

PINS Ref	APP/W0530/W/22/3307903
Site	Former Hotel Felix, Whitehouse Lane, Girton, Cambridge, CB3 0LX
Appellant	Cassel Hotels (Cambridge) Ltd
Local Planning Authority	South Cambridgeshire District Council (" the Council ")

OPENING SUBMISSIONS FOR THE APPELLANT

1. The UK Government’s ‘Planning Practice Guidance’ for England is clear:

“The need to provide housing for older people is critical.¹”

2. This is the only need for development that is described as “critical” in national planning policy. It is not an adjective that the UK Government uses lightly. A “critical” situation is one that is “at a point of crisis” (Oxford English Dictionary). As this winter is showing, this is not a crisis that might happen at a distant point in the future. Bed occupancy within hospitals in England has been at its second highest level in history this past month, with over 14,000 beds taken up by patients who no longer needed to be in hospital in the week of 9 January 2023². It has long been recognised that the main cause of this phenomenon of ‘bed-blocking’ is a shortage of places in residential care homes for the frail and elderly people who need them.

3. These pressures will only increase over time as more of us live longer. As the PPG records, in mid-2016, there were 1.6 million people aged 85 and over in England; by mid-2041, this is projected to double to 3.2 million³. The forecasts for Cambridgeshire, specifically, are aligned with this scale of increase. The population of Cambridgeshire and Peterborough

¹ Ref ID: 63-001-20190626

² Source: NHS England website: <https://www.england.nhs.uk/2023/01/nhs-pressure-continues-as-hospitals-deal-with-high-bed-occupancy/>

³ Ref ID: 63-001-20190626

(two areas commonly taken together for the purposes of strategic planning) that is aged 65+ is forecast to increase by 48% between 2021 and 2036, from 163,190 to 241,060 people (see Mr Gurdev Singh's Appendix GS2, slide 8). The scale of the projected increase in those aged 85+ is even starker, more than doubling from a population of 22,980 (in 2021) to 48,200 (in 2036), an increase of 110%.

4. One of the main functions of the planning system is to anticipate and respond appropriately to such demographic changes. The greater the scale of the demographic change, the more that will be required of the planning system in response, hence why the PPG instructs local planning authorities to be generally receptive to proposals for new specialist housing for older people in their areas to meet the scale of the challenge. As the PPG advises:

“[...] Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.”⁴

5. Unfortunately, although it is common ground between the Appellant and the Council that there is a current “unmet need” for more residential care beds in South Cambridgeshire District, the Council’s Planning Committee failed to take the “positive approach” required by the PPG when appraising the Appellant’s proposal for a new 80-bed care home on the site of the former Hotel Felix in Girton (“**the Site**”). Contrary to the advice of their professional officers, who recommended (without difficulty) that the proposal be approved on account of its multiple, substantial benefits, the members of the Committee refused permission, citing three concerns that appear to be divorced from the reality of the crisis in the provision of housing for older people.
6. **First**, the Committee objected to the proposal on the ground that the care home is, in policy terms, “inappropriate” development within the area of Green Belt. However, the

⁴ Ref ID: 63-016-20190626

only basis for this conclusion is that the proposal would, in the judgment of the Council's landscape officer, have a "negligible" additional impact on the openness of the Green Belt compared with the existing building on the Site. Due to this "negligible" impact (alternatively described by the Council in its evidence to this inquiry as an "insignificant" impact), the Committee concluded that the proposal would not qualify, under policy, as an appropriate redevelopment in the Green Belt by virtue of not having "a greater impact on the openness of the Green Belt than the existing development" (para. 149(g), NPPF). In other words, the proposal missed out on qualifying as appropriate development in the Green Belt by a whisker – a "negligible" additional impact on openness that the Council accepts is insignificant.

7. Planning applications are not generally refused on account of insignificant, immaterial impacts, yet this was the sole basis of the Committee's first reason for refusal, the Committee not alleging any material harm to openness, or otherwise to landscape character or visual amenity. The Committee's first reason for refusal was entirely based on the technical, formalistic "harm" caused because a "negligible" impact on openness cannot be equated (in policy terms) to "no" impact on openness. This was not an auspicious beginning to the Committee's reasons for refusal.
8. **Secondly**, the Committee refused permission because the demolition of the existing hotel building would result in the loss of a local 'non-designated heritage asset' which would not be outweighed by "the overall benefits of the scheme". The Committee expanded on its (flawed) assessment of the benefits of the proposal in its third reason for refusal, to which I shall return imminently, but the Committee considered that the loss of this non-designated heritage asset would cause "substantial harm". This was an untenable assessment when the current building:
 - (1) is not listed;
 - (2) has immunity from listing until at least 2025 because Historic England has concluded that it does not hold special architectural or historic interest;
 - (3) is not in a conservation area;

- (4) has been subject to numerous unsympathetic external alterations over the years, including demolitions and disproportionately long and large extensions that have displaced the main entrance and confused the hierarchy of the building;
- (5) has been altered so extensively internally that almost all features of interest have been lost, save for some areas of cornicing and a staircase that hold limited interest; and
- (6) is regarded by the Council's own conservation team as a "fairly typical" Victorian suburban villa of its type, which are plentiful in Cambridge and the wider region.

9. The Appellant appreciates that the current building (or parts of it) will be held in some affection by some local people; such ties are to be expected when a building has become familiar to a local community over time. The Appellant does not suggest that the building is devoid of interest: the rear façade contains some pleasant features (albeit seen in the context of two low-quality extensions either side), and it is of note that the original house was built for Mr Charles Lestourgeon, a Fellow of St John's College, Cambridge and a surgeon at Addenbrookes Hospital in the mid-19th century. The Appellant's experienced heritage expert, Ms Kate Hannelly-Brown, has given due consideration to the full history of the building in her assessment of its heritage significance.

10. Even in relation to Mr Lestourgeon, however, the element of the original building that had the strongest association with him – a glasshouse that he commissioned along the south-east side of the house, reflecting his interest in botany – was demolished in 1970 when the County Council took control of the building prior to its use as a hotel.

11. Considered fairly in the round, the heavily altered building is of a low level of heritage interest, hence why the law would permit its demolition (as an unlisted building outside a conservation area) at any time pursuant to a permitted development right, with only the method of demolition being subject to the Council's prior approval. The Committee appears not to have taken due account of this reality, concluding unrealistically that the loss of a much-altered building of limited heritage interest would cause "substantial

harm". The Committee was wrong to reject the advice of its professional planning officer, in her report on the application, that the loss of a building with "modest significance" in heritage terms should attract no more than "limited weight" against the Appellant's proposal in the planning balance.

12. **Thirdly**, the Committee concluded that the Appellant had failed to demonstrate that there were considerations that "clearly outweighed" the harms that would be caused by the proposal (including the harm by reason of inappropriateness in the Green Belt) such that there were very special circumstances that justified granting planning permission. The Committee stated explicitly that it had reached this conclusion having taken account of the Appellant's case on the need for specialist housing.

13. This third reason for refusal confirmed that the Committee relied on only two types of harm in its planning balance: (i) the harm by reason of 'inappropriateness' in policy terms; and (ii) the loss of the non-designated heritage asset. It will be recalled that these were the two factors judged by officers to be of "negligible" and "limited" significance respectively. Nevertheless, the Committee appears to have concluded that these two harms should be determinative of the application because it was not persuaded by the Appellant's countervailing case on need. But on what did the Committee base its lack of confidence in the Appellant's need case?

14. The Committee appears to have been swayed principally by a short consultation response from Ms Lynne O'Brien, the County Council's Commissioning Manager of adult services on 22 December 2021 (see Appendix GS4), in which she noted that recent research by the consultancy LaingBuisson had led the County Council to project a need for only 124 additional new care beds in the District Council's area between then (December 2021) and 2036. Ms O'Brien then "noted" in a bullet point that planning permission had recently been granted for a further 3 care homes "with a total of 210 care beds", apparently implying (without stating a clear view) that sufficient planning permissions had already been granted to meet the need identified for the District.

15. As will be demonstrated in this inquiry, this projection of the need for additional care beds in the District up until 2036 is based on deeply flawed, untested assumptions that fail to take due account of (i) the current available supply of residential care beds in the District; (ii) the quality of that supply, and (iii) the existing shortfall in that supply. The County Council's use of a flawed methodology to under-estimate, severely, the need for additional care beds in the District is indefensible when it is beyond dispute that the East of England has the lowest ratio of registered bed supply in the United Kingdom (save for Greater London).
16. In contrast to the County Council's approach, Mrs Jessamy Venables, the Appellant's expert of national renown on the assessment of need for care homes, will explain how she has combined a more thorough understanding of the current supply in the District with applying up-to-date data on *regional* demand rates within the East of England to produce a more robust projection of the need for additional care home beds in the District. This has led her to identify a shortfall of 218 'minimum' market standard care beds in the District Council's area in 2025, the earliest point at which the Appellant's scheme could be made available if this appeal were allowed and taking account of the likely delivery of other planned supply. The net need increases substantially to 500 bedspaces in 2025 if the assessment is based on care bedrooms providing 'full' market standard, en-suite wetrooms, as the Appellant is proposing, and as is increasingly the market expectation since the coronavirus pandemic.
17. Mrs Venables has also given detailed consideration to the specific need for dedicated dementia care beds in the District, for which the County Council identifies an existing shortfall. She has identified a net need for 277 'minimum' market standard, dedicated dementia beds (and 288 'full' market standard beds with ensuite) in 2025.
18. The Appellant will show that Mrs Venables' detailed assessment of the need for residential care home beds in the District based on up-to-date regional data is clearly to

be preferred to the Committee's reliance on crude assumptions made by Ms O'Brien in her brief consultation response, drawing loosely on national projections, that bear little relation to the reality of the care needs in the District on the ground.

19. It will also be shown that, far from being out on a limb, Mrs Venables' assessment of the net need for residential care home beds is much closer to the levels of net need that have been identified separately for the District using other recognized toolkits: see, for comparison, table 6 after para. 7.27 of Mrs Venables' proof. Indeed, compared with the level of net need identified in (i) a report of the Centre for Regional, Economic and Social Research published in 2017 ("*Older people's' housing care and support needs in Greater Cambridge*"); and (ii) a report prepared for the District Council in 2021 ("*Housing Needs of Specific Groups – Cambridgeshire and West Suffolk*"), Mrs Venables' assessment is the most conservative of the three. Of all the need assessments now available, it is the assessment relied upon by Ms O'Brien (as set out more fully by the County in its 'District Demand Profiles' appended to Mr Singh's proof at Appendix GS6) that produces an outlier result by projecting a level of net need (220 beds in 2036) very far below the levels of net need identified in the other three assessments (737 or 1387 beds in 2035; or 1523 beds in 2040). This outlier status should have led the County Council to interrogate it thoroughly before relying on it in its response to the consultation on the Appellant's proposal. There is nothing to indicate that this was done.

20. Accordingly, the Appellant will show that Planning Committee was wrong to rely on the cursory statements in Ms O'Brien's consultation response as a reason to give less weight to the Appellant's case on need. This summary dismissal of the Appellant's need case based on a brief email of assertions from Ms O'Brien that had not been the subject of public examination was unacceptable when 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.

21. When the evidence is fairly considered as a whole, the obvious need for the proposal, to which very substantial weight should be given, is alone sufficient to “clearly outweigh” a combination of negligible harm to openness and limited heritage harm (even if “substantial weight” is prescriptively given to the former harm pursuant to para. 148 of the NPPF).
22. However, as Mr Michael Derbyshire will demonstrate in his expert planning evidence for the Appellant, contributing towards meeting the unmet need for residential care home beds in the District would not be the only major benefit of the proposal. Other major benefits would include:
- (1) The proposal would not just be meeting an unmet need for accommodation, but meeting it in an exemplary way by providing ‘full’ market standard, en-suite rooms across the property, of a very high standard of design and specification that is a world away from the institutional ‘look and feel’ of most care homes in England. These market-leading design standards will be carried through into the many generously-proportioned communal and social spaces around the property.
 - (2) In addition, the tailored provision made for residents living with dementia will bring additional social benefits over and above meeting the current unmet need for more accommodation for older people. This provision will include a specialist dementia unit for research, and a carefully considered layout whereby many units will be arranged in ‘household’ groups, enabling those experiencing dementia to share additional, smaller communal areas that they might prefer to the larger social spaces in the property. This level of specialist provision within the care home will significantly reduce the demands (and therefore the costs burden) that would otherwise fall on the local social care and health systems.
 - (3) The proposal would not require the use of a greenfield site, but would make efficient use of previously developed land.
 - (4) The proposed building would not only be beautiful internally, but would provide, externally, architecture of the highest quality, taking cues from the appearance of the current building whilst avoiding some of the less successful elements of its design. It

- is beyond argument that the new building, as a whole, would be significantly superior to the current building in architectural terms.
- (5) The Site is a sustainable location for a care home given its high level of connectivity to the local and regional transport network.
 - (6) The proposal would almost certainly lead to market housing in South Cambridgeshire – one of the most unaffordable areas for property in the country – being released as new residents would look to ‘downsize’ to the accommodation provided with the property.
 - (7) The proposal would transform the landscape quality of the land around the building. This would include *inter alia*: replacing an existing hard surface used for parking close to the entrance of the Site with 1151m² of new landscape; planting new trees and approximately 1km of new hedgerow and herbaceous planting in the Site; seeding 0.43ha of wildflower meadow; establishing fruit trees as a small orchard; and securing the safe relocation of several existing semi-mature trees. These changes will help to secure a calculated 74.49% net gain in habitats and 38.72% net gain in linear features (e.g. hedgerows) on the Site if the proposal is built, well in excess of current and emerging targets in policy and law.
 - (8) There would further substantial economic benefits (and related social benefits) due to the proposed building and its operation generating employment for 92 full-time employees and 11 part-time employees.

23. Mr Derbyshire will give expert evidence on the weight that should be given to each of these benefits, individually, in the planning balance, but that exercise almost appears academic when the cumulative positive weight that should be ascribed to all of these factors, when added to the very substantial weight that should be given to the need for the proposal, so obviously outweighs the two limited harms that the Committee wrongly concluded should be determinative.

Conclusion

24. It is unfortunate that this appeal has been necessary. The advice of the Council's professional officers on the Appellant's proposal was realistic and measured and should have led the Committee to agree that the very special circumstances test was met. As the proposal is ultimately acceptable development in the Green Belt by virtue of the very special circumstances test, it complies with the development plan as a whole and there is no other material consideration that warrants making a decision otherwise than in accordance with that plan: s. 38(6), Planning and Compulsory Purchase Act 2004.

25. Accordingly, in due course, the inspector will be invited to allow the appeal.

GWION LEWIS KC
Landmark Chambers
London

31 January 2023