

**Town and Country Planning Act 1990 (As Amended) – Section 78**  
**Town and Country Planning (Inquiry Procedure) (England) Rules 2000**

**Appeal by Aurora Properties (UK) Ltd against the refusal of Welwyn Hatfield Borough Council, as Local Planning Authority, to grant outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms (Use Class C2), and a scout hut (Use Class F2) at Land to the North of Bradmore Way, Bradmore Way, The Brookmans Estate, Brookmans Park**

**REBUTTAL PROOF OF EVIDENCE**  
**OF**  
**DAVID ELMORE**  
**PRINCIPAL MAJOR DEVELOPMENT OFFICER**  
**WELWYN HATFIELD BOROUGH COUNCIL**  
**JANUARY 2023**

**PLANNING INSPECTORATE REF: APP/C1950/W/22/3307844**

**LOCAL PLANNING AUTHORITY REF: 6/2022/1097/OUTLINE**

**1. Introduction**

- 1.1 This rebuttal proof of evidence (rebuttal) has been prepared in direct response to a number of points in the evidence of Nigel Newton Taylor on the matter of care home need and supply.
- 1.2 This rebuttal should be read as an addendum to my proof of evidence of 10 January 2023 and now provides my updated opinion in relation to the benefit advanced by the Appellant regarding the provision of the proposed 60-bed care facility.
- 1.3 This rebuttal has been prepared on the same terms as my proof of evidence of 10 January 2023 and it remains that the opinions expressed are my true and professional opinions.

## 2. The evidence of Mr Newton Taylor

2.1 There are a number of points within Mr Newton Taylor's proof of evidence that require rebuttal, and I treat each in turn under relevant headings.

### Extant planning permissions and completions

2.2 Paragraph AIII.6 of the Appendices to Mr Newton Taylor's proof of evidence sets out the four extant planning consents for C2 care homes across the Borough as confirmed in the Statement of Common Ground, dated: 14 December 2022. However, as stated in paragraph 6.72 of my proof of evidence, on 6 January 2023, the Council contacted the Appellant to correct paragraphs 8.32 and 8.33 of the main parties Statement of Common Ground as it transpired that they did not in fact include the full list of extant planning consents and completions for C2 care homes in the local authority area. No response was received from the Appellant at that time and, to-date, there has still been no response from the Appellant on this update to the Statement of Common Ground.

2.3 In addition to the four extant planning consents set out in paragraph AIII.7 of the Appendices to Mr Newton Taylor's proof of evidence, are the following extant planning consents: (as confirmed in paragraph 6.73 of my proof of evidence):

- Address: St Andrews, Great North Road, Welwyn Garden City, AL8 7SR  
Application reference: 6/2021/0249/FULL  
Description: 4-bedroom ensuite extension to existing care home  
Decision Date: 16 April 2021
- Address: Former Shredded Wheat Factory, Welwyn Garden City, AL8 6UN  
Application Reference: 6/2018/0171/MAJ  
Description: 114 extra care homes (Use Class C2) as part of mixed-use redevelopment of site  
Decision Date: 15 February 2019 (under construction)

2.4 In terms of completions, paragraph AIII.9 of the Appendices to Mr Newton Taylor's proof of evidence tables the level of new care home development and closures over the last decade. He lists two developments (Anson Court and Oakview Lodge), equating to 139 new bedspaces, and goes on to confirm a net increase in Borough care home provision of 33 registered beds factoring in closures over the same period.

2.5 As confirmed in paragraph 6.74 of my proof of evidence (and in the revised Statement of Common Ground of which there has been no reply from the Appellant), between 1 April 2016 and 31 March 2022, there have been four care home developments:

- Address: Queen Elizabeth II Hospital, Howlands, Welwyn Garden City, AL7 4HQ  
(Referred to as Oakview Lodge in Mr Newton Taylor's proof)  
Application Reference: 6/2015/2132/RM  
Description: 64-bed care home
- Address: Land at Bericot Way, Welwyn Garden City, AL7 2RT (Referred to as Anson Court in Mr Newton Taylor's proof)  
Application Reference: N6/2014/2462/MA  
Description 75-bed care home  
(This was re-provision for Hyde Valley House which closed in 2018)

- Address: Oak Cottage Residential Home, 4 Wilkins Green Lane, Hatfield, AL10 9RT  
Application Reference: S6/2014/1091/FP  
Description: 8 additional bedspaces to existing care home
- Address: Knebworth Care Home, 59 London Road, Woolmer Green, SG3 6JE  
Application Reference: 6/2017/1064/FULL  
Description: 4 additional bedspaces to existing care home

2.6 Therefore, factoring in the additional completions above, there would in fact be a net increase in Borough care home provision between 1 April 2016 and 31 March 2022 of 45 registered bedspaces (an increase of 12 bedspaces above that stated in Mr Newton Taylor’s proof).

“LaingBuisson” methodology

2.7 Mr Newton Taylor’s proof of evidence applies the “LaingBuisson” methodology to provide an assessment of occupancy demand when applied to current and future forecast market catchment area population data. The results are tabulated in paragraph AIV.3 of the Appendices to his proof as follows:

	2023	2025	2030
Baseline Occupational Demand	150	154	165

2.8 This methodology however conflicts with the methodology and assessment of need for older persons housing which has been applied to evidence such need as part of the Council’s emerging Local Plan which is now at main modifications stage. This includes the Strategic Housing Market Assessment 2014, Strategic Housing Market Assessment Partial Update 2015 (CD6.08), Strategic Housing Market Assessment 2017 (CD6.09), and the subsequent update to take into account the 2018-based projections (CD6.59).

2.9 The Local Plan examination Inspector has not raised any issues with the Council’s methodology and assessment of need for older persons housing. It is also noted that the methodology applied by Mr Newton Taylor is restricted to a 2-mile radius of the site which does not provide an accurate representation of need Borough-wide. I have already acknowledged, in my main Proof of Evidence, that the provision of a care home *in this particular location* attracts weight notwithstanding that the Borough-wide need is planned to be met (and exceeded), because I recognise that at the very local level, bedspaces are needed in the Brookmans Park area, and the delivery of this proposed care facility would be a benefit attracting significant weight. I note that Mr Newton Taylor refers to a number of recent decisions in which care accommodation has been afforded significant weight. As set out in my evidence, I therefore do not see any basis for changing my evidence on the weight to be attached to the provision of the proposed care facility as part of these proposals. It should attract significant weight notwithstanding the planned supply.

2.10 As outlined in paragraph 6.75 of my proof, the Strategic Housing Market Assessment 2017 established a need for 340 new care home bedrooms for residential or nursing care to meet the specific needs of older people who are no longer able to live independently over the plan period 2013-32. This figure was reduced to 201 new care home bedrooms under the 2018-based alternative migration variant projections.

- 2.11 151 care home bedspaces have been completed since the beginning of the plan period (since 2013). While the re-provision of Hyde Valley House and closure of Elizabeth has meant that there has only been a net increase of 45 registered bedspaces between 1 April 2016 and 31 March 2022, a total of 315 bedspaces are expected to be delivered over the next five years, as shown in core document CD6.130. This equates to the provision (net) of 360 bedspaces from 2013-2036 which far exceeds the identified need over the plan period.

Qualitative considerations

- 2.12 Section 5 of Mr Newton Taylor's proof concerning 'qualitative considerations' is not disputed by the Council. I have however undertaken a review of the approved plans for the C2 completions and commitments (CD6.130) to ascertain the quality/nature of the accommodation which has and is being provided over the plan period to meet the Council's identified need.
- 2.13 The approved plans confirm that all bedrooms would be single occupancy and all (save for 4 Wilkins Green Lane – 8 bedspaces) are annotated to incorporate an ensuite facility. Furthermore, the ensuites for many of the permissions also illustrate a bathing facility. It is clear therefore that quality accommodation has and is being provided over the plan period.
- 2.14 It is also noted that paragraph AV.5 of the Appendices to Mr Newton Taylor's proof of evidence states that the Strategic Housing Market Assessment Update 2017 does not consider the Borough care home estate from a qualitative perspective. While this is true, no issues have been raised with the Council's approach to older person housing by the Local Plan examination Inspector.

Commitment site - Former Shredded Wheat Factory, Welwyn Garden City, AL8 6UN

- 2.15 Paragraph AIII.8 of the Appendices to Mr Newton Taylor's proof of evidence appears to disregard the former Shredded Wheat Factory site (for 114 bedspaces) from consideration as it would comprise "Extra Care" rather than a care home. This is linked to paragraph 2.1 of Mr Newton Taylor's main proof which states that although the application identifies the proposed development as incorporating a '*care facility for up to 60 bedrooms (Use Class C2)*', the accompanying Planning Statement clearly identifies the proposal as a care home rather than any other Use Class C2 Housing with Care format.
- 2.16 In my opinion, how a development is worded in the application description is crucial and takes precedence over what is stated in an accompanying Planning Statement. As worded, I consider that this "Extra Care" would be covered in the application description as it is both a type of care facility and a C2 Use Class. As such, as I understand it, if granted permission this appeal proposal could result in the provision of a facility of the same kind as that at the Former Shredded Wheat Factory site; and as such I therefore contend that the bedspaces planned at that site should be included in the Council's supply for the purpose of this appeal.
- 2.17 Should the Inspector consider that the former Shredded Wheat Factory site ought to be excluded from the care home supply figure for the purpose of this appeal, the resultant provision (net) would still exceed the identified and evidenced need over the plan period of the emerging Local Plan.

**3. Conclusion**

- 3.1 Having regard to the above and the proof of evidence of Mr Newton Taylor when read as a whole, I maintain, as per my proof, that significant weight should be attached to the benefit of the proposed 60-bed care facility in this case.