

MARCH 2021|

**PROPOSED DEVELOPMENT FOR THE ERECTION OF 44 NO. APARTMENTS
FOR OLDER PEOPLE**

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

STATEMENT OF COMMON GROUND

BETWEEN:

NEW FOREST DISTRICT COUNCIL

AND

**PEGASUS GROUP
on behalf of Renaissance Retirement Ltd**

Signed: JAMES GILFILLAN	Signed: CHRIS COX
Name: James Gilfillan	Name: Chris Cox, Pegasus Group
On behalf of: New Forest District Council	On behalf of: Renaissance Retirement Ltd
Date: 01/4/21	Date: 31/3/21

CONTENTS:

Page No:

1.0	Introduction	1
2.0	Plans to be Considered in Determining Appeals	2
3.0	The Appeal Site and Surroundings	3
4.0	Relevant Planning Policy and Material Considerations	6
5.0	Matters agreed between the Parties	8
6.0	Matters not agreed between the Parties	13
7.0	Suggested Conditions	14

APPENDIX 1: DOCUMENT LIST

1.0 Introduction

1.1 This is a Statement of Common Ground agreed between Renaissance Retirement Ltd (the appellant) and New Forest District Council (the Council) in relation to the Site of The Rise and three neighbouring properties, Stanford Hill, Lymington.

1.2 The appeal is submitted against the decision of the Council, issued on 14th October 2020, to refuse planning permission for application ref. 20/10481.

1.3 The description of development is:

" Demolition of existing buildings and the erection of 44 sheltered apartments for the elderly with associated access, mobility scooter store, refuse bin store, landscaping and 34 parking spaces."

1.4 The Statement of Common Ground outlines those matters agreed and those matters not agreed between the parties.

2.0 Plans to be Considered in Determining Appeals

2.1 The proposed development at Stanford Hill is for:

" Demolition of existing buildings and the erection of 44 sheltered apartments for the elderly with associated access, mobility scooter store, refuse bin store, landscaping and 34 parking spaces." (the Proposal)

The key features of the Proposal are:

- Demolition of existing 4 no. dwellinghouses;
- Erection of a single 'T' shaped building providing residential accommodation for older people;
- 44 no. apartments (a mix of one-bed and two-bed flats), a resident's lounge and guest suite;
- Provision of new vehicular access arrangement to Stanford Hill (and stopping up of existing driveways);
- Communal gardens;
- Comprehensive hard and soft landscaping scheme;
- Scooter store;
- Bin store;
- Car parking for 34 no. vehicles.

2.2 The Proposal will provide sheltered housing to provide secure, self-contained accommodation to meet the needs of independent older people aged 60+. On-site concierge, secure entry systems and a 24-hour emergency call system fitted in all apartments will be provided.

2.3 The application was determined on the basis of the series of plans and reports listed at Appendix 1.

APPENDIX 1: PLANNING APPLICATION DOCUMENTS

3.0 The Appeal Site and Surroundings

The Appeal Site

- 3.1 The Appeal Site is located within the built-up area of Lymington on the eastern side of Stanford Hill, between Belmore Road and Anchorage Way.
- 3.2 The Appeal Site is currently occupied by 4 no. detached 20th century dwellings of between 1 ½ - 2 storeys, with long rear gardens.
- 3.3 The Appeal Site is currently accessed by four private driveways off Stanford Hill, serving hard surfaced frontages to each dwelling.
- 3.4 The land uses immediately surrounding the Appeal Site are all residential. To the north of the site is a two and a half storey block of retirement development delivered in the 1990s by McCarthy & Stone, called Bucklers Court. To the north-east lies a flatted development known as Bucklers Mews. The eastern edge of the site is bounded by the gardens of existing properties on Belmore Road. To the southern boundary of the site lies a residential property, known as Concorde. There are a number of trees and existing vegetation along most of the site boundaries. None of the trees are covered by a TPO.
- 3.5 The Appeal Site is located within the settlement boundary for Lymington.
- 3.6 The Appeal Site is not within the Lymington Conservation Area but is located immediately adjacent to its southern boundary. There are several Listed Buildings to the north of the site; the closest of which are the grade II listed Down House (4 Highfield), Hill House (1 Highfield) and nos. 5 & 6 on Highfield. Nos 2 and 3 Highfield are also Listed Grade II along with nos. 1-7 on Priestlands Place, all between approximately 90m and 130m from the site.
- 3.7 The Appeal Site is located in flood zone 1, the area at least risk of flooding.

3.8 The Appeal Site is located with the New Forest SSSI Impact Zone. It is also with 2kms of the following designations:

- New Forest SAC;
- Lymington River SSSI;
- Lymington Reedbeds SSSI;
- Lymington-Keyhaven Marshes LNR;
- Boldre Foreshore LNR;
- Solent and Isle of Wight Lagoons SAC;
- Hurst Castle and Lymington River Estuary SSSI; and
- Solent Maritime SAC and RAMSAR.

The Local Area

3.9 Stanford Hill (A337) is a route into Lymington from the west, leading directly to the main town centre. It is approximately 1km walking distance from the site to the other end of High Street, where it meets Gosport Street.

3.10 Lymington High Street (including St Thomas Street) provides access to immediate services and facilities required for day to day living within a range of 170m to 1km walking distance from the site. These include:

- Supermarkets (Waitrose 250m away, Marks and Spencer 400m away Tesco Metro 900m away);
- Restaurants, cafes, pubs and take-aways;
- Pharmacy and hairdressers;
- Place of worship; and
- A range of other shops.

3.11 The Appeal Site is also within walking distance of the following health, wellbeing and social facilities:

- GP surgeries: Chawton House, Webb Peploe House and Wisteria & Milford Surgeries (all approximately within 400m);
- Dentists: Smiles of New Forest (200m) plus 4 more within a 1km radius;

Statement of Common Ground

Site of The Rise and three neighbouring properties, Stanford Hill, Lymington

- Optician: Hassan Hicks (350m)
- Community Groups:
- Public Open Spaces:
- Lymington Health and Leisure Centre (500m).

3.12 The Appeal Site is, in geographical terms, in a sustainable location, being located within the existing built up area of Lymington and in close proximity to the town centre and a range of services, as set out above. Given the above, the site enjoys good accessibility to a wide range of local services and facilities, many of which can easily be accessed on foot.

3.13 Stanford Hill has dedicated on-road cycle lanes and frequent bus services pass the site. Lymington railway station is approximately 1.6km from the Appeal Site.

4.0 Relevant Planning Policy and Material Considerations

4.1 The parties agree that the relevant Development Plan policies to the consideration of this appeal are as follows:

The Development Plan

4.2 The adopted Development Plan for New Forest District Council consists of:

- Local Plan 2016-2036 Part 1: Planning Strategy (Adopted July 2020)
- Saved policies (CS7, CS19 and CS21) of the Local Plan Part 1: 'Core Strategy' (Adopted in October 2009); and
- Saved Local Plan Part 2: 'Sites and Development Management' (Adopted in April 2014) selected policies saved.
- Saved policy DW-E12 Protection of Landscape Features of the New Forest District Plan First Alteration 2005.

4.3 The relevant policies are as follows:

- Policy STR1: Achieving Sustainable Development;
- Policy STR3: The strategy for locating new development;
- Policy STR4: The settlement hierarchy;
- Policy STR5: Meeting our housing needs;
- Policy STR8: Community services, infrastructure and facilities;
- Policy ENV1: Mitigating the impact of development on International Nature Conservation sites;
- Policy ENV3: Design quality and local distinctiveness;
- Policy HOU1: Housing type, size, tenure and choice;
- Policy HOU2: Affordable housing;
- Policy HOU3: Residential accommodation for older people;
- Policy CCC1: Safe and healthy communities;
- Policy CCC2: Safe and sustainable travel; and
- Policy IMPL1: Development Contributions; and
- Policy IMPL2: Development Standards.

4.4 The Local Plan Part 1: 'Core Strategy' (Adopted in October 2009) policies pertinent to the proposals are set out below.

- Policy CS7: Open space standards, sport & recreation including the preservation of green spaces;

4.5 The Local Plan Part 2: 'Site and Development Management' (Adopted in April 2014) policies pertinent to the proposals are set out below.

- Policy DM1: Heritage and Conservation;
- Policy DM2: Nature Conservation, Biodiversity and Geodiversity;
- Policy DM4: Renewable and Low Carbon Energy Generation.

Supplementary Planning Documents and Guidance

4.6 The following SPDs and other documents are materials to the assessment of the proposals:

- Mitigation Strategy for European Sites SPD;
- Parking Standards SPD;
- Housing Design, Density and Character SPD;
- Lymington Local Distinctiveness SPD;
- Lymington Conservation Area Appraisal; and
- Advice on Achieving Nitrate Neutrality in the Solent Region (June 2020) (produced by Natural England).

5.0 Matters agreed between the Parties

Sustainability

- 5.1 There is no objection to the principle of the redevelopment of the site in this location within the settlement boundary.
- 5.2 Policy STR4 identifies Lymington as a sustainable location for large scale residential and other development.

Housing and Older Persons Housing

- 5.3 For the purposes of the appeal and in advance of its position being published in summer 2021 the Council cannot demonstrate that it has a 5yr supply of housing land.
- 5.4 Adopted Policy HOU1 accepts the need for a diverse choice of housing options including; accommodation suitable for households requiring enhanced accessibility standards; homes which provide specialised care on-site including sheltered and extra care housing and homes attractive to active older households and down-sizers. The appeal scheme would contribute to this strategy.
- 5.5 There is a significant need for older persons housing, including sheltered housing.
- 5.6 The following are agreed public benefits of the Proposal at the Appeal Site:
- Provision of new housing;
 - Provision of sheltered market housing in a local authority area where there is an identified significant need for homes for older people;

- Social benefits by providing appropriate accommodation for older people, including helping them live independently for longer, help reduce costs to the social care and health systems and offering to creating site support networks.
- Economic benefits, including during construction and increased residents spend locally.
- Environmental benefits, including delivering homes in an urban area, in close proximity to services and facilities, reducing reliance on the private car, and meeting the 10% net biodiversity gain.

5.7 Whilst the above are agreed as benefits, there is dispute as to the weight to be given to these benefits in the planning balance. There is also disagreement on some other benefits that the appellant asserts will result from the proposal.

Design

5.8 There is no objection in principle to the demolition of the 4 no. existing dwellings.

Heritage

5.9 Section 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not tests but are duties placed upon the decision maker to have regard to listed buildings and conservation areas.

5.10 The appellant argues there is no harm to heritage assets. If there is less than substantial harm to a designated asset as the Council allege, Paragraph 196 of the NPPF requires that the less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

On-Site Ecology

- 5.11 The Council accepts that the bat mitigation proposed is acceptable.
- 5.12 The scheme slightly exceeds the minimum 10% biodiversity net gain.
- 5.13 The Council no longer holds an objection in relation to the three tests related to obtaining a licence from Natural England. As such, the Council does not intend to pursue the fourth reason for refusing Planning Application 20/10481.

Off Site Ecology

- 5.14 Financial contributions to mitigate the recreational impact of the development on Forest and Solent habitats can be secured by S.106 agreement.
- 5.15 Financial contributions towards monitoring the effect of development on air quality can be secured by S.106 agreement
- 5.16 Mitigation for the effect of the development on the quality of the water in the protected habitats in the Solent is capable of being secured by Grampian condition or S.106 agreement.
- 5.17 The nitrate calculations that have been undertaken are appropriate.
- 5.18 The nitrates offset scheme offered by Heaton Farms (Isle of Wight) (the Heaton Farm Scheme) is capable of ensuring the scheme is nitrate neutral subject to the availability of credits. The Isle of Wight Council is willing to monitor the Heaton Farm Scheme and an overarching agreement to regulate this is being progressed by the Council, Isle of Wight Council and the owner of the Heaton Farm Scheme. The Isle of Wight Council will not enter into planning agreements on a development by development basis and will only enter into the overarching agreement.

5.19 In terms of the mitigation to be secured via the Heaton Farm Scheme:

- Natural England have confirmed that the Heaton Farm Scheme is appropriate to mitigate the impacts of Proposal which discharges wastewater within the same catchment of Pennington WWTW (which the Development does);
- before issuing the Decision, Natural England had not provided specific confirmation that the Heaton Farm Scheme was appropriate to mitigate the impacts of the Proposal;
- since issuing the Decision, Natural England has provided specific confirmation that the Heaton Farm Scheme is appropriate to mitigate the impacts of the Proposal; and
- subject to an appropriate method to secure the proposed mitigation, which will be secured by a Grampian condition and/or the overarching agreement, the Council agree that the Heaton Farm Scheme is sufficient to mitigate the impacts of the Proposal such that there is no adverse effect on the integrity of the European sites.

5.20 The conclusion of a S.106 agreement which secures mitigation for recreational impacts on protected forest and solent habitats and air quality monitoring and the imposition of a condition (a Grampian condition as agreed and in accordance with the Council's position statement) or S.106 agreement to secure nitrate neutrality offsetting will mean that that there is no adverse effect on the integrity of the European sites.

Residential Amenity

5.21 The noise assessment provided in response to reason for refusal 6 demonstrates the amenity of the occupiers of 14 and 15 Bucklers Mews would be preserved. As such, the Council does not intend to pursue the sixth reason for refusing Planning Application 20/10481.

Other Matters

- 5.22 The impact on the local highway network as a result of additional trips generated by the Proposal is acceptable.
- 5.23 The level of parking to be provided on-site is acceptable.
- 5.24 Matters regarding drainage, trees, highways and the level of parking are all agreed subject to further details being submitted by condition in the event the Inspector is minded to allow this appeal.
- 5.25 There is no requirement for the provision of, or contribution to, off-site public open space (other than the habitat mitigation identified below).
- 5.26 The proposal has been the subject of a financial viability assessment and is unable to contribute toward affordable housing.
- 5.27 The proposal will be CIL liable.
- 5.28 The following could be subject to a condition or S.106 agreement:
- Nitrate Neutrality Mitigation Scheme.
- 5.29 The following obligations will be secured through S.106 Agreement under preparation by the parties:
- Habitat Mitigation: Access Visitor Management and Monitoring;
 - Air quality monitoring contribution; and
 - Habitat mitigation: Infrastructure (Subject to CIL being paid)

6.0 Matters not agreed between the Parties

- 6.1 Whether or not the Proposal represents sustainable development using the advice set out in the National Planning Policy Framework and Development Plan Policy STR1
- 6.2 Whether or not the Proposal, by virtue of its site layout, scale, mass, and position in a prominent location positively contributes to local distinctiveness and sense of place.
- 6.3 Whether or not the Proposal, with regards to its scale, mass, position and height, preserves or enhances the significance of the Lymington Conservation Area.
- 6.4 Whether or not the Proposal, with regards to its scale, mass, position and height, preserves or enhances the setting and significance of the listed buildings at Highfield.
- 6.5 The appellants position is that there is no harm to heritage assets. Should the Inspector find that there is less than substantial harm to heritage assets, the appellant considers that public benefits clearly outweigh any harm. The Council do not agree that the benefits outweigh any than substantial harm to the significance of heritage assets.
- 6.6 Whether or not the Appeal Site can be described as a 'key and sensitive location'.
- 6.7 The full economic, social and environmental benefits of the Proposal.
- 6.8 The harms of the Proposal.
- 6.9 The weight to be given to those benefits and harms in the planning balance.

7.0 Suggested Conditions

Draft conditions will be provided to the Inquiry in accordance with the Inspectors CMC note.

APPENDIX 1

DOCUMENT LIST

List of Original Plans and Reports submitted with the Application

Plan Title	Reference No.	Revision
Topographical Survey	2810-SV-1	
Existing Floor Areas	2810-SV-2	
Location Plan	1913 30	
Site Plan	1913 31	
Site Plan – First Floor	1913 32	
Lower Ground Floor	1913 33	
Ground Floor Plan	1913 34	
First Floor Plan	1913 35	
Second Floor Plan	1913 36	
Roof Plan	1913 37	
Proposed Elevations	1913 38	
Proposed Elevations	1913 39	
Indicative Street Scene and Site Section	1913 40	
Section A-A	1913 41	
Section B-B	1913 42	
Section C-C	1913 43	
Section D-D	1913 44	
General Landscape Arrangement	1632-GA-100	REV K
Graphic Landscape Plan	1632-GP-101	REV K
Section A and B	1632-GP-102	REV A
Section C	1632-GP-103	REV A
Planting Plan	1632-PP-300	REV K
Planting Schedule	1632-PP-301	REV K
Tree Protection Plan	19028-BT2	

Report Title	Author	Date/ Ref No.
Application Form	Pegasus Group	
CIL Form	Pegasus Group	
Planning Statement	Pegasus Group	
Housing Land Supply Statement	Pegasus Group	
Draft Heads of Terms	Pegasus Group	
Design and Access Statement	David James Architects	
Transport Assessment	Paul Basham Associates	
Preliminary Ecological Assessment	Abbas Ecology	
Phase 2 Ecology Survey	Abbas Ecology	
Appropriate Assessment	Abbas Ecology	
Mitigation and Enhancement Plan	Abbas Ecology	
Heritage Statement	Savills	
Nitrogen Balance Calculation	Arch Associates	

Statement of Common Ground

Site of The Rise and three neighbouring properties, Stanford Hill, Lymington

Drainage Strategy	Arch Associates
Viability Assessment	Bailey Venning Associates
Arboricultural Assessment and Method Statement	Barrell Tree Care
Manual for Managing Trees on Development Sites	
Preliminary Investigation Report	Soils Limited
Phase 2 Investigation Report	Soils Limited
4 no. Visualisations	Realm
Visualisation Methodology	Realm

List of Additional Plans and Reports Submitted to the LPA

Plan Title	Reference No.	Revision	Date
Planting Plan	1632-PP-300	Rev L	13/07/20
Planting Schedule	1632-PP-301	Rev L	13/07/20
Roof Plan	1913 37C	Rev C	04/08/20 (submitted 17/08/20)

Report Title	Author	Date/ Ref No.
European site avoidance and mitigation checklist	Pegasus Group	05/05/20
Photomontages and methodology and supporting evidence	Realm	Rev K, 28/05/20
Viability Appendix -Existing Use Valuation	Bailey Venning Associate	28/05/20
Viability Statement	Bailey Venning Associate	28/05/20
Drainage Strategy Comments by LLFA	Arch Associates	15/06/20
Heritage Note	Savills	15/06/20
Mitigation and Enhancement plan	Abbas Ecology	13/07/20
Biodiversity Metric 2.0 Calculation Tool		13/07/20
Nitrogen Balance Calculation	Arch Associates	13/07/20 Issue B
Letter from Pegasus Group (CM)	Pegasus Group	08/07/20
Letter from Lifestory	Lifestory	07/08/20
Nitrogen Balance Calculation	Arch Associates	17/08/20 Issue B
Biodiversity Metric 2.0 Calculation Tool		17/08/20
Letter from Pegasus Group (KH)	Pegasus Group	17/08/20
Applicant Submitted Viability Position	Dixon Searle Partnership	August 2020 (DSP20671D)
Habitats Regulations Assessment	Abbas Ecology	April 20 (Version 3)
Hydraulic Modelling Calculations	Arch Associates	September 2020
E-mail from Kate Holden (Nitrates - Draft S106)	Pegasus Group	25/09/20
Habitats Regulations Assessment	Abbas Ecology	October 2020 (Version 4)
