

NEW FOREST DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI: 2000/1625) as amended.

Appeal by Renaissance Retirement Ltd against the decision of New Forest District Council to refuse permission to demolish existing buildings and the erect 44 sheltered apartments for the elderly with associated access, mobility scooter store, refuse bin store, landscaping and 34 parking spaces at:

**SITE OF THE RISE AND THREE NEIGHBOURING PROPERTIES, STANFORD HILL,
LYMINGTON SO41 8DE**

Proof of Evidence Summary

PINS Ref: APP/B1740/W/20/3265937

LPA Ref: 20/10481

James Gilfillan. MATCP, MRTPI.

1. This is an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) against the decision of NFDC to refuse permission to demolish 4 houses and erect a block of 44 retirement flats at Stanford Hill, Lymington.
2. The application was refused by notice dated 14 October 2020 for six reasons; failure to deliver sustainable development; failure to deliver development to contribute positively to local distinctiveness; harm to heritage assets; harm to protected wildlife species on site; harm to protected habitats off site; and harm to the amenity of adjoining residential properties.
3. As set out in the Statement of Case and agreed in the Statement of Common Ground, the Council will defend reasons for refusal 1, 2 and 3.
4. It is expected that reason for refusal 5 will have been resolved by way of S.106 agreement(s).
5. The submission of additional information by the Appellant, with their grounds of appeal, have satisfied the concerns set out in reasons for refusal 4 and 6.
6. This proof considers conflict of the scheme with adopted policy STR1, the overall planning balance, application of S. 38(6) of the Planning and Compulsory Purchase Act 2004 and any other material planning considerations.
7. The proof of Mr Warren Lever, Senior Conservation and Building Design Officer, assesses the impact of the scheme on the character and appearance of the area, the harm to the significance of heritage assets and justifies reasons for refusal 2 and 3.
8. It is acknowledged that the scheme delivers public benefits, however such benefits are insufficient to outweigh the less than substantial harm to heritage assets, the conservation of which should be given great weight.
9. That identified harm and conflict with adopted policies would outweigh the benefits of the scheme in complying with policies of the development plan and fail to deliver sustainable development and indicate refusal was the correct outcome.

10. Whilst the inability to demonstrate a 5 year supply of land for housing, at this time, would direct the decision maker to apply the 'tilted balance' indicated by para.11 of the NPPF, due to the identified conflict with heritage assets providing a clear reason for refusing development, the tilted balance should not be engaged.

11. There are no other material planning considerations that should divert the Inspector from determining the appeal in accordance with the Development Plan.

12. The Inspector is respectfully request to support the Local Planning Authority, by resisting this unsustainable development, in protecting the distinctiveness of Lymington and preserving the significance of heritage assets, by dismissing this appeal.

13. The proof includes an explanation of the position in respect of how the Council is currently approaching the impact of residential development on off-site protected habitats and encourages the Inspector to support that approach should he believe the scheme is acceptable in all other respects.