

**Representations to the South
Staffordshire Council Local Plan
Review Publication Plan
Consultation**

On behalf of:

Completelink Ltd

May 2024

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1.0 Introduction

- 1.1. Zesta Planning Ltd has been instructed by Completelink Ltd to make formal representations on the South Staffordshire Council Local Plan Review Publication Plan consultation (hereafter referred to as the “Publication Plan”). This document and associated evidence base were published for a 6-week consultation period between 18th April 2024 to 31st May 2024.
- 1.2. The purpose of this representation is twofold: firstly, to make our views known on the development strategy, policies and site options contained within the Publication Plan document, and secondly, to promote the allocation of a specialist housing/care accommodation site at the Prestwood House Care Home & Estate, Prestwood, Stourbridge. DY7 5AL.
- 1.3. Prestwood House Care Home & Estate sits within a site ownership of 55 acres, including a number of buildings, including Prestwood House, Boiler House, The Coach House and Prestwood Lodge as care facilities, as well as a wider complex of over-55s dwellings, known as The Oval. This is an established older people and care home site of nearly 40 years, offering a range of high quality care services, within a landscaped setting.
- 1.4. Importantly, there are acknowledged existing shortfalls in the delivery of care bed spaces and specialist housing for the elderly within South Staffordshire and this has been documented through the Council’s Authority Monitoring Reports and evidence base supporting this Preferred Options consultation.
- 1.5. Despite this, we have grave concerns that the Council does not adequately allocate anywhere near enough land within the Publication Plan for dedicated specialist housing/care accommodation. Without further allocations, this need will simply not be met within the plan period and the existing deficit of specialist accommodation for the elderly will continue to grow. It is on this basis that we submit these representations.
- 1.6. This representation is structured as follows:
 - Section 1 – Introduction
 - Section 2 – Representations on the Proposed Strategy and Policies

- Section 3 – Promotion of Prestwood House Care Home & Estate as an Additional Allocation

2.0 Representations on Proposed Strategy & Policies

- 2.1. In this section we make representations on the Publication Plan's Development Strategy, Site Allocations and development management policies, with a specific focus on the plan's approach to specialist housing.
- 2.2. We make specific representations to the following policies within the plan:
 - Policy DS4: Development Needs
 - Policy DS5: The Spatial Strategy to 2041
 - Policy DS1: Green Belt
 - Policy HC5: Specialist Housing

Development Needs – Policy DS4

- 2.3. Policy DS4 states that during the plan period up to 2041, the Council will promote the delivery of a minimum of 4,726 homes. No specific requirement is provided for specialist housing and registered care, despite this representing a significant proportion of the overall need as discussed below.
- 2.4. In order to fully assess the need for specialist housing and care accommodation in the District, it is first important to understand the adopted policy position in relation to specialist housing/care accommodation and the performance against the adopted requirements. Secondly, regard has been had to the most up to date evidence on the projected need for specialist housing and care accommodation in the District to be met over the new plan period.

Adopted Policy Background and Existing Need Position for specialist housing

- 2.5. The Development Plan currently comprises the South Staffordshire Council Core Strategy to 2028 and the Site Allocations Document (SAD).
- 2.6. The Core Strategy was adopted in December 2012 and covers the plan period for 2006-2028. The most relevant policies to establish the background for these representations are as follows:
- 2.7. **Core Policy 6** partly requires the delivery of housing for South Staffordshire's ageing population, supporting proposals for extra care and residential care homes, dementia care units and retirement villages of an appropriate scale, in line with identified need.

The policy is to provide the required accommodation within the housing market areas.

- 2.8. **Policy H1** in line with Core Policy 6 supports proposals for housing to meet specific needs for support and adapted housing, including extra care, to reflect the District's needs, particularly that catering for the growth in the over 65 and over 85 age groups.
- 2.9. **Policy H5** further considers specialist housing accommodation, setting out that retirement villages to meet the needs of the District will be supported. These sites are not necessarily required to come through the Site Allocations SPD. In determining planning applications, the site must be sustainably located and seek to re-use brownfield land.
- 2.10. The **explanation** of the policy under Paragraph 8.30 states that the Council's evidence base projected that by 2025 there will be a need for 590 extra care bed spaces. The section on the Authority Monitoring Reports below sets out the level of care development delivered so far against this policy requirement.
- 2.11. The Council's Authority Monitoring Reports (AMRs) establishes the delivery of care bed spaces since 2012. In our previous representation to the Regulation 18 Preferred Options Plan, it was established that the following spaces had been provided within the plan period so far at the point of the latest available AMR (2018) at the time of that representation:
 - **13 units at Womborne – 2018**
 - **39 units at Bilbrook – 2018**
 - **41 units at Penkridge – 2017**
 - **59 units (net) in Penkridge – 2014**
 - **52 units at Womborne – 2013**
- 2.12. Since then, the Council has published AMRs for 2022 and 2023. The 2022 AMR confirms that there had been no completions in that monitoring year, and the only C2 scheme to be completed since 2018 was at Baggeridge Brickworks, Gospel End as a 66 bed apartment building for the elderly. The 2023 AMR also confirms that there had been no completions in that monitoring year.

- 2.13. As such, it is evident that only 270 units have been completed to date set against a need for 590 bed spaces by 2025. This leaves a residual requirement for **320** additional extra care bed spaces to be provided by next year which is clearly unachievable. As such, it is clear that there will be a growing backlog for care accommodation by the time the Local Plan review is adopted.
- 2.14. Indeed, this shortage is being experienced on the ground with Prestwood House Care Home & Estate facility consistently having to turn away requests for care spaces both from individuals and care services.
- 2.15. It is clear therefore that this unmet need will not be met under the current adopted policy, and as a result the Council is heading towards a substantial shortfall against its current requirements.

Emerging Local Plan Evidence Base and Need Position

- 2.16. In relation to specialist housing/care accommodation, the key evidence base provided to support the South Staffordshire Council Local Plan Publication Plan is found within the South Staffordshire Housing Market Assessment Partial Update 2024 and the Homes for Older People and Disabled People Topic Paper (April 2024).
- 2.17. The South Staffordshire Housing Market Assessment Partial Update 2024 highlights a predicted significant increase in older people in the district over the plan period with the population aged 65 set to increase over the modelling period; from 28,611 in 2023, to 35,884 in 2041, a rise of 25.4%. The projections also suggest that there will be an increase in the number of households headed by someone over 65 in South Staffordshire from 14,831 in 2023, to 20,645 in 2041, an increase of 39.2%. The projections indicate that the proportion of single older persons households in South Staffordshire will increase from 50.8% of all older person households in 2023, to 52.0% in 2041.
- 2.18. The need for specialist accommodation is set out in Table 7.2 (p. 28), indicating **1,198 additional units will be required up to 2041**, as a mixture of sheltered/retirement (1,000 units) and extra care/supported living homes (198 units) (both market and affordable).
- 2.19. The requirement for 1,198 additional specialist units for older person households represents 25.4% of the total household growth in South Staffordshire for the period

2023 to 2041. The need for housing suitable for older people is therefore a significant part of the overall need.

- 2.20. As well as the need for specialist housing for older people, there is also an additional requirement for Registered Care, i.e., residential care homes and nursing homes which provide a high level of care of individuals, such as dementia care. The 2024 update indicates that there will be **a requirement for 153 additional Registered Care spaces between 2023 and 2041**, of which 70.3% should be in the affordable sector and 29.7% within a market tenure.
- 2.21. It is therefore evident that the identified need for older persons housing over the plan period is therefore:
- Sheltered/Retirement and Extra Care/Supporting Living – 1,198 additional units
 - Registered Care – 153 additional spaces

Development Strategy – Policy DS5

- 2.22. The plan’s strategy for meeting the identified housing need of 4,726 homes is set out at Policy DS5. This seeks to accommodate the identified need by making site allocations at Tier 1, 2 and 3 settlements. It does not specifically set out a strategy for meeting the evidenced needs for specialist housing and registered care set out above.
- 2.23. Instead, the Council’s ‘Homes for Older People and Disabled People Topic Paper’ (April 2024) discusses the ways in which the Publication Plan is responding to the evidenced needs for this type of housing. It recognises that the need for specialist accommodation is 1,198 units by 2041. In response to this, it just states at paragraphs 3.3 and 3.4 that:

“As a starting point, the Council recognises that a large proportion of housing over the plan period will be delivered via the two strategic sites detailed in Policies SA1 and SA2. Given the capacity of the sites and the large numbers of residents to be housed, it is considered that these locations should contribute to meeting the specialist housing need.....A requirement is therefore proposed for a sheltered or extra care scheme of minimum 40 units to be provided at: Land East of Billbrook (Policy SA1) and Land North of Penkrudge (Policy SA2).”

- 2.24. Indeed, the plan itself then goes on to require specialist elderly housing (sheltered or extra care) of at least 40 units on each of the two strategic sites at Land East of Bilbrook (SA1) and Land North of Penkrigde (SA2) respectively. The proposed SA3 housing allocation at Land off Holly Lane, Great Wyrley (site ref. 536a) also makes reference to specialist housing in the use type, although no site specific numerical requirement is set out in the policy or at its associated Appendix C which just states that one of the key requirements will be to deliver on site specialist older persons housing (as part of a wider housing mix).
- 2.25. The total number of specifically planned specialist housing units is therefore just 80 units over the entire plan period along with whatever comes forward on Land off Holly Lane, Great Wyrley. No further specific allocations are made for specialist housing in the plan. **This indicates that there will be a very substantial unmet need for specialist housing over the plan period, noting the evidenced requirement for 1,198 units in the Housing Market Assessment Partial Update 2024.** As the Land off Holly Lane site has a capacity of 84 dwellings, even if the majority of this were to come forward as specialist housing, this would still leave a deficit of over 1,000 units against the evidenced need.
- 2.26. No clear justification is provided by the Council for their approach of not addressing the evidenced need for specialist units in the plan.
- 2.27. Whilst the ‘Homes for Older People and Disabled People Topic Paper’ does state at paragraph 3.6 that *“alongside the strategic sites, site allocations for specialist housing should be focused in the Tier 1 and Tier 2 settlements”*, the Publication Plan does not actually allocate specific sites for specialist housing at these settlements other than at the site at Land off Holly Lane, Great Wyrley.
- 2.28. Whilst the plan does allocate a range of smaller sites at Tier 1 and Tier 2 settlements at Policy SA3, with the exception of Land off Holly Lane (which features specialist housing as part of the mix of uses) these are all for general housing with no specific policy allocation for specialist housing as part of the mix. Instead, the plan just relies on these sites being delivered in accordance with its ‘Housing Mix’ policy (HC1) and its ‘Homes for older people and others with specialist housing requirements’ policy (HC4). Neither of these policies provide a specific numerical requirement for specialist housing as part of the mix, with Policy HC4 just stating that the council will expect housing, as part of the wider mix on the site, to be provided in a number of

forms (including age restricted housing, sheltered/retirement living and extra care), in order to provide a range of general and specialist housing options.

- 2.29. It is apparent that Policy SA3 of the plan proposes to allocate a range of sites at Tier 1 and Tier 2 settlements with a total combined capacity of 1,763 dwellings. For the remaining need of approximately 1,000+ specialist units to be met it would mean that approximately 57% of the housing on these sites would have to be delivered as specialist housing typologies which is completely unrealistic and unachievable. This is particularly the case when considering that the 40 specialist units to be provided on each of the strategic sites (SA1 and SA2) only amounts to 5.3% and 3.9% of the total number of dwellings to be provided on these sites respectively. It is considered that even lower levels of specialist housing would be delivered on the non-strategic sites allocated by Policy SA3. Even if the SA3 sites did provide in the region of 4-5% specialist housing in line with the approach taken for the strategic sites, this would still only provide around 70-90 specialist units.
- 2.30. On the above basis, it is clear the Council does not have a realistic plan in place for addressing the substantial need for specialist housing in the District over the plan period.
- 2.31. In addition, the Council have only assessed the most sustainable locations and specifically within Tier 1 and Tier 2 settlements, as potential locations for allocations for specialist accommodation. There is no assessment of the potential to allocate sites in Tier 3 or 4 settlements or importantly to expand established existing specialist accommodation sites, such as Prestwood House Care Home & Estate, within South Staffordshire wherever they may be located.
- 2.32. Furthermore, the assessment is then considered on the basis of the demographics, health and existing provision within the individual Tier 1 & Tier 2 settlements, rather than as a Council-wide area approach. The conclusion seems to be that older people will automatically seek care provision in their existing village and given that the need is Council-wide this seems parochial view.
- 2.33. With regard to registered care, the 'Homes for Older People and Disabled People Topic Paper' appears to gloss over the need for this type of accommodation, stating at paragraph 3.25 that:

“In terms of registered care spaces, the Housing Market Assessment Partial Update 2024 indicates a need for up to 153 units up to 2040 (Table 7.3, p.29). The Council does not therefore consider it appropriate to allocate land specifically for this use through the plan. Development of this nature will be demand led and therefore the proposed policy for specialist housing will instead confirm the Council will respond positively to proposals for registered care, subject to compliance with other local plan policies.”

- 2.34. Again, it is clear the Council does not have a clearly achievable plan in place for addressing the need for registered care spaces in the District over the plan period. Instead it just relies on this coming forward as windfall development. Given that the District is 80% Green Belt with tightly drawn settlement boundaries around its inset Green Belt settlements, it remains unclear as to exactly how and where this could come forward under the proposed policy approach. This is particularly evident when considering the Policy HC5 requirements for specialist housing proposals to be well integrated with the settlement and situated in a sustainable location within safe walking distance of key services, facilities and public transport links. These opportunities for windfall care home development coming forward in accordance with Policy HC5 do not appear to exist.

Conclusions on Development Strategy

- 2.35. On the above basis, it is our position that the Publication Plan does not provide a suitable strategy for meeting the evidenced needs for specialist housing and registered care spaces over the plan period.
- 2.36. It results in a very substantial unmet need for specialist housing over the plan period, amounting to a shortfall of over 1,000 units. Whilst some of this would be met by the Policy SA3 non-strategic site allocations at Tier 1 and 2 settlements, it is clear that these cannot provide anywhere near the identified shortfall. For them to do so would require 57% of the housing to be delivered as specialist housing typologies which is completely unrealistic.
- 2.37. As such, it can be concluded that the plan's development strategy does not meet the NPPF's tests of soundness for the following reasons.
- 2.38. Firstly, **it is not positively prepared**. It does not provide a development strategy which meets the area's evidenced needs for specialist housing and registered care.

- 2.39. Secondly, **it is not consistent with national policy**. The plan is not consistent with the requirement of paragraph 60 of the NPPF which states that to support the Government's objective of significantly boosting the supply of homes, it is important that (inter alia) the needs of groups with specific housing requirements are addressed.
- 2.40. Furthermore, it is not consistent with NPPF paragraph 63 which states that:
- "Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes." (emphases added)*
- 2.41. The plan would also be inconsistent with the NPPF's presumption in favour of sustainable development which for plan making means that all plans should promote a sustainable pattern of development that seeks to (inter alia) meet the development needs of their area (paragraph 11a), and that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses (paragraph 11b).

Required modifications to make the Local Plan 'sound'

- 2.42. In order to address the issues of soundness set out above, the plan needs to take a more proactive approach to addressing the evidenced needs for specialist housing and registered care.
- 2.43. There are a number of ways in which the plan can achieve this.
- 2.44. Firstly, the most meaningful way of addressing the evidenced needs is by allocating a larger range of sites with a dedicated requirement for specialist housing and registered care, either as sites specifically allocated for this purpose or as sites with a numerical requirement for specialist housing as part of the mix, similar to that already proposed for Strategic Allocations SA1 and SA2.
- 2.45. Whilst the latter of these approaches could make a contribution, this would require the allocation of additional strategic sites and it is unclear whether there is suitable capacity for this in the District. Moreover, given that SA1 and SA2 only proposed 80

specialist units between them out of a combined housing capacity of 1,779 dwellings, this approach would require the allocation of a significantly greater range of strategic sites which is unlikely to be appropriate or indeed necessary for any purpose other than meeting the need for specialist housing.

- 2.46. It is therefore considered that the best option for meeting the outstanding need is by allocating specific sites for specialist housing. In this respect, Completelink Ltd are promoting 'Prestwood House Care Home & Estate, Prestwood, Stourbridge' as a new site allocation for specialist care accommodation. The site has a capacity to provide approximately 138 additional specialist units for older people a would therefore make an important contribution towards addressing the remaining need. Further details of the site are provided at Section 3 of this representation.
- 2.47. Secondly, as an alternative approach to that set out above that would avoid the need for the removal of the promoted site from the Green Belt, it is considered that a special policy area could be designated for the site within which proposals for the redevelopment and intensification of the site to provide specialist housing for the elderly and registered care bed spaces will be supported where they would contribute towards meeting the needs for these types of accommodation as set out in the most up to date evidence. We make more detailed comments on this alternative approach in our representations to Policy DS1 (Green Belt) below.
- 2.48. Finally, in addition to the above approaches it is considered that Policy HC5 (Specialist Housing Schemes) should be modified to give specific support to proposals involving the redevelopment and/or intensification of existing sites for specialist housing regardless of their location. We make more detailed comments on this policy modification in our representations to Policy HC5 (Specialist Housing) below.

Policy DS1: Green Belt

- 2.49. As discussed in our representations to policies DS4 and DS5 above, it is clear that there will be a very substantial unmet need for specialist housing over the plan period along with an unmet need for registered care. Given that the district is 80% Green Belt with limited urban capacity and tightly drawn settlement boundaries, it is clear that some of this need would have to be met at sites in the Green Belt.

- 2.50. As demonstrated at our representations to policies DS4 and DS5 above, the Green Belt removals to accommodate the allocations set out at SA1 and SA3 do not go far enough to address the very substantial unmet need for specialist housing and care accommodation.
- 2.51. As such, we consider that Policy DS1 is unsound as it does not remove enough land from the Green Belt to accommodate the evidenced needs for specialist housing and care accommodation. It would not be positively prepared in that it does not facilitate a development strategy which meets the area's evidenced needs for specialist housing and registered care. Furthermore, it would not be consistent with national policy as it would not do enough to address the needs of older people, contrary to NPPF paragraphs 60 and 63.
- 2.52. Prestwood House Care Home & Estate is promoted within this submission as an omission site that is considered to be suitable for allocation for specialist housing for older people/registered care. The allocation of the site would require its removal from the Green Belt. We address the site's contribution to the Green Belt at Section 3 below.
- 2.53. As an alternative approach for realising the opportunity presented by this site for addressing the unmet needs for specialist housing/care potential, it is suggested that a special policy area could be designated around the site, within which proposals for the redevelopment and intensification of the site to provide specialist housing for the elderly and registered care bed spaces will be supported where they would contribute towards meeting the needs for these types of accommodation as set out in the most up to date evidence. This approach would enable the site to remain in the Green Belt whilst enabling its careful redevelopment/intensification to provide increased levels of accommodation to meet evidenced needs.
- 2.54. Examples of similar approaches to this can be found in the recently adopted Local Plan for Tewkesbury Borough Council (the Tewkesbury Borough Plan). This provides specific policy designations for two existing developed sites in the Green Belt – Gloucestershire Airport and Bamfurlong Operational Policing site.
- 2.55. At Gloucestershire Airport, Policy GRB2 of the Tewkesbury Borough Plan designates a 'Non-Essential Operational Area' within which commercial development that

would directly support the economic and operational viability of the airport uses will be supported.

2.56. The Reasoned Justification to Policy GRB2 states that the Non- Essential Operational Area will remain in Green Belt and any proposals for new development that do not involve commercial uses that directly support the economic and operational viability of the airport will be judged against full Green Belt policy guidance within the NPPF (paragraph 5.19).

2.57. Paragraph 5.20 then goes on to state that:

“Whilst proposals for commercial and business development under GRB2 will remain to be treated as inappropriate development in the Green Belt, due to the strategic importance of the airport, its uniqueness within the Borough and the supportive/complementary role of the specified development types, the Council considers that such proposals are capable of demonstrating the very special circumstances required to enable the granting of planning permission.”

2.58. A similar approach is taken to Bamfurlong Operational Policing site at Policy GRB3 of the plan which states that, within the boundaries of the Bamfurlong Operational Policing site shown on the Policies Map, the Council will support proposals for the redevelopment and intensification of the site for operational policing and partner uses.

2.59. At paragraph 5.23 within the Reasoned Justification, it states that whilst proposals for the redevelopment and intensification of the site for Police and emergency services purposes may represent inappropriate development in terms of Green Belt policy guidance within the NPPF, the Council recognises the importance of the site, its locational advantages and the need to modernise, upgrade and expand its facilities. It is therefore considered that proposals for the redevelopment and intensification of the site for operational policing and partner uses are capable of demonstrating very special circumstances.

2.60. A copy of the relevant extracts from the Tewkesbury Borough Plan (providing the full policy wording) are provided at Appendix A to this representation, along with the relevant policies map extracts. A copy of the relevant extracts from the Examiner’s report for the Tewkesbury Borough Plan is provided at Appendix B.

- 2.61. Similar to the two site designations in the Tewkesbury Borough Plan, it is considered that there are inherent very special circumstances associated with the redevelopment and intensification of the site to provide an increased level of specialist accommodation for older people given the very substantial unmet need for this type of accommodation in the District. Indeed, as discussed below there are numerous examples of recent appeal decisions for specialist housing/care proposals in the Green Belt where in all cases the Inspectors have considered that the unmet needs for this type of accommodation and inadequate provision in the respective Development Plans to represent very special circumstances.
- 2.62. In the allowed appeal at Former Hotel Felix, Whitehouse Lane, Girton, Cambridge (copy of decision letter attached at Appendix C), which involved a new care home on a site in the Green Belt, the Inspector gave substantial weight to the harm to the Green Belt at paragraph 21 and made the following conclusions on the need for the development at paragraph 54:
- “Taking the evidence in the round, I consider there is an existing and pressing increasing need for additional care beds. The PPG gives a clear injunction to Local Planning Authorities to respond positively to proposals for specialist housing for older people to meet the critical need for it. I consider the timely development of new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. This need must be weighed in the planning balance.”*
- 2.63. The Inspector then went on to give the provision of the care home facility substantial weight at paragraph 60 and then at paragraph 63 concluded the following on whether very special circumstances exist:
- “Having carefully considered all the evidence, I find that ‘other considerations’ namely the benefits of the scheme, taken together, clearly outweigh the definitional Green Belt harm, the negligible harm arising from loss of openness, and harm arising from the total loss of a non-designated heritage asset of low-to-moderate significance. Consequently, very special circumstances exist, and the development is therefore justified.”*
- 2.64. In the allowed appeal at Land to the rear of 163 to 187 High Street and east of Rowan Close, Bottisham (copy of decision letter attached at Appendix D), which

involved a new retirement care village on a site in the Green Belt, the Inspector identified harm to the Green Belt and conflict with the five purposes at paragraph 16 and gave this substantial weight. The Inspector then made the following conclusions on the need for the development at paragraphs 34 to 36:

“Only one extra care scheme exists in the District (57 units) and there are no extant planning permissions or known pending applications for the type of accommodation proposed. Set against this, in 2023 a need existed for approximately 319 units in the local area. This is expected to rise to at least 352 units by 2026 (at the time of the Inquiry, the earliest date by which this scheme could be delivered).” (Paragraph 34)

“Looking at the wider market catchment area, the current supply stands at 150 units with a number of other schemes capable of making a contribution by 2026. The need stood at 987 units (in 2023). As several schemes are anticipated to come on stream, a supply of 437 units is likely by 2026. However, this is significantly below the net need which is anticipated to be circa 786 units by this date.” (Paragraph 35)

“In summary, it is clear that when considering the short, medium, or long-term net need for extra care housing for those aged 75 or over, this is likely to far exceed supply¹⁰. Whilst the figures have been updated by the appellant, they do not markedly alter the appellant’s evidence as it was considered by the previous appeal Inspector. I also find that the need is acute.” (Paragraph 36)

2.65. In relation to whether very special circumstances existed, the Inspector made the following conclusions on the benefits of the scheme at paragraph 83:

“In respect of benefits, as well as deficient local policy support, there are significant market constraints affecting delivery potential and no alternative sites have been identified. This leads me to conclude that the identified acute extra care housing needs are unlikely to be realised over the plan period. This proposal would make a significant and meaningful contribution to addressing the need for older people’s extra care housing, a matter which attracts very substantial weight in favour.”

2.66. The Inspector then went on to conclude at Paragraph 87 that very special circumstances exist which justify the development in the Green Belt.

- 2.67. It is considered that very similar circumstances exist at South Staffordshire Borough Council and that the development proposals at Prestwood House Care Home & Estate can clearly demonstrate the very special circumstances required to justify development in the Green Belt and the policy approach advocated in this representation.
- 2.68. Further to the very substantial need for new specialist housing/care accommodation in the District, which as demonstrated by the above referenced appeal decisions is capable of being a major part of a very special circumstances argument in its own right, it is considered that meeting these needs on an existing developed site would have clear advantages over the development of greenfield sites in open, undeveloped Green Belt. Given that the District is 80% Green Belt with very limited urban capacity, it is considered that the Council is likely to come under increasing pressure to permit specialist housing/care developments on Green Belt sites given the inadequacies of the Publication Plan in this regard. Enabling the intensification/redevelopment of existing developed sites in the Green Belt for specialist housing/care would help to alleviate the pressure on open Green Belt sites.
- 2.69. The policy approach suggested above could be included as an additional strand to Policy DS1. Specific policy wording could be as follows:

Within the boundaries of Prestwood House Care Home & Estate, as defined on the policies map, proposals for the redevelopment and intensification of the site to provide specialist housing for the elderly and registered care bed spaces will be supported where they would contribute towards meeting the needs for these types of accommodation as set out in the most up to date evidence of need. All proposals will be expected to offset the impact of the development on the Green Belt by implementing opportunities for enhancing the beneficial use of the Green Belt.

Policy HC5 (Specialist Housing)

- 2.70. Whilst we welcome the strong support given by this policy to proposals for the provision of specialist housing, we consider that it does not go far enough given the very substantial unmet need for this type of accommodation, as discussed in more detail in our representations to policies DS4 and DS5.
- 2.71. Of particular concern are the policy requirements for specialist housing proposals to be well integrated with the settlement and situated in a sustainable location within

safe walking distance of key services, facilities and public transport links. Given that the District is 80% Green Belt with limited urban capacity and tightly drawn settlement boundaries around its inset Green Belt settlements, we struggle to see how the very substantial unmet needs for older persons specialist housing/care could be addressed under this policy approach without this involving greenfield development in the Green Belt.

2.72. The Policy HC5 approach will only act to preclude opportunities coming forward and will do very little to address the unmet need.

2.73. On the above basis, it is considered that Policy HC5 does not meet the NPPF's tests for soundness. It would act to preclude a sufficient supply of sites for specialist housing/care accommodation coming forward in the context of a very substantial unmet need. As such, it is considered that Policy HC5 is:

- **Not positively prepared** – when considered in the context of the plan's Development Strategy and its inadequate approach to addressing the evidenced needs for specialist housing/care accommodation, Policy HC5 does not provide a positive enough approach. Given the plan's reliance on Policy HC5 for meeting the residual needs, it needs to be worded more positively and flexibly so to allow a sufficient range of sites to come forward in response to the evidenced need.
- **Not consistent with national policy** – together with the plan's Development Strategy and its inadequate approach to addressing the evidenced needs for specialist housing/care accommodation, Policy HC5 would not do enough to address the needs of older people (paragraphs 60 and 63). Nor would it be prepared positively in a way that is aspirational but deliverable (paragraph 16). Policy HC5 gives strong support to proposals for the provision of specialist housing, but then only permits such proposals under a narrow set of circumstances that would act to preclude a sufficient enough range of sites coming forward. By virtue of the restrictive approach taken by Policy HC5, the plan's strategy for addressing the very substantial needs for specialist housing/care is unlikely to be achievable.

2.74. In order to address the issues of soundness set out above, Policy HC5 needs to take a more positive and flexible approach to addressing the evidenced needs for

specialist housing and registered care. Furthermore, it is considered that the policy should give specific support to proposals involving the redevelopment and intensification of existing (specialist housing/care) sites to provide increased levels of accommodation, regardless of their location. Supporting proposals on existing sites would be inherently less harmful than the development of undeveloped, greenfield land in the open countryside and Green Belt.

2.75. Below we set out a number of modifications to Policy HC5 that we consider to be necessary to make the plan sound.

2.76. Beneath criteria a) to e) of the policy, add the following wording:

Whilst priority will be given to sites located at existing settlements that are within safe walking distance of key services, facilities and public transport links, support may be given to proposals in other locations where they meet all of the following criteria:

- *There is clear evidence of an unmet need for the type of accommodation proposed, having regard to the most up to date evidence on need, including the Council's Housing Market Assessments, Parish Surveys and local evidence provided to support Neighbourhood Plans.*
- *Where appropriate and necessary, suitable measures can be put in place to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public/community transport, through the provision of on-site facilities that will meet the day to day needs of residents and staff and would reduce the need to travel, and other measures such as staff car sharing initiatives and cycle to work schemes as part of a Travel Plan for the site)*
- *The site is not in an isolated location and the proposal can function as part of a community*

In all cases proposals will be expected to comply with criteria d) and e) above.

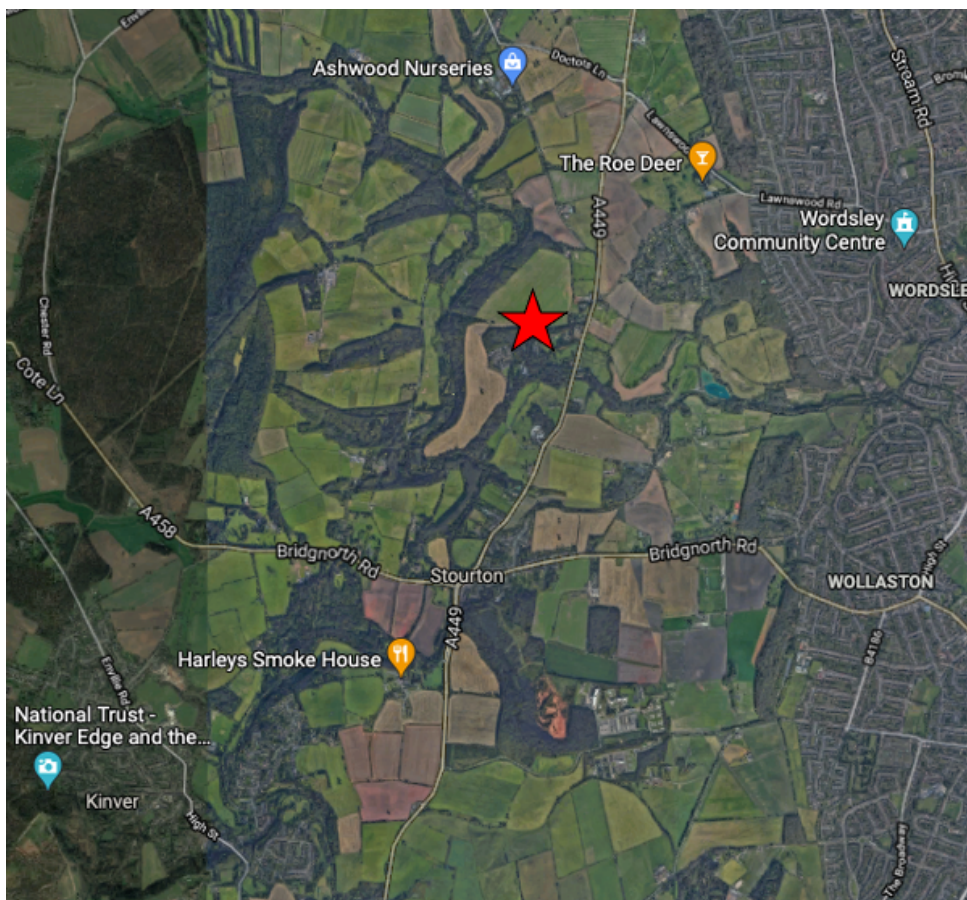
In principle support will be given to proposals involving the redevelopment and/or intensification of existing sites providing specialist housing and care accommodation, subject to their consistency with other Local Plan policies.

3.0 Promotion of Prestwood House Care Home & Estate

3.1. This Section of the document provides site-specific representations for the promotion of either an additional allocation site or special policy designation for specialist care accommodation at Prestwood House Care Home & Estate, Prestwood, Stourbridge. DY7 5AL.

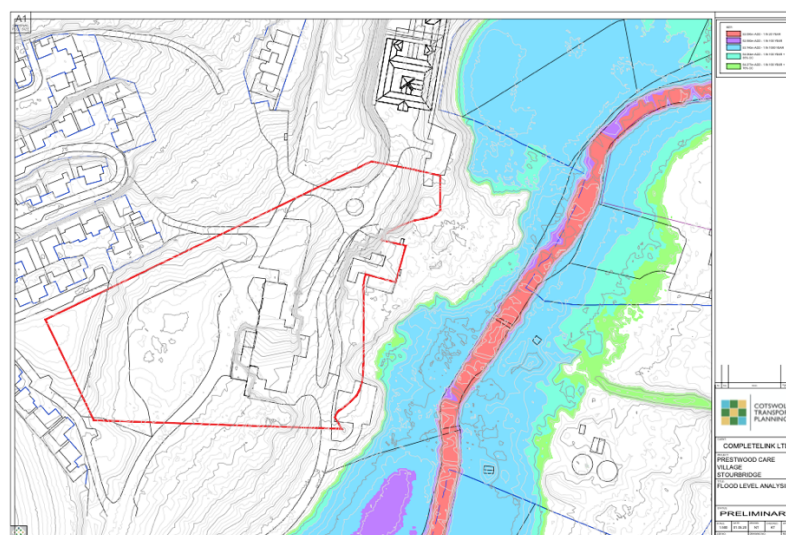
The Site and its Context

3.2. Prestwood House Care Home & Estate sits within a site ownership of 55 acres, including a number of buildings, including Prestwood House, Boiler House, The Coach House and Prestwood Lodge as care facilities, as well as a wider complex of over-55s dwellings, known as The Oval. This is an established older people and care home site of nearly 40 years, offering a range of high quality care services, within a landscaped setting.



Aerial Photo showing location of the site in context of Kinver to south and the Stourbridge to east

- 3.3. The site is located to the west of the A449 Wolverhampton Road and includes areas of private woodland and grassland. The site includes a number of trees subject to Tree Preservation Orders (TPO), however there are vast areas of the site that could be developed that would have little to no impact on those TPO's. The site is located in a Historic Landscape Area and would be subject to Policy NB4 of the plan which requires proposals within these designations to have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the designation. There is however no reason why the site could not be developed in accordance with this policy. The River Stour runs along the southern and eastern boundaries, but flood modelling work undertaken by the applicant demonstrates that the majority of the Prestwood Estate falls within Flood Zone 1 (low risk).
- 3.4. In the wider context, the site is within half a mile of Lawnswood and Stourton and is within 1.5 miles of Kinver, a Tier 2 Settlement. The site is also to the western edge of Dudley Metropolitan Borough.
- 3.5. The existing care facilities are dotted across the site, with Prestwood House and Boiler House positioned centrally and the Coach House and Prestwood Lodge to the north. A complex of over 55's bungalows and houses, known as The Oval, are located to the west.
- 3.6. This is not a Conservation Area and no buildings on the site are Listed or are considered to be non-designated heritage assets.
- 3.7. The lower land to the east around the River Stour is acknowledged to be in Flood Zone 3, although all built form on site is located on higher ground and is within Flood Zone 1. The Environment Agency has recognised the flood modelling work carried out by the applicant in this regard. See detailed flood modelling map below:



- 3.8. It is acknowledged that the site is covered by the West Midlands Green Belt, but there are no other planning or environmental constraints or designations affecting the site.



Aerial Photo of the extent of the site

- 3.9. The type of accommodation on site ranges from the over-55s bungalows and housing within The Oval to residential care, 24-hour nursing care, respite care, palliative care and day care. They also have a firmly established community care service.

Suitability of the Site

- 3.10. As demonstrated in Section 2 of this document, the Publication Plan only provides three allocations for specialist housing for older people which would collectively provide nowhere near enough units to address the evidenced need for this type of accommodation. Importantly, two of these allocations are formed of Green Belt releases, which suggest that there is no available land within settlement boundaries and/or brownfield land. The allocations put forward do not in any way meet the established need for specialist accommodation. Assessment of Tier 1 & 2 settlements only has clearly been far too narrow.

- 3.11. It is clear that further allocations and Green Belt releases are necessary to meet the needs.
- 3.12. We are therefore promoting Prestwood House Care Home & Estate as an established specialist care accommodation site within the southern part of the District, which is capable of both allocation and associated Green Belt release.
- 3.13. As mentioned above, the site already consists of a number of significant buildings, which have potential to be reorganised and extended or demolish and rebuilt to enhance facilities, increase density of accommodation and improve the living environment for residents. Because of the established nature of the Care facility here at Prestwood, there is an established pool of care professionals based in the area. This is a further significant benefit of expanding an existing facility, rather than developing a new site where the same work pool does not exist.
- 3.14. The site is currently under assessment by Completelink Ltd for a scheme which would partly demolish and replace the main Prestwood House and extend the Coach House and Prestwood Lodge. This could provide up to around 140 additional bedroom units. This level of additional accommodation would have a significantly greater impact on the established need for specialist accommodation than both the proposed allocation sites combined.
- 3.15. The only significant constraint to development on the site is its location within the West Midlands Green Belt.
- 3.16. As part of the evidence base for the Publication Plan consultation there is the South Staffordshire Green Belt Study (July 2019) and its 2022 addendum. These have informed the potential Green Belt releases included within the Publication Plan and have assessed the District against the five purposes for including land within the Green Belt (NPPF Paragraph 138).
- 3.17. The site is located within land Parcel S75 within the 2019 Green Belt Study. Please note that this relates to a significant land parcel totalling 559.5 ha in total. Within Stage 1 of the Green Belt assessment and against the five purposes, it performed as follows (Weak/No Contribution – Moderate – Strong):
1. Check the unrestricted sprawl of large built-up areas - **Strong**
 2. Prevent neighbouring towns merging into one another – **Weak/No Contribution**

3. Assist in safeguarding the countryside from encroachment – **Strong** (Note – this rating covered the entire District area)
 4. Preserve the setting and special character of historic towns – **Weak/No Contribution**
 5. Assist in urban regeneration, by encouraging the recycling or derelict and other urban land – **Unrated**
- 3.18. As the proposal site was not part of a promotion site for housing at the time of the Green Belt Study it was not assessed under Stage 2 of the Green Belt assessment.
- 3.19. The Stage 1 assessment under the Green Belt Study is of limited importance when it comes to the site itself, given that it was assessed as part of a significantly large parcel of land adjoining the urban areas within Dudley Borough.
- 3.20. If this promotion of the site is considered on its own merits it would likely have a Weak/No Contribution impact Purpose 1 (Unrestricted Sprawl) and Purpose 3 (Safeguarding the Countryside). Firstly, this is due to the fact that it is not located immediately adjacent to the urban areas within Dudley Borough. Furthermore, as there are existing buildings on the site, it would be the intention to develop the site on the basis of the location of these buildings, whether through extension or rebuild, protecting any significant encroachment into the countryside.
- 3.21. In addition, large parts of the site are covered in woodland or is subject to areas of Flood Zone 3, and so the main developable areas would be located around the existing buildings in any event.
- 3.22. South Staffordshire Council are already proposing Green Belt releases through their site allocations noted within the Publication Plan. These releases are predominantly required due to the scarcity of sites within settlement boundaries and/or brownfield land, to meet the housing need.
- 3.23. We have already established the needs for specialist accommodation and so, a further Green Belt release, in a location such as this, which would not result in any harm to the purposes of the Green Belt is entirely logical. This is especially considering that this is an established site used for this very purpose.
- 3.24. In landscape terms, it is noted that the site is within the open countryside. However, given that it is located within a dense and mature woodland setting, within a large

private land holding, any development located around the existing built form on the site would be unlikely to have any discernible impact on the landscape character of the area.

- 3.25. Another key reason why this site is suitable is due to the fact that as it is already established as a specialist care facility, it has significant benefits in terms of sustainability credentials. Whilst it is acknowledged that the site is not located within a defined settlement, it should be noted that the site features a range of facilities for residents on-site, including restaurants, hair salons, gyms, communal areas etc. This allows for a degree of self-reliance for the facility. Should residents need to travel for shopping etc, the facility provides dedicated transport and for residents that can drive, the local centres are in very close proximity.
- 3.26. In addition to this, the also has a significant employment and skills base involving many employees who are all locally based. The opportunity to expand the facility would only lead to additional job opportunities for local people within the south of the District.

Conclusion

- 3.27. As mentioned, there is both a clear identified need for specialist accommodation in the emerging Local Plan evidence base, as well as a clear undersupply of specialist accommodation under the current adopted Local Plan.
- 3.28. The proposed allocations for specialist accommodation in the north of the District, which themselves are Green Belt releases, do not go nearly far enough to meet this need. As a result of these releases there are obviously no available brownfield sites or sites within settlement boundaries.
- 3.29. The assessment of only providing specialist accommodation allocations at Tier 1 & 2 settlements is far too narrow and will not allow the needs to be met.
- 3.30. In order to meet the need, there will need to be further Green Belt releases and allocations. The Council have not assessed existing established specialist housing sites within the District and we would put forward that this is an error.
- 3.31. It would clearly be sequentially preferable to expand an existing facility, which has all the supporting infrastructure, skills, employees and services in place, rather than provide an entirely new facility. An existing facility would also be preferable for

Green Belt release due to the range of existing buildings on site and the ability to extend or rebuild.

- 3.32. In addition, the need is District-wide and the current allocations only caters for the northern half of the District. Consideration must also be given to the southern half of the District.
- 3.33. As with the other Green Belt releases, there are already established “Exceptional Circumstances” for this by virtue of the identified need for specialist accommodation. To meet the need, other sites simply must be considered and should also fall within Exceptional Circumstances for Local Plan preparation.
- 3.34. Prestwood House Care Home & Estate is a long established specialist accommodation facility within the southern half of the District. It has been assessed to have the capacity to expand by up to around 140 new units of specialist accommodation. This would go a long way towards meeting the overall care need requirement over the plan period.
- 3.35. Furthermore, the proposed scheme is already within the setting of an existing care facilities which has proven to be acceptable, and the proposed development would provide a facility which is self-reliant, providing residents with services and facilities within the grounds of the development, such as restaurants, hair salons and gyms. Extending this site must be preferable to providing a completely new facility elsewhere.
- 3.36. The site is within a single ownership and is available for development immediately. It is suitable, available and achievable within the next 5 years, let alone the emerging Local Plan period.
- 3.37. We conclude that Prestwood House Care Home & Estate should be formally allocated for specialist care accommodation and associated facilities within the emerging South Staffordshire Local Plan. This site is a candidate for Green Belt release, not only because of its limited impact on the purposes of the Green Belt, but also because it is capable of providing a significant proportion of the unmet need for this type of accommodation, which cannot be met elsewhere in the District.
- 3.38. We would strongly encourage the Council to properly meet the needs of elderly and specialist care through the expansion of this well-established care site.

Appendix A

Extracts from the Tewkesbury Borough Plan and its policies map (Gloucestershire Airport and Bamfurlong Operational Policing Site)

Tewkesbury Borough Plan 2011 - 2031



Adopted 8 June 2022

- 5.17. In addition to the opportunities for new employment development at the airport set out at Policy GRB2, the Council has granted planning permissions for new employment development on land adjacent to Ashville Business Park and on land adjacent to Bamfurlong Industrial Park. These sites are both in the Green Belt, but the Council found there to be very special circumstances that outweigh the resulting harm to the Green Belt and the conflict with Green Belt policy.

Policy GRB2 – Gloucestershire Airport

The Non-Essential Operational Area of Gloucestershire Airport will be extended as shown on the policies map.

Within the Non-Essential Operational Area, commercial development that would directly support the economic and operational viability of the airport uses will be supported.

In all cases, proposals within the Non-Essential Operational Area must incorporate appropriate measures designed to mitigate the impact of the development on the surrounding Green Belt.

The Non-Essential Operational Area will be safeguarded for appropriate commercial uses or airport related development. Proposals involving non-conforming development will be resisted in order to protect the strategic economic importance of the airport and in accordance with Green Belt policy guidance within the NPPF.

Reasoned justification

- 5.18. Policy SD6 of the JCS defines 'Essential' and 'Non-Essential' Operational Areas within Gloucestershire Airport. Within the Essential Operational Area, Policy SD6 provides that new structures, buildings or extensions to buildings will only be permitted if they are essential to the operation of the airport and require an airport location. Within the Non-Essential Operational Area, Policy SD6 provides that business uses which support the airport will be permitted.
- 5.19. Policy GRB2 proposes to expand the Non Essential Operational Area featured within the JCS in order to provide greater opportunities for commercial uses which support the airport. The Non-Essential Operational Area will remain in Green Belt and any proposals for new development that do not involve commercial uses that directly support the economic and operational viability of the airport will be judged against full Green Belt policy guidance within the NPPF.
- 5.20. Whilst proposals for commercial and business development under GRB2 will remain to be treated as inappropriate development in the Green Belt, due to the strategic importance of the airport, its uniqueness within the Borough and the supportive/complementary role of the specified development types, the Council considers that such proposals are capable of demonstrating the very special circumstances required to enable the granting of planning permission. Policy GRB2 does not however absolve proposals from the application of Green Belt policy and applicants will still need to demonstrate how the proposal will support the economic and operational viability of the

airport. Examples of supportive proposals may include premises for businesses within the aerospace industry, and complementary uses such as hotels, childcare facilities and educational and training facilities. Proposals will also be expected to minimise harm to the remainder of the Green Belt through appropriate design, layout and landscaping measures. Examples of potential mitigation measures are set out at Section 6 of the Green Belt review report.

Policy GRB3 - Bamfurlong Operational Policing site

Within the boundaries of the Bamfurlong Operational Policing site shown on the Policies Map, the Council will support proposals for the redevelopment and intensification of the site for operational policing and partner uses.

All proposals on the site should incorporate appropriate measures designed to mitigate the impact of the development on the surrounding Green Belt.

Any other development proposals that are not essential for operational policing and partner uses will be considered against full Green Belt policy in accordance within the JCS and NPPF.

Reasoned justification

- 5.21. The Council recognises the importance of the operational policing site at Bamfurlong. The site provides a hub for emergency response and specialist operational support for police activities undertaken throughout the County and south west region. The site's central location within the Constabulary's operational area together with its direct access to the motorway and major road systems are key factors in this regard and enable swift response times in emergencies. However, the buildings on the site, which date from the late 1970's, are becoming increasingly unfit for current purposes and are not suited to future operational policing requirements.
- 5.22. There is also a desire to expand the range of operational policing functions at the site and co locate with partners in order to improve service delivery and make the most efficient use of public property assets.
- 5.23. Whilst proposals for the redevelopment and intensification of the site for Police and emergency services purposes may represent inappropriate development in terms of Green Belt policy guidance within the NPPF, the Council recognises the importance of the site, its locational advantages and the need to modernise, upgrade and expand its facilities. It is therefore considered that proposals for the redevelopment and intensification of the site for operational policing and partner uses are capable of demonstrating very special circumstances.
- 5.24. Redevelopment proposals for police and partner uses will be expected to make effective use of the site as shown on the Policies Map, maximising built capacity whilst minimising harm to the remainder of the Green Belt through appropriate design, layout and landscaping measures. Examples of potential mitigation measures are set out within the Green Belt review report.

5.25. The policy support provided by GRB3 only relates to development proposals for operational policing or partner uses. All other forms of development will be considered against full Green Belt policy in accordance within the JCS and NPPF.

Policy GRB4 – Cheltenham – Gloucester Green Belt

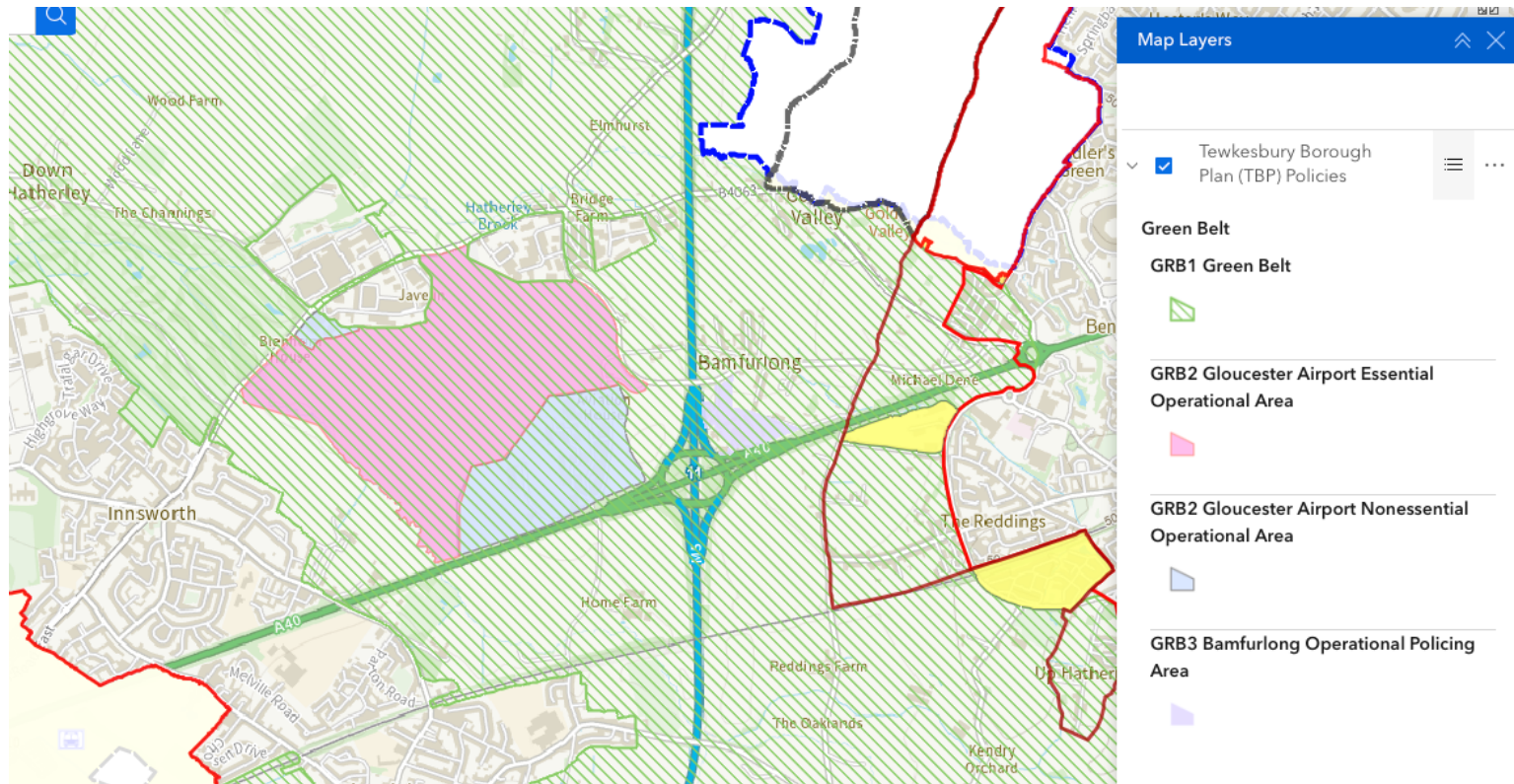
Development on land designated as Green Belt will be severely restricted to ensure it continues to fulfil the five purposes of the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Substantial weight will be given to any harm to the Green Belt when assessing planning applications.

1. New buildings are inappropriate in the Green Belt with the following exceptions:
 - a) buildings for agriculture and forestry;
 - b) appropriate facilities for outdoor sport, outdoor recreation and cemeteries;
 - c) the extension and alteration of an existing building providing the original building is not disproportionately increased in size;
 - d) a replacement building for the same use providing it is not materially larger;
 - e) limited affordable housing for local community needs.

2. The following forms of development are not inappropriate providing they preserve the openness of the Green Belt and do not conflict with its purposes:
 - a) limited infilling or the partial or complete redevelopment of previously developed land;
 - b) mineral extraction;
 - c) engineering operations;
 - d) local transport infrastructure which requires a Green Belt location;
 - e) the re-use of buildings of a permanent and substantial construction;
 - f) development under a Community Right to Build Order or Neighbourhood Development Order.

Other development is inappropriate in the Green Belt and will only be permitted in very special circumstances.

Such circumstances only exist if the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.



Appendix B

Inspector's Report for Tewkesbury Borough Plan



The Planning Inspectorate

Report to Tewkesbury Borough Council

By David Reed BSc DipTP DMS MRTPI
an Inspector appointed by the Secretary of State

Date: 12 April 2022

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Tewkesbury Borough Plan 2011-2031

The Plan was submitted for examination on 18 May 2020

The examination hearings were held between 16-18 & 23-25 February,
9-11 & 16-18 March 2021

File Ref: PINS/G1630/429/2

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Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
DtC	Duty to Co-Operate
HRA	Habitats Regulations Assessment
JCS	Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031
MM	Main Modification
NPPF	National Planning Policy Framework
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SAC	Special Area of Conservation
TBP/the plan	Tewkesbury Borough Plan 2011-2031
UCO	Use Classes Order
2004 Act	Planning & Compulsory Purchase Act 2004 (as amended)
2006 Plan	Tewkesbury Borough Local Plan to 2011 (adopted 2006)

Non-Technical Summary

This report concludes that the Tewkesbury Borough Plan 2011-2031 (TBP) provides an appropriate basis for the planning of the borough provided that a number of main modifications (MMs) are made to it. Tewkesbury Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

All the MMs concern matters that were discussed at the examination hearings or in writing and were published for public consultation during the nine week period from 1 November 2021 to 4 January 2022. The Council carried out a sustainability appraisal (SA) of the MMs incorporating a habitats regulations assessment (HRA) to accompany the consultation. I have recommended the inclusion of the MMs in the Plan after considering all the representations made in response to the consultation and the updated SA and HRA.

The Main Modifications can be summarised as follows:

- Deletion of housing allocations at Shurdington, Forthampton and others that now have planning permission, updating the capacity and detailed policies relating to some sites, updating the overall housing provision made by the plan and the five-year housing land supply position;
- Deletion of one allocation for Gypsy and Traveller accommodation and the addition of one allocation;
- Deletion of allocations for extensions to Major Employment Sites in the light of recent planning permissions;
- Deletion of allocations for extensions to Rural Business Centres at Orchard Industrial Estate, Toddington and Isbourne Business Centre, Winchcombe;
- Deletion of proposal to remove Green Belt designation from land at Shurdington and Gloucestershire Airport and inclusion of a Green Belt policy;
- Deletion of Landscape Protection Zone and inclusion of a general landscape protection policy referencing landscape character areas; and
- A number of other modifications, particularly to development management policies, to reflect changes to the Use Classes Order and to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Tewkesbury Borough Plan 2011-2031 (TBP/the plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 as amended (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with other legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The TBP submitted in May 2020 is the basis for my examination. It is the same document as the 'Pre-Submission' TBP published for consultation purposes in October 2019 (Core Document CD001).
3. On adoption the TBP will replace the Tewkesbury Borough Local Plan to 2011 which was adopted in March 2006 (the 2006 plan). The TBP will then form part of the development plan together with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS), Minerals Local Plan, Waste Core Strategy and any made neighbourhood plans.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a sustainability appraisal (SA) of them together with a habitats regulations assessment (HRA). The MM schedule was published for public consultation for nine weeks from 1 November 2021 to 4 January 2022. The consultation was accompanied by the SA/HRA report. I have taken account of the consultation responses together with the updated SA/HRA in coming to my conclusions in this report and in this light I have made some minor amendments to the detailed wording of the MMs. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Tewkesbury Borough Plan 2011-2031 Proposals Maps' published in May 2020 (Core Document CD003).

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are justified. These further changes to the policies map were published for consultation alongside the MMs in the document 'Schedule of Draft Changes to the Submitted Tewkesbury Borough Plan 2011-2021 Policies Map for Consultation Purposes'. No changes are necessary to these plans in the light of the consultation responses.
8. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in 'Tewkesbury Borough Plan 2011-2031 Proposals Maps' together with or amended by the changes published alongside the MMs in the 'Schedule of Draft Changes to the Submitted Tewkesbury Borough Plan 2011-2021 Policies Map for Consultation Purposes'.

Context of the Plan

9. Tewkesbury Borough is one of six districts in Gloucestershire and comprises a large and varied rural area of 50 parishes covering about 160 square miles. The Borough extends from Worcestershire in the north to the outskirts of Cheltenham and Gloucester in the south, two large urban areas with which it has a close connection recognised by jointly prepared strategic planning policies. The population of about 86,900 is concentrated in and around the historic town of Tewkesbury with two medium sized settlements at Bishop's Cleeve and Winchcombe and numerous villages and hamlets. The diverse landscape ranges from the flat pasturelands of the Severn Vale to the wooded scarp slopes of the Cotswolds, with 36% of the Borough designated as part of the Cotswolds Area of Outstanding Natural Beauty (AONB).
10. Importantly the TBP is a 'part two' or non-strategic plan which follows the adoption of the JCS in December 2017. The JCS sets the overall planning strategy for the three districts concerned over the plan period to 2031. This includes the objectively assessed housing needs of Tewkesbury Borough and the spatial strategy for meeting those needs, albeit leaving some non-strategic allocations and detailed policy to be made in the TBP. The JCS is currently being reviewed with a Regulation 18 'preferred options' consultation to be undertaken in due course.
11. Because the TBP has a limited, non-strategic role alongside the JCS the TBP as adopted must be consistent with the existing JCS. Its purpose is to fulfil the role the JCS set for it. The JCS was adopted on the basis that an immediate review would be carried out to address a shortfall in housing land supply in Tewkesbury. For whatever reason, that review is taking longer than hoped and the Council has submitted the TBP in advance of the JCS review. That does not mean that to be sound the role of the TBP must change to rectify any issues that have arisen due to the delay in the JCS review. Any such issues remain to be addressed by that review. Whilst this may be frustrating to some representors, this results from the nature of the plans being prepared by the Council and the timing of their submission. The JCS review, not the TBP, is the proper mechanism to update the strategic policy framework in the light of the latest evidence. Similarly, the TBP has no role in providing direction for the JCS review or to pre-empt it in any way.

Public Sector Equality Duty

12. Throughout the examination I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of Gypsy and Traveller sites to meet need and accessible and adaptable housing.

Assessment of Duty to Co-operate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with the duty to co-operate (DtC) imposed on it by section 33A in respect of the plan's preparation. The Council is obliged to co-operate with relevant local authorities and other prescribed bodies in relation to cross boundary strategic matters in order to maximise the effectiveness of the TBP.
14. The Council has a track record of addressing cross boundary strategic issues through formal joint working with Gloucester City and Cheltenham Borough Councils to prepare the strategic policies of the JCS. These arrangements were put in place in 2008 and continue with the preparation of the JCS review. The JCS, which itself complied with the DtC, addresses the full range of strategic issues that arise between the three Council areas and also those that affect neighbouring authorities and other bodies. The TBP is consistent with the JCS and includes complimentary policies that address the strategic issues at the local level.
15. All relevant local authorities and other prescribed bodies were consulted at the various stages of plan preparation. Whilst some amendments to the TBP have been sought for reasons of soundness, no representations have been made that there has been a lack of co-operation by the Council.
16. In relation to specific matters, the Council has engaged with Gloucestershire County Council regarding a new primary school at Bishop's Cleeve, Wychavon District Council regarding the cross boundary housing site at Mitton, Natural England, Stroud District Council and other authorities regarding the Cotswolds Beechwoods Special Area of Conservation (SAC), and Gloucester City Council regarding unmet need for Gypsy, Traveller and Travelling Showpeople sites.
17. I am therefore satisfied that, overall and where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the TBP and that the DtC has therefore been met.

Assessment of other aspects of Legal Compliance

18. The Plan has been prepared in accordance with the Council's Local Development Scheme published in October 2017 and updated in January 2021.
19. The TBP has been prepared over a lengthy period, with a Scoping Issues and Options consultation in Autumn 2013, Draft Policies and Site Options consultation in early 2015 and Preferred Options consultation in Autumn 2018 prior to consultation on the Pre-Submission plan in October 2019. On the basis of the Council's Consultation Statements I am satisfied that adequate consultation on the TBP and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
20. SA has been carried out throughout each stage of the preparation of the plan as an iterative process. A comprehensive SA was published alongside the plan and other submission documents under Regulation 19 and an addendum report prepared to assess the MMs. The SA process has adequately assessed the TBP to establish, when judged against reasonable alternatives, that the plan will help to achieve relevant environmental, economic and social objectives.
21. The HRA dated July 2019 (incorporating both screening and appropriate assessment stages) concludes that, in combination with other plans and projects, the TBP will not adversely affect the integrity of the two potentially affected sites, the Cotswolds Beechwoods SAC and the Severn Estuary SAC/Special Protection Area/Ramsar Site. Natural England confirmed their agreement to these findings and the addendum to the HRA at MM stage confirms they remain valid.
22. The Development Plan, taken as a whole, incorporating the TBP as modified, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
23. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In particular TBP Policy ENV2 seeks to address the flooding consequences of climate change, Policy ENV3 supports solar energy generation and Policies TRAC1-5 more sustainable transport options. More strategic policies to address climate change in new buildings may affect development viability and will be a matter for the JCS review. Overall, the plan meets the statutory objective in Section 19 (1A) of the 2004 Act.
24. The TBP complies with all other relevant legal requirements, including the 2004 Act and the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Assessment of Soundness

Main Issues

25. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 5 main issues upon which the soundness of the plan depends. The report deals with these issues. It does not respond to every point or issue raised by representors, nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the TBP provides for the quantity and distribution of housing required by the strategic policies of the JCS and whether the general housing policies in the plan are positively prepared, justified, effective and consistent with national policy.

26. JCS Policy SP1 sets a rounded housing requirement for Tewkesbury Borough of at least 9,900 new homes over the plan period 2011-31 (495 pa) towards which Policy SP2 makes provision for at least 7,445 dwellings. This leaves a shortfall of 2,455 dwellings to be addressed through the review of the JCS which is required by Policy REV1. Table SP2a makes clear that the TBP is expected to identify further potential for at least 315 dwellings. The RES1 allocations in the submitted TBP, taking account of capacity adjustments, provide for between 1,122 and 1,192 dwellings, and the deletion of the SHU1 and FOR1 sites for the reasons explained below would reduce this by 60, providing for between 1,062 and 1,132 dwellings, thus substantially exceeding the JCS requirement for the TBP. Of these, five allocations totalling 90 dwellings in the submitted TBP but with planning permission granted by April 2020 can now be deleted from the plan and shown as commitments within the respective settlement boundaries. In the interests of an effective plan **MM1** therefore deletes these five sites and adjusts the capacity of some others which have now gained planning permission.
27. Alongside the process to identify allocations in the TBP, a number of other sites have been given planning permission, some on appeal. As at April 2020, with the allocations to be included in the TBP and taking completions and commitments at that time into account, a total provision of 9,382 dwellings has been identified leaving a reduced shortfall of 518 to be met through the JCS review for the period to 2031. Since the JCS only gives the TBP a limited role, and was adopted notwithstanding a built-in shortfall, it is not essential for soundness for the TBP to ensure a five-year housing land supply at the time of adoption. Nevertheless, updating the calculation in the JCS as at April 2020 including the RES1 allocations would indicate 7.15 years supply. This should be included as a new appendix 6 in the TBP together with a revised trajectory as appendix 7 to update those that follow paragraph 7.1.36 of the JCS. It is appreciated that the position will have changed further since April 2020 but later figures are not before the examination. To ensure effectiveness **MM8** therefore provides a table giving the updated sources of housing land supply as at April 2020 whilst **MM9**, **MM47** and **MM48** update the five year housing land supply calculation and the overall housing trajectory in the JCS.
28. The actual delivery of housing over the first nine years of the plan period has exceeded the 495 pa requirement by 1,124 dwellings, and this 'surplus' is taken into account in both the housing land supply calculation and trajectory.

This is to be consistent with the methodology of the JCS which clearly takes the 'anticipated over supply on adoption' figure of 254 into account in its five year supply calculation. To do otherwise would in practice increase the JCS housing requirement for Tewkesbury over the 2011-31 period above 9,900 dwellings which would be contrary to the detailed justification for the figure in JCS paragraphs 3.1.8 to 3.1.15.

29. Within the overall 9,900 figure, JCS Policy SP2 provides for about 1,860 new homes in the two relatively large Rural Service Centres (Bishops Cleeve and Winchcombe) and about 880 new homes in twelve smaller Service Villages listed in JCS Table SP2c. As at April 2020, taking account of completions, commitments and capacity adjustments, the allocations in the TBP will provide 2,428 dwellings in the Rural Service Centres and, after deletion of allocation SHU1 for the reasons explained below, 1,082 dwellings in the Service Villages, thus more than meeting the JCS requirement.
30. The TBP also includes 14 general housing policies RES2-14 and DES1. Turning to these, Policy RES4 allows for 'very small-scale' residential development within and adjacent to the built-up area of rural settlements that fall outside the JCS settlement hierarchy. These have no defined settlement boundary. The policy as submitted includes a general rule that such settlements should not grow by more than 5% or 10 dwellings in the plan period, whichever is lower. Whilst the 5% figure is justified for small settlements as these generally have fewer services and facilities, the limit of 10 dwellings is arbitrary and not justified, particularly as some of the villages concerned are a reasonable size such as Apperley, Ashleworth, Dumbleton and Gretton which had defined settlement boundaries in the 2006 plan. In order for the policy to be justified **MM10** deletes the restriction to 10 dwellings in the plan period.
31. Policy RES5 as submitted lacks a criterion to ensure high quality household waste collection services are facilitated in new housing development. **MM11** inserts this to ensure effective development management.
32. Policy RES7 dealing with the reuse of rural buildings for residential purposes should cover disused as well as redundant buildings to be consistent with NPPF paragraph 80 and a criterion ensuring the protection of protected species is necessary to be consistent with paragraph 179(b). **MM12** makes these changes to the submitted policy.
33. Similarly, to be consistent with NPPF paragraph 179, **MM13** adds an additional criterion to Policy RES11 to ensure the protection of ecological networks and priority habitats when proposals to change the use of agricultural land to domestic garden are being considered.
34. Policy RES12 regarding affordable housing provides some local refinement to JCS Policy SD12, notably requiring provision on sites over 6 dwellings in the AONB. **MM14** introduces tenure mix into the submitted policy as a possible variable for reducing affordable housing costs to ensure effectiveness and to take account of the definition of affordable housing in NPPF Annex 2.
35. The housing mix Policy RES13 with its requirements for accessible/adaptable and wheelchair user dwellings as submitted contains no explicit reference to viability constraints affecting potential mix and no guidance as to the level of

self and custom-build housing that may be sought. To be justified **MM15** makes clear viability may justify a relaxation of the policy at application stage and sets a maximum 5% for self and custom-build housing plots. In the same way in relation to Policy DES1 seeking nationally described space standards for new dwellings, to be justified the changes in **MM34** recognise there may be circumstances where this is not possible and viability constraints may require a relaxation at planning application stage.

36. In relation to the viability of housing development, as a non-strategic plan the TBP does not revisit the policies or background assumptions of the JCS, in particular JCS Policies INF6, INF7 and the JCS Infrastructure Delivery Plan. The submitted TBP was accompanied by a high-level Viability Assessment from PorterPE dated September 2019 which took into account the Community Infrastructure Levy introduced in January 2019 and tested various 'policy costs' arising from the JCS and TBP. These included an estimate of £5,000 per dwelling for site specific Section 106 costs and concluded that, overall, the policies in the TBP would not threaten the viability of the plan provided the most critical policies, particularly RES12, RES13 and DES1, are applied flexibly when necessary in lower value areas.
37. In the lead up to the examination hearings there was concern that Section 106 costs had risen in some cases, and in response an update report was prepared testing costs of up to £20,000 per dwelling. With the other assumptions unchanged, contributions of up to £17,500 were viable in higher value areas, but some typologies in medium value areas would become unviable with costs over £10,000. This suggests greater flexibility will be required, but sales values relative to costs may have increased since 2019 and most allocated sites now have planning permission with their level of contributions agreed.
38. The most problematic sites are the regeneration sites in Tewkesbury with additional land assembly and build costs where flexibility will be needed. However, taken overall, the evidence provides high level assurance that the policies in the JCS and TBP, as amended by the MMs, should not undermine the deliverability of the plan as required by NPPF paragraph 34.
39. The suggestion that new buildings should adopt best available techniques not entailing excessive costs (BATNEEC) to adapt to and mitigate the effects of climate change is a strategic matter with potential viability implications. Consequently, this is a matter for consideration during the JCS review.
40. In conclusion, subject to **MM1, MM8, MMs9-15, MM34, MM47** and **MM48**, the TBP provides for the quantity and distribution of housing required by the strategic policies of the JCS and the general housing policies in the plan are positively prepared, justified, effective and consistent with national policy.

Issue 2 – Whether the housing allocations and settlement boundaries in the TBP are justified and consistent with national policy and whether the site-specific policies for the allocations are effective.

41. Policy RES1 of the submitted plan seeks to allocate 21 housing sites which emerged through the site selection process. For 13 of these there are site specific policies setting out criteria that proposals should satisfy in addition to the general development management policies that apply to all sites. Five allocations granted planning permission by April 2020 are now superfluous and can be deleted whilst the capacity of some other sites can be updated in the light of later permissions. In the interests of an effective plan these changes are made by **MM1**.

Tewkesbury

42. The historic town of Tewkesbury with its neighbouring built-up areas is the largest and most sustainable settlement in the Borough and second only to Gloucester and Cheltenham in the settlement hierarchy for the JCS area. With key services, public transport facilities and major employment opportunities, it is a preferred location for housing growth and proposals for a Garden Town in the Northway/Ashchurch area are under consideration for inclusion in the JCS review. However, the town is highly constrained, particularly by flooding, and the JCS sets no specific housing requirement for the current plan period.
43. Nevertheless, there is scope for some expansion to the north at Mitton by agreement with Wychavon District Council together with further growth on the low ridge to the south at Odessa Farm and two potential regeneration sites in the town centre. To ensure site-specific Policies TEW1 and TEW4 are effective in addressing flooding issues on these sites **MM2** requires development to take account of climate change, to be flood resistant/resilient for its lifetime and to address identified flood risk assessment requirements. In addition, the boundary of the Healings Mill allocation TEW4 on the policies map should be amended to exclude the land which forms part of the adjacent Site of Special Scientific Interest.

Bishops Cleeve

44. Bishops Cleeve is one of two Rural Service Centres defined by the JCS as the most sustainable settlements in the Borough after Tewkesbury. The village has expanded to the north in recent years with three further allocations in the submitted plan including the ex-allotments site BIS3 which has become available for development. The level of recent and planned housing growth has led to a requirement for a further primary school and a potential site for this has been identified just to the north of the village.
45. To ensure effectiveness **MM2** modifies site-specific Policies BIS2 and BIS3 to clarify flood prevention requirements and to specify the need for ecological enhancements to the Dean Brook.

Winchcombe

46. Winchcombe is the other Rural Service Centre but is more constrained than Bishops Cleeve. This is a result of the Cotswolds Area of Outstanding Natural Beauty (AONB) which includes most of the town apart from the northern

sector between Gretton Road and the B4632, and this sector is constrained by the need to avoid coalescence with the nearby village of Greet. Given the need for new housing and the relative sustainability of Winchcombe the TBP proposes one allocation for 80 dwellings, site WIN1, on the western side of the town behind Delavale Road, but the site lies within the AONB where great weight must be given to conserving and enhancing the landscape and scenic beauty.

47. The town lies in a sensitive, spectacular landscape with hills on three sides offering wide views of the town from surrounding viewpoints. As such any peripheral expansion will be readily seen. However, the selection of the site has been informed by strategic and local landscape and visual sensitivity studies which confirm the site, up to the 115 m contour but no further, would have a low adverse effect on landscape character and moderate adverse effect on views from a series of recreational footpaths. On the basis of the evidence and my site visits it is accepted that there would be some adverse effect, but by respecting existing hedgerows and ensuring a feathered, well landscaped edge replaces the stark, linear edge of the existing estate, the impact of the new housing would be relatively minor and would only appear as an incremental encroachment towards the lower slopes of Langley Hill.
48. The scale and extent of the allocation is limited in relation to the existing size of the town and with the Policy WIN1 requirements for the site and minor boundary adjustments the landscape and scenic beauty of the AONB would be conserved. The proposal is therefore consistent with national policy as set out in NPPF paragraph 176. Its nature and scale and the only minor adverse impact on the purposes for which the AONB has been designated mean that the proposal does not amount to major development in the terms of NPPF paragraph 177 so the exceptional circumstances test does not apply.
49. The allocation of the site is therefore justified given the provisions of the JCS, the sustainability of the town and AONB designation. However, the precise boundaries of the allocation should not project beyond the 115 m contour or existing field hedgerows for landscape reasons and this should be clarified on the policies map. Even within this allocation, great care needs to be taken in drawing up detailed proposals with regard to their effect on the landscape and long distance views, for instance on the rising ground in the south western part of the site which projects beyond Mercia Road.
50. To be effective the allocation should include the site of No 2 Orchard Road to increase flexibility adjacent to Pickering House, but not the site of No 26 Delavale Road as whether this is a suitable and acceptable access point should be determined through the development management process. In addition, to be consistent with NPPF paragraph 104(c), **MM3** strengthens bullet point 4 of Policy WIN1 to ensure good pedestrian/cycling links are provided from the site to the town.

Coombe Hill

51. Coombe Hill is a small, fragmented settlement on the A38 with few facilities but good public transport services and connectivity to urban centres. The TBP identifies two allocations in the core of the village, COO1 and COO2, with the potential to enhance the sense of place with a more built-up road frontage and

public open space to contribute to the wider green infrastructure network. Both sites now have planning permission, for 95 and 25 dwellings respectively. In the interests of effectiveness **MM1** updates the capacity figure for the two sites and **MM4** clarifies the requirement for alternative natural greenspace on allocation COO1 to mitigate against increased recreational pressures on the nearby Coombe Hill Canal Site of Special Scientific Interest.

Shurdington

52. Shurdington is the only village in the Borough which is inset within the Green Belt. This was designated in 1968 to protect the open character of the area between Gloucester and Cheltenham and to prevent the coalescence of the two urban areas. Defined as a Service Village based on the settlement audit, JCS Policy SP2 potentially provides for some new housing in Shurdington. However, it is not a requirement of the policy and the Council's disaggregation formula takes no account of environmental or policy constraints, simply providing a guidance figure subject to those constraints. The inset boundary for the village is tightly drawn which has inevitably constrained development with few new houses built in recent decades and just 16 completions and commitments in the plan period to date.
53. However, once defined, the NPPF makes clear that Green Belt boundaries should only be altered in exceptional circumstances given their intended permanence. Whilst JCS Policy SD5 allows for a 'limited review' of the Green Belt through the TBP 'as necessary' it does not require such a review in respect of Shurdington or lower the exceptional circumstances test.
54. The undeveloped gap between Gloucester and Cheltenham is narrow and Shurdington lies astride the A46 between the two urban areas. The extent of the Green Belt has already been reduced by the JCS through strategic allocations and land safeguarded for longer term development, and any further reduction, even limited in nature, requires a strong justification. Whilst Shurdington has not grown like some other villages in the Borough, this is an inevitable consequence of its Green Belt location and there is no policy imperative in the JCS for it to do so.
55. Housing allocation SHU1 would significantly extend housing development along the A46, encroach into the countryside to the south of the village and breach the existing strong boundary formed by Badgeworth Lane. It would erode the remaining undeveloped gap between Gloucester and Cheltenham. The 2017 Tewkesbury Part 2 (Partial) Green Belt Review undervalues the rural character of the site and its contribution to the purposes of the Green Belt. As explained above, the JCS requirement to identify new housing in the TBP and the service villages would be met without 50 houses on this site. Given this context the necessary exceptional circumstances to justify releasing the site from the Green Belt for housing purposes are not present.
56. However, the Green Belt inset boundary around the village does not appear to have been reviewed since its original designation and it does not reflect the reality of built development on the fringes of the village. The purposes of the Green Belt would not be prejudiced by amending the boundaries to exclude the built-up areas further west along Badgeworth Lane, along the eastern side of the A46 (but not parcels P30 and P31 in the Partial Review which are open

land in the AONB) and along Leckhampton Lane. The latter amendment would include the site of housing allocation SHU2, allowing it to go ahead, but the site has housing on three sides and is secluded from outside view, so unlike SHU1 would not comprise an encroachment into the countryside. Recognising the existing built-up extent of the village in this way would meet the exceptional circumstances test.

57. The extended Green Belt boundary around the village would enable some further infilling and redevelopment and thus limited housing growth, albeit not of the scale proposed in the submitted TBP. In addition, TBP Policy RES6 in conjunction with NPPF paragraph 149(f) allows scope for affordable housing on exception sites beyond the settlement boundary should the need be demonstrated.
58. Since allocation SHU1 and the removal of the site from the Green Belt is not justified **MM5** is necessary to delete the allocation from the plan and **MM24** to amend Policy GRB1 to only include justified alterations to the Green Belt inset boundary around Shurdington, i.e. only those that reflect the existing built-up area. The policies map should be amended accordingly. The settlement boundary of the village should follow the Green Belt inset boundary. For effectiveness **MM2** amends site-specific Policy SHU2 to include the need to take account of requirements to address flood risk.

Minsterworth

59. Minsterworth is an unusual, highly linear village comprising mainly frontage housing interspersed with countryside gaps stretching along about 3 miles of the A48. Further housing of a similar nature is underway or committed at the western and eastern ends of the village and also in the middle, but many gaps remain. Although classified as a Service Village in the JCS, no allocations are made in the submitted TBP but an extended settlement boundary allows further frontage development along the northern side of the road, linking the western and central parts of the village.
60. Whilst the settlement is characterised by ribbon development, the proposal to allow further continuous frontage housing is contrary to the Council's criteria for defining settlement boundaries and would unduly compromise the intermittent character of the village. In order for the area subject to settlement boundary policies to be justified the policies map should be redrawn to exclude the undeveloped gap between Ellis Bank Lane and Enderley.
61. The Council published an alternative settlement boundary for consultation alongside the MMs adopting the Parish Council view that more in-depth development would be appropriate and that this should be concentrated near the Church, Village Hall and Old School. Whilst the amendment on the northern side of the road was the subject of objection, consolidation of the village to the south between the A48 and Church Lane is justified at this time with potential further development being considered at a later date. The policies map should be amended accordingly.

Forthampton

62. Forthampton is a small, dispersed village with few services and facilities and therefore not classified by the JCS as a Service Village suitable for significant development. Despite this, the submitted TBP includes a housing allocation for 10 dwellings to support the vitality of the village on the basis of community support for such a proposal. However, in itself this is insufficient justification for an allocation and it would now seem from the views of the Parish Council that community support is not clear cut in any event. In the circumstances housing allocation FOR1 is not justified and **MM6** is necessary to delete the allocation. The policies map should be amended accordingly. Any proposals for the village can be considered under the enabling Policy RES4.

Omission of settlement boundaries

63. A number of substantially built-up areas are not included within settlement boundaries on the policies map as submitted. Amongst other implications, this would mean Policy RES3 applies rather than RES2, and EMP4 rather than EMP3, which would not be justified. These areas should therefore be included within defined settlement boundaries. There is no reason why boundaries should only be defined for recognised settlements in the JCS hierarchy, for an effective plan they should distinguish more widely between built up and countryside areas so that the geographic coverage of the policies in the TBP is justified and effective. **MM7** is therefore necessary to explain the inclusion of settlement boundaries for built-up areas on the edge of Gloucester and Cheltenham. Boundaries are also necessary for Northway and Ashchurch to the east of Tewkesbury to reinstate those in the 2006 plan adjusted to reflect subsequent planning permissions and to include the intensively built-up part of the MOD land. The policies map should be updated accordingly.

Conclusion

64. In conclusion, subject to **MMs1-7** and **MM24**, the housing allocations and settlement boundaries in the TBP are justified and consistent with national policy and the site-specific policies for the allocations are effective.

Issue 3 – Whether the TBP provides the pitches and plots for Gypsies, Travellers and Travelling Showpeople required by the strategic policies of the JCS.

65. Based on the Gypsy and Traveller Accommodation Assessment carried out in 2017, the supporting text to JCS Policy SD13 sets out the number of pitches and plots that are required in each district between 2016 and 2031, both for those that meet the definition in the Planning Policy for Traveller Sites (PPTS) and those that do not. Contrary to the Council's view in EXAM027, the needs of the latter group should also be provided under the requirements of JCS Policy SD11 and the Housing and Planning Act 2016, albeit there is no need to demonstrate five years supply of deliverable sites for those that do not meet the definition.

66. The overall requirement for the Borough is 78 pitches for Gypsies and Travellers of which 20 are for those who either definitely or are likely to meet the definition. With 23 pitches granted permission since 2016, in numerical terms the PPTS requirement figure has already been met, but there is no means of ensuring that those who met the definition are accommodated first. 55 pitches still need to be provided, and in practice some of these will be for those meeting the definition. Following a call for sites and consideration of public land, the TBP as submitted includes allocations for a further 25 pitches, but this includes 8 pitches on land adjacent to Fieldview at The Leigh, a site which is no longer available. The provision for a further 17 pitches therefore leaves 38 still to be identified in the period to 2031, a challenging figure.
67. Whilst satisfied that few suitable sites have come forward and the Council has generally taken a proactive approach to site finding, one existing site providing seven pitches at Brookside Stables, Badgeworth has not been allocated despite meeting the site selection requirements for inclusion in the Preferred Options Consultation in 2018. The previously developed site has been in continuous use since 2002, initially unauthorised but subsequently with the benefit of a series of temporary permissions. Notwithstanding its location in the Green Belt, the reasons for excluding the site following the consultation are unconvincing. The site is suitable for allocation for permanent use which would reduce the remaining shortfall against the JCS requirement to 31 pitches. These will need to be provided in due course through individual planning applications assessed against the criteria in JCS Policy SD13. For the TBP to be positively prepared, **MM16** is necessary to allocate the Brookside Stables site and for effectiveness to delete the site adjacent to Fieldview at The Leigh which is no longer available. The policies map should be updated accordingly.
68. In conclusion, subject to **MM16** and further sites being brought forward under JCS Policy SD13, the TBP provides the pitches and plots for Gypsies, Travellers and Travelling Showpeople required by the strategic policies of the JCS.

Issue 4 – Whether the TBP provides for the quantity and distribution of employment land required by the strategic policies of the JCS, whether the employment allocations are justified and consistent with national policy and whether the general employment policies in the plan are positively prepared, justified, effective and consistent with national policy.

69. JCS Policy SP1 sets a requirement for a minimum of 192 ha additional B-class employment land across the JCS area to contribute towards the delivery of about 39,500 new jobs. 112 ha of employment land will be delivered in the JCS strategic allocations (JCS Table SA1), leaving at least 80 ha to be provided on non-strategic sites. 6 ha is allocated in Cheltenham and 31 ha either allocated or proposed in Gloucester, leaving a minimum 43 ha of further land to be identified in Tewkesbury Borough.
70. The amount of undeveloped land on existing employment sites being carried forward in the TBP totals 43 ha (EXAM041). With planning permission granted for a 3.5 ha extension to Ashville Business Park and on 5.9 ha adjacent to Bamfurlong Industrial Park, scope for a 2.2 ha extension at Malvern View

Business Park and 13.7 ha in new or extended Rural Business Centres (excluding the Toddington, Coombe Hill and Greet sites for the reasons explained below), a total of 68.3 ha is available for employment development in the Borough, 25.3 ha more than the minimum requirement.

71. Across the JCS area as a whole, a total of 217.3 ha of employment generating land has been identified to date. This exceeds the requirement for at least 192 ha with a reasonable surplus to allow flexibility, albeit also including land for some non B-class uses. In addition, land could come forward under the permissive TBP Policies EMP3, EMP4 and EMP5, also as part of the Tewkesbury Garden Town proposal being considered for inclusion in the JCS review. A significant amount of employment land is identified in the current concept plan, an initial part of which could come forward in the plan period.

B4063/Cheltenham Road East/Airport employment sites

72. The TBP as submitted proposes the removal of three sites from the Green Belt along the B4063/Cheltenham Road East and their allocation for employment purposes. These are 3.9 ha for an extension to the Ashville Business Park (site 1) on the northern side of the road together with 1.3 ha adjacent to the Meteor Business Park (site 2) and 4.2 ha adjacent to the Bamfurlong Industrial Park (site 3) on the southern side of the road. The latter two sites currently lie within Gloucestershire Airport and its 'essential operational area' (EOA). Planning permission was granted for site 1 in 2016 and for a 5.9 ha site, effectively sites 2 and 3 combined but adjacent to Bamfurlong Industrial Park, in March 2021. In both cases the Council concluded that there were very special circumstances which justified development in the Green Belt. The development of site 1 has commenced but it remains substantially open land at present whilst work to open up the 5.9 ha site is also now underway.
73. As stated above, once defined, Green Belt boundaries should only be altered in exceptional circumstances. JCS Policy SD5 allows for a 'limited review' of the Green Belt through the TBP but as with Shurdington it does not require such a review in the case of the B4063 sites or lower the exceptional circumstances test. However, JCS paragraph 4.1.28 allows the TBP to consider the need for different land uses to support the growth of the airport operation including the extent of the essential and non-essential operational area (NEOA) of the airport, both of which form part of the Green Belt. Taking this opportunity, the TBP includes the extension of the 'South East Camp', the NEOA area on the southern side of the airport, to allow further expansion of businesses that require an airport location. This will directly support the airport and its role in the Gloucestershire economy. In the interests of effectiveness **MM25** clarifies this expansion in the plan.
74. Importantly, the Green Belt between Gloucester and Cheltenham is vulnerable along the B4063 with the built up areas of Churchdown and the industrial estates leaving only short, intermittent, undeveloped gaps between the A40 roundabout and the planned Golden Valley development, itself a major release of previously Green Belt land. The gap between the Ashville/Meteor and Bamfurlong industrial estates is one of the last vestiges of open land separating Gloucester and Cheltenham along this road and therefore it makes a major contribution towards the Green Belt purposes of checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns

merging into one another. The Partial Green Belt Review rightly concludes that the harm to the Green Belt from development of the airport land as a whole would be high, and this applies equally to smaller parcels of land adjacent to the B4063, particularly in combination with site 1 which even on its own would result in moderate harm to the Green Belt.

75. The proposal to allocate sites 2 and 3 would also reduce the EOA of the airport, with the effect of this on its operations not yet clear, particularly on helicopter flights which are an important part of the airport's role. Whilst the airport operators are confident that any effect would be manageable, the recent planning application was scaled back due to the uncertainty and the Civil Aviation Authority are yet to consider the implications of any reduced airport boundary and revised operating procedures. The larger scale proposal promoted by the airport and Council post submission would have an even greater impact with unknown effects on the operation of the airport. With general agreement as to the importance of the airport to the local economy, its future is a strategic matter that should be considered through the JCS review and not prejudged by incremental decisions in the TBP.
76. For exceptional circumstances to exist to justify alterations to the Green Belt in this area, the need for releases must be clear and no other reasonable options available. Neither has been sufficiently established. Altering the Green Belt is not critical to the provision of 192 ha of B-class employment land across the JCS area, there is potential for employment land on non-Green Belt sites in the Borough, 4.5 ha of undeveloped land remains on the existing Ashville and Meteor Business Parks, and high quality employment land is coming forward in strategic allocations nearby. If further land is required the safeguarded land already removed from the Green Belt could be brought forward rather than additional Green Belt releases along the B4063.
77. Whilst there is demand for further employment land in the vicinity of the airport, businesses that specifically need an airport location can be accommodated in the expanded NEOA. Should the sites be removed from the Green Belt and allocated for general employment use, businesses without any need to be located near the airport could be accommodated, businesses that could locate elsewhere. Given the importance of maintaining the openness of the gap between the Ashville/Meteor and Bamfurlong industrial estates the 'very special circumstances' test that applies for development within the Green Belt should be retained unless and until the sites with planning permission are fully developed and the designation no longer serves a useful purpose. The three allocations should therefore be removed from the TBP and Green Belt designation retained.
78. In the absence of sufficient justification **MM17** is necessary to delete the three allocations (whilst noting the planning permissions that have been granted) and **MM24** is necessary to amend Policy GRB1 and its supporting text to retain the sites in the Green Belt. To ensure policy effectiveness **MM17** also reduces the size of the proposed extension to the Malvern View Business Park at Bishops Cleeve to reflect the loss of much of the site to housing as the result of a planning appeal decision. The policies map should be revised accordingly.

Toddington, Coombe Hill and Greet employment sites

79. The TBP as submitted allocates 6.5 ha of land as an extension to the Orchard Industrial Estate at Toddington on the triangular shaped field to the south west and land on the opposite side of the B4078. However, the sites are in an open rural landscape, just to the south of the Cotswolds AONB and in the Policy LAN1 Special Landscape Area which recognises its contribution to the setting of the AONB. The site is detached from any built-up area, not well connected to the principal road network and would offer little opportunity for sustainable modes of transport. The site was put forward for inclusion in the 2006 Local Plan but was rejected by the local plan inspector.
80. The TBP also proposes to allocate 2.2 ha for an expansion of the Knightsbridge Business Centre at Coombe Hill (The Leigh). The site comprises the grass field to the west alongside the A4019. Although well connected to the M5 and adjacent to the planned expansion of Coombe Hill, the site lies in open countryside and would more than double the size of the existing industrial estate.
81. Development of the sites in both cases would be prominent to passers-by and unduly intrusive in the landscape. The sites are not essential for the provision of the JCS employment land requirement as explained above. Given their sensitive landscape context any proposals for the expansion of these sites should be considered under the provisions of enabling Policy EMP4(3) rather than establishing the principle of development through a specific allocation in the TBP. In the absence of sufficient justification **MM18** is therefore necessary to delete the sites from the plan and the policies map should be amended accordingly.
82. The land for the proposed expansion of the Isbourne Business Centre at Greet is no longer available for development. In the interests of effectiveness **MM18** therefore deletes the site and the policies map should be revised accordingly. To ensure an effective plan **MM18** also corrects the area of other sites as advised in EXAM041.

The Use Classes Order and general employment policies

83. Following subsequent changes to the Use Classes Order (UCO), the JCS definition of B-class employment land now includes some uses which form part of Class E. This allows for some changes of use of existing land both to and from the JCS definition of employment land without the need for planning permission, potentially undermining the JCS strategy. To be consistent with the JCS and to implement its strategy the relevant employment land uses should continue to be defined in the TBP. In relation to future changes of use, the aim of the UCO is to increase flexibility. Whilst policies can refer to the potential for restricting future changes of use by condition, this must be fully justified in each case and not pursued as a matter of course.
84. To provide an effective policy framework in the TBP and to be consistent with national policy **MMs17-20** and **MM22** are therefore necessary to include the JCS definition of employment land in the various policies and to explain the circumstances when conditions limiting changes of use may be appropriate.

85. Policy EMP5 as submitted lacks a criterion to ensure new employment development includes satisfactory waste management arrangements. **MM21** inserts this in the interests of effective development management together with reference to suitable access to be consistent with NPPF paragraph 110(b).
86. Also for effectiveness, **MM22** amends Policy EMP6 as submitted to include waste management facilities within the scope of the policy to safeguard existing employment sites and to ensure grant funding and financial support is fully explored prior to any loss of land.
87. In relation to agricultural development, Policy AGR1 as submitted omits any reference to safeguarding biodiversity, ecological impacts and protecting water quality. For consistency with national policy **MM23** is necessary to add these considerations into the plan.

Conclusion

88. In conclusion, subject to **MMs17-25**, the TBP provides for the quantity and distribution of employment land required by the strategic policies of the JCS, the employment allocations are justified and consistent with national policy and the general employment policies in the plan are positively prepared, justified, effective and consistent with national policy

Issue 5 – Whether the general policies in the plan (other than the general housing and employment policies dealt with under issues 1 and 4) are positively prepared, justified, effective and consistent with national policy.

89. The TBP also includes an extensive series of general policies primarily for development management purposes to provide a framework for the determination of planning applications in the Borough.
90. The submitted plan contains no replacement for Policy GRB1 in the 2006 Plan setting out how proposals in the Green Belt will be dealt with. JCS Policy SD5 is strategic and does not contain detailed policy. Therefore, to ensure the TBP is consistent with national policy and will be effective, **MM26** is necessary to insert a new development management policy for the designation based on the policies in the NPPF. Following consultation, the MM has been amended to allow for development approved under a Neighbourhood Development Order.
91. The TBP policies relating to the town centre and retail uses require some amendments to be effective and consistent with national policy. Policy RET1 lists the hierarchy of retail centres in the Borough but as submitted omits the local centres to be provided within the JCS strategic allocations. **MM27** adds these for a more effective policy. The garden centre/outlet centre under construction at the Ashchurch strategic allocation was permitted as a departure from the development plan and will have a unique role that does not fit within the identified hierarchy in the policy.
92. The RET policies as submitted also require amendment to use the NPPF term primary shopping areas, to clarify the approach to impact assessment and to reflect subsequent changes to the UCO. These subsume the town centre uses

A1, A2 and A3 into the wide-ranging Commercial, Business & Service Class E. The objective of concentrating and protecting suitable uses in designated retail centres and the primary shopping area in Tewkesbury by means of reworded policies that define retail related uses remains justified. However, the intention of the UCO is to allow flexibility and any restrictions on future changes of use by imposing conditions must be fully justified on a case by case basis. To ensure consistency with national policy **MMs27-33** make the necessary changes to the plan.

93. To be consistent with the NPPF and to be effective, **MM35** clarifies that locally important heritage assets covered by Policy HER5 are non-designated heritage assets and that a local list of such sites is under preparation.
94. Policy LAN2 as submitted seeks to carry forward into the TBP the Landscape Protection Zone designated by Policy LND3 of the 2006 plan. This seeks to protect the 'ecology and visual amenity' of the river area around the Severn, at the confluence of the Severn and Avon and along the Chelt and Leadon valleys. However, no evidence of its effectiveness has been provided and no review of its boundaries has been undertaken against clear criteria. The zone includes higher ground for example at The Mythe as well as floodplain and its boundaries follow roads as well as topographical features. Mixing ecological and landscape aims, the objective of the policy is not clear. With the TBP including Policies NAT1 and NAT2 to protect in turn biodiversity and the water environment, the Landscape Protection Zone as submitted is not justified and is therefore deleted by **MM36**.
95. However, the TBP lacks a policy to protect landscape character throughout the Borough, not just the river landscape. To be consistent with national policy and to implement JCS Policy SD6 at Borough level **MM36** introduces a new Policy LAN2 into the plan to protect and enhance local landscape character as identified in the published assessments, and to require relevant proposals to be informed by a Landscape and Visual Impact Assessment.
96. Policy LAN3 as submitted defines and protects three 'Strategic Gaps' between Bishops Cleeve & Gotherington, Twyning & Church End and Winchcombe & Greet in order to protect the separate identity and prevent coalescence of the settlements concerned. However, these objectives are justified as locally important rather than having a strategic role and should therefore be renamed as 'Gaps of Local Importance'. For the policy to be justified **MM37** makes the necessary change.
97. Policy NAT1 seeks to protect biodiversity, geodiversity and important natural features and the closely related Policy NAT3 promotes green infrastructure. To be consistent with national policy the policies should be strengthened to secure measurable net gains for biodiversity, off-site if necessary, to refer to local nature recovery strategies and to protect irreplaceable habitats. **MM38** and **MM39** make the necessary amendments and provide further guidance in the supporting text. Policy ENV3 requiring solar farms to improve habitats and biodiversity should also be strengthened by **MM42** for the same reason.
98. To ensure its effectiveness **MM40** inserts an additional paragraph into Policy ENV1 to ensure development near sewage treatment works does not unreasonably restrict the future operation of the works.

99. Policy ENV2 concerning flood risk and water management and its explanatory text requires strengthening for effectiveness. Additional requirements to provide contributions to flood warning systems when necessary, foul water drainage by mains sewer wherever possible and sustainable drainage solutions are therefore introduced by **MM41**.
100. For effectiveness Policy RCN2 dealing with new sports and recreation facilities should be strengthened by additional text requiring sports lighting to include timing controls and to take account of ecological effects. **MM43** includes this and has been amended slightly following consultation.
101. Policy COM3 as submitted setting out criteria for the consideration of proposals for telecommunications equipment includes health impacts as a factor. However, the health effects of such apparatus are dealt with under other legislation so to be consistent with national policy to avoid duplication **MM44** deletes the issue from the policy.
102. Finally, for effectiveness, **MM45** and **MM46** make a small number of changes to update the lists of Locally Important Open Spaces and Local Nature Conservation Sites in the appendices to the plan.
103. In conclusion, subject to **MMs26-33** and **MMs35-46**, the general policies in the plan (other than the general housing and employment policies dealt with under issues 1 and 4) are positively prepared, justified, effective and consistent with national policy.

Overall Conclusion and Recommendation

104. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
105. However, the Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the main modifications set out in the Appendix the Tewkesbury Borough Plan 2011-2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Reed

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

APPENDIX C

Appeal Decision - Former Hotel Felix, Whitehouse Lane, Girton, Cambridge



Appeal Decision

Inquiry opened on 31 January 2023

Accompanied site visit made on 31 January 2023

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2023

Appeal Ref: APP/W0530/W/22/3307903

Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cassel Hotels Ltd against the decision of the South Cambridgeshire District Council.
 - The application Ref 21/00953/FUL, dated 19 February 2021, was refused by notice dated 22 July 2022.
 - The development proposed is described as 'demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works'.
-

Decision

1. The appeal is allowed and planning permission granted for the demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works at the Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX, in accordance with the terms of the application Ref 21/00953/FUL, dated 19 February 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The Inquiry sat for 6 days as follows: from 31 January to 2 February 2023, and from 7 February to 9 February 2023. Matters pertaining to the effect on the landscape, character and appearance, and the Green Belt were dealt with by way of 'round table' discussions rather than conventional cross-examination.
3. I held a Case Management Conference on 13 December 2022 to discuss the ongoing management of the Inquiry, the likely main issues, including the best method for hearing the evidence, and to ensure the efficient and effective running of the Inquiry.
4. A planning obligation dated 16 February 2023 has been completed between the parties. I deal with this in the body of my decision.

Main Issues

5. The main issues are:
 - (i) the effect of the proposal on the Green Belt, including openness;
 - (ii) the effect on the character and appearance of the area;

- (iii) whether the loss of the non-designated heritage asset is justified;
- (iv) the need for the care home facility;
- (v) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.

Reasons

Planning Policy Context

6. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise¹. The statutory development plan comprises the South Cambridgeshire Local Plan (the Local Plan) adopted in 2018. Both main parties agree that the most important policies for determining the appeal are as follows²: Policy S/4 (Cambridge Green Belt); Policy S/7 (Development Frameworks); Policy NH/8 (Mitigating the impact of development in and adjoining the Green Belt); Policy NH/9 (Redevelopment of Previously Developed Sites and Infilling in the Green Belt); and Policy NH/14 (Heritage Assets)³.
7. Policy S/4 defines the Green Belt around Cambridge and states that new development within it will only be approved in accordance with Green Belt policy in the National Planning Policy Framework (the Framework). Policy S7 deals with 'development frameworks' which 'define where policies for the built-up areas of settlements give way to policies for the countryside'⁴. The appeal site lies outside a 'development framework' and so countryside policies apply. Essentially, in such areas, only certain types of development will be permitted: for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside, or where development is supported by other local plan policies or Neighbourhood Plan allocations.
8. Policy NH/8 requires that any development proposals within the Green Belt must be located and designed so they do not have an adverse effect on the rural character and openness of the Green Belt. It also requires landscaping conditions to ensure that the impact on the Green Belt is mitigated. Policy NH/9 states that redevelopment of previously developed sites and infilling in the Green Belt will be inappropriate except in certain circumstances. Of most relevance is criteria 'e' which allows for the complete or partial redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.
9. Finally, Policy NH/14 states that development proposals will be supported where they sustain and enhance the significance of heritage assets, including their settings, as appropriate to their significance, and in accordance with

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

² Statement of Common Ground, Paragraph 4.1

³ The reasons for refusal within the decision notice only cite two policies from the Local Plan: namely Policy S/4 and NH/14

⁴ South Cambridgeshire Local Plan [CD 100], Paragraph 2.50

the Framework. This policy relates to, amongst other things, non-designated heritage assets.

10. The Framework is also a material consideration. Advice on development within the Green Belt is given in Section 13. Advice relating to heritage assets is provided in Section 16. The Framework explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Effect on the openness of the Green Belt

11. It is agreed that the proposal is 'inappropriate development' within the Green Belt as it does not fall within any of the exception categories in Paragraph 149 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances⁵. When considering any planning application, the Framework is clear that substantial weight should be 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 considerations⁶.
12. The appeal site is a broadly oblong parcel of land occupied by the former Hotel Felix, positioned fairly centrally within the site. There are fields immediately to the north and south which are enclosed by mature trees and hedgerows. This enhances the sylvan character of the site, and also appreciably filters views of it from surrounding locations including Huntington Road and Whitehouse Lane. There are recent and under construction developments nearby, at Darwin Green and Eddington, which create an increasingly prevalent urbanising influence.
13. As well as falling within the Green Belt, the site also forms part of the 'Girton Gap' which separates the village of Girton from the edge of Cambridge City. This Gap performs a key role preventing Girton and Cambridge City coalescing. The Framework notes a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence⁷.
14. The scheme involves demolishing the former hotel building and replacing it with a care home facility with associated parking and landscaping. The proposed building's volume would be greater by some 53% and the footprint 33% greater, compared with the existing. Taking account of unimplemented extensions approved in 2018⁸, these figures reduce to a 33% volume increase, and a 13% footprint increase respectively.
15. The 2018 permission has now expired. The Council advise that, whether any resubmission for permission is likely to be granted is far from certain, especially given the building is now accepted to be a non-designated heritage asset. Any application would need to be considered against that changed status and policy context. Therefore, I consider that the 2018 permission cannot be accorded any significant weight in calculating the percentage increases in volume and footprint.

⁵ Paragraph 147

⁶ Paragraph 148

⁷ Paragraph 137

⁸ ID8, Ref S/4502/17FL – Extension to provide new reception area and 16 additional bedrooms

16. The significant volumetric increase of some 53% is mainly because the new building is uniformly two or two and a half storeys, whereas the existing building, although primarily of two or two and a half storeys, also includes significant one storey elements: for example the orangery style extension, and two single storey links to the substantial accommodation blocks on the north-eastern side.
17. In this case, whilst of significantly greater volume, the new building would be more compact than the existing somewhat rambling structure: its perimeter would be less, and it would not include various single and two storey elements that protrude from the current building. It would be no higher than the existing building⁹. Furthermore, there would be a net reduction in the parking area and hardstanding, as compared with the current situation, and there would be extensive landscaping around the new building.
18. Caselaw has established that the concept of openness of the Green Belt is not narrowly focused on a purely volumetric approach, but other factors may be relevant too¹⁰. It has also established that openness is a broad concept of policy not law; applying the policy imperative of preserving openness requires realism and common sense; the word 'openness' is open textured and a number of factors are capable of being relevant, including visual as well as physical and spatial impacts¹¹. In other words, it is wrong to always assume an increase in volume will necessarily always have a significant impact on openness.
19. The new building would be positioned slightly further north-westwards increasing the distance to Whitehouse Lane from around 55 metres to 78 metres¹², and reducing the distance to The Brambles in Girton. This repositioning would marginally increase the degree of separation between Girton and Cambridge. However, in my view, taken in the wider context, this increased distance would have a relatively limited visual effect on opening up the Girton Gap, although it may result in some minor improvement to openness.
20. It is notable that the Council's reasons for refusal are narrowly drafted in that they only allege harm by reason of inappropriateness in relation to the Green Belt¹³. No other Green Belt harm is alleged, although harm is identified in relation to the loss of a non-designated heritage asset. The Council's landscape officer considered any effect of the development would be 'negligible' because of 'the existing presence of a similarly functioning and sized building¹⁴, and this is the Council's position set out in its Statement of Case¹⁵. At the Inquiry, the Council argued the effect on openness would not be significant¹⁶.
21. To sum up, whilst of greater volume and footprint, I consider the scheme's greater compactness means any potential loss in openness would be negligible such that it would have little appreciable visual effect on the openness of the Green Belt. The Framework directs substantial weight

⁹ Ms Magee's Proof, Page 25

¹⁰ Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466

¹¹ R (Liverpool Open and Green Spaces Community Interest Co) v Liverpool City Council [2020] EWCA Civ 861

¹² Figure 10, Ms Sechi's Proof

¹³ CD 93, Decision notice dated 22 July 2022

¹⁴ Landscape Consultation Response [CD76]; Committee Report, Paragraph 10.30 [CD 91]

¹⁵ CD 120, Paragraph 5.11

¹⁶ Ms Glover's evidence

should be given to any harm to the Green Belt in the planning balance. Therefore, substantial weight must be given to both the harm by reason of inappropriateness, as well as the negligible harm to openness.

Effect on Character and Appearance

22. The Council has advanced no specific case alleging harm to the character and appearance of the area. The Appellant's Landscape and Visual Appraisal and Green Belt Study¹⁷ concluded that proposed development would not result in adverse effects on the identified groups of visual receptors, and that most of the selected viewpoints would not experience a substantial change in the character of the view, as the proposal substitutes an existing building with 'one of similar scale and materiality'. The Council does not take a contrary position and I see no reason to take a different view.
23. The design of the proposal employs a neo-classical aesthetic, using principally plain grey brick and a pitched slate roof. The Council concluded in its Committee Report that the scheme is 'a high-quality design that would contribute positively to its surroundings and be appropriately landscaped'¹⁸. It did not demur from that position at the Inquiry, and I see no reason to disagree. Overall, I find that the scheme would not harm the character and appearance of the area.

Non-Designated Heritage Asset

24. Originally known as 'The Close', the building was constructed in 1852 as a private residence, and is an attractive large villa, typical of those built for the professional classes in the mid-19th century. Set in spacious grounds and originally roughly rectangular in plan, it is set over two and a half storeys over a raised basement. The architect is not known. It was acquired by Cambridgeshire County Council in the late 1960s and used as an adult education centre. It was sold by the County Council in 2001, and it was subsequently converted into a hotel around 2002.
25. The building merits an entry in the latest edition of 'Pevsner's Buildings of England' as 'a stark Jacobean-gabled villa of 1852'¹⁹, expanded as the Hotel Felix with forecourt wings by CMC architects, 2002'²⁰, although earlier editions of the book do not mention it. One of the most notable architectural features of the house is the bowed 'garden façade', with a terrace and steps down to the garden. This façade comprises a distinctive central Dutch-style gable with a large finial, and the large semi-circular bay comprises the original paired arch sash windows and a pierced brickwork parapet. Good quality local gault brick has been used throughout the original building with stone quoins and detailing to the chimneys. The roofs have slate coverings.
26. The front façade (north-eastern elevation) facing away from Huntington Road was significantly altered in 2002 with an addition. Although the original asymmetrical design has been lost, this addition has been executed very sensitively, with good quality matching brick, and it exactly replicates various architectural features including the arched form of the timber sash windows. It blends seamlessly with the original building, and does not at

¹⁷ CD 20, dated February 2021

¹⁸ CD 91, Paragraph 10.48

¹⁹ It should be noted that the style is Jacobean inspired and not that it is from the original Jacobean period

²⁰ Buildings of England – Cambridgeshire, Simon Bradley and Nikolaus Pevsner, Yale University Press 2014, p.344

first glance read as an addition. Whilst not original, this addition does not, in my view, detract from this façade.

27. However, other additions are not so successful. Large projecting wings providing hotel accommodation, in a modern style, pay little heed to the original design, and have been added on to the north-eastern side of the building. This significantly detracts from the building's appearance. In addition, a new orangery-style extension and function room have been added to the side elevations which again do little to enhance the original building. A new competing 'front' entrance within the eastern side of one of the added projecting wings complicates the building's appearance, with the original main entrance only becoming apparent to the visitor if they walk around the new extension to arrive at the now enclosed courtyard in front of the original front elevation.
28. The number and scale of the built extensions have undoubtedly confused the legibility of the original building. Interestingly the now expired 2018 permission²¹ would have entirely enclosed the front (north-eastern) façade including the original main entrance, so that it would have fronted on to an internal courtyard. Whilst it is accepted that the permission cannot now be implemented, it does show that the Council was content in the very recent past to allow almost the complete obscuring of an important element of the original building, so that it would have only been visible from within the enclosed courtyard.
29. Internally, some attractive original features remain. These include ornate classical cornicing in some of the principal ground floor rooms, an impressive wood-polished main staircase, comprising turned 'barley-twist' balusters which support a moulded wooden handrail, terminating in a volute over a turned barley twist newel post. There are also original door architraves, deep skirting boards, and internal window surrounds. Within the bow-ended dining room, there is a large ornamental marble fireplace, but this appears to have been introduced at the time the building was converted into a hotel and is not original.
30. However, many internal features have been lost over the years: firstly during the building's use as an adult education centre and later as a hotel. All the original fireplaces have been lost, and the legibility of the original floor plan has been significantly compromised by the removal of walls, the creation of new openings and modern fittings to facilitate its use as a hotel. Even those internal features that do remain, whilst attractive, are not especially unusual or special for a property of this period.
31. The house was originally constructed for Charles Lestourgeon, a Fellow of St John's College, Cambridge, and surgeon at Addenbrooks Hospital from 1842-1879. He was also a keen botanist and had a large conservatory added along the south-east side of the building. The house was subsequently occupied by Sir John Eldon Gorst who was elected MP for Cambridge in 1865 and was subsequently made Solicitor General for England and Wales and knighted. Although the Appellant notes that he lived at the house for 'less than seven years'²², this is not an insignificant period of time,

²¹ ID8, S/4502/17/FI

²² Rebuttal Proof of Ms Hannelly Brown, Paragraph 2.13

and does not diminish the historic interest of the association or the weight attached to its significance.

32. In terms of former occupiers, both Mr Lestourgeon and Sir Eldon Gorst were undoubtedly persons of distinction, but because of the various changes that have occurred to the building, there is little today about the building that has any appreciable connection with these historic owners. The conservatory added by Charles Lestourgeon was removed around the time the building was taken over by the County Council. There is no Historic England 'Blue Plaque'²³, nor equivalent local or regional marking, on the building in relation to any of its former inhabitants, nor is there evidence anyone has proposed such a plaque.
33. The building was assessed by Historic England in 2020. Although it was found to be an attractive building, it was not considered to possess special architectural or historic interest, nor to meet the strict criteria for listing in a national context. The extensions and additions were described as 'vast'. Historic England decided that the Hotel Felix should be issued with Certificate of Immunity (COI) from listing, being too altered to meet the criteria for listing. The effect of this certificate is that the building cannot be listed for 5 years from the date of issue²⁴. This of course does not mean the building has no heritage value, simply that it does not meet the criteria for listing.
34. I appreciate that the building is held in some affection by those who have used the building in the past, either historically as an adult education centre, or later as a hotel from 2002. However, the education use ceased over 20 years ago. Mention was made of weddings, and other memorable family events taking place at the hotel but there is no evidence before the Inquiry that there is any commercial appetite to resume the hotel use.
35. The Appellant has raised the structural condition of the building and refers to 'structural movement'. However, some movement in Victorian buildings is not uncommon, and initially the Structural Report²⁵ concluded that the property was in 'fair structural condition'. A subsequent more detailed Structural Report²⁶ refers to only three areas where the highest 'damage category' is recorded: a large ivy root causing movement to the front elevation, and other issues relating to the rear elevation. There is no suggestion, however, that these structural issues cannot be addressed, or that the building is beyond repair. I do not consider the findings of these reports weigh in favour of demolishing the building.
36. To sum up, the building, whilst attractive with some pleasing external and internal architectural features, is typical of its era. There is nothing inherently special about its design that sets it apart from other buildings of this period. It has been substantially extended, unsympathetically in places, and interior features have been lost. It does not meet the criteria for statutory listing. The Council considered that the building has a 'medium/moderate' level of significance in both its design and association²⁷,

²³ Historic England operates a scheme whereby blue plaques are placed on buildings to celebrate links between notable figures of the past and buildings where they lived or worked

²⁴ From October 2020

²⁵ Structural Engineers Cambridge Ltd, September 2019

²⁶ Arc Engineers, October 2022

²⁷ Paragraph 11.1, Ms Broom's Proof of Evidence

whereas the Appellant says the significance is 'low'²⁸. In my view, taking account of the above, I consider it has a low-to-moderate level of significance.

37. Demolition of the building, as proposed here, would result in its total loss. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset. I return to this matter in the planning balance.

Need for the facility

38. The Planning Practice Guidance (PPG) notes that the need to provide housing for older people is 'critical', and that people are living longer lives and the proportion of older people in the population is increasing²⁹. The PPG stops short of requiring local plans to allocate sites, noting it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. However, it does note that allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations, especially where there is an identified unmet need for specialist housing³⁰.
39. Cambridgeshire County Council (the County Council) accepts that there is a current unmet need for additional care home beds within the Council's area. It is further accepted that there is a specific need for specialist dementia care facilities, and that the only way to address this need is to grant planning permission. The main disagreement relates to the extent of the unmet need – the County Council arguing that it cannot be described as a significant unmet need³¹.
40. Much detailed and contradictory evidence was provided at the Inquiry regarding need, with each side predicting a differing outcome. Different methodologies were advanced by each side and data was presented that appeared to be the subject of much conjecture. It seems to me that there is no single approach to assessing need and attempting to arrive at a 'correct' figure is far from an exact science. The complexity of the data, together with differing methods for projecting future need, using different assumptions and definitions, makes deriving reliable figures over an extended period inherently problematic. Ultimately, a judgement must be made, taking account of a range of relevant factors.
41. In 2020, the County Council and Peterborough City Council carried out a joint assessment of the accommodation needs of older people within their areas. These two areas are often taken together for the purposes of strategic planning. At the Inquiry, the County Council's position was that the overall requirement for the Cambridgeshire and Peterborough area was for 2,601 new beds in the period up to 2036³², registered by the Care Quality Commission (CQC)³³. It is understood that this was calculated as follows: taking the existing CQC registered care beds as at 20 April 2020, namely

²⁸ Paragraph 7.19, Heritage Statement

²⁹ Paragraph: 001 Reference ID: 63-001-20190626

³⁰ Paragraph: 013 Reference ID: 63-013-20190626

³¹ Council's Closing Submissions, Paragraph 43

³² Starting date from 2021; a 15 year requirement up to 2036

³³ The independent regulator of social care in England

5,419 beds; then noting the forecast growth in population aged 65 plus between 2021-2036, namely an increase of 48% from approximately 163,190 to 241,060 persons³⁴; then applying a 48% growth factor to the current number of registered beds, namely 5,419, to give a growth of 2,601 beds by 2036 (i.e. $5,419 \times 0.48 = 2,601$).

42. As the Appellant points out, the weakness with this approach is that majority of those in care homes are likely to be aged 80 plus, if not over 85³⁵. That being so, any growth calculation should focus on that age cohort, notwithstanding that the County Council's duty of care extends to all those requiring support over 65. The County Council's own figures are that the 85 plus population is estimated to increase by 110% from 22,980 to 48,200³⁶. If a 110% growth factor had been applied, arguably a more robust figure, rather than 48%, the overall requirement figure would have been 5,961 beds (i.e. $5,419 \times 1.10 = 5,961$). Therefore, on this basis, there is likely to have been a significant underestimate of the likely need for care beds in the Councils' area.
43. The County Council, having calculated a figure of 2,601 beds, then states that 731 beds will be required within a care home setting. Initially it is not clear how this figure has been derived. According to Laing Buisson (an independent provider of healthcare data), a much lower percentage increase is forecast in demand for residential care bed provision between 2021 and 2031 than the projected percentage increase in the size of the older population for that period. Two alternative figures are put forward for those residing in a care home: either 412,100 people or 488,100 people. This equates, respectively, to a 4% or a 23% increase compared with the 395,100 people that resided in a care home in 2020. These projections are national, and do not inform us about regional variations.
44. The County Council then advises that a 'mid-point' was taken between 4% and 23%, namely 13.5%, and applied it to the number of CQC registered beds that existed in the Councils' area in April 2020, namely 5,419 (previously established above). This is how the figure of 731 care beds for the period 2021-2036 was calculated ($5,419 \times 0.135 = 731$). The County Council explain that a mid-point of 13.5% was chosen 'taking account of factors including lower occupancy levels as a result of Covid 19, market diversification, fewer developments coming forward and new models of care such as Independent Living Services'³⁷.
45. As the Appellant highlights, the problem with this approach is that the lower figure of 4% increase in demand between 2021 and 2031 has already taken account of factors that suppress demand and has been adjusted downwards by a 'counter-driver factor'³⁸. It is therefore problematic to choose a mid-point between 4% and 23% on the basis there needs to be a downward reduction from 23% when suppressed demand has already been accounted for. The Appellant is not necessarily arguing that a projected increase in 4% should be preferred to one of 13.5%, merely that the basis for selecting a 'mid-point' is flawed. I agree with that assessment.

³⁴ Appendix GS2 of Mr Singh's Proof, Slide 8

³⁵ Although disputed by the Council the figures in Appendix GS1 of Mr Singh's Proof, Table 1.6 (extracted from Lang Buisson Report) bear this out

³⁶ Appendix GS2 of Mr Singh's Proof, Slide 8

³⁷ Mr Singh's Proof, Paragraph 4.6

³⁸ See Notes to Figure 1.10 within Appendix GS1 of Mr Singh's Proof

46. There is a further problem in that the projections used by the County Council cover a 10-year period up to 2031, but these figures are used to calculate a need over a longer period, ending in 2036. This means a 5 year period beyond 2031 is not accounted for in the Councils' projection, although the County Council says this discrepancy is unlikely to alter the figures greatly. Looking at the trend in the projections in the County Council's evidence³⁹, it is likely that the mid-point would have been significantly higher than 13.5% in 2036.
47. The same methodology is used by the County Council to calculate the need at district level and formed the basis of the County Council's response to the planning application⁴⁰. A mid-point of 13.5% is used on existing figures of 928 beds (as at 1st April 2020) in South Cambridgeshire District to produce a total of 1,052 beds up to 2036; and 697 in Cambridge City to produce a total of 791; in other words, an additional 124 beds in South Cambridgeshire and 94 in Cambridge City. However, given the identified problems with the methodology outlined above, this is likely to be an under-estimate.
48. The Appellant also highlights that there may be a difference between the number of 'registered beds' and the number of actual 'available beds'. The number of 'registered beds' is the maximum number of beds that the CQC has determined a care home can lawfully provide – the 'registered capacity'. However, the actual number of beds offered may, in reality, be considerably lower as there is no obligation to provide the maximum number of beds permitted⁴¹. Beds may be temporarily or permanently unavailable for various reasons: staff constraints, rooms reconfigured for other uses, or refurbishment. I accept that simply looking at the number of beds registered may not always provide an accurate understanding or indication of supply of available beds.
49. The County Council acknowledge that there is a 'significant growing incidence of dementia in older people'⁴², although it then contends that whilst the number of older people being diagnosed with dementia is growing, this does not necessarily equate to an increase in the need for registered beds⁴³. This is because those with dementia may have 'greatly varying symptoms and needs' met by a 'range of housing options'. The County Council has adopted a 'mixed market' approach to reduce dependence on one type of solution to meet the need. It includes new models such as 'Independent Living Services', for people with high dependency and dementia.
50. However, although the County Council expects Independent Living Services schemes to come forward, as yet none have been brought forward in the District. Furthermore, the 'Market Position Statement'⁴⁴ published jointly in 2018 by the County Council and Peterborough City Council identifies various 'key pressures' including amongst other things homecare capacity, shortage of residential dementia, nursing, and nursing dementia provision. The

³⁹ Figure 1.10, Appendix GS1 of Mr Singh's Proof

⁴⁰ Appendix GS4 of Mr Singh's Proof: Response of Lynne O'Brien, Commissioning Manager, dated 22 December 2021

⁴¹ See LaingBuisson Report: Care Homes for Older People – 32nd Edition, March 2022, Page 71-2, attached at Appendix A, Proof of Ms Venables

⁴² Paragraph 4.21, Mr Singh's Proof

⁴³ Paragraph 4.22 (Ibid)

⁴⁴ CD 128, Page 4

Report goes on to note that there is a 'significant gap in provision' in 'residential dementia beds' and 'nursing dementia beds'⁴⁵ in South Cambridgeshire. The context, therefore, is an acknowledged issue with the provision of dementia care within the District. Although the County Council is currently working on a strategy as to how such needs will be met - an Adult Social Care Accommodation Strategy⁴⁶, it is some way from being finalised.

51. The Appellant has provided an alternative approach which arguably provides a more thorough understanding of the current supply within the District, applying up-to-date data on regional demand rates within the East of England to produce a projection of the need for additional care beds. This looks beyond the registered capacity and includes quality considerations as well. The Appellant's Assessment identifies a shortfall of 218 minimum market standard care beds within the South Cambridgeshire District in 2025. This increases to 500 bedspaces if the assessment is based on care bedrooms providing full ensuite wet rooms (as proposed in this scheme). This, the Appellant says, is increasingly the market expectation, especially since the Covid pandemic. The Appellant has also considered the specific need for dedicated dementia care beds for the District, and calculates a need as follows: 277 'minimum' market standard, and 288 'full market standard' beds with ensembles in 2025.
52. I acknowledge the County Council's point that by focussing on beds which are solely ensuite or have a wet room, the assessment fails to assess the whole market, which covers all CQC registered beds. I further acknowledge such an approach imposes an artificial limit, embedding a qualitative factor into the assessment, and is not a definition found in the PPG, nor does the CQC make such a distinction. That said, the Appellant was clear that the 'market standard approach' was increasingly accepted market practice, although this is disputed by the Council.
53. Overall, the Appellant's assessment of net needs for residential care home beds does not appear to be excessively high when compared with other assessments: for example, the '*Older People's Housing Care and Support Needs in Greater Cambridge*' published in 2017⁴⁷ and the '*Housing Needs of Specific Groups- Cambridgeshire and West Suffolk*' published in 2021⁴⁸. The Appellant's assessment is the most conservative of these⁴⁹. It is the assessment relied on by the County Council in this appeal that forecasts a much lower need figure⁵⁰.
54. To sum up, it is difficult to predict with certainty a precise need figure. Ultimately it is a matter of judgement. I consider the Appellant to be correct in identifying certain flaws within the methodology relied on by the County Council. This is likely to have significantly under-estimated the need for additional care beds. Taking the evidence in the round, I consider there is an existing and pressing increasing need for additional care beds. The PPG gives a clear injunction to Local Planning Authorities to respond positively to proposals for specialist housing for older people to meet the critical need for

⁴⁵ Page 14 (Ibid)

⁴⁶ Paragraph 4.23, Mr Singh's Proof

⁴⁷ Report by the Centre for Regional, Economic and Social Research

⁴⁸ Report by G L Hearn

⁴⁹ See Comparative Table 6, Page 25, Proof of Ms Venables

⁵⁰ District Demand Profiles, Cambridgeshire County Council (2021), Mr Singh's Appendix, GS6

it. I consider the timely development of new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. This need must be weighed in the planning balance.

Planning Obligation

55. A planning obligation has been completed by the parties dated 16 February 2023. This would secure a 'burial contribution' (£16,800) to provide additional burial spaces in the Parish of Girton. The obligation requires that the proposed building not be occupied until the burial contribution has been paid in full. It also requires a monitoring contribution of £500 be paid on commencement of development.
56. I have no reason to believe that the formulas and charges used by the Council to calculate the provisions of the obligation are other than soundly based. The Council has provided a Community Infrastructure Levy (CIL) Compliance Statement⁵¹ which sets out the methodology for calculating the contributions, why they are necessary, and how they would be spent. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework⁵² and CIL Regulations⁵³. I have taken the planning obligation into account in my deliberations.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify development within the Green Belt.

57. On the harm side, the proposal is inappropriate development and is therefore harmful by definition. There would also be a negligible loss of openness. Substantial weight must be given to both the harm by reason of inappropriateness, as well as the negligible harm to openness.
58. The scheme would also result in the total loss of a non-designated heritage asset of low-to-moderate significance. There was some debate at the Inquiry as to what level of harm would arise from its demolition. Clearly, the demolition of the building would result in the complete loss of its significance. Logically, however, the loss of a building of low-to-moderate heritage significance would only give rise to a low-to-moderate level of harm⁵⁴. I give that harm a corresponding level of weight, even though the loss of the existing building is total. This leaves for assessment 'other considerations' and whether they, collectively, clearly outweigh the harms identified such as to amount to very special circumstances necessary to justify the development.
59. There are certain problems with the methodology of the County Council which leads me to believe there is an underestimate of care home need. Taking the need evidence as a whole, I consider the timely development of

⁵¹ ID16

⁵² Paragraph 57

⁵³ Regulation 122

⁵⁴ It is difficult to see how a building can be of a certain level of significance when it is in place, but then cause harm of a higher level of significance if it is demolished

new supply is necessary to meet not only the existing shortfall, but also to address the increasing need based on the substantial growth in the elderly population in South Cambridgeshire. As noted above, the PPG emphasises that the need to provide housing for older people is critical. I accord the provision of this proposed care home facility substantial weight.

60. The first floor of the proposed building has been designed to operate as a dementia centre. This is indicated on the plans, although not included in the description of development. Despite assurances from the Appellant, the Council have disputed whether the dementia centre will in fact operate as such, arguing that there would be nothing to prevent the use of this floor as a high-end non-dementia care home. In particular, the Council argue that proposed Condition 2, requiring compliance with the approved plans would not secure the actual use of a dementia centre. An additional condition has now been put forward requiring submission of a management plan for the dementia centre, and requiring it to be operated in accordance with the plan. I have no reason to doubt the commitment of the Appellant to provide this facility, nor to doubt it would be used as intended. This attracts substantial weight.
61. The design of the building and associated landscaping would be of high quality, although there was a dispute about the weight this should attract. The Council says there is a renewed emphasis on good design in the Framework: in particular, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve⁵⁵ as is the fostering of well designed, beautiful places⁵⁶. Therefore, it is argued, high quality design is not an optional extra, but a basic requirement of policy. Whilst I note the Council's comments, much thought has gone into the design and landscaping to achieve a very pleasing building with attractive gardens. The new facility takes some design cues from the current building and would employ a varied and attractive palette of materials. I find that the design of the scheme, including its landscaping carries moderate weight.
62. In terms of biodiversity, the scheme would exceed minimum policy requirements. There would be a 74.49% net gain in habitats, and a 38.72% net gain in linear features such as hedgerows⁵⁷ against Biodiversity Metric 2.0⁵⁸. I accord this significant weight. In terms of job creation and economic impacts, the care home is anticipated to generate 92 full-time and 11 part time employees across a variety of roles⁵⁹. In addition, jobs would be created during the construction process. I attach moderate weight to this benefit. The appeal site is in a relatively sustainable location, with a range of bus services, reasonably close to the amenities of Cambridge City. This attracts limited weight.

Planning Balance and Overall Conclusion

63. Having carefully considered all the evidence, I find that 'other considerations' namely the benefits of the scheme, taken together, clearly outweigh the

⁵⁵ Paragraph 126

⁵⁶ Paragraph 8(b)

⁵⁷ Appellant's Closing Submissions, Paragraph 114.

⁵⁸ Whilst this has now been superseded by Metric 3.1, the landscaping and biodiversity proposals would still achieve more than local policy minimum requirements

⁵⁹ Mr Derbyshire's Proof, Paragraph 6.56; and Planning Statement, Paragraph 5.22

definitional Green Belt harm, the negligible harm arising from loss of openness, and harm arising from the total loss of a non-designated heritage asset of low-to-moderate significance. Consequently, very special circumstances exist, and the development is therefore justified.

64. The Framework states that proposals which accord with an up-to-date development plan should be approved without delay. As very special circumstances have been demonstrated, I find general compliance with Green Belt policies of the Local Plan, namely Policies S/4, NH/8 and NH9, when read together. For similar reasons, whilst the site falls outside the development framework, again I find general congruence with Policy S/7 given the demonstration of very special circumstances.
65. Policy NH/14, whilst supporting proposals that sustain and enhance the significance of heritage assets, defers to the Framework in assessing, amongst other things, non-designated heritage assets⁶⁰. The 'balanced judgement' required by Paragraph 203 of the Framework favours allowing the proposal, given the many benefits arising from the scheme, including securing a high quality, modern care facility for which there is a clear need, in a sustainable location.
66. Overall, I find the scheme complies with the development plan as a whole. There are no material considerations to indicate that permission should be withheld. Accordingly, I conclude the appeal should be allowed, subject to the conditions set out below.

Conditions

67. I have reviewed the agreed list of suggested conditions set out in the Statement of Common Ground in the light of the discussion at the Inquiry. During that discussion, it was agreed that some of the suggested conditions were unnecessary, and others could be simplified. The Framework is clear that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects⁶¹. I have reworded the conditions for simplicity where necessary and have amalgamated some to avoid duplication. The numbers in brackets relate to the conditions in the schedule.
68. A commencement condition is necessary to comply with the relevant legislation (1). A condition requiring compliance with the approved plans is necessary for certainty (2). Conditions are necessary to ensure the site is adequately drained and to prevent the increased risk of flooding (3, 4). A condition relating to tree protection is necessary to ensure that existing trees within the site are not damaged during construction works (5). Conditions relating to potential site contamination are necessary to protect the health of future occupiers of the development, as well as minimising risks to controlled waters and ecological systems (6, 7, 8).
69. A condition requiring a Construction Traffic Management Plan is necessary to ensure efficient traffic flow and to ensure highway safety during the construction phase (9). A condition requiring a Construction Environmental Management Plan is necessary to mitigate the construction phase effects,

⁶⁰ Paragraph 2 of the Policy

⁶¹ Paragraph 56

including in relation to noise, vibration, and waste management (10). A condition limiting the construction hours of operation is necessary to protect the living conditions of nearby residents (11). Conditions relating to biodiversity and habitat provision, lighting, landscaping, and trees, are necessary to enhance the biodiversity of the site and to ensure high quality landscaping (12, 13, 14, 15).

70. A condition is necessary in respect of the main drive to ensure it drains correctly to prevent flooding and discharge to the adopted highway; and requiring the use of a bound material for the first five metres to prevent debris spreading to the adopted highway to maintain highway safety (16). A condition requiring the provision of visibility splays is required to ensure highway safety (17). A condition is required ensuring appropriate provision of car parking (18). A condition requiring a Travel Plan is necessary to encourage sustainable travel to and from the site (19). A condition requiring the provision of electric vehicle charging points is necessary to encourage sustainable modes of transport and to reduce the impact of the development on local air quality (20).
71. Conditions relating to the installation of low energy technologies and water efficiency measures are required to ensure a sustainable and energy efficient form of development (21, 22). Conditions restricting the use of the building to a care home and imposing an age restriction are necessary to ensure the building is used for its intended purpose (23, 24). A condition relating to the provision of a dementia centre is necessary to ensure the benefits of such a facility are realised (25).
72. A condition requiring approval of external materials is necessary to ensure a high quality scheme, and to protect the character and appearance of the area (26). Conditions relating to waste management provision and cycle storage are necessary to ensure these matters are appropriately addressed (27, 28). A condition is required relating to fire hydrants to ensure an adequate supply of water is available for emergency use (29).
73. A number of the conditions relate to pre-commencement activities. In each case, the requirement of the condition is fundamental to make the scheme acceptable in planning terms. Subject to the imposition of these conditions, I conclude that the appeal should be allowed.

Matthew Nunn

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Gwion Lewis of King's Counsel, Landmark Chambers

He called

Melissa Magee	Design and architecture
Martina Sechi	Landscape and visual impact
Kate Hanelly Brown	Heritage
Jessamy Venables	Need for the facility
Michael Derbyshire	Planning

FOR THE COUNCIL

Asitha Ranatunga of Counsel, Cornerstone Barristers

He called

Gail Broom	Heritage issues
Gurdev Singh	Need for the facility
Elisabeth Glover	Planning

INTERESTED PERSONS

Anne Muston	Girton Parish Council (Vice Chair)
Dr John Gray	Cambridge Past, Present and Future
Michael Goodhart	Cambridge Past, Present and Future
David Rosewarne	Local resident
Janet Dye	Local resident
Dr Frederick Nkonge	Local resident

INQUIRY DOCUMENTS

1. Opening submissions for the Appellant
2. Opening Submissions for the Council
3. Historic England: Local Heritage Listing: Identifying and Conserving Local Heritage
4. Statement of the Chancellor, Jeremy Hunt
5. Erratum Note: Proof of Evidence of Martina Sechi
6. Greater Cambridge Landscape Character Types & Areas

7. Reducing long stays: Where best next campaign
8. Planning permission for extension to Hotel Felix (Ref: S/4502/17/FL)
9. Statement of Ann Muston, Vice-Chair of Girton Parish Council
10. Statement of John Gray and Michael Goodhart, Cambridge Past, Present and Future
11. Statement of David Rosewarne
12. Statement of Janet Dye
13. Comparison Table: current building, current building with previously approved extensions, and proposed building
14. Age specific demand rates for care in residential settings
15. Suggested condition in respect of dementia research centre
16. Community Infrastructure Levy Compliance Statement
17. Legal authorities (from both parties) including
 - a. *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567
 - b. *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466
 - c. *R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314
 - d. *R (Samuel Smith Old Brewery) v North Yorkshire CC* [2018] EWCA 489
 - e. *R (Liverpool Open and Green Spaces) v Liverpool CC* [2020] EWCA 861
 - f. *R (Sefton MBC) v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 1082 (Admin)
18. Closing submissions of the Council
19. Closing submissions of the Appellant
20. Planning Obligation dated 16 February 2023

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-846 22A (courtyard elevations); A-846 11A (ground floor / first floor); A-846 12A (second floor / roof); A-846 21A (main elevations); A-846 24A (proposed sections); A-846 06A (location plan); A-846 04B (site plan).
- 3) No development shall take place until a scheme for the detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved scheme has been implemented. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Drainage Strategy Report prepared by Arc Engineers (Ref: 20 106) dated February 2021. It shall include:
 - a. Full calculations detailing the existing surface water runoff rates for the QBAR (Mean Annual Flood), 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - c. Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - d. Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - e. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f. Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - g. Full details of the maintenance/adoption of the surface water drainage system;
 - h. Permissions to connect to a receiving watercourse or sewer;
 - i. Measures taken to prevent pollution of the receiving groundwater and/or surface water.

- 4) No development, excluding demolition, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be brought into operation before any works to create buildings or hard surfaces commence.
- 5) Before any works on site take place, an Arboricultural Method Statement, Tree Protection Strategy and Schedule of Monitoring shall be submitted to and approved in writing by the Local Planning Authority (including details of timing of events, protective fencing and ground protection measures). These documents should comply with BS 5837. The approved tree protection methodology shall be installed before any works commence on site and shall remain in place throughout the construction period. The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority. If any tree shown to be retained is damaged, any remedial works as specified by the local planning authority will be carried out in accordance with an approved timetable.

Before any site clearance begins, a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and the Council's Tree Officer to discuss details and implementation of the approved Arboricultural Method Statement.

- 6) No development, excluding demolition, shall take place until: (a) the site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority; (b) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the first occupation of the development hereby permitted, the works specified in any Remediation Method Statement must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority.
- 8) If during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the care home hereby approved. If during the course of construction, contamination not previously identified is found to be present at the site, then no further works shall be carried out (unless otherwise agreed) until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as

approved, verified and reported to the satisfaction of the Local Planning Authority before works resume.

- 9) No demolition or construction works shall commence on site until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan should address the following: (i) movement and control of 'muck away' vehicles (all loading and unloading should be undertaken where possible off the adopted public highway); (ii) contractor parking, with all such parking to be within the curtilage of the site where possible; (iii) movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible); (iv) control of dust, mud and debris, and the means to prevent mud or debris being deposited on to the adopted public highway. The development shall be carried out in accordance with the approved details.
- 10) No development (including any site clearance / preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include the following matters: (i) piling methods (if employed); (ii) earthworks; (iii) site hoardings; (iv) noise limits; (v) vibration; (vi) control of emissions; (vii) waste management and disposal and material re-use; (viii) anticipated nature and volumes of waste; (ix) measures to ensure the maximisation of the re-use of waste (including effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities); (x) proposed timing of submission of a Waste Management Closure Report to demonstrate the effective management of construction waste; (xi) materials storage and hazardous material storage and removal. The development shall be carried out in accordance with the approved details.
- 11) Works during the demolition and construction phase, including operation of site machinery and plant, deliveries and dispatches from the site, that generate noise beyond the site boundary shall be only carried out between the hours of 0800 hrs and 1800 hrs Mondays to Fridays, and between 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays, Bank or Public Holidays.
- 12) Prior to the commencement of development above slab level, a scheme of biodiversity enhancement shall be supplied to the Local Planning Authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented before occupation of the building hereby permitted, or in accordance with a timetable agreed with the Local Planning Authority. Ecological measures shall be carried out in accordance with the details within the Ecology Assessment (Ecology Solutions, October 2020) before occupation of the building hereby permitted or in accordance with a timetable agreed by the Local Planning Authority.
- 13) A Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
 - (a) identify those areas / features on site that are particularly sensitive for bats; and
 - (b) show how and where external lighting will be installed

(through the provision of appropriate lighting contour plans and technical specification) so that any lighting will not disturb bats.

The Strategy should provide details of the installation of all the low-level lighting, including any tree up-lighting. Where lighting is proposed around trees, a bat roost assessment of the tree shall be undertaken and submitted to and approved in writing by the Local Planning Authority. Lighting shall not be installed in the canopy of trees.

External lighting shall be installed, maintained and operated in accordance with the specifications and locations set out in the Strategy, and in accordance with a timetable agreed by the Local Planning Authority.

- 14) No development above ground level shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include: (a) hard surfacing materials; (b) planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; (c) boundary treatments indicating type, positions, design, and materials; (d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; (e) any trees to be translocated and their means of protection and establishment. All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the building or in accordance with a programme agreed in writing with the Local Planning Authority.
- 15) If within a period of five years from the date of the planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
- 16) The proposed new drive shall be constructed so that its falls and levels are such that no private water from the site drains across or on to the adopted public highway. It shall be constructed using a bound material for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading on to the adopted public highway.
- 17) Prior to the first occupation or bringing into use of the development, hereby permitted, two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access from Whitehouse Lane measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be permanently maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.
- 18) Prior to first occupation of the development, the car parking spaces shall be provided in accordance with the approved details and shall be retained thereafter for that use.

- 19) The building shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify: the methods to be used to discourage the use of the private motor vehicle and encourage use of alternative sustainable travel arrangements, including public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved.
- 20) No permanent connection to the electricity distribution network shall be established until an electric vehicle charge point scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed before the development is occupied.
- 21) The approved renewable/low carbon energy technologies (as set out in the Energy Strategy Report, Harniss Consulting Ltd, Version P2, dated May 2021) shall be fully installed and operational prior to the occupation of the building and thereafter maintained in accordance with a maintenance programme, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 22) Water efficiency measures within the development shall be submitted to and approved by the Local Planning Authority, and implemented before occupation of the building.
- 23) Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for a residential care home and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
- 24) The care home hereby approved shall only be occupied by persons aged at least 55 years.
- 25) Prior to the occupation of the first floor of the building, a Management Plan for the dementia centre shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out consultations with specialist dementia agencies and bodies, and the results of these consultations and the availability for use of the centre by these agencies and bodies. The dementia centre shall be operated in accordance with the approved Management Plan.
- 26) No development shall take place above ground level, except for demolition, until details of all the materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include: external wall finishes, brickwork, windows and doors (material and colour), entrances, porches and canopies, roof cladding, balustrades and rain water goods. Development shall be carried out in accordance with the approved details.

- 27) The development shall not be occupied until refuse storage facilities have been provided within the site in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the occupation of the development and permanently retained thereafter.
- 28) Details of facilities for secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is first occupied and shall be retained in accordance with the approved details thereafter.
- 29) A scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

APPENDIX D

Appeal Decision - Land to the rear of 163 to 187 High Street, Bottisham



Appeal Decision

Inquiry held on 17 - 20 October 2023

Site visit made on 19 October 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2024

Appeal Ref: APP/V0510/W/23/3324141

Land to the rear of 163 to 187 High Street and east of Rowan Close, Bottisham CB25 9BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Andrew Adams (Axis Land Partnerships Ltd and Bottisham Farming Ltd) against East Cambridgeshire District Council.
 - The application Ref 23/00205/OUM, is dated 16 February 2023.
 - The development proposed is development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development at land to the rear of 163 to 187 High Street and east of Rowan Close, Bottisham in accordance with the terms of the application, Ref 23/00205/OUM, dated 16 February 2023, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal follows the Council's failure to determine the planning application within the prescribed time period. The appeal was accompanied by the Council's putative reasons as to why planning permission would have been refused by the Council had they been empowered to do so. These reasons relate to:- i) impact on the Green Belt and that very special circumstances do not exist as the totality of harm would not be clearly outweighed by other considerations; and, ii) inconsistency with the locational strategy set out in the Local Plan and harm to the character and appearance of the area.
3. The planning application was submitted in outline form with all matters reserved except for access. That is the basis upon which I have determined the appeal. Whilst a number of the submitted plans show details of 'reserved matters', I have treated these plans as illustrative only, and I have taken them into account only insofar as it shows how the site could be developed in future.

4. Additional amended plans¹ were submitted with the appeal which remove one of the pedestrian accesses at the north-western edge of the site as proposed as part of the original plans. The appellant explained that uncertainty over land ownership only came to light during the appeal process, potentially affecting the future delivery of this access, hence the late submission of the plans.
5. As well as allowing interested parties an opportunity to comment on the amended plans during the Inquiry, I allowed a period of further consultation after the Inquiry closed. I have taken all the representations received into account in my decision and I am satisfied that interested parties would not be unduly prejudiced by my acceptance of these amended plans.
6. During the Inquiry an outstanding policy matter, concerning the Single Issue Review (SIR) of the East Cambridgeshire Local Plan 2015, was concluded. Insofar as this appeal is concerned, the SIR has the effect of updating some of the policy and supporting text in relation to Policy GROWTH 1. The main parties were given an opportunity to address this as part of their respective cases. The SIR has now been formally adopted so that the local plan now includes the East Cambridgeshire Local Plan 2015 (as amended 2023) (Local Plan), and the appeal has been determined on this basis.
7. A revised National Planning Policy Framework was published in December 2023 (the Framework). As this publication followed the Inquiry, the main parties were given an opportunity to comment on the relevance of the Framework to their case. I have taken these representations into account, along with the revised Framework, in reaching my decision.
8. The Council raise several points of procedure in their closing submissions. Prior to and during the Inquiry the Council were given the opportunity to comment on the suitability of a round table session to deal with evidence relating to alternative sites. They raised no objection to this chosen procedure at any stage. In relation to the evidence heard during the Inquiry, I attribute no weight to any submissions made on alternative sites through formal presentation of evidence and cross-examination in respect of other topic areas. To be clear, my determination on the availability of alternative sites is based on the relevant round table session.
9. A number of documents were submitted during the Inquiry (documents ID1 – ID23). Each of the documents was accepted on the basis of their relevance to the appeal and exceptional circumstances for their late submission and where necessary, parties were given an opportunity to comment on them. I am satisfied that no procedural unfairness results.
10. A recently dismissed planning appeal on the appeal site involved a similar proposal² (hereafter referred to as previous appeal). This previous appeal decision is a material consideration and I deal with the relevance to this appeal as part of my reasoning.
11. Finally, a draft Section 106 Agreement under the Town and Country Planning Act 1990 was submitted by the appellant during the Inquiry and subsequently signed by all involved parties³. I deal with this in my reasoning.

¹ ID14 and ID15

² Appeal reference - APP/V0510/W/21/3282241

³ ID22

Main Issues

12. The proposal would lie in the Green Belt and it is common ground that it would be a form of inappropriate development as defined by the Framework. Along with the Council's putative reasons for refusal, I have also considered the evidence before me in framing the main issues, which are:

- The effect of the proposal on the openness of the Green Belt and its purposes;
- The effect of the proposal on the setting of a Grade II listed building and Bottisham Conservation Area.
- The effect of the proposal on the character and appearance of the area.
- Whether the scheme would address the Council's locational strategy.
- Whether there are suitable alternative sites to accommodate the proposed development.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal in the Green Belt.

Reasons

Green Belt

Green Belt harm

13. The appellant's evidence in relation to Green Belt harm was not challenged by the Council, nor does any of the main parties' evidence question the relevant conclusions drawn by the previous appeal Inspector. This is entirely logical. The main difference between this proposal and the previous scheme is limited to the indicative height of buildings, which have been lowered from 12m to 10m. This change has a negligible effect in determining Green Belt harm.
14. In this regard, like the previous appeal Inspector, I also find that the proposal would constitute a large-scale development which would occupy predominantly open and undeveloped land. There would be a significant loss of spatial openness as a result. This would be apparent particularly from nearby receptors, which would include obtainable views from roads, footpaths and nearby properties. The extensive landscaping proposed would provide some mitigation, but there would still be a perceptible diminution, equating to a moderate negative effect, on the visual openness of the Green Belt.
15. The extensive built form proposed would occupy an agricultural field, resulting in urban encroachment. As a result, there would be conflict with paragraph 143 c) of the Framework in relation to 'encroachment', one of the five Green Belt purposes.
16. I recognise that the revised Framework and Written Ministerial Statement⁴ highlights the importance of retaining Green Belt boundaries even if there are unmet housing needs, but this is in the context of plan making. In any event,

⁴ Written Ministerial Statement UIN HCWS161 - The Next Stage in Our Long Term Plan for Housing Update. Statement made on 19 December 2023

there is no dispute that the appeal scheme would constitute a form of inappropriate development in the Green Belt which would be harmful by definition. In addition, I have identified harm to the openness of the Green Belt and resultant conflict with one of the five Green Belt purposes, due to encroachment. As per paragraph 153 of the Framework, substantial weight should be attributed to Green Belt harm.

Heritage

17. The proposal would affect the setting of 'Bottisham House, Boundary Wall and Clairvoyee', a Grade II listed building (ref – 1127118) and would lie partly within Bottisham Conservation Area (CA) and within its setting. There would be no impact on any other designated heritage assets.
18. In relation to the listed building, a historic farmhouse dating from the 18th century, its setting includes the agricultural land immediately north of it, which includes part of the appeal site. In particular, the clairvoyee forms part of the rear boundary wall of this property, it being a partially open section of the wall principally designed to facilitate views of the wider landscape for those residing in Bottisham House. The appeal site's rural, semi-parkland character provides a picturesque setting, reinforcing the purpose of the clairvoyee and Bottisham House's historic scenic backdrop. The special interest of the listed building, insofar as it relates to this appeal, also derives from the positive contribution made by its rural setting.
19. The proposed buildings and the access road within the parkland area would diminish the rurality of the listed building's setting and its picturesque outlook, to some extent compromising the clairvoyee's intended purpose as a metaphorical window into the countryside beyond Bottisham House. Nevertheless, the built form would be largely situated beyond the retained parkland area which would act as a landscaped buffer, significantly reducing adverse effects. Therefore, I conclude that there would be limited harm in this respect.
20. In terms of the CA, whilst it has been infiltrated with modern buildings over time, a number of historic buildings with a traditional style remain. In particular, its agricultural setting underlines its historic role as a rural village which relied on the surrounding land for farming. Therefore, insofar as it relates to this appeal, the CA's rural setting contributes to its traditional village character.
21. The proposed access would occupy a relatively small part of the CA, immediately to the north of High Street, and this element of the scheme would preserve its character and appearance. The main effects would be due to the large buildings associated with the proposed residential accommodation and the access road which would route through the parkland. These elements would erode the rurality of the CA's setting, but this would be significantly mitigated by the retained parkland area adjacent to the CA. Therefore, the overall harm to the character and appearance of the CA would also be limited.
22. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset and that any such harm should have a clear and convincing justification.

I find limited harm to the identified heritage assets, this being less than substantial in this instance but nevertheless of considerable importance and weight⁵. There would be conflict with Policies ENV 11 and ENV 12 of the Local Plan as a result. In accordance with the Framework, I am required to balance the heritage harm against any public benefits, which I consider in my 'Planning Balance'.

Character and appearance

23. The visual effects of the proposal would be most apparent from close quarters, particularly when observed from the properties generally beyond the western boundaries of the site, where clear views of the built form would be obtainable. There would also be moderate adverse effects for users of the nearby public footpath on the basis that it would change undeveloped, large and open fields to extensive areas of buildings, hardstanding and roads. However, these effects would reduce over time due to the maturation of the landscaping proposed. Moreover, the retention and improvement of an area of open space within the southern portion of the site would reduce the extent of visual impacts.
24. In terms of landscape effects, the appeal site is located within the *Lowland Village Chalklands* landscape character typology (LCT) as identified in the East of England Regional Landscape Character Typology and *Area 2:Chalklands* landscape character area (LCA) as depicted by the Cambridgeshire Landscape Guidelines. As a result of the extent of existing urban features associated with Bottisham village, which are visible to varying degrees from the appeal site, the landscape types within which the appeal site sits have medium-low susceptibility to the type of development proposed. Whilst the scheme would alter a large part of the site from countryside to built form, these effects would be limited in extent across a relatively small part of the wider landscape area.
25. In relation to the *Planned Peat Fen LCT* which lies adjacent to the north of the appeal site, the site's proximity to Bottisham means that its prevailing characteristics do not align directly with the LCT, which identifies an important role as a quiet, remote landscape. The effects on this landscape would therefore be low.
26. My findings in relation to the impact of the proposal on the character and appearance of the area reflect the observations of the previous Inspector. Neither main party disagreed with his conclusions. Therefore, there would be moderate harm to the character and appearance of the area and low harm to landscape character. As a result, there would be conflict with Policy ENV 1 and ENV 2 of the Local Plan which require, amongst other matters, that landscape character is protected, and that development is sympathetic to the surrounding area.

Location

27. In relation to the locational strategy, and given the countryside location, Policy GROWTH 2 states that outside the defined settlements development will be strictly controlled. It goes on to state that a range of development types may be permitted as an exception in these areas, including 'Residential Care Homes' (subject to Policy HOU 6).

⁵ In accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

28. There is no dispute between the main parties that it is only the first part of Policy HOU 6 which applies in this case, as opposed to the second part of the policy, which specifically relates to care or nursing home development (and not extra care housing). In relation to the first part of the policy, the proposal's countryside location and the adverse impact on the character of the locality means that it would conflict with Policy HOU 6.
29. Returning to Policy GROWTH 2, the proposal would not meet the exceptions set out in this policy because it would conflict with Policy HOU 6 and the two policies are intrinsically linked⁶. Furthermore, as a result of conflict with Policy HOU 6, the proposal would fail to 'satisfy other Local Plan policies' which is also a requirement of Policy GROWTH 2. Overall, therefore, the proposal would conflict with Policy GROWTH 2.
30. In terms of other locational considerations, the evidence before me indicates that the scheme would lead to a relatively limited loss of arable land having regard to the availability of other arable land across the district. This was not advanced as a concern by the Council.
31. The affordable housing element is not advanced as a 'rural exception site' by the appellant⁷, thus Policy HOU 4 would not be directly applicable in this case. Nevertheless, the scheme would address the Framework's expectations that affordable housing is provided on site and would address the requirements of Policy HOU 3, which states that all new major open market housing schemes are required to make an appropriate contribution to affordable housing.

Other Considerations

Need

32. Planning Practice Guidance (PPG) states that the need to provide housing for older people is critical⁸, whilst recognising that there are a variety of specialist housing types to meet the needs of this group. The type of accommodation proposed would comprise extra care housing for older people (also known as housing-with-care) in the form of an integrated retirement community facility (IRC). Whilst it falls within the C2 use class, extra care housing is distinctly different from other forms of older people's accommodation such as care homes and retirement housing.
33. The scheme would cater for the changing care and support needs of its occupants over time. IRCs typically include a range of on-site facilities such as cafes/restaurants, leisure facilities, hairdressers, libraries and lounges, with permanent staff presence. This type of accommodation helps occupants live independently for longer, feel more connected to their community and assists in reducing social care needs and wider health costs⁹. It would support improved physical health as well as psychological and social well-being for its residents, including reducing the feeling of loneliness as well as helping couples remain together when one partner's needs require additional care.
34. Only one extra care scheme exists in the District (57 units) and there are no extant planning permissions or known pending applications for the type of

⁶ As per para 26 of previous appeal decision

⁷ Paragraph 3.40 of appellant Planning Proof

⁸ Paragraph: 001 Reference ID: 63-001-20190626

⁹ Core Document 5.4 paragraph 10

- accommodation proposed. Set against this, in 2023 a need existed for approximately 319 units in the local area. This is expected to rise to at least 352 units by 2026 (at the time of the Inquiry, the earliest date by which this scheme could be delivered).
35. Looking at the wider market catchment area, the current supply stands at 150 units with a number of other schemes capable of making a contribution by 2026. The need stood at 987 units (in 2023). As several schemes are anticipated to come on stream, a supply of 437 units is likely by 2026. However, this is significantly below the net need which is anticipated to be *circa* 786 units by this date.
36. In summary, it is clear that when considering the short, medium, or long-term net need for extra care housing for those aged 75 or over, this is likely to far exceed supply¹⁰. Whilst the figures have been updated by the appellant, they do not markedly alter the appellant's evidence as it was considered by the previous appeal Inspector. I also find that the need is acute.
37. Interested parties refer to other vacant units at existing facilities in Bottisham. Be that as it may, the existing facilities comprise different forms of housing for older people and not the extra care housing sought by this appeal. Furthermore, the Council does not dispute that there is a need for older people's extra care housing in the District.
38. The evidence supports the appellant's assertion that retirement housing schemes are generally less viable than general needs housing due to a range of factors, such as higher build costs¹¹. This is not contested by the Council and appears to me to be a major factor influencing past delivery, which has been abject at best. Indeed, the Local Plan acknowledges that the District faces a major challenge in increasing the provision of housing for the potentially vulnerable and elderly¹².
39. Paragraph 63 of the Framework emphasises the importance of planning policies in ensuring that housing needs for different groups, including housing-with-care for older people, are addressed. However, no sites are allocated specifically for C2 use in the Local Plan. That the predicted supply of extra care housing falls significantly below the identified need, and is anticipated to do so in the future, is partly a result of a distinct lack of robust local planning policies and site allocations to support this form of housing. Furthermore, the Council's robust housing land supply position is not predicated on the future delivery of extra care housing¹³, which reinforces the inadequacy of the Local Plan in supporting the deliver of this type of housing for older people.

Alternatives

40. The appellant submitted an Alternative Site Assessment (ASA) with the appeal¹⁴. This was critiqued by the Council's appointed consultant, a suitably qualified and experienced surveyor, who carried out a review of the ASA (Council Review)¹⁵. The Council's contention relates to both the robustness of the ASA and the potential for alternative sites to accommodate the proposal.

¹⁰ Statement of Common Ground: Need for the appeal scheme – table accompanying paragraph 12

¹¹ Reflected by evidence in Core Document 4.30

¹² Acknowledged in para 65 of previous appeal

¹³ Core Document 4.1 – Appendix C.ii

¹⁴ Core Document 1.5a

¹⁵ Gerald Eve LLP - Core Document 4.7

41. The ASA sought to identify sites which, amongst other matters, were available at the time with a landowner willing to enter into agreement to deliver a retirement facility. The search areas included the District and the market catchment area, with a minimum site area of 3.5 hectares (ha).
42. Sites were considered on the basis of their delivery prospects in the short-term, that being the potential for occupation of a scheme within five years. I recognise that the chosen time period does not fit the timescales associated with the appeal site, which has been through a protracted planning process, including a previous appeal. However, the Council have not provided any evidence to counter the appellant's adopted five-year timescale criteria, which appears to be robust, it being representative of the typical delivery timescale for other similar schemes.
43. In any event, there is nothing before me which leads me to question the appellant's assumptions that, should this appeal be allowed, the extra care accommodation proposed could be delivered quickly, thus addressing the ASA, which considered the availability of alternative sites until 2028.
44. In response to the ASA, the Council Review focused on those sites where there might be potential to accommodate the type of retirement care accommodation proposed¹⁶. The Council's closing position was that three sites remain as potential alternatives.
45. In relation to the first disputed site, *Grange Farm*¹⁷, the Council have not provided substantive evidence to demonstrate that a detailed planning permission exists for extra care housing on any part of the site. That in itself leads me to question the likelihood that it is deliverable, compounded by the fact that the site is not anticipated to deliver older people's accommodation imminently, this according to the Council's own Five Year Land Supply Report 2022¹⁸. Therefore, despite positive feedback from the site promoter in response to the Council's enquiries concerning site availability, there is nothing to persuade me that delivery in the short-term is likely.
46. In respect of the *Kennett* site¹⁹, whilst there is evidence to suggest that the landowners would be amenable to accommodating a similar C2 use on the site, it is not anticipated for delivery over the next years according to the Council's Five Year Land Supply Report 2022. Beyond this, there is no substantive evidence to suggest delivery by 2028, particularly as I have not been made aware of a reserved matters consent for this phase of the site.
47. Furthermore, a planning condition attached to the outline planning permission restricting the floorspace would constrain the viability of an IRC due to its small scale. The Council suggests that a planning application could be made to vary this condition, but this adds further uncertainty to a situation where considerable doubts exist over the likelihood of delivery in the short-term. As a result, this would not be a reasonable alternative site.
48. The other main contested site is *Grange Lane*²⁰ and according to the appellant those in control of the land indicated that any extra care units provided could

¹⁶ Those sites are listed in ID6

¹⁷ ID6 – site 2

¹⁸ Core Document 4.1 page 76

¹⁹ ID6 - site 11

²⁰ ID6 - site 14

- not be occupied until after 2029. In addition, no planning permission appears to exist on this site, thus future delivery of C2 units on this site is far from certain. For those reasons, it does not constitute a reasonable alternative.
49. The other sites originally contested by the Council can be addressed in short order. In the main these sites either fall below the minimum site area parameter, delivery within the next years is not achievable, or the evidence indicates that the landowner does not wish to develop the site for an IRC. A final site introduced by the Council, land north of Cam Drive²¹, has already been built out for a different form of C2 housing, thus it would not be an available alternative.
50. The Council also asserts that the ASA is insufficiently comprehensive to be relied upon. The previous appeal Inspector criticised the upper size parameter of the site search on the basis that 7.5ha was unduly limiting. The ASA in support of this appeal omits the upper size limit and the search has been carried out accordingly.
51. In respect of the lower size parameter of 3.5ha, the Council Review questions why the ASA did not consider delivery of the proposed accommodation alongside, or in conjunction with, a conventional housing scheme, which could involve sites smaller than 3.5ha. However, during the Inquiry I heard from the appellant that the integrated nature of IRCs means that on-site leisure and other facilities are a component part of the offering. As a result, they generally need to provide a minimum of 100 units to make them viable; a point noted by the previous Inspector²². No substantive evidence has been provided which would lead me to reach a different conclusion on the lower size parameter adopted in this case, nor that any of the alternative sites considered could accommodate and deliver a scheme at the lower end of the threshold.
52. Therefore, whilst the disaggregation of C2 units across multiple sites, as advocated in the Council Review, may feasibly cater for other forms of older people's housing, it does not lend itself to the integrated type of specialist housing accommodation proposed here, and the type against which an unmet need has been identified.
53. Overall, I am satisfied that the ASA considered alternative sites in a sufficiently robust and proportionate manner. Indeed, the other search parameters adopted in the ASA were not challenged by the Council. That does not mean that the ASA is beyond methodological criticism. For example, I realise that the Council identified alternative sites that the ASA initially missed. I also consider that other factors such as market forces and land availability mean that alternative sites discounted in the ASA could become available in future.
54. However, there are two important contextual considerations. Firstly, even if another alternative site considered in the ASA was to be built out and occupied in the short to medium term, it is unlikely that the additional units provided would sufficiently address the scale of the unmet need that exists now and is anticipated in the future.
55. Secondly, the ASA did not set out to cover all land in the District or market catchment. Its principal focus was to assess allocated development plan sites along with other sites that have planning permission, those on the brownfield

²¹ ID6 – site 15

²² Paragraph 81 of previous appeal decision

register and sites available through enquiries made with commercial property agents. Therefore, the ASA cannot be relied upon to conclude beyond any doubt at all that no alternative sites exist.

56. However, what is abundantly clear is that no suitable alternative sites have been identified by any party, nor has a more suitable site search methodology been provided as an alternative to that adopted by the ASA²³. This consideration is of considerable importance in a case such as this, where past delivery has been abject. As a result, and taking into account the acute unmet need, I attribute very substantial weight to the benefits associated with the provision of the proposed extra care housing.

Release of general market housing

57. The provision of up to 170 extra care units would be anticipated to release 113 existing housing units into the market. This would be due to future occupants of the extra care accommodation vacating existing properties, which are often under-occupied and larger family houses. These knock-on benefits attract significant weight in favour.

Affordable Housing

58. The current proposal, having regard to the Council's most recent monitoring data²⁴, shows that average annual affordable housing completions equate to 67 dwellings per annum. This data indicates that gross affordable housing completions over the last two years have been higher than in previous years. This evidence was not before the previous Inspector, and his reasoning was based on the delivery of a lower average number of affordable dwellings per annum between 2011 and 2021.
59. Be that as it may, a significant unmet need has also been demonstrated in this case and between 2020 and 2040 approximately 200 units per annum will be required to address the need. Whilst the precise number of affordable units proposed is not known at this stage, it would constitute 30% of the total extra care units, equating to up to 51 affordable dwellings.
60. The Council confirms that a viability report in support of the Local Plan policy states that the provision of 30% affordable housing is acceptable in Bottisham. Therefore, the proposal would be in accordance with Policy HOU 3 of the Local Plan.
61. In terms of the weight given to the affordable housing benefits, my overall findings differ slightly from the previous Inspector's conclusions on this matter. This is because the evidence before me suggests that the Council have made progress in addressing under-delivery over the past two years in particular, even though a notable unmet need still persists. I, therefore, attribute significant weight, as opposed to substantial weight, to the affordable housing proposed in this case.

Public Open Space

62. In relation to the southern field within the appeal site, benefits would mainly be derived from the additional planting proposed, dedicated play space for children, and the conversion of an area in excess of 3ha for use as public open

²³ Statement of Common Ground: Alternative Site Assessment

²⁴ ID4

space. Details would be provided as part of any reserved matters submissions, but the illustrative plans submitted with this appeal suggest this space would retain a parkland character and would be useable and attractive for residents of the proposal and for those residing in Bottisham.

63. As the proposal would allow formal public access to this area of land, this represents a tangible benefit of the scheme. This element would not be materially different to the previous appeal proposal, against which the previous Inspector attributed moderate positive weight. As a result, I also give these benefits moderate weight.

Biodiversity

64. The proposal would deliver a biodiversity net gain of 8.6% across the site including significant hedgerow planting and enhancement. This would be in compliance with Policy ENV 7 of the Local Plan and warrants moderate weight in favour of the scheme.

Employment

65. The proposal would generate approximately 70 full time equivalent jobs across a variety of roles such as medical care, social care, management and maintenance. These jobs would also provide opportunities for the residents of Bottisham. There would also be temporary jobs created through the construction phase. These considerations carry significant weight in favour of the scheme.

Access to Services

66. In comparison with the original plans submitted with the planning application, the amended proposal would reduce the scheme's accessibility. Future residents of both the proposed IRC and affordable housing units would be further away from the local footway network, with access to the services and facilities on offer in Bottisham involving a more convoluted route. However, good access to High Street from the site would be retained.
67. I accept that the existing public footpath to the west of the site linking Cedar Walk with High Street is narrow, unsurfaced and unsuitable for those with impaired mobility along with cyclists, those with pushchairs and the like. Therefore, it would not be a suitable alternative to the access originally proposed off Rowan Close.
68. Despite these considerations, along with the narrowness of some of the footways along High Street which link the site to Bottisham, these factors combined do not significantly detract from what is, overall, a good network of continuous and lit footways in between the appeal site and the village. The local services and facilities would not be inherently inaccessible on foot even though the amended proposal would be likely to reduce the propensity of future residents to walk the extra distance to the village.
69. I recognise that the older population demographic typical of IRCs means that its residents would be even less likely to travel on foot to the village than those residing in the affordable units. However, the integration of community and lifestyle facilities within the IRC would be an important aspect in this regard as it would mean that some on-site facilities would be available to future residents which may otherwise require travel off-site by private motor vehicle.

70. In respect of other considerations, part of the existing footway on the south side of High Street would be widened to improve the site's connectivity in relation to the nearest bus stops, with new crossing facilities also provided. There would be suitable opportunities to access the regular bus services which run from the local bus stops to Bottisham, Cambridge and Newmarket.
71. As a result, I place low to moderate positive weight on the proposal's relative accessibility due to the amended proposal, this being less than the 'moderate positive weight' attributed by the previous Inspector due to the change in circumstances as set out.

Other Matters

72. Concerns have been raised by interested parties relating to the proposed access. However, the submitted access drawings demonstrate that adequate visibility would be achievable in both directions at the site's junction with High Street. Furthermore, there is no evidence to suggest that the characteristics of the local highway network have contributed to abnormally high accident rates. The submitted Transport Assessment indicates that traffic generated during the AM and PM peaks would lead to only minor additional impacts on local road junctions, but local roads and junctions would still operate within capacity. The Highway Authority raises no objections to the proposal on highway safety grounds or in terms of impacts relating to an increase in congestion and capacity impacts. I draw the same conclusions.
73. The Parish Council have identified a historic water pump and drain close to the public footpath. The pump is not listed nor is it identified as a non-designated heritage asset. The proposed access would lie to the east and there is no indication that these features would be affected by the proposal. In any event, planning permission would not override separate ownership or legal interests in relation to the pump or drain.
74. I have been referred to the potential presence of mineral reserves at the appeal site. However, the Minerals Planning Authority raises no objection to the proposal and states that any prior extraction of mineral reserve would unlikely be feasible in this case. In this regard, the proposal would address development plan policy requirements.
75. Notwithstanding details provided on the illustrative drawings, consideration of appearance, landscaping, layout and scale have been reserved for future reserved matters and the Council retains control over these elements to be determined as and when they are sought. Whilst the final form of development, including its design, is not before me at this stage, I have no reason to determine that a high quality scheme, which would adequately protect the living conditions of neighbouring occupiers, could not come forward at reserved matters stage. Moreover, the Council has the power to refuse any reserved matters submissions should they find any such proposal unacceptable. Allowing this appeal would not prejudice the Council's position with regard to the reserved matters.
76. Whilst not forming part of the Council's case, interested parties have also raised concerns that the scheme would unbalance the village's age demographic even further. However, the age profile would be balanced to some extent by the provision of affordable units which would not be age

restricted and I am not persuaded that the scheme overall would impact on the viability of services in the village. I find no harm in this respect.

77. The appeal is supported by an ecology survey submitted in 2023, based on an extended phase 1 habitat survey. The proposed buildings would be sited on arable land which is generally species poor. Hedgerows would be retained, with the exception of gaps created adjacent to High Street and between the northern and southern fields within the site to accommodate the access road. Trees and grassland, which constitutes parkland habitat within the southern field, would largely be retained. No impacts on protected species have been identified, subject to suitable mitigation which could be addressed by planning conditions. Cambridgeshire Wildlife Trust raised no objections at planning application stage, and I find no harm in respect of ecological matters.
78. The Council refer to a previous appeal decision²⁵. The conclusions I reach on relevant policy matters in this case are not inconsistent. Whilst my final decision ultimately differs, I also have regard to other material considerations in determining whether they clearly outweigh harm to the Green Belt and warrant a decision otherwise than in accordance with the development plan. Furthermore, aside from the previous appeal decision on this site, which is referred to explicitly in my decision, none of the other appeal cases referred to are directly comparable either, with each involving different individual considerations which affect each individual planning balance. As the Inspector's did in each of those cases, I have considered this appeal on its own merits.

Planning Balance and Very Special Circumstances

79. In respect of the heritage balance, for the reasons set out in my decision, I have concluded that there would be limited less than substantial harm to heritage assets, but I accord this harm considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The benefits associated with the provision of extra care housing and affordable housing in the context of an identified need constitute public benefits of sufficient weight to outweigh the less than substantial harm to both the listed building and the CA in this case²⁶.
80. In terms of the planning balance, the scheme would result in definitional harm, it being a form of inappropriate development in the Green Belt. There would be significant harm to its spatial openness and a moderate effect on visual openness as well as conflict with one of the five Green Belt purposes in terms of encroachment. In accordance with the Framework, I attribute substantial weight to this Green Belt harm.
81. The scheme would lie outside the defined settlement boundary. As a result of the SIR and the recently updated Local Plan, the locational strategy for the District is robust. However, the Local Plan fails to provide the necessary allocations or policy basis to support the identified need for the specific housing type proposed in this appeal, housing-with-care, contrary to the approach advocated by paragraph 63 of the Framework. When considering these factors alongside the site's location, it being close to the existing settlement and

²⁵ Appeal reference - APP/V0510/W/20/3254839

²⁶ This is also common ground between the main parties

capable of supporting services and facilities within the village, I attribute limited weight to the conflict with the locational strategy and Policy GROWTH 2.

82. There would be other harms, including low to moderate adverse effects on the character and appearance of the area and a low-level impact on landscape character and a limited loss of agricultural land. There would also be a low level of less than substantial harm to heritage assets which carries considerable importance and weight. As a result of associated conflicts with a number of Local Plan policies, there would be conflict with the development plan as a whole.
83. In respect of benefits, as well as deficient local policy support, there are significant market constraints affecting delivery potential and no alternative sites have been identified. This leads me to conclude that the identified acute extra care housing needs are unlikely to be realised over the plan period. This proposal would make a significant and meaningful contribution to addressing the need for older people's extra care housing, a matter which attracts very substantial weight in favour.
84. In terms of affordable housing, there remains a notable deficiency with persistent under delivery and past failure to address the significant need. The proposal would make an affordable housing contribution which also weighs significantly in favour of the scheme.
85. The employment benefits carry significant weight, as do the indirect benefits associated with the release of under occupied housing stock. The biodiversity benefits attract moderate weight and I also attribute moderate weight to the provision of public open space.
86. The proposal would be close to the existing settlement and the scheme would ensure reasonably good access to local services and facilities. This matter attracts low to moderate weight in favour.
87. My decision ultimately rests on the balancing exercise advocated by paragraph 153 of the Framework. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development in the Green Belt.
88. The material considerations in favour of the scheme are also sufficient to outweigh the development plan conflict, indicating that planning permission should be granted otherwise than in accordance with the development plan. This leads me to conclude that the appeal should be allowed.

Planning Obligations

89. A signed S106 agreement is included with the appeal. Whilst the Council have a Community Infrastructure Levy (CIL) schedule in place, it does not apply to C2 housing. Nevertheless, this development would result in impacts on a range of infrastructure. Therefore, mitigation is necessary and is provided in planning obligations included as part of the S106 Agreement.
90. I begin with a wider consideration concerning the impact of the proposal on existing health infrastructure. I recognise that Bottisham Medical Practice (BMP) already provides care services for existing older people's facilities within the village. Furthermore, I have no reason to dispute the concerns raised on

behalf of BMP, that there are a high proportion of elderly patients within its catchment already, with the older population generally demanding higher healthcare needs.

91. I recognise that residents of extra care schemes typically move 3.1 miles on average from their last place of residence. Several important factors mean that this distance should be treated with caution but, at the same time, it seems unlikely that all future residents of the extra care housing proposed would move from an address outside the BMP catchment²⁷. I have also factored in the IRCs benefits to the wider healthcare system. Care needs would likely be reduced, as would costs associated with GP, nurse and hospital visits²⁸. I have no reason to believe that the benefits set out, proportionate to the number of units finally proposed, would not be realised here.
92. However, whilst it seems likely that the impact on GP services would be reduced for the reasons set out above, there would nevertheless be an increased local demand on the BMP due to an increase in population arising from the proposed development.
93. Policy GROWTH 3 of the Local Plan requires that development contributes towards the cost of providing infrastructure made necessary by the development where it is not provided through CIL. The East Cambridgeshire District Council Developer Contributions Supplementary Planning Document (2013) sets out an expectation that planning obligations will be used to secure, improve or expands existing facilities.
94. As confirmed in the consultation response of Cambridgeshire & Peterborough Integrated Care System and NHS property services (CPICS & NHS), a contribution of *circa* £112,000 would be required to address the increase in population due to the development and the additional *net floorspace required* based on the limited existing capacity at BMP. I emphasise this point to address the appellant's opposing view, that the Clinical Commissioning Group is responsible for providing funding arrangements. Whilst that may be the case in relation to staffing costs and service provision in the long-term, the Local Plan identifies that the generation of additional floor space is a form of infrastructure which should be funded by S106 receipts where a need has been demonstrated.
95. The contribution included as part of the S106 would not cover operational costs but would instead focus on providing the funds necessary to expand the capacity of the BMP, thus meeting Local Plan requirements. The S106 Agreement includes a clause allowing me to amend the obligation. However, it is noteworthy that no alternative calculation has been provided, nor is the veracity of the figures presented by the CPICS & NHS challenged in any detail by the appellant. Therefore, I find a contribution to BMP necessary to mitigate the impacts of the development on this local health infrastructure.
96. I appreciate that my view on this specific point differs from the previous appeal Inspector. However, his decision made no reference to the policy context as I have set out, so I cannot be certain that the evidence before him was identical. In any event, I have taken all the evidence presented in this appeal into

²⁷ Appendix C of appellant's 'Need' proof

²⁸ Core Document 4.11 – page 3

account on its merits and set out the reasons why a contribution is necessary in this case.

97. In relation to other health related planning obligations included in the S106, an ambulance services contribution is necessary to increase the capacity of ambulance provision. A contribution towards early years and secondary education involving the provision of additional classroom capacity in association with the affordable housing units proposed, has been identified as necessary by the County Council and is included as a planning obligation. This also address the concerns raised by interested parties that local schools would not be able to accommodate the demand for additional school places as a result of the scheme.
98. Obligations are necessary to secure the proposed affordable housing units and the proposed public open space, landscape and ecological particulars and Sustainable Urban Drainage (SuDS) features, along with the associated maintenance of each. A contribution is also necessary to ensure refuse and recycling bins are provided prior to occupation.
99. I am satisfied that the planning obligations included in the S106 Agreement comply with the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework. The obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Conditions

100. I have considered the suggested planning conditions agreed between the Council and appellant against the relevant guidance contained within the Planning Practice Guidance (the PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests as set out in paragraph 56 of the Framework.
101. During the Inquiry the appellant clarified that the scheme would likely be developed in distinctive phases. As such, I have imposed a condition requiring the submission of a phasing scheme, with many of the conditions that follow allowing the flexible submission of required details on the basis of the phased nature of the development. The 'pre-commencement' conditions proposed were agreed with the appellant, discussed during the Inquiry and are therefore, necessary in the circumstances.
102. The appeal site lies in an area of archaeological interest and a condition requiring further investigation is necessary so that discovered remains can be preserved and/or recorded as appropriate.
103. A condition requiring the submission of a Construction and Environmental Management Plan (CEMP) 'pre-commencement' is required so that measures can be put in place before any development starts on site to protect neighbouring occupiers and the environment from unacceptable construction related impacts. I have also included protected species mitigation measures as part of the CEMP as it reflects the recommendations set out in the appellant's ecological impact assessment.
104. Noise from traffic and other sources would not be a reason in principle to withhold planning permission, particularly as no objections have been raised by

the Council's Environmental Health, and layout is a reserved matter. However, a further noise assessment and appropriate sound insulation measures are required by condition in order to address potential additional noise emanating from renewable energy devices installed on proposed buildings, such as air source heat pumps.

105. The site lies in flood zone 1, indicating a very low risk of flooding from rivers. The illustrative plans indicate that there would be sufficient space within the site to provide attenuation swales and other drainage features on site and prior to onward discharge. The submitted Flood Risk Assessment indicates that infiltration to ground via soakaways would be suitable, this being the most sustainable form of drainage²⁹. Anglian Water are satisfied that the network has sufficient spare capacity to accommodate foul water arising from the development. Planning conditions are imposed and necessary in order to ensure the submission of acceptable surface water and foul water drainage schemes. Measures to protect trees and to provide biodiversity enhancements are required in the interests of nature conservation.
106. The Council do not object to the proposal on air quality grounds. However, Local Plan Policy ENV 4 requires development to at least aim for reduced carbon emissions. A condition is imposed to reflect this. I have amended the wording to remove the requirement to provide a further assessment should there be subsequent grid capacity issues, as this requirement is not contained in the policy and no relevant guidance has been forwarded in support of this suggested provision.
107. A further Travel Plan is required by condition so that it reflects the final form of development proposed and in order to promote sustainable travel modes. A 'Grampian' style condition is required so that highway works, necessary in the interests of highway safety, are implemented before the development is occupied. The Highway Authority have requested this condition which appears to relate to works within the highway, reducing any uncertainty over its deliverability.
108. Fire suppression details are required by condition in the interests of adequate fire safety and good design. A condition is required in the interests of the environment to address unexpected contamination on site. Conditions relating to piling and site operating hours are necessary to ensure acceptable living conditions for occupiers near the site.
109. It is not necessary to include a separate condition relating to the height of the development as this is included in the details approved in condition [5]. I have included a condition specifying the type of C2 accommodation applied for, as the scheme is largely predicated on a need for this accommodation type. This also addresses concerns raised by interested parties that the development could be used for other types of C2 accommodation. I have removed permitted development rights, in relation to certain aspects close to the proposed junction with High Street, so that highway safety is not compromised.
110. A condition is imposed to limit the floorspace of the C2 accommodation as the impact of the development has been assessed on the basis of this upper limit.

²⁹ As per Planning Practice Guidance Paragraph: 056 Reference ID: 7-056-20220825

111. A suggested condition relating to the internal parking arrangement is not necessary as it would be dealt with at reserved matters. I have therefore, not included this condition.

Conclusion

112. For the reasons set out I conclude that, subject to the attached Schedule of conditions and the obligations in the S106 agreement, the appeal is allowed.

M Woodward

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walton KC He called:	Landmark Chambers
Colin Brown BA (Hons) MRTPI	<i>Planning</i> - Carter Jonas LLP
Peter Canavan BA (Hons) MSC MRTPI	<i>Alternative Sites</i> - Carter Jonas LLP
Jessamy Venables BSc (Hons) MSc MRICS	<i>Need</i> - Carterwood
Charles Crawford MA (Cantab), Dip LA, CMLI	<i>Landscape and Green Belt</i> – LDA Design
Rob Sutton BSc (Hons) MCIfA	<i>Heritage</i>

FOR THE COUNCIL:

Jack Smyth He called:	No 5 Chambers
Andrew Phillips BA, MPLAN MRTPI	<i>Planning</i> – East Cambridgeshire District Council

INTERESTED PERSONS:

Dr Tamara Keith MBBS DFSRH DRCOG MRCPCH MRCPGP	Bottisham Medical Practice
Councillor Jon Ogborn Councillor Charlotte Cane	Chair of Bottisham Parish Council Ward Councillor (also spoke on behalf of the 'Wilbrahams')

INQUIRY DOCUMENTS

- ID1 - Single Issue Review (SIR) documents – including an Inspector’s report and an Inspector’s report on main mods
- ID2 – Council comments on SIR
- ID3 – Appellant comments on SIR
- ID4 - East Cambridgeshire Authority Monitoring Report 2022-23 (Interim Report)
- ID5 - Appeal decision - APP/Q3115/W/22/3296251
- ID6 – appellant updated list of alternative sites, including summary position of each main party, with additional commentary from appellant and annexes
- ID7 – Council e-mail concerning ‘Kennett Garden Village’ site
- ID8 – Appeal decision - 3282449
- ID9 – Policy map in relation to the settlement of Soham
- ID10 – Information concerning an invalid planning application at Fordham
- ID11 – CIL compliance statement - Council
- ID12 – Statement of Common Ground dated 16th October
- ID13 – information concerning a site at Mingle Lane
- ID14 – Additional plan ref 8621_004B
- ID15 – Additional plan ref 8621_005C
- ID16 – Appellant Opening
- ID17 – Council Opening
- ID18 – Kennett Garden Village Design Code February 2019
- ID19 – Heritage SoCG
- ID20 – Suggested walking route
- ID21 – Draft S106 Agreement

DOCUMENTS SUBMITTED AFTER INQUIRY

- ID22 - S106 Agreement dated 2nd November 2023
- ID23 – Main parties’ comments on the revised National Planning Policy Framework December 2023

A number of additional letters were also submitted by interested parties in relation to further consultation carried out on amended plans.

CORE DOCUMENTS

CD1.1	Application Form and certificates	16/02/2023
CD1.2	Planning Statement and appendices	Feb 2023
CD1.3	Design and Access Statement	Jan 2023
CD1.4	Heritage Statement	Jan 2023
CD1.5a	Alternative Site Search Assessment	Feb 2023
CD1.5b	Biodiversity Net Gain Assessment	03/02/2023
CD1.6	Ecological Impact Assessment	03/02/2023
CD1.7	Landscape and Visual Impact Assessment	Jan 2023
CD1.8	Transport Assessment	01/02/2023
CD1.9	Travel Plan	01/02/2023
CD1.10	Green Belt Assessment	Jan 2023
CD1.11	Planning Needs Assessment	Feb 2023
CD1.12	Geoenvironmental & Geotechnical Desktop Study	Dec 2019
CD1.13	Utilities Assessment	Jan 2020
CD1.14	Flood Risk Assessment and Drainage Strategy	Jan 2023
CD1.15	Statement of Community Involvement	Feb 2023
CD1.16	Arboricultural Report	Jan 2023
CD1.17	Arboricultural Impact Assessment	Jan 2023
CD1.18	Noise Assessment	Jan 2020

CD1.19	Site Location Plan	8621_001	Jan 2023
CD1.20	Aerial Location Plan	8621_002	Jan 2023
CD1.21	Development Area, Heights and Land Use Plan	8621_003	Jan 2023
CD1.22	Access & Road Alignment	8621_004	Jan 2023
CD1.23	Public Open Space & Landscape Plan	8621_005	Jan 2023
CD1.24	Visibility Splay (site access)	2209048-01 n.b. within Transport Assessment – see appendix F	18/11/2022

CD1.25	Proposed Access Arrangement Pedestrian Improvements	2209048-04 n.b. within Transport Assessment – see appendix I	18/11/2022
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CD2.1	23/00205/OUM Agenda Item 7		September 2023
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CD3.1	The East Cambridgeshire Local Plan (ECLP)		April 2015
CD3.2	East Cambridgeshire Local Plan - Single Issue Review (of its 2015 Local Plan) Proposed Modifications Consultation document		July 2023
CD3.3	East Cambridgeshire Draft Local Plan (Pre-Submission Version)		January 2013
CD3.4	East Cambridgeshire Local Plan SIR Inspector's Report		October 2023
CD3.5	East Cambridgeshire Local Plan SIR Inspector's Report – Main Modifications		October 2023

CD4.1	East Cambridgeshire Five Year Land Supply Report 1 April 2022 to 31 March 2027		12 August 2022
CD4.2	East Cambridgeshire Authority's Monitoring Report (AMR) 2021-22		Dec 2022
CD4.3	The Cambridgeshire Green Infrastructure Strategy 2011		June 2011
CD4.4	Housing Needs of Specific Groups – SHMA for Cambridgeshire and West Suffolk 2021		October 2021
CD4.5	Previous Appeal Decision on the Appeal Site		April 2022
CD4.6	Appeal Ref: APP/W0530/W/21/3280395 Land between Haverhill Road and Hinton Way, Stapleford, Cambridge CB22 5BX (29 December 2021)		December 2021
CD4.7	Gerald Eve Report – Alternative Site Assessment (ASA 163-187 High Street, Bottisham – Review of Sites		September 2023
CD4.8	NPPG Housing for Older and Disabled People		June 2019
CD4.9	District Demand Profiles for Older People's Accommodation 2021-2036. Cambridgeshire County Council and Peterborough City Council		Winter 2021
CD4.10	Development of accommodation-based care – Market engagement event 16 March 2021. Cambridgeshire County Council and Peterborough City Council.		March 2021

CD4.11	Putting the 'care' in Housing-with-Care (November 2021). Associated Retirement Community Operators (ARCO)	November 2021
CD4.12	People at the heart of care: Adult social care reform white paper (December 2021). Department of Health and Social Care	December 2021
CD4.13	Mayhew, Professor L. (November 2022) The Mayhew Review. Future-proofing retirement living. Easing the care and housing crises.	November 2022
CD4.14	Holland, C et al (2019) Integrated homes care and support. Measurable outcomes for healthy ageing. The ExtraCare Charitable Trust, Centre for Ageing Research at Aston University and Lancaster University.	March 2019
CD4.15	Appeal Ref: APP/B1930/W/21/3279463 Burston Nurseries Ltd, North Orbital Road, Chiswell Green, St Albans AL2 2DS (31 January 2022)	January 2022
CD4.16	Appeal Ref: APP/D3830/W/19/3241644 Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL (11 September 2020)	September 2020
CD4.17	Appeal Ref: APP/F0114/W/21/3268794 Homebase Site, Pines Way, Westmoreland, Bath BA2 3ET (2 September 2021)	September 2021
CD4.18	Appeal Ref: APP/H2265/W/18/3202040 Land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD (19 December 2018)	December 2018
CD4.19	Appeal Ref: APP/G2245/W/21/3271595 Kent and Surrey Golf and Country Club, Crouch House Road, Edenbridge TN8 5LQ (2 November 2021)	November 2021
CD4.20	Lichfields Start to Finish Report - What factors affect the build-out rates of large scale housing sites? – Second Edition	February 2020
CD4.21	East Cambridgeshire District Council - Interim Policy Support Viability Assessment Information Report (v2) - DSP19608	April 2019
CD4.22	Appeal Ref: APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire RG4 9NY	June 2021
CD4.23	Housing LIN - Design Principles for Extra Care Housing (3rd edition)	June 2020
CD4.24	Report on the Examination of the Draft North Somerset Council Community Infrastructure Levy Charging Schedule	May 2017
CD4.25	Cambridge Inner Green Belt Boundary Study Report, LDA Design	November 2015

CD4.26	Cambridge Inner Green Belt Boundary Study Figures, LDA Design	November 2015
CD4.27	Greater Cambridge Green Belt Assessment, LUC	August 2021
CD4.28	Cambridgeshire Landscape Guidelines	
CD4.29	Landscape East Integrated Landscape Character Objectives	November 2010
CD4.30	Briefing Note on Viability prepared for the Retirement Housing Group by Three Dragons	May 2013 (Amended February 2016)
CD4.31	Anne James's Proof on Previous Appeal on the Appeal Site	December 2021
CD4.32	Andrew Phillips' Proof of Evidence	September 2023
CD4.33	GL Hearn Report: Housing Needs of Specific Groups: Cambridgeshire and West Suffolk	October 2021
CD4.34	East Cambridgeshire Authority's Monitoring Report (AMR) 2022-23 (Interim Report Only)	October 2023
CD4.35	Peter Canavan's Additional Sites Note	October 2023
CD4.36	Appeal Ref: APP/Q3115/W/22/3296251 Land off Papist Way, Cholsey, Oxfordshire OX10 9PA (10 October 2023)	October 2023
CD4.37	Non-material amendment to previously approved 22/01510/FUM for Construction of a 66 bedroom Care Home (Use Class C2) for the elderly with associated access, parking and landscaping at Land South West of 41 Soham Road, Fordham	25 May 2023
CD4.38	Email from Palace Green Homes to ECDC regarding Kennett Garden Village	12 October 2023
CD4.39	Documents relating to land at Soham provided by ECDC in relation to the ASA assessment	12 October 2023
CD4.40	ECDC CIL Compliance Notice and related attachments	13 October 2023
CD4.41	ECDC correspondence regarding a proposed C3 retirement scheme at Fordham	16 October 2023
CD4.42	Email from Ptarmigan to Carter Jonas dated 16 October 2023 and concerning land off Mingle Lane, Stapleford / Great Shelford	16 October 2023
CD4.43	Appellants List of Appearances and Opening Submissions	17 October 2023
CD4.44	Opening Submissions of ECDC	17 October 2023
CD4.45	Kennett Garden Village Design Code	February 2019
CD4.46	ECDC's Closing Submissions	20 October 2023
CD4.47	Appellants Closing Submissions	20 October 2023

CD5.1	Principal Statement of Common Ground	September 2023
CD5.2	Topic-based Statement of Common Ground – Alternative Sites	September 2023
CD5.3	Topic-based Statement of Common Ground – Green Belt	September 2023
CD5.4	Topic-based Statement of Common Ground – Need for Older Person’s Housing	September 2023

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 8621_001, 2209048-01, 2209048-04.
- 5) Application(s) for the approval of reserved matters shall respect the Parameter Plans: 8621_003, 8621_004B, 8621_005C.
- 6) Prior to, or concurrent with, the submission of the first Reserved Matters, a phasing plan, which shall cover the entirety of the site including access, shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall be carried out in accordance with the approved phasing plan.
- 7) No development shall take place within each phase as approved under condition 6 (hereinafter referred to as "each phase of development") until the implementation of a programme of archaeological work for that phase and its associated access secured in accordance with a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing.

The WSI shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation and its implementation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI.

- 8) No development shall take place within each phase until a Construction Environmental Management Plan(s) (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan(s) shall include:
 - a) measures to control noise affecting nearby residents;
 - b) wheel cleaning/chassis cleaning facilities;
 - c) dust control measures;
 - d) pollution incident control;

e) mitigation measures in relation to protected species.

The construction works for each phase shall thereafter be carried out at all times in accordance with the approved CEMP(s).

- 9) Prior to, or concurrent with, the submission of the first Reserved Matters application within each phase, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for approval. The content of the LEMP(s) shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management, including how a minimum of 8.6% in biodiversity net gain will be achieved across the entire site.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
 - i) Timetable for implementation of each of the above.

The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation (of at least 30 years) of the plan will be secured by the developer(s) with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP(s) are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Each phase of development shall be implemented in accordance with the approved details.

- 10) No development shall take place within each phase or works to construct the access until a scheme for the protection of the retained trees affected by development, in accordance with British Standard BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS), has been submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works within or adjacent RPA's.

- e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Methodology and detailed assessment of any agreed root pruning.
- l) Details of arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Details for reporting of inspection and supervision.
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- o) Veteran and ancient tree protection and management.

The development thereafter shall be implemented in accordance with the approved details before development takes place in each phase.

- 11) No development shall take place within each phase until a scheme to dispose of surface water for that phase has been submitted to and approved in writing by the Local Planning Authority.

Details of the scheme(s) shall include:

- a) A surface water drainage scheme for the phase.
- b) A timetable for its implementation.
- c) A management and maintenance plan for the lifetime of the phase of development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme(s) shall be implemented in accordance with the approved details.

- 12) No development shall take within each phase until a foul water drainage scheme and a timetable for the implementation of the scheme for that phase has been submitted to and approved in writing by the Local

- Planning Authority. The development shall be carried out in accordance with the approved details.
- 13) Prior to the occupation of each phase of development comprising affordable housing and extra care housing, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of any unit with the residential/extra care housing units which it relates and thereafter maintained in accordance with the approved details.
 - 14) Prior to the occupation of each phase of development comprising affordable housing and extra care housing, a scheme for the provision of fire hydrants, and a sprinkler/fire suppressant system in respect of the extra care housing only, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of each respective phase.
 - 15) The pedestrian improvements shown on drawing No. 2209048-04 shall be constructed and completed prior to the first occupation of any part of the development.
 - 16) Prior to the occupation of each phase of development, an assessment of the noise impact of plant and or equipment within that phase including any renewable energy provision sources such as any air source heat pump or wind turbine on the proposed and existing residential premises and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant and or equipment, shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use within that phase is commenced and shall thereafter be maintained in accordance with the approved details.
 - 17) Prior to first occupation of residential accommodation within each phase of development, a Travel Plan to encourage the use of sustainable modes of travel other than the private car, which shall include a timetable for implementation and measures to monitor compliance, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.
 - 18) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 19) In the event of the foundations for the proposed development require piling, development shall not commence within any relevant phase until a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details. The measures shall be implemented prior to any piling works commencing within that respective phase.
- 20) No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 hours on Saturdays and no construction works or collection / deliveries shall take place on Sundays, Bank or Public Holidays.
- 21) The development hereby approved (with the exception of any affordable housing falling within use class C3) shall only be used for provision of extra care housing purposes falling within use Class C2 of the Town and Country Use Classes Order 1987 (as amended).
- 22) Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 2209048-01 within 10 metres of the public highway.
- 23) No more than 14,335m² Gross Internal Area floor area in respect of the C2 Use shall be provided on the appeal site.

End of conditions



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