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Standing up for Hertfordshire's countryside

David Snell
Development Control
East Hertfordshire District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Our Ref:

Your Ref:

21st August 2020 (by email)

Dear Mr. Snell,

Application No 3/20/1461/OUT

Outline planning for a Continuing Care Retirement Community Comprising up to 168 one- and two-bedroom extra-care apartments, 40 assisted living apartments a village centre building with community and medical facilities, external landscaping and green

infrastructure - All Matters Reserved.

Lanbrook, St Marys Lane, Hertingfordbury, Hertfordshire

CPRE Hertfordshire object to this proposal for inappropriate development in the Green Belt, contrary to the National Planning Policy Framework and the East Herts District Plan.

This site is currently open pasture land in the Green Belt on the edge of the Group 2 Village of Hertingfordbury, within which only limited development is allowed. This proposal would double the size of the population of the village. Its development would be contrary to the Green Belt provisions of the NPPF and Policy GBR1 of the East Herts District Plan.

The outline application for this site appears to be as a consequence of the Council's repeated refusal of applications for a similar development by the same applicant on the nearby Brickfields site. It is notable that the residential property designs for this site are identical to those for Brickfields, that large parts of the Design and Access Statement have been taken from that for the earlier proposals and that the very special circumstances put forward to justify the development in the Green Belt are essentially the same.

The current proposal constitutes inappropriate development in the Green Belt. There would be material harm to the openness of the Green Belt and harm to the landscape character of the area between Hertingfordbury and Hertford which is intended to be a buffer between the two settlements. It is hard to see how placing 208, predominantly 3-storey, residential units and a substantial group of ancillary functions into an open field "is considered to contribute to, conserve and enhance the natural environment" (Planning Statement para. 3.13). *Timmins v. Gedling Borough Council* (EWHC 654) held that "any construction harms openness

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President: Sir Simon Bowes Lyon, KCVO
Chairman: Richard Bullen

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quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities". Though not formally described as 'very special circumstances' sufficient to outweigh the harm by inappropriateness or other harm to the Green Belt, the applicant puts forward three main points in justification of the scheme:

1. That the development will contribute to the need for specialist housing for older and vulnerable people within the District. "By creating this specific type of housing it frees up other units within the locality and brings these units back onto the market offering benefits not just to the elderly sector but the local market in its entirety." (Planning Statement para. 6.3). This is supported by an assessment of Extra Care Need and Demand prepared on behalf of the applicant. There is very little in the way of objective evidence to demonstrate the need for this particular development on this specific site. A similar assessment was carried out for Brickfields, taken into account by the Council and determined not to outweigh the harm to the Green Belt.
2. That the development will contribute to the local economy. This too was taken into account at Brickfields. According to paragraph 1.2 of the Design and Access Statement "Lanbrook will act as an important gateway and recreation hub for Hertford. ... helping to attract visitors to the Town centre and sustain the town's vitality." That suggests commercial use of the social facilities, which is a different proposition to a Continuing Care Retirement Community.
3. That the Council may not be meeting its 5-year Housing Land Supply targets. This is a point which the applicant expands on at great length, including in an addendum to the Planning Statement. While acknowledging that the Council has not yet reached the 75% threshold that will result in the engagement of 'tilted' balance, the argument is that as a result of the current coronavirus pandemic the inevitable reduction in granting permissions clearly has the scope to seriously undermine housing land supply and lead to tilted balance in this case. This is pure speculation on the part of the applicant. At present no one knows how long the pandemic will last, what its full impact will be on construction and what action the Government will have to take to reflect the impact of the pandemic on housing supply and delivery.

Irrespective of that point, National Planning Practice Guidance is clear that 5-year housing land supply shortfall does not over-ride Green Belt policies and *Crane v. SoS* (EWHC 425)). *Hunston Properties Ltd EWCA Civ 1610* held that "*the weight to be given to such a housing shortfall (and whether it constitutes 'very special circumstances' for the purposes of the NPPF) is a matter of planning judgment. The weight to be attached to the shortfall may, as a matter of planning judgment, be reduced where a shortfall is inevitable due to a district being subject to policies which restrict development*" (such as Green Belt policies).



While the Design and Access Statement states that the development falls into the following use classes: A2 (financial services), A3 (restaurants and cafes), C2 (residential institutions), C2A (secure residential institutions), D1 (non-residential institutions) and D2 (assembly and leisure), Section 8 of the Application Form only refers to Class D2. The bulk of the accommodation is in fact C3 (dwelling houses) and, in our view C2A, which is intended to cover military barracks and penal institutions, is not appropriate here. On the Application Form all of the proposed units are described as market housing. This is contrary to District Plan Policy HOU3(c) which requires up to 40% of units on sites proposing 15 or more dwellings to be affordable.

Policy HOU6 on Specialist Housing for Older and Vulnerable People requires that specialist types of retirement housing and specialist residential and nursing care accommodation should normally be located within settlements where there is easy access to a range of services e.g. shops, healthcare facilities, social facilities, and sustainable transport options. That is not the case here. The fact that the applicant is including such facilities on site does not remove the intent of the requirement, which is for wider social connections for the people covered by this policy.

According to the DAS, a key objective of the Proposed Development is to provide excellent connectivity and permeability for pedestrians. The Town Centre pedestrian access will be via the Cole Green Way. "This will make pedestrian trips between the Site and Town Centre a 30-minute walk. There are links at both ends that take walkers and cyclists into Welwyn and Hertford town centres." Hertford town centre is just under 2km away along Cole Green Way, which is unlit along most of the route. Welwyn Garden City is 8km away. Elsewhere the applicant refers to the Department for Transport's document 'Manual for Streets', but does not note the requirements for pedestrians, which say that "*Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes*" (not the 30 minutes which the applicant apparently find acceptable.) The Chartered Institution of Highways and Transportation publication 'Planning for Walking' provides the definitive guidance on walking distances and says that the maximum advised distance to facilities is 1.2 km. As that is the figure for the able bodied, the residents of this site will inevitably be vehicle dependent. Bus stops are located on Hertingfordbury Road. UNO 641 operates 4 buses a day, Centrebus 380 one a day, 3 times per week. That is a limited service.

To approve this application would in effect result in an ad-hoc alteration to the Green Belt boundary. The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances through review of the Local Plan and that process has only recently been completed.



We also note that the land in question is not in the ownership of the applicant and that there is dispute with the landowner. Consequently, the Council will have to ascertain the viability and deliverability of the proposal before determining the application.

This proposal is inappropriate development, harms the openness of the Green Belt and is unsustainable. We urge the Council to reject it.

Yours sincerely,

David Irving