



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

PROOF OF EVIDENCE

of Stephen Connell BA (Hons), Dip TP, MRTPI

**on behalf of South Cambridgeshire District
Council**

**Appeal by Axis Land Partnership
Land between Haverill Road & Winton Way
Stapleford**

CONTENTS

1.0 Introduction

- 1.1 Qualifications and Experience
- 1.2 Statement of Truth
- 1.3 Appointment

2.0 Scope of Evidence

3.0 My Opinion

- Inappropriate Development
- Effect upon the openness and purpose of the Green Belt
(to include the impact upon the character and appearance
of the area)
- Any other harm
- very special circumstances (planning benefits)

4.0 Planning Balance

1.0 INTRODUCTION

1.1 Stephen Connell will say:

My name is Stephen Connell. I am a Chartered Town Planner. I am a Director of GC Planning Partnership Ltd which is a planning consultancy that undertakes work for private and public sector clients. I hold a degree with honours in town planning from Oxford Brookes University and a post graduate diploma in town planning from the University of West of England. I have worked in Development Control at various levels for a number of Local Authorities. I have extensive experience of giving evidence at Planning Public Inquiries, and including District and Crown Court. I have 19 years' experience post membership of the Royal Town Planning Institute.

Statement of Truth

1.2 I confirm and declare that to my knowledge and belief:

All matters contained in this document are an accurate and true records of all matters put forward

My proof includes all facts which I consider as being relevant to the opinions which I have expressed, and I have included in my proof all matters which would affect the validity of the opinions I have expressed.

I believe that the facts I have stated in this proof are true and that the opinions I have expressed are correct.

Appointment by South Cambridgeshire District Council

1.3 I was appointed on 27th September 2021 by Greater Cambridge Planning which is a strategic partnership between Cambridge City and South Cambridgeshire District Council and District Council to give evidence as an expert witness.

2.0 SCOPE OF EVIDENCE

2.1 This proof of evidence is presented to the Public Inquiry, scheduled for 8 days commencing on 9th December 2021. Matters of landscape and visual amenities will be dealt with separately by Ms Dinah Foley-Norman. My proof should be read in conjunction with hers.

2.2 My evidence is structured as follows, in line with the proper approach from national policy:

- Inappropriate development within the Green Belt
- The effect upon the openness and purpose of the Green Belt to include impact upon the character and appearance of the area
- Any further harm
- Whether the 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 required to justify the proposal

3.0 MY OPINION

3.1 Inappropriate development within the Green Belt

3.2 South Cambridge Local Plan Policy S/4 confirms that new development in the Green Belt will only be approved in accordance with the Green Belt policy in the National Planning Policy Framework (“the Framework”).

3.3 Paragraph 137 of the Framework confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

3.4 The Framework sets out five purposes of a Green Belt. I consider that the proposal conflicts with two of the purposes of the Green Belt:

- To check unrestricted sprawl of large built-up areas
- To assist in safeguarding the countryside from encroachment

3.5 The starting point for this aspect of the consideration of the appeal is that there is common ground that the proposal, the subject of the appeal, is considered inappropriate development and that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances (“VSC”).

- 3.6 Paragraph 148 of the Framework confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 3.7 Before considering whether, and to what extent, VSC exist and whether together they clearly outweigh the harm to the Green Belt, I shall address the effect upon the openness and purpose of the Green Belt, as well as assessing any other harm to the Green Belt.

The effect upon the openness and purpose of the Green Belt

- 3.8 In terms of impact on openness, it is self-evident that the proposals will have a significant impact on this presently-open part of the Green Belt, introducing significant built form (at considerable density – see below) into an area which is presently entirely free of built development. This impact on openness will also be visible from a range of viewpoints.
- 3.9 In terms of purpose, it is my position that the Appeal Proposal, taken as whole, would conflict with purposes of the Green Belt as set out at Paragraph 138 of the Framework: (1) to check the unrestricted sprawl of large built-up areas, and (2) to assist in safeguarding the countryside from encroachment.
- 3.10 Indeed, it is my position that the Appeal Proposal would introduce a significant extension (3.12ha) of dense built form into the presently open countryside – as well as a large area of ‘countryside park’ into what is presently open, arable farmland. I agree with Ms Foley-Norman that this change, too, will not be without its effects, albeit that this part of the site will remain essentially open (in that there will be no built form).
- 3.11 Planning Policy Guidance - ID 64-001-20190722 – tells us what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt – which include but are not limited to the following:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant as could its volume.
- 3.12 It is common ground that the site is considered not to be Previously Developed Land (“PDL”). It is presently open and entirely free from any built development.
- 3.13 I consider the site is open in character forming part of an arable field unit which extends up the chalk slopes. The site is bounded by mature hedges and rear gardens in Stapleford to the south-west. The site is located adjacent to the development boundary of Stapleford. I adopt the observations of Ms Foley-Norman as to its character and visibility.
- 3.14 I share her opinion that the site currently would be appreciated as open and rural in appearance compared to the built form of dwellinghouses within the development boundary of Stapleford.
- 3.15 The proposal is a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities , public open space, landscaping, car parking, access and associated development and public access countryside park. The proposed built development area (retirement care village) is proposed to be 3.12ha as set out at Plan J0027450_008 and/or J0027450_008A. The density ratio (based on the number of units) is around 70 units per hectare (excluding other built form) which in my experience seems high in this current visually open and rural area adjacent to the edge of a village. I acknowledge that the proposal is not for Use Class C3 (dwelling houses), nevertheless the units are residential

accommodation; by analogy local plan policy H/8 [CD4.1] looks to achieve an average of 30 (C3) dwellings per hectare in this kind of location. I appreciate this can vary based on the character of the area; but based on its location on the edge of a village and the scale of the built form in the immediate area, I consider the proposed density is high.

3.16 To my mind, and I understand layout and scale are reserved matters, the amount of proposed built development (17,825sqm of floor space), along with associated development such as roads, parking areas, and hardstanding, would constitute a substantial urban development that would result in a large, relatively dense built-up area within the Green Belt which would also be a significant encroachment into the countryside.

3.17 In addition to the above, I am conscious that the proposed Countryside Park will include areas of hardstanding not least for pedestrian and cycle access. The access route through the Countryside Park will need to be constructed to an appropriate standard of hard surface to allow access to the elderly and disabled. Also, it is likely that additional paraphernalia will need to be introduced such as litter bins, dog bins, seating and signage which will all have a moderate harmful impact on the openness of the Green Belt here.

3.18 I appreciate, assessed on its own and in complete isolation of the proposal as a whole, the Countryside Park element of the proposals could be considered not inappropriate development under the exceptions of paragraph 150 of the Framework. However, the proposals stand to be considered as a whole, not in terms of their constituent parts, not least because the proposed

Countryside Park is only proposed as part of the overall scheme, the remainder of which is (obviously) inappropriate development; and the Framework directs us to assessing whether proposals would preserve the openness of the Green Belt and/or conflict with the purposes of the Green Belt. These proposals fail those tests.

3.19 The Appeal Proposals would be significant in scale, massing and use and would have a significant impact in terms of the urbanisation of the site, and its (present) openness. I consider that the proposed built development at 3.12 ha would result in a significant encroachment into the countryside. To my mind, it would conflict with two of the purposes of the Green Belt. The proposal taken as whole would result in a significant loss of openness both in spatial and visual terms.

3.20 The Framework tells us that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open – that is free from development – and that the essential characteristics of Green Belts are their openness and their permanence. Clearly these proposals fail to do that.

3.21 Therefore I say that in addition to the matter of inappropriateness in itself, the Appeal Proposals would have a significant harmful impact on the openness of the Green Belt, as well as on the general character and appearance of the area (in which respect I rely on the evidence of Ms Foley-Norman); and consequently would conflict with two of the five purposes of the Green Belt.

3.22 I note the Appellant's Statement of Case accepts that substantial weight should be attributed to the definitional harm. This is correct.

However, I note that the Appellant's Planning Statement alleges that the harm to the openness of the Green Belt should be attributed Minor Weight¹. This is not correct: paragraph 148 of the Framework requires substantial weight to be attributed to 'Any' harm to the Green Belt. Further, the Appellant's statement of case considers the harm would be limited to the retirement element.² I do not accept that the countryside park element is without harm, although I accept it is likely to be less harmful than the built-up elements. Overall, I consider that the proposals would introduce a substantial amount of built form into the presently-open site. I therefore consider the harm to the openness of the Green Belt would be significant. The Framework requires substantial weight to be given to any harm to the Green Belt, which in this case is made up of the 'definitional' harm, and the actual extent of the reduction in openness, which is itself significant.

3.23 In addition to local plan policy S/4, local plan policy NH/8 is a relevant consideration. NH/8 confirms that any development proposals within the Green Belt must be located and designed so that they do not have an adverse effect on the **rural character** and openness of Green Belt (my emphasis). I am of the opinion that the development conflicts with this part of the policy, for the reasons given by Ms Foley-Norman. In addition, the policy confirms that where development is permitted landscaping conditions should be imposed together with securing planting maintenance; and that the landscaping and design measures should be of a high quality. On the basis the development is permitted, I consider the suggested

¹ Table at paragraph 6.68 of the Planning Statement

² Paragraph 5.37

conditions and s106 obligations adequately deals with this latter aspect of the policy.

3.24 Other relevant local plan policies are HQ/2 and NH/2. Policy H/Q2 is an overarching design principle policy which requires development, amongst other things, (a) to preserve the character of the local urban and rural area and respond to its context in the wider landscape and (d) be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area. Local Plan policy NH/2 seeks protection and enhancement of landscape character.

3.25 For the avoidance of doubt, this element of assessment – in respect of the impact on landscape character - is dealt with by Ms Foley-Norman, whose evidence I adopt. Her proof confirms that the overall judgements on the Significance of Effect on different scales of landscape character have been underestimated in the LVA. The Significance of Effect of the proposals if taken as a whole would be higher than assessed in the LVA. In terms of Effects on Views, the proof accepts most judgements set out by the Appellants. However, Ms Foley-Norman disagrees with the Appellant's findings when considering the views available along Haverhill Road and those from the north-east, east and south-east, largely because of the impact that the removal of the existing hedge would have on significantly opening up views of the site. Ms Foley-Norman opines that viewpoints from within the village framework and specifically adjacent properties would also experience a greater immediate effect than described in the LVA.

- 3.24 I consider the result of that opinion – which I adopt and rely upon - introduces another element of harm to the Green Belt in this location, that needs to be assessed as part of the balancing process. I consider that this is added to the overall harm, which taken together attracts substantial weight.
- 3.25 Indeed the harm she identifies would be harm to be weighed in the balance even if this site were not in the Green Belt, and would count against the proposals in such circumstances. Care is needed to ensure that this aspect of the harm occasioned by the proposals is not watered down or discounted on the basis that the site is in the Green Belt. I have included this harm to character and appearance in my assessment of the overall harm here.
- 3.26 In my view the proposal additionally conflicts with Local Plan Policy SC/4, NH/8, HQ1 and the Framework. The proposals are also contrary to the development plan read as a whole, although I accept that if, contrary to the Council's case, the Inspector finds that very special circumstances do exist here sufficient to justify a grant of permission, that would be sufficient also to justify a departure from the plan-led outcome.
- 3.27 As I have identified above, the Framework requires local planning authorities to give substantial weight to any harm to the Green Belt and confirms that 'VSC' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 3.28 I turn next to 'any other harm'.

Any other harm

- 3.28 Beyond the harm to the Green Belt, it is common ground that the Appeal Proposals would cause less than substantial harm to the significance of the identified heritage assets. I note the Appellant's 'heritage statement' concludes that the harm would be to the lower to medium end of the spectrum of harm³. It is acknowledged that the Council reached the view that the public benefits outweighed the identified harm to the heritage assets. I have no reason to dispute this.
- 3.29 However, this acknowledged harm remains an additional harm to be weighed in the Green Belt balance. This less than substantial harm to designated heritage assets weighs further against the Appeal Proposal when assessing the proposal against Green Belt policy. Further, the Framework and associated case law (although I am not a lawyer) is clear that it must be given considerable importance and weight.
- 3.30 I understand that the Inspector will need to make his own assessment of harm under the terms of Section 66 & 72 of the Planning (Conservation and Listed Buildings) Act 1990. The harm should then be given considerable importance and weight (or, to use the NPPF's terminology, "great weight"), and added to the balance.
- 3.33 To summarise, in addition to the 'definitional' harm to the Green Belt by reason of inappropriateness there would be considerable

³ Paragraph 4.16

harm to the Green Belt and its openness and purposes, including harm to the character and appearance of the area; and further, 'less than substantial' harm to heritage assets (which attracts, by itself, 'great weight', but is outweighed, if taken by itself, by the significant public benefits of the scheme).

3.34 I shall now consider whether this harm by reason of inappropriateness, and the other harm I have identified, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

Very Special Circumstances

3.35 There are identified planning benefits from the Appeal Proposals. The Appellant has put forward the case that there are very special circumstances, which were considered by the Council when determining the application⁴. In order to be consistent, I have dealt with the benefits as set out in the Appellant's statement of case. However, I have split Older People's Accommodation into two sections which deal with special housing need and alternative site respectively.

3.36 I shall address these material considerations and consider whether together they constitute VSC that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

⁴ Committee Report.

Older People's Accommodation (special housing need)

- 3.37 There is an identified need for such housing, which forms part of the overall need for housing within the district and therefore weight should be given to the delivery of older people's housing. I agree with the Council and Appellants that very significant weight should be given to such housing.

Alternative Sites

- 3.38 The Appellant submitted an assessment of 109 alternative sites with the application, the subject of this appeal. In the Officer's Report, the Council 'acknowledge' the findings; but noted that the majority of the sites were rejected at an early stage due to their inadequate site size for the proposed end use. I also note that no sites in the Green Belt were considered. The Assessment says that they are not preferable to the appeal site, but that is not self-evident – for example, there may be undeveloped Green Belt sites which do not have a heritage asset nearby which would be harmed, or which would be less visually prominent.
- 3.39 The site assessment looked at sites of between 3.5 hectares and 7.5 hectares, which the Appellant considers to be a size necessary to deliver this retirement care village. I note that the built element of these proposals take up 3.12ha, so less than the minimum size threshold set in the assessment (the remainder being the proposed countryside park). Smaller sites for individual elements of the proposed scheme were not assessed. The selection criteria are set out in the Alternative Site Assessment. Based upon the criteria, the appeal site was the only site to be found suitable, available and achievable.

- 3.40 The site selection criteria relate to the delivery of a retirement care village and not individual elements of the application. In my opinion, the selection criteria which formed part of the application documents are together so onerous that they have inevitably narrowed down alternatives so that currently there are no alternative sequentially preferable sites outside the Green Belt. For example, smaller sites for individual elements of the proposed scheme were not assessed and there is no requirement for proposing such a large Countryside Park.
- 3.41 In addition, many potential sites, have been discounted because they were not being marketed. Aside from the issue relating to the site area requirement, I would have expected that for those sites that met other criteria identified in the assessment that were not within the Green Belt, the landowners would have been approached to ascertain interest in a sale and therefore availability especially when considering there were only two other alternative sites. Furthermore, there is no evidence to confirm that the appeal site was robustly marketed. If the appeal site has not been robustly marketed, I would consider the entire site selection assessment to be flawed as it conflicts with the methodology used to discount at least the other two alternative sites.
- 3.42 I am aware of a similar situation in relation to a retirement care village at a site in St. Albans. The proposal was subject to a Public Inquiry⁵. The decision notice is attached as CD5.8 In that inquiry, the Appellants produced an Alternative Site Assessment

⁵ Appeal Decision APP/B1930/W/3235642

authored by the same consultancy who produced this one. The Inspector addressed that assessment at paragraphs 73 -79. For completeness, I also attach the relevant Alternative Site Assessment in relation to this case at CD5.9 . I note a few points:

- (a) In that case, which was for a 'retirement community' comprising a 64-bed care home and 125 assisted living bungalows, the overall site size was c.3.8ha in size;
- (b) The assessment looked at sites starting at 1ha and up to 4ha, to recognise that the elements of provision can be met in a disaggregated way;
- (c) The Inspector was highly critical of the methodology insofar as it ruled out sites which were not being actively marketed – see paragraph 76. The inspector described this as a 'fundamental flaw', and yet the exact same approach is advanced here

3.43 In the circumstances, I consider that at best only moderate weight should be given to the Alternative Sites Assessment. I agree with the OR that the ASA (and my comments on it) are not themselves additional harm; and that the ASA does not definitively prove that there are no non-Green belt sites within the search area that could accommodate a retirement village. My view is that its conclusions do not add very much to the overall assessment of the proposals here.

Release of existing housing stock

3.44 It is accepted that the care village will release homes within the existing stock, albeit not likely to be on a 1:1 ratio. I note the OR contends that there is substantial housing need and affordability issues. However, I mindful that the Council can demonstrate a 5-

year supply of deliverable land. If this were an application for new general needs housing, the fact that the Council has such a supply would significantly reduce the weight to be attached to the delivery of housing and I see no reason to take a different view here. On this basis I consider that at best significant weight (but at its lowest end) should be given to this benefit. If the Council were not able to meet its 5-year supply of housing, then I consider more weight should be given. However, I don't consider the additional weight would make a difference to my overall conclusion.

Landscape Enhancements

- 3.45 In my opinion given the current circumstances of the site as an open rural site and the extensive development, as set out previously in my proof, of the Appeal Proposals, taken as a whole, the landscape impact of the proposals would be negative. The enhancements to what the Appellants call Area B cannot be looked at in isolation. Overall, the effect on landscape character would be adverse, for the reasons given by Ms Foley-Norman.
- 3.46 I do accept, in line with the OR, that the creation of the Countryside Park, in itself, is a benefit of the scheme in terms of public recreation, and afford it significant weight – see below.

Biodiversity

- 3.47 The scheme will ensure a significant Biodiversity Net Gain. As such significant weight should be afforded to this benefit which is in line with the Appellant's planning statement (table 6.6).

Access to the Countryside

- 3.48 The Park will provide a significant public recreational amenity space for the general public as a whole subject to provision of appropriate infrastructure. I note the Council consider significant weight should be given to this benefit as a social and well-being consideration.
- 3.49 Specific to the social objective of the Framework, paragraph 8b has been expanded to include “beautiful and safe places” as a social objective in the planning system for achieving sustainable development.
- 3.50 In isolation the provision of a Country Park is a significant benefit to the social well-being objectives. However, given the harm that I have identified to the Green Belt and character and appearance of the area in this location particularly in relation to scale and mass of the development against the back- drop of the existing site appearance, I consider the weight to be attributed to the effect on social well-being is (at the lower end) significant especially when I consider the location of a large park-land setting open to the general public within the immediate area.

Employment and economic benefits

- 3.51 I acknowledge that the scheme would provide investment to the local area during construction and jobs at the operational stage. However, given the economic benefits are not principal objectives of the scheme, I weigh this benefit as moderate

against Green Belt policy which is in line with the Appellant's planning statement (table 6.6).

4.0 PLANNING BALANCE

- 4.1 Paragraph 137 of the Framework confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.2 I consider that the development would be inappropriate development in the Green Belt that would be harmful to its openness, result in a degree of urban sprawl and would cause appreciable encroachment into the countryside contrary to main purposes of the Green Belt. It would have an adverse impact upon the character and appearance of the area. There would be less than substantial harm to the significance of designated heritage assets. I consider that substantial weight should be accorded to the overall harm to Green Belt, and great weight to the harm to the heritage assets.
- 4.3 A very high hurdle is placed before the Appeal Proposals by Green Belt policy. Very special circumstances must exist that would *clearly* (my italics) outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm. In this case, there are several material considerations to be weighed against that harm.

- 4.4 I have assessed the Appellant's proposition against the Council's position as set in the Committee Report. I am of the opinion that the Committee Report demonstrates powerfully that VSC do not exist here which clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm.
- 4.5 In my professional opinion, I consider that significant weight (albeit at the lowest end) can be accorded to the contribution that the Appeal Proposals would make to the general housing supply. There is an identified need for specialist housing within the area and very significant weight should apply to the contribution towards that need. Matters of bio-diversity enhancements should be accorded significant weight, as does the provision of a new Countryside Park in terms of enhancing public recreational opportunities in the area. Moderate weight should be accorded to economic and social factors. At its best limited weight should be given to landscape enhancements based on the current circumstances of the site as an open rural site and the extensive development proposed – the overall effect would be adverse, as explained by Ms Foley-Norman.
- 4.6 Set against those factors is the harm I identify in paragraph 4.2 above.
- 4.7 I conclude on this matter that the material considerations that I have identified cumulatively do not clearly outweigh the harm to the Green Belt (and to the heritage assets, and to character and appearance) and as such do not constitute very special circumstances.
- 4.8 My conclusion will be set out in a separate Summary Proof.

