the amount of built form, the increased separation and the landscaping proposed are all noted, but there would be a substantive loss in

openness on the site and this would still constitute significant harm to the Green Belt in addition to inappropriateness. As such it is not considered that the changes made have overcome the harm to the openness of the Green Belt identified at appeal.

Purposes of the Green Belt

- 8.5.47. Paragraph 134 of the Framework, the Green Belt sets out that the Green belt serves 5 purposes (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 8.5.48. At appeal the Inspector considered the following (summarised from the appeal decision):
- 8.5.49. 'Chiswell Green is located to the north west of the North Orbital Road, with How Wood Village to the south. The appeal site address references Chiswell Green, but the BGC site as a whole does have a degree of separation from this settlement as the site is below the North Orbital Road.
- 8.5.50. The site abuts How Wood and would effectively enclose the woodland by development. How Wood itself is not of a significant depth nor is it so dense as to provide a definitive edge to How Wood Village in this location. When the trees are not in leaf, filtered views of the rear of properties along Walnut Close and Spruce Way were visible through the woods. The development would therefore be visible from these properties, although there would be larger amounts of landscaping included within the site and along the boundary.
- 8.5.51. There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green. However, it would form a perceptible adjunct to How Wood Village and would diminish the gap and erode the open nature of the Green Belt in this location between these villages. Accordingly, there would be a degree of sprawl and merger of these and harm to the perception of the settlements.
- 8.5.52. By virtue of its open nature the site contributes to the characteristic openness of the Green Belt. The proposed development could therefore do little else but to encroach on the countryside. As established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the Green Belt. These structures are also not comparable to that being proposed. There can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.
- 8.5.53. There is a clear conflict with Green Belt purposes in terms of purposes (a) (b) and (c) above'
- 8.5.54. Whilst the scheme has been reduced in the amount of built form and there is a proposed increase in the amount of landscaping on the boundary closest to How Wood it is considered that the changes are not so substantive as to overcome the view of the Inspector that there is a clear conflict with purposes (a), (b) and (c) of the Green Belt.

Conclusion on openness and Purposes

8.5.55. As at appeal it was considered that the development results in a substantial loss of openness and would conflict with the purposes of the Green Belt, the changes to the scheme do not change this assessment. The proposal is contrary to LP Policy 1. Substantial weight is attached to this conflict and the harm arising to the Green Belt by reason of the development inappropriateness and the effect on opens. This remains the case. This harm will need to be outweighed by other consideration if very special circumstances are demonstrated. This will be considered in the planning balance section later in the report.

8.6. **Design and layout**

8.6.1. At appeal the Inspector considered that “the site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.

8.6.2. The remainder of the BGC site has substantial coverage with glasshouses which have a large footprint extending across the site but are of a reasonable height and are of a lightweight design with their framing and glazing. The main garden centre buildings, barns and stores are of a large scale in terms of their massing and height. Other expanses of hardstanding and parking are also found at the site. The buildings within the appeal site have a visual association with the wider part of BGC, and are positioned adjacent to this, with the eastern part of the site being open grassland or formed of former planting beds. The fencing to the east and southern boundaries contains the site from the woodland areas beyond.

8.6.3. In the wider area, detached properties to the north of the appeal site are set in spacious grounds. In contrast the urban form of How Wood Village and Chiswell Green is more built up with rows of detached and semi-detached houses. This is discernible from the aerial photograph of the wider area.

8.6.4. The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained. Care has been taken with the scheme in the appellant landscape witness and scheme architect, the concept behind the scheme and its overall layout and design is to provide ‘aging in place’ with different types of C2 accommodation within an enabling environment. The overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. The landscaping proposals are also extensive and form a fundamental part of the overall design concept.

8.6.5. The formality of the layout would not be out of place with the general layout of the built form in the wider area. In some regard, the footprint of the linked apartment blocks and the care home buildings would not be out of place with the large footprints of the buildings at the BGC site. They would, however, be markedly different in their general scale, massing and form to the BGC buildings. There would also be marked differences between the scale and density of properties in How Wood Village and to properties to the north of the appeal site.

8.6.6. In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas.

- 8.6.7. The close boarded fence along the eastern boundary of the site with the bridleway is a visually discordant feature which would be removed by the proposed development. As per the amended landscape masterplan this area and the removal of the access track would give way to additional landscape planting along its periphery.
- 8.6.8. However, as stated above, the development would be seen behind properties at Walnut Close and Spruce Way and would effectively enclose How Wood. In particular, the proposed care home would be built on land which is currently open and due to its scale, it would have a large and dominating effect, in spite of the additional peripheral landscaping here.
- 8.6.9. Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting...terms of the detailed design of the proposed buildings, taking their reference from the local vernacular and palette of materials....”
- 8.6.10. The removal of the care home improves the character and appearance of the scheme from that at appeal. Furthermore the increased separation and landscaping between the bungalows would create a well landscaped setting. The layout of the proposed bungalows is still quite formal including external spaces close to the buildings, but within a more informal and varied landscaped setting, creating a series of spaces of distinct character all linked to the green and community hub.
- 8.6.11. The enlarged green is now linked with the more informal perimeter landscaping and greater choice of pedestrian access routes, including links to the surrounding area, which is welcomed.
- 8.6.12. The layout of the Assisted Living elements, community facilities and associated external spaces and relationship to the southern boundary is fairly similar to previously. They remain as large imposing buildings within the site. Increased planting within the two north facing courtyards would be an improvement as they are dominated by car parking and this could be dealt with by condition if planning permission were to be granted.
- 8.6.13. Altogether, the reduced proportion of built development provides opportunities for creating a better quality environment and sense of place.
- 8.6.14. The landscape strategy aims to promote biodiversity and the proposed integration of SuDS features with the landscape scheme has the potential to support this. The overall site management and community use of external spaces would need to be aligned with the planting scheme and landscape management strategy to achieve the full benefits – this is the expressed intention in the submitted documentation. The Arboriculture Integration report including tree protection plan is acceptable.
- 8.6.15. However, despite the improvements set out above the development would still have a large and dominating effect. Despite the improvements to the landscaping

on the site. It is considered that the previous concerns remain. That is that despite the sites visual containment and the positive aspects of the scheme relating to legibility, larger village green, design of the bungalows and the much increased landscaping the proposal would still have a moderately harmful impact upon the character and appearance of the area in the vicinity of the site.

8.7. Impact upon Heritage Assets

- 8.7.1. Section 66 of The Listed Buildings and Conservation Areas Act (1990) requires Councils to have special regard to the desirability to preserving a listed building or its setting and any features of special architectural or historic interest which it possesses.
- 8.7.2. The proposal site at Burston Garden Centre lies adjacent to Burston Manor House a Grade II* listed C12 manor house which has been altered and extended in the C15 and C17 and re-cased in the C19. The manor house has a moat which wraps around the southern side and is a significant historical feature of the buildings setting. Separately there is a Grade II Listed outbuilding built as a granary and dovecote in the C17 and altered in the C19 with a pyramid shaped roof. The site is partially located within the historic curtilage of the manor house as shown in the heritage statement. The main concern over the development is the effect the development will have on the setting of the designated heritage assets, including changes which occur diurnally.
- 8.7.3. The view of the Inspector is set out above, in summary:
- 8.7.4. There would be a significant change and the Burston Manor grouping would effectively be contained by urban development, severing of the last tangible link between the assets and their original setting.
- 8.7.5. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost.
- 8.7.6. There would be significant landscaping and planting at the site, built elements of the proposed development would take up a large proportion of the site and would dominate in this regard.
- 8.7.7. The proposed care home in particular would be of a significant built scale and massing in the open north eastern nib of the site.
- 8.7.8. Offsite planting, including between the eastern boundary of Burston Manor and would have a significant screening effect of the care home, but this would do little to overcome the urbanisation. Instead it would further serve to divorce the assets from their wider surroundings and would add to the containment of the heritage assets.
- 8.7.9. Effort has been made to restrict the building heights across the appeal site including locating the bungalows to the south of the boundary with Burston Manor.
- 8.7.10. Due to the amount of development at the site, there would be limited separation between the built form and the boundaries of Burston Manor.
- 8.7.11. Grade II* listed buildings represent the top 7% of England's most significant designated heritage assets. In combination with the grade II listed building and the

moat and archaeological potential, the development would be firmly within the realms of 'less than substantial harm'. This would be to a moderate degree.

- 8.7.12. Overall the development would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group.
- 8.7.13. Historically, Burston Manor has been an important building, with gardens and wider agricultural lands, probably part of the former manorial seat. Whilst the moat around the Manor sets out its closest curtilage, but historically the surrounding agricultural land, including the application site, has been associated with the Manor. The wider setting of the Manor house, the surrounding agricultural land, and the experience of views towards the Manor from the surrounding land, and vice-versa are an important part of the buildings' significance.
- 8.7.14. The land around Burston Manor and the application site has changed during the course of the C20. The housing developments of How Wood and Chiswell Green were created in the mid-C20 and Burston Garden Centre had started to be developed by the 1960s, after Burston Manor was listed. These developments have encroached onto the setting of the Manor. However the land to the east and south, including the woodland and the application site remains open.
- 8.7.15. The site is partially located within the historic curtilage of the manor house as shown in the historic maps contained within the submitted heritage statement and is likely part of the former lands which formed the manorial seat.
- 8.7.16. Though the application site is not pristine, the low polytunnels allow long range views out towards How Wood and Birch Wood. The land remains open and agricultural (horticultural) in nature and forms the last legible remnant of Burston Manor's historic landscape setting. The Manor has historically enjoyed long range views across both How Wood and Birch Wood which are still visible in the sites current form and use.
- 8.7.17. The main concern over the development is the effect the development will have on the setting of the designated heritage assets, including changes which occur diurnally and seasonally.
- 8.7.18. The proposal still causes a similar level of harm to the previous submission which was dismissed at appeal. Though the care home has been replaced with a grouping of houses, which is welcomed, this has not substantially diminished the level of harm caused to the significance of the listed buildings.
- 8.7.19. Compared to the existing low level horticultural structures the proposals would have a fundamental and irreversible impact in the setting of the designated heritage assets. The change to the Manors setting would turn from agricultural open land to one completely surrounded by development. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance.
- 8.7.20. The proposals include the creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond. The amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land form the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting.

- 8.7.21. Though it is noted that the applicant has created a gap in the development along the southern boundary, this does little to reduce the overall urbanisation of the site and the impact of the proposal. The other development would be visible, infilling the 'gap' and the space in between the proposed built form is a formally arranged landscape and urban in its design. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site.
- 8.7.22. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with.
- 8.7.23. Both the urbanisation and the visual containment is particularly evident in some of the views submitted as part of the VIA. It is also noted that the VIA notes that there would be moderate adverse harm, which contradicts the heritage statement assessment.
- 8.7.24. Though the applicant has now submitted a lighting scheme and levels this would not address the fundamental concerns and harm to the significance of the designated heritage assets in any meaningful way.
- 8.7.25. Grade II* listed buildings represent the top 7% of England's most significant designated heritage assets. In combination with the grade II listed building and the moat and archaeological potential, the development would still remain within the realms of 'less than substantial harm'. It is noted that English heritage have identified the harm as low/ moderate, whereas at appeal it was 'moderate' harm. This variation in harm should not detract from the views that the development is considered to cause 'less than substantial harm' which by definition in the NPPF is harmful and should only be allowed if public benefits overcome this identified harm.
- 8.7.26. The changes, as shown by the revised LVIA do result in improvements over the scheme dismissed at appeal, but there is still less than substantial harm. Overall the proposals would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group.
- 8.7.27. Overall the development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully

visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would cause result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group.

8.7.28. As a result, the development would conflict with LP Policy 86. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. This harm needs to be weighed this against the public benefits discussed later in this report.

8.8. Amenities

8.8.1. The properties closest to the application site comprise Burston Garden Centre, Burston Manor Farm, Burston Manor, The Limes and Birchwood bungalow. It is considered that the proposal would be unlikely to have any adverse effect upon the Garden centre.

8.8.2. With regards to the impact on Birchwood Bungalow this bungalow is located adjacent to the south eastern corner of the site. This would be closest to the care bungalows. Whilst this property enjoys a fairly isolated location currently it is sited on a fairly spacious plot and whilst the proposed care village may result in some increased activity and disturbance from the current position it is considered unlikely that this would be to a degree that would cause harm to the amenities of the occupiers of this property.

8.8.3. Burston Manor and Burston Manor Farm would be separated from the proposed accommodation by around 56m. There are currently tall conifers on the site and the site currently enjoys a high degree of privacy. Currently the servicing area for the garden centre is adjacent to the eastern boundary of the site with this property and this would be lost and the proposed access road sited in this location. The proposed care bungalows are unlikely to introduce a level of activity of noise that would harm the amenities of the occupiers of this properties and the height of the buildings in conjunction with these separation distances would be adequate to ensure that there would be no overbearing impact. Landscaping should not be used to secure the amenities of occupiers and even if the Leylandi were to be removed the impact would be acceptable.

8.8.4. There would be a significant increase in the amount of vehicle movements alongside the western boundary of the site. The access road has a grass verge and there is then a moat and a grassed amenity space between the road and the closest part of the closest dwelling, Burston Manor, with a distance of over 20m between the road and the closest part of the dwelling. The access road is in similar place the existing access into the horticultural land at the rear of the site, whilst this has not been used for some time it is considered that this separation distance is adequate, together with some substantive boundary treatment to ensure the amenities of the occupiers of this property.

8.8.5. The Limes is located adjacent to the bridleway which runs parallel with the North Orbital Road, with a tree screen between. It is considered that the proposal would be unlikely to have any greater impact upon the amenities of the occupiers of this property than the existing situation.

8.8.6. The site is designed with a variety of gardens and areas of open space and gardens for residents to enjoy. The garden sizes set out in Policy 70 are not

considered applicable to a scheme of this nature. It is considered that there would be adequate outdoor space for future occupiers of the care home, care bungalows and associated living units.

8.9. **Occupancy**

- 8.9.1. The applicant sets out that occupants would be a person who is either aged 65 years or over of registered for Disability Living Allowance and is the subject of at least a minimum care package providing a minimum of 1.5 hours of personal care or support per week. The Assisted Living Units are to be occupied by persons aged 65 years or older, a cohabitee, spouse or dependant of a person aged 65 years or over, or a cohabitee, spouse or dependant who was living with a qualified person at their death.
- 8.9.2. There are a considerable amount of appeal decisions addressing the definition of dwellings for the purpose of seeking affordable housing contributions. Whilst the Assisted Living units will have their own front doors it is accepted that care pervades the character of the development, this, together with the requirement to sign up to a care package with a minimum 1.5 hours of care per week, together with the age restriction is considered to tip the nature of the entire development into a C2 use, rather than a C3 dwelling, this is in line with the appeal decisions in relation to this. As such there is no requirement for affordable housing, this is discussed separately within this report. This occupancy criteria will need to be secured by way of a legal agreement.

8.10. **Ecology**

- 8.10.1. The land to the rear of the garden centre itself is largely developed with hardstanding, extensive greenhouses and associated buildings, nursery beds and a small area of rough grassland associated with the nursery beds. It is consequently already highly modified and almost certainly will have little or no significant ecological interest. There is no data within the database for this site although it is adjacent to Local Wildlife Sites Birch Wood to the south and How Wood Local to the east.
- 8.10.2. It is most unlikely that the buildings would support bats, as such this proposal would not require any Preliminary roost assessment.
- 8.10.3. There is nothing to suggest that there have been any changes to the scheme or the site, since the appeal to suggest there would be any ecological constraints associated with the proposals. The adjacent woodlands should be appropriately buffered as necessary or subject to suitable landscaping, to protect the woods themselves and to ensure they are not isolated by the development.
- 8.10.4. Depending on layout, there may be potential for landscaping which would include open Greenspace. This should also have biodiversity benefits such as areas of longer, species rich grass or even a community orchard Given the proposals are for a retirement community, quality amenity space will be important and these features are consistent with this, in contrast to more intensely used formal leisure space or facilities such as play areas or sports pitches This would also provide the net ecological gains from development sought by NPPF.
- 8.10.5. The proposal is not considered to have a harmful impact upon the ecology of the site or the area.

8.11. **Contaminated Land**

- 8.11.1. The proposed development includes the introduction of residential dwellings with communal 'semi private' gardens, private garden/patio areas, raised allotments and edible orchard gardens.
- 8.11.2. The application is accompanied by a Tweedie Evans Consulting 'Preliminary Geoenvironmental and Geotechnical Assessment' report (ref 1706007.001.01, dated August 2017, pp.181). The report comprises a Phase I desktop study and partial site walkover with a limited intrusive Phase II site investigation. This is the same report submitted and reviewed with application 5/2018/1324, where conditions were recommended.
- 8.11.3. The Tweedie Evans Consulting Report is now coming up four years old (the site reconnaissance survey and intrusive works were undertaken 17-18th July 2017). This is a significant amount of time and conditions at the site may no longer be fully reflected by the report. The Agricultural Land Classification (November 2020) submitted with the application advises "When surveyed a bonfire pile was on the [Grade 3B] agricultural land, comprising mostly of broken pallets and other timber waste. Other material had also been disposed of on the agricultural land including subsoil and potting compost/peat."
- 8.11.4. If minded to grant, conditions relating to a desk top study and site walkover; verification report and unsuspected contamination would be required.

8.12. **Car parking and Highway safety & Rights of Way**

- 8.12.1. The proposals include a new internal mini-roundabout that is to be provided on the Burston Garden Centre access, approximately 21m south from the A405 junction. The mini-roundabout will consist of four arms that link to the A405 site access, private road serving the residential and business units at Burston Manor Farm, the proposed site, and Burston Garden Centre. This arrangement is in accordance with the scheme agreed with the Highway Authority during application 5/2018/1324.
- 8.12.2. The proposals include a new 5.5m wide access road, known as The Avenue, with a 2m wide footway on the eastern side of the carriageway would be provided and continued south east from the new mini-roundabout for some 200m where it would turn and enter the site at an 'arrival court'. The Highway Authority are satisfied with this proposal, and the applicant should be aware the Highway Authority will not adopt the internal highway layouts south of the mini-roundabout.
- 8.12.3. **Refuse / Servicing / Emergency Access**
The proposals include a service entrance to the main assisted living building off Hornbeam Lane and refuse bins around the parking courts. Communal bins have been provided for the bungalows and collection is proposed to be undertaken on the internal site roads. Swept path analysis drawings contained in Appendix 11.1 and 11.2 of the TA have shown a refuse vehicle can enter the site, route through the site, and exit in a forward gear.

Car Parking

- 8.12.4. The Transport Assessment states the proposals include the provision of 141 car parking spaces for resident and staff use. The 80 assisted living apartments and 44 bungalows will be allocated 1 space each, alongside 17 visitor parking spaces.

- 8.12.5. Under SADC Parking Strategy a C3 care home would require 1 space per 3 bedrooms; retirement homes under Policy 43 would require between 0.8 – 1.25 spaces per dwelling. The proposed level of parking of 1 space per apartment or bungalow is considered acceptable.
- 8.12.6. The Planning Statement states in paragraph 8.2 that 20% of car parking spaces will have active charging points. There is no local plan requirement for electric charging points, but the applicants should be advised on any permission that 20% of spaces are fitted with active charging points. It is recommended other spaces should have passive provision.

Cycle Parking

- 8.12.7. The Transport Assessment states 24 cycle parking spaces in the form of Sheffield Stands will be provided for the assisted living units and 18 cycle stands for the bungalows. The Highway Authority request the stands are in a secure, covered and well-lit location.
- 8.12.8. It is noted that the Application Form and Planning Statement state 54 cycle parking spaces and 15 dedicated mobility spaces are to be provided. Any permission should include a condition detailing the number, location and details of the stand to secure dry secure storage of cycle racks.

Traffic Impact / Trip Generation

- 8.12.9. The Transport Assessment has calculated the proposed and existing land uses. It should be noted that the site land is used by the garden centre mainly for storage and the plant nursery and would not affect its current traffic generation to the retail and restaurant facilities and the fishery. On this basis no traffic has been discounted from the existing use.

8.12.10. Existing Land Use

The trip generation of the existing land use (Burston Garden Centre and Hertfordshire Fisheries) was detailed in the previous TA and was deemed acceptable by HCC in their response dated 06/09/2018.

- 8.12.11. This found the existing vehicle trip generation for the existing site to be:

- AM Peak (07:00-08:00) = 25 two-way trips
- PM Peak (17:00-18:00) = 57 two-way trips
- Saturday Peak (12:00-13:00) = 205 two-way trips

Proposed Land Use

- 8.12.12. The trip generation of the proposed land use (80 assisted living units and 44 bungalows) has been calculated using the trip rates that were used in the previous TA and was deemed acceptable by HCC in their response dated 06/09/2018. This found the predicted trip generation for the proposed site to be:

- AM Peak (07:00-08:00) = 8 two-way trips
- PM Peak (17:00-18:00) = 26 two-way trips
- Saturday Peak (12:00-13:00) = 21 two-way trips

Highway Impact Assessment

Distribution

- 8.12.13. The applicant has based the distribution on the results of traffic surveys. This method was deemed acceptable by HCC in their response dated 06/09/2018.

Background Growth

- 8.12.14. The applicant has derived background growth factors from TEMPro for the period 2018-2025. These growth factors have been applied to the 2018 traffic surveys. The Highway Authority have reviewed the growth factors and consider them suitable. The traffic future year flows are also understood to have included the committed development flows for the Radlett Rail Freight Terminal flows from the TPA Technical Note.

Capacity Assessments

- 8.12.15. The applicant has undertaken capacity assessments of the site access / A405 North Orbital Road signalised junction using LinSig software.
- 8.12.16. The results have shown the junction is predicted to operate within theoretical capacity in the peak periods.

Highway Safety

- 8.12.17. The Transport Assessment includes a review of collision data for the highway network surrounding the site. The applicant obtained the most recent 5 years of collision data available to Hertfordshire County Council, this is considered acceptable.
- 8.12.18. The review of the collision data demonstrated that there were three collisions associated with traffic departing from the existing site access. Vehicles were departing the site to travel westbound and collided with westbound traffic. The applicant has said that the proposed signals would mitigate this safety issue.

Public Transport

- 8.12.19. The closest bus stops to the site are located on Watford Road, approximately 600 metres north-west of the site. Both bus stops comprise of a flagpole and timetable information. The bus serving the stops can be used to reach Watford and Luton. Additional bus stops are also located on How Wood, south-east of the site.
- 8.12.20. The nearest railway station is How Wood, which is 1.7km south-east of the site, and is frequently served by trains between Watford Junction and St Albans Abbey.

Active Travel

- 8.12.21. A footway is provided along the north side of the A405 North Orbital Road, which is segregated from the dual carriageway by a grass verge. A narrow footway is provided on the south side of the A405 North Orbital Road and leads to the roundabout with the B4630 which has pedestrian facilities providing access to amenities including a Shell petrol station and a Starbucks cafe. There are no dedicated cycle facilities in the vicinity of the site.
- 8.12.22. As part of the signalisation of the site access / A405 North Orbital Road, it is proposed that a staggered pedestrian crossing is provided across the A405 North Orbital Road. This would improve pedestrian access to the site.
- 8.12.23. The proposals will provide a new link between the existing bridleway (St Stephen 003) located to the east of the site and the existing footpath (St Stephen 018) located to the west of garden centre and links to Lye Lane. The Bridleway 'St Stephen 003' links to How Woods, where there are a number of local facilities and public transport.

Travel Plan

- 8.12.24. The applicant has submitted a Framework Travel Plan. The HCC Travel Plan team have the following comments on the current travel plan which must be addressed prior to occupation:
- An interim TPC contract should be provided to HCC;
 - The requirement to provide a secondary TPC contract once a TPC has been appointed should be noted with in the Travel Plan;
 - TPC time allocated to role and frequency on site required – this can be an estimate per month;
 - Welcome packs should be provided to each resident and staff member;
 - Monitoring should also include residents travel;
 - Walking groups should be established for residents and staff + promotion of HCC health walks;
 - Cycle training should be offered to staff, Dr Bike annually for staff and any residents who cycle;
 - The Travel Plan should be reviewed annually.
- 8.12.25. If planning permission is granted, a Travel Plan Monitoring and Support fee of £1,200 per annum for 5 years (£6,000 subject to indexation Retail Price Index May 2014) is required via a S106. A Full Travel Plan will be required to be in place for 5 years post occupation. The final Travel Plan can be secured by way of a condition and the monitoring fee through the S106 agreement.

Construction Traffic Management Plan

- 8.12.26. If the application is permitted, the Highway Authority request by way of planning condition that a Construction Traffic Management Plan is submitted prior to construction. A CTMP is needed to mitigate any adverse impact from the construction to the operation and safety of the local highway network.
- 8.12.27. Overall the development is considered to have a satisfactory impact upon highway safety, subject to various conditions being imposed on any permission.

8.13. **Archaeology**

- 8.13.1. The application is in a locally defined area of archaeological significance AS.R. 32 (Burston Manor; medieval manor and deserted village: Hertfordshire Historic Environment Record (HHER) MHT10353 and MHT10352 Cropmarks Burston Nurseries). This area is a site where planning permissions may be subject to an archaeological recording condition, as designated in the St Albans District Local Plan Review (1994).
- 8.13.2. The application is accompanied by a Built Heritage Statement (RPS Group, JCH01200, Land to rear of Burston Garden Centre, St Albans, Hertfordshire: v.4, 11 December 2020) and an Archaeological Desk Based Assessment (DBA: JAC23515 ; Land to the rear of Burston Garden Centre, St Albans: Version 2 Final December 2020). This is good practice and conforms to the requirements of the National Planning Policy Framework. However, there has been no below ground intrusive evaluation to determine the nature, extent, character and significance of the archaeological potential as identified and suggested during pre-application consultations. This makes the development vulnerable to uncovering significant buried archaeology with concomitant time and cost uncertainties. Should regionally or nationally significant archaeology be uncovered, there may be a requirement to preserve in situ.

- 8.13.3. Close to the application there are numerous Hertfordshire Historic Environment Record entries (e.g. HHER 6620 site of pillbox: the supposed line of a Roman Road MHT4579 and Tenterden House MHT17831). Within approximately 200m additional entries are sited (HHER 8896, 10350, 10351 cropmarks; 1003 supposed shrunken village and 4652 Manor House). These cropmarks could relate to the shrunken medieval village, or equally, are part of an earlier Late Iron Age and/or Roman period landscape that may continue into the area of the application. Recent work associated with the M25 widening uncovered a large late prehistoric, Roman, medieval and post-medieval landscape immediately to the south of the M25. This comprised several phases of field boundary ditches which were running towards the current application. A limited area of medieval occupation and perhaps most significantly, Late Iron Age/Early Roman pottery kilns were present on site. Recent work around Holt Farm 1km to the west uncovered indications for landscape use dating from the Palaeolithic (including two hand axes) through to the medieval period. Therefore, there is the potential to uncover Pleistocene and earlier Holocene deposits which may contain evidence for early man. The later medieval period is possibly characterised by a shrunken village around the farm.
- 8.13.4. The DBA states that "...the study site is considered to have a high archaeological potential for the Anglo-Saxon and Medieval periods and a low to moderate potential for the Roman period". (DBA, 6.3, pp.20). It further states that "...given the high archaeological potential of the study site, development at the study site would have the potential to impact upon archaeological remains of probable local and perhaps regional significance." (DBA, 6.5, pp.20).
- 8.13.5. Therefore, there is a need to fully evaluate the site to establish the nature, extent, date and state of preservation of any surviving archaeological remains that may be affected by the development. The evaluation may include a geophysical survey and archaeological trial trenching, possibly as part of a systematic stratified project. Such work will provide evidence on which an informed decision can be made concerning the further need for, and scope of, an appropriate mitigation strategy. If the latter, there may be a requirement for full excavation on site or even preservation in situ, should the results warrant it.

8.14. **Drainage**

- 8.14.1. The Local Lead Flood Authority advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.
- 8.14.2. The proposed drainage strategy is based on attenuation and discharge into a watercourse restricted to 10l/s based on the greenfield run-off rate. It is assumed that the site discharges naturally to an unnamed ditch/watercourse located south-west of the site. We note that this ditch has been tracked to the boundary of the residential gated community, from which it is shown as mapped ordinary watercourse. This ordinary watercourse is assumed to discharge downstream within the town into the Hanstead Brook a tributary of the River Ver. The site utilises a sub-catchment approach to deal with the surface water arising from the development. The drainage strategy for the site comprises of porous paving, ponds, and swales. Surface water drainage calculations have been provided to support the proposed scheme.

8.14.3. Should planning permission be granted conditions relating to works being carried out in accordance with the approved flood risk assessment and drainage strategy; final approval of the drainage scheme; and agreement to a management and maintenance plan.

8.15. **Infrastructure contributions**

8.15.1. During the appeal for 5/2018/1324 a S106 legal agreement was entered into to secure the following:

- Bridleway and access improvements provision
- A scheme to secure communal facilities
- Library contributions
- Limitation on occupancy
- Travel Plan
- Tree Management Plan
- Fire Hydrants

8.15.2. Since this appeal the applicants have also offered:

- A local marketing commitment for a proportion of units, to recognise the need for care accommodation for existing residents of and those with close ties to St Albans
- Affordable housing contribution of £750,000

8.15.3. The NHS have also sought contributions towards local health care. It is noted that this is an additional request that was not requested under the previous application.

8.15.4. Due to its nature, this development of 80 assisted living apartments and 44 bungalows will have a significant impact on our local GP practices, all of which are either at capacity or operating in cramped conditions and therefore their ability to absorb any increase in patient population is very limited.

8.15.5. For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and we would like to propose that a charge is applied per dwelling in order to provide additional GP services capacity in the area.

8.15.6. Below is the NHS calculation based on the number of dwellings proposed and recently updated build costs.

8.15.7. The standard occupancy rate of 2.4 does not apply in this case, however, given that these residents are likely to have much higher than average impact on local NHS services, the same rate is maintained.

124 dwellings x 2.4= 297.6 new patients
297.6/ 2,000 = 0.1488 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")
0.1488 x 199m2 = 29.6112 m2 additional space required
29.6112 x £5,410 (build costs including land, fit out and fees) = £160,196.592
£160,196.592 / 124 = £1,291.908 ~ **£1,290 per dwelling**

- 8.15.8. These calculations above are based on the impact of this development only, on the number of dwellings proposed and do not take into account any existing deficiencies or shortfalls.
- 8.15.9. In addition to the above, the NHS ask for consideration that there will also be an impact on NHS community, mental health and acute care services. They have summarised the relevant cost impact per dwelling in table below:

	Cost per dwelling
Acute Care	£2,187.69
Mental Health	£201.38
Community Services	£182.03

- 8.15.10. However, the consultee (HV CCG) is not in a position to comment on behalf of these services and will therefore not be seeking these contributions. It is to bring your attention to the fact that the actual impact is greater than £1,290 per dwelling requested above.
- 8.15.11. It is considered that Herts Valley CCG have demonstrated the need for these contributions. The scheme has changed since that at appeal and is considered reasonable to secure them.
- 8.15.12. HCC have asked for the following contribution, which was not sought under 5/2018/1324:
- 8.15.13. HCC's Planning Obligations Toolkit - In accordance with the HCC Planning Obligations Guidance, contributions are sought on a unit rate basis and are pooled where appropriate. For residential use the charge is based on the number of bedrooms. This is calculated based on the site's accessibility zone. The site is in Zone 'Elsewhere' and given the presented proposals (24 x 1-bed units @ £625 and 97 x 2-bed units @ £750 and 3 x 3-bed units @ £1,125) this equates to £91,125 in 2006 prices. The current SPONS pricing index suggest that this equates to £130,427 in today's prices.
- 8.15.14. HCC have justified this contribution in order to ensure the site is sustainable. It is appreciated the applicant has proposed a signal scheme for the access / A405 North Orbital Rd, however this signal scheme was essential to enable safe access to the site. The S106 sustainable transport contribution is sought to mitigate the impact of the site to the local highway, footway, cycleway and public transport networks, whilst enhancing sustainable travel options.
- 8.15.15. The contribution will go towards, but not limited to, Package 35 of the South Central Hertfordshire Growth and Transport Plan (GTP) Prospectus. The Transport Plan defines package 35 as 'Chriswell Green Corridor Active Travel Improvements'.
- 8.15.16. Until the issue of the South Central Hertfordshire Growth and Transport Plan (GTP) Prospectus in January 2020, there were no schemes against which a s106 obligation would have been used against. The GTP is a supporting policy document to the HCC Local Transport Plan and it is reasonable (and to the tests) to request a sustainable transport contribution.

8.15.17. Additionally at around the time of the refused application the NPPF 2018/2019 was updated. The updated version provides a greater definition of 'Significant development should be focused on locations which are or can be made sustainable'. While the NPPF 2012 noted that the significant development can occur in locations that can be made sustainable, the NPPF 2019 paragraph 103 has provided greater details of how a significant development can be made available, being:

8.15.18. "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".

8.15.19. In order for the Highway Authority to be satisfied that the development has maximised sustainable transport solutions, alongside reduce congestion and emissions, and improve air quality, sustainable transport contributions via the S106 is sought.

9. Legal Agreement

9.1. Were planning permission to be granted a S106 legal agreement would need to be entered into to secure the following:

Occupancy limitation	<p>Limitation of occupancy to:</p> <p>All residents to sign up to a personal care and support package and to purchase a minimum of 1.5 hours of care per week, including domiciliary care. A minimum age restriction of 65 years to apply to at least one of the occupiers.</p> <p>Reason:</p> <p>This is required to ensure that the development falls within Use Class C2. The development would otherwise require the provision of affordable housing</p>
Provision of communal facilities	<p>The development shall provide and maintain the provision of a range of communal facilities, the scope of which shall be first agreed in writing by the Local Planning Authority.</p> <p>Reason:</p> <p>Otherwise the facilities could be provided in a disaggregated manner and the benefits of providing the development in a holistic manner would be lost.</p>
Travel Plan	<p>Enter into a Travel Plan for the site.</p> <p>£6,000 towards the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review.</p>

Library facilities	<p>Library Service towards the improvement of the large print and talking book areas of St Albans Library.</p> <p>Table 2: Hertfordshire County Council Services planning obligations contributions table</p> <table border="1"> <thead> <tr> <th>Bedrooms*</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5+</th> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="5" style="text-align: center;">HOUSES Market & other</td> <td colspan="3" style="text-align: center;">FLATS Market & other</td> </tr> <tr> <td>Library facilities</td> <td>£98</td> <td>£147</td> <td>£198</td> <td>£241</td> <td>£265</td> <td>£77</td> <td>£129</td> <td>£164</td> </tr> <tr> <td></td> <td colspan="5" style="text-align: center;">HOUSES Social Rent</td> <td colspan="3" style="text-align: center;">FLATS Social Rent</td> </tr> <tr> <td>Library facilities</td> <td>£48</td> <td>£91</td> <td>£130</td> <td>£156</td> <td>£155</td> <td>£38</td> <td>£82</td> <td>£107</td> </tr> </tbody> </table> <p>*uses an assumed relationship between bedrooms and habitable rooms All figures are subject to indexation and will be indexed using the PUBSEC index base figure 175</p>	Bedrooms*	1	2	3	4	5+	1	2	3		HOUSES Market & other					FLATS Market & other			Library facilities	£98	£147	£198	£241	£265	£77	£129	£164		HOUSES Social Rent					FLATS Social Rent			Library facilities	£48	£91	£130	£156	£155	£38	£82	£107
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Bridleway improvements	Improvements to the bridleway connecting the site to How Wood.																																													
Footpath improvements	Widening of the footpath adjacent to the eastbound carriageway of the A405 North Orbital																																													
NHS	To provide additional GP services capacity in the area: £1290 per dwelling.																																													
Highways project	<p>£130,427 towards Package 35 of the South Central Hertfordshire Growth and Transport Plan (GTP) Prospectus. The Transport Plan defines package 35 as 'Chiswell Green Corridor Active Travel Improvements': to improve connectivity towards Chiswell Green, Park Street and St Albans and reduce traffic on the Watford Road corridor.</p> <ul style="list-style-type: none"> - Improvements along the B4630 Watford Road with the aim of discouraging through traffic ensuring capacity if given to other modes of transport - Improvements along the A405 including roundabout upgrades at the A414/A405/A5183 park Street Roundabout and at the B4630 Watford Road / A405 Noke Roundabout. 																																													
Affordable housing contribution	£750,000 towards affordable housing																																													
First marketing limitation	A proportion of units (20%) to be first offered to local residents at first sale.																																													

10. Other matters

- 10.1. The St Stephen Neighbourhood is currently at post regulation 15 stage, which is after the first round of consultation, but before the second round of consultation carried out by SADC which will occur in June. Given it has yet to be tested against the Basic Conditions and deemed lawful by the examiner it would be afforded little to limited weight.
- 10.2. Concerns have been raised about the impact on health by way of fumes etc. This was considered at the Public Inquiry for 5/2018/1324 and the Inspector did not raise any concerns regarding this. Furthermore Environmental Compliance were consulted on this application and have not raised any objections.

11. Planning Balance

Do the public benefits of the proposal and the case for very special circumstances overcome the harm identified to the setting of the Listed Buildings and the in principle and actual harm to the Green Belt?

- 11.1. The development continues to result in a substantial loss of openness and would conflict with the purposes of the Green Belt. This is contrary to LP Policy 1. Substantial weight is attached to this conflict and the harm arising to the Green Belt by reason of the development inappropriateness and the effect on opens. This remains the case.
- 11.2. The development would still have a large and dominating effect. Despite the improvements to the landscaping on the site. It is considered that the previous concerns remain. That is that despite the sites visual containment and the positive aspects of the scheme relating to legibility, larger village green, design of the bungalows and the much increased landscaping the proposal would still have a moderately harmful impact upon the open character and appearance of the site.
- 11.3. The changes, as shown by the revised LVIA do result in improvements over the scheme dismissed at appeal. Overall the proposals would cause harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group. As a result, the development would conflict with LP Policy 86. The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings and that this harm should be given great weight. In this regard, for the purposes of decision making the decision maker is required to weigh that harm against other considerations, including any public benefits,
- 11.4. In terms of housing need it is considered that the scheme remains comparable to the scheme at appeal in this aspect and as such it is reasonable to afford significant weight to the impact of the proposal upon the need for housing and the need for this type of accommodation.
- 11.5. It has been demonstrated that these sites are not available to the applicant. As such it is considered that the application has overcome the objections raised to the exploration of alternative sites as identified at appeal. The lack of alternative sites for the development proposed is therefore considered to be afforded some weight.
- 11.6. At appeal it was accepted by the Inspector that in particular the care village concept, with the provision of its own dedicated services and facilities, the care package, including offers for different care needs, would benefit older people residing at the site. Such benefits therefore attract substantial weight into the balance. There are no changes to warrant now reaching a different weight to these benefits.
- 11.7. Release of under occupied housing was given further weight at appeal, and this remains the case.
- 11.8. At appeal the Inspector states that the development would produce some economic and social benefits in terms of temporary construction jobs and longer-term employment opportunities as well as improved accessibility arising from the works on the North Orbital Road. She stated that these add further weight to the case. There are no changes to warrant now reaching a different weight to these benefits.

- 11.9. However it was noted at appeal that there are high levels of employment and low unemployment, as backed up by official labour market statistics for the district (July 2018-July 2019). Therefore she considered that such benefits are moderated in part by this.
- 11.10. Highway improvements & Sustainability
- 11.11. At appeal it was noted that access improvements from the North Orbital Road would also be secured by condition which would benefit users of the site and BGC. These were subject to a separate approval sought by BGC, this has now lapsed whereas the appeal scheme would ensure these take place. This adds some weight in favour of the proposal.
- 11.12. It was said that the appeal site is in a suitable location to access services and facilities and the Inspector did not disagree. It is in close walking distance to local shops at How Wood Village and bus stops and a railway station would also be accessible. However, as a general principle, appropriate access to services and facilities, are a policy expectation for any significant development and as such are a neutral matter in my considerations.
- 11.13. There have been no changes in circumstances since the appeal to apply different weighting to these elements.
- 11.14. The applicant is made the case that the site is capable of being delivered in the short-term as a means of meeting economic, and housing benefits outline above and will introduce a high-quality new development on what is currently an under-utilised and vacant site. In their view the ability to deliver the scheme immediately, is a matter that must be afforded some weight in favour of the proposals, which is agreed and in line with the appeal decision.
- 11.15. An additional offer to the scheme at appeal is the offer of a first marketing limitation provision for 20% of the units. However this is only proposed to be for the first time the units are sold not thereafter. Residents of SADC and / or a 5 mile residency radius for occupiers is proposed, which takes in a number of substantial conurbations outside the District. As such this is not considered to contribute towards the long term need for local residents for this type of accommodation, which it should be noted was given significant weight above. Given these concerns only limited weight is given to this offer.
- 11.16. There is no Policy requirement to provide any form of affordable housing on this site. The applicant has submitted a viability assessment which demonstrates that it is not feasible to make any contributions towards affordable housing in large due to the level of facilities and communal spaces that form an integral part of the scheme but which are costly to deliver and significantly reduce the amount of saleable floor area when compared to a C3 scheme of similar floor area. . However the landowners, developer and prospective occupiers have each accepted a reduced return and as such are in a position to offer £750,000 contribution to affordable housing.
- 11.17. Given there is no policy requirement for this, a contributions towards affordable housing should be given weight as part of the case for very special circumstances. It is unclear from the information the applicant has provided whether this contributions is towards general C3 affordable dwellings or whether it is towards C2 uses, there is mention of delivery of care accommodation for those in St

Albans unable to fund it themselves. Nor is their details of how this figure has been reached, In order to consider how much weight to be given to this offer it needs to be understood whether there is a project it could be identified for and that it meets CIL Regulations. Without these details it is not possible to afford anything other than limited weight to this offer

Table of comparison

	<u>Officers weighting of 5/202/3022</u>	<u>Inspectors Weighting at appeal 5/2018/1324</u>
Harm to openness	Substantial weight	Substantial weight
Large and dominating effect, harmful to character and appearance of area	Moderately harmful impact	Moderately harmful impact
Harm to significant of Grade II* and Grade II Listed Building	Great weight	Great weight
Contribution to housing need	Significant weight	Significant weight
Lack of alternative site / alternative site assessment	Some weight	Moderates the weight
Provision of care village	Substantial weight	Substantial weight
Release of under occupied housing	Further weight	Further weight
Highway improvements	Some weight	Some weight
Scheme delivery	Some weight	Some weight
First marketing limitation	Limited weight	N/a
Affordable housing	Limited weight	N/a

11.18. Overall it is considered that the development would comprise an inappropriate form of development in the Green Belt that causes harm to the openness of the Green Belt. As such there is in principle and actual harm to the Green Belt. It has been for the applicant to make a case for very special circumstances to overcome this harm.

11.19. The development would cause harm to the setting and special character of the Grade II* and Grade II adjacent Listed Buildings. This level of harm, in accordance with the advice in the NPPF has been categorised as 'less than substantial harm'. Less than substantial harm is still harmful and if such development is to be allowed then it should be demonstrated that there is public benefit that overcome the identified harm.

11.20. Taking into account the case made by the applicant, the benefits offered and the weighting applied by the Inspector for the appeal scheme and updating this in light of the changes to the scheme the table above sets out the weighting given to each element. A balancing exercise to consider the benefits versus the identified harms needs to be undertaken.

11.21. The main changes to the scheme comprise a scheme of less development, which remains harmful to the openness of the Green Belt. With improved landscaping

and an improved, albeit still harmful, relationship with the setting of the Listed Building. The amended alternative site assessment has resulted in an increased level of weight being given to this. Limited weight is given to the proposed affordable housing contribution and first marketing limitation.

- 11.22. Using the weighting as set out in the table above, whilst the additional offers are welcomed and the scheme is less harmful than dismissed at appeal it is not considered that the weighting has tipped to weigh in favour of the application being recommend for approval. It is considered that the scheme will still be inappropriate development and the case for very special circumstances does not outweigh the in principle harm to the Green Belt, nor the identified harm. Further the identified public benefits of the scheme are not considered to outweigh the less than substantial harm to the setting of the Grade II and Grade II* listed buildings.

12. Comment on Town/Parish Council/District Councillor Concern/s

Addressed in the main report

13. Reasons for Refusal

1. The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.

2. The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would cause result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory

obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.

3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and I43B of the Local Plan and the NPPF 2019.

RECOMMENDATION: Refuse

Decision Code:

14. REASONS

1. The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.

2. The development would cause less than substantial harm to the grade II* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would cause result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019.

3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath

improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and I43B of the Local Plan and the NPPF 2019.

15. INFORMATIVES

1. This determination was based on the following drawings and information: Lighting Strategy January 2021 received 4.2.2021; Horizontal Illuminance Plan 1178-DFL-L-LSD-003-A Rev B; Landscape Visual Impact Assessment February 2020 Received 4.2.2021; Computer generated Images of the development February 2021 (views 1 – 7); Carterwood Letter dated 12.4.2021 received 15.4.2021; DVP Consult letter of 1st April 2021 received 15.4.2021; RPS letter of 1st April 2020 received 15.4.2021; DVP Consult letter of 1st March 2020 received 2.3.2021; Redacted Financial Viability Assessment dated 24.2.2021 received 2.3.2021; Design and Access Statement December 2020 received 14.12.2020; Primary Geoenvironmental and geotechnical Assessment received 14.12.2020; Flood Risk assessment and drainage strategy dates September 2020 received 14.12.2020; Planning Statement dated 11.12.2020 received 14.12.2020; 0653-00-SL-PL-A-G7-013 Rev B; 0653-00-SL-PL-A-G7-011 Rev B; 0653-00-SL-PL-A-G7-012 Rev B; 0653-00-SL-PL-A-G7-017 Rev B; 0653-03-00-PL-A-313 Rev B; 0653-03-00-PL-A-312 Rev B; 0653-00-SL-PL-A-G7-018 Rev B; 0653-03-00-PL-A-311 Rev B; 0683-03-00-PL-A-310 Rev B; 0653-03-00-PL-A-314 Rev B; 0653-01-99-EL-A-115 Rev A; 0653-01-99-EL-A-114 Rev A; 0653-03-00-PL-316 Rev B; 0653-01-02-PL-A-112 Rev B; 0653-01-00-PL-A-110 Rev B; 0653-01-01-PL-A-111 Rev B; 0653-03-00-PL-A-315 Rev B; 0653-00-SL-PL-L-G7-014 Rev C; 3019.14; 3019.09; IR20077 001 D; 3019.17; 3019.15; 3019.16; 3019.18; 0653-01-03-PL-A-113 Rev B; 0653-00-SL-PL-A-G7-010 Rev B; 0653-00-SL-SE-A-G7-015 Rev B; 0653-00-SL-SE-A-G7-016 Rev B; 186/3493/1; 186/3493/2 received 14.12.2020.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer Sarah Smith

Section 65 Parties Highways England; Occupier of Trinity Cottage, Love Lane, Bembridge IoW; Occupiers of The Limes, North Orbital Road; Burston Rose and Garden Centre Ltd; Burston Manor; Burston Nurseries Ltd.

Plans on website <https://www.stalbans.gov.uk/view-and-track-planning-applications>

