

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 Churchill Retirement Living Ltd against the decision of New Forest District Council to refuse permission to demolish existing buildings and erect 32no. Retirement Apartments including communal facilities, access, car parking and landscaping at:

**SITE OF THE FORMER LYMINGTON POLICE STATION SOUTHAMPTON ROAD,
LYMINGTON SO41 9GH**

Proof of Evidence

PINS Ref: APP/B1740/W/21/3289313

LPA Ref: 21/10938

James Gilfillan. MATCP, MRTPI.

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1. INTRODUCTION AND SCOPE OF EVIDENCE

Introduction

- 1.1 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 the former Lymington Police Station and erect a block of 32 retirement flats at the former Lymington Police Station, Southampton Road, Lymington.

Name and Qualifications

- 1.2 My name is James Gilfillan. I am a chartered town planner and hold the degrees of BA(Hons) and MA in Town and Country Planning from the University of Manchester. I am employed by New Forest District Council as a Senior Development Management Officer. I held a similar post at Bournemouth, Christchurch & Poole Council for 18 years, the majority being at Borough of Poole prior to Local Government Reorganisation in 2019.

Scope of Evidence

- 1.3 The application was refused by notice dated 10th December 2021 for seven reasons, as set out in full on the decision notice **CD51**.
- 1.4 Those reasons were; failure to deliver sustainable development; failure to deliver development to contribute to a mixed and balanced community; harm to the character and appearance of the area including heritage assets; harm to preserved trees on site; lack of parking and the impact on the amenity of the area and lack of manoeuvring for large vehicles, harm to residents health and wellbeing due to poor and insufficient outdoor amenity space, harm to protected habitats off site; and lack of affordable housing.
- 1.5 As set out in the Statement of Case and agreed in the Statement of Common Ground, the Council will defend reasons for refusal 1, in part and reasons 2, 3, 4, & 5 in all.
- 1.6 The Council will not present evidence to defend that part of reason 1 pertaining to the failure to contribute to a mixed and balanced community.
- 1.7 It is expected that reasons for refusal 6 (as amended, SofC and SofCG) and 7 will have been resolved by way of S.106 agreement(s).

Sustainable Development.

- 1.8 Reason for refusal one identifies two issues, the failure to deliver sustainable development and to contribute to a mixed and balanced community.
- 1.9 This Proof of Evidence shall set out why the scheme fails to deliver sustainable development as expected by NPPF section 2 and adopted Local Plan Part 1 policy STR1.
- 1.10 The Council will not provide evidence to defend the second part of the refusal reason, being the failure of the scheme to create a mixed or balanced community.

Impact on character and appearance including heritage matters

- 1.11 In respect of the second reason for refusal, detailed evidence to demonstrate the harm arising from the demolition of the existing building and erection of the proposed building to the character and appearance of the area, including the significance of Heritage Assets, is given on the Councils behalf by Mr Jonathan Smith, Senior Director – Heritage of RPS Consulting.

Impact on Trees

- 1.12 In respect of the third reason for refusal the Councils Senior Arboricultural Officer Mrs Hannah Chalmers, will provide evidence to demonstrate the harm caused to protected trees on the site by the development and subsequently for the amenity of the area.

Highway impacts

- 1.13 In respect of the fourth reason for refusal, evidence will be given on the Councils behalf, by Mr Ben Chimes, Principal Consultant of RGP, demonstrating the scheme fails to meet its parking and accessibility needs and would consequentially harm the amenity of the area.

Residents amenity

- 1.12 This proof will provide evidence, in support of reason 5, to demonstrate that the scheme lacks suitable on site amenity space, which would be detrimental to the health and wellbeing of residents.

Heritage and Planning Balance

- 1.13 The appellants' case is that the 'less than substantial harm' to heritage assets which would be caused by the development would be outweighed by the public benefits of the development. The Council acknowledges that there are benefits of the development but considers that the benefits do not justify the proposals.
- 1.14 In order for the Inspector to carry out the 'balancing' exercise set out at paragraphs 202 and 203 of the NPPF in which less than substantial harm to heritage assets should be weighed against public benefits of a proposal, and the requirement to take a balanced judgement to the loss of the Non-designated Heritage Asset, this Proof sets out at section 7 assessment of the public benefits to be balanced against the harm to heritage assets described by Mr Smith.
- 1.15 In order for the Inspector to carry out the Planning Balance, including determining the appeal in accordance with S. 38(6) of the Planning and Compulsory Purchase Act 2004, this proof sets out the balance of benefits against the harm of the scheme and whether any other material considerations should be considered.

2. DESCRIPTION OF SITE AND ITS SURROUNDINGS

- 2.1 The appeal site is situated on the west side of Southampton Road, the A337, in Lymington a main route into the town. It is positioned at the junction of Queen Elizabeth Avenue with Southampton Road and is occupied by the former Lymington Police Station.
- 2.2 The site is within the identified built-up area of Lymington and within 300m of the Town Centre as identified on Policies Map 5a 'Lymington Town Centre' to the Local Plan part 2. Appendix (**JRG1**)
- 2.3 The rectangular site is largely flat, raised above Southampton Road by approximately 200mm. The site is occupied by a single large 'L' shaped building, with a set of garage like outbuildings to the rear.
- 2.4 Vehicular access to the site is directly from Southampton Road, close to the north east corner of the site. Parking is available, on site, across the Southampton Road frontage. Gates enclose the rear of the site limiting access to authorised vehicles only. Pedestrian access is provided from Southampton Road, directly opposite the main entrance into the building.
- 2.5 The site adjoins the Lymington Conservation Area, along the South boundary with Buckland House, which can be seen in the map of the Conservation Area appraisal. (**CD33 – Pg.13**)
- 2.6 Residential properties adjoin the site on two sides, the 3 storey block of 12 flats at Buckland House along the south edge and the detached 'Old Police House' to the west along Queen Elizabeth Avenue.
- 2.7 South along Southampton Road there are grade II listed buildings in close proximity to the site at:
5-57 Southampton road (odds)
81-83 Southampton Road (odds)
- that fall within the Lymington Conservation Area and shown on map 7 included in the Lymington Conservation Area appraisal at (**CD33 – Pg.18**)

- 2.8 There are trees across the east and north boundaries, covered by a Tree Preservation Order (**CD52**).
- 2.9 More detailed assessment and description of the site and context is provided in Mr Smith's Proof.

3. DESCRIPTION OF APPEAL PROPOSALS

- 3.1 The development the subject of this appeal is illustrated on the submitted plans and described in the appellant's Planning Statement and Design & Access Statement. In brief, the submitted application seeks to demolish the existing buildings and erect an 'L' shaped block of 32 retirement apartments for persons over the age of 60, comprising 21 x 1 bed and 11 x 2 bed units. The building includes a reception, communal lounge and guest suite, on the ground floor. Externally there would be a motorised buggy store, bin store and substation. The proposed apartments would be provided within a single building that would be part 3-storey and part 4-storey.
- 3.2 The scheme proposes a new vehicle access point from Queen Elizabeth Avenue. This would serve 12 parking spaces, along the southern edge of the site. Bin and buggy store and substation would be located along the west edge of the site.

4. RELEVANT PLANNING HISTORY

- 4.1 1951. Planning permission granted for the erection of the Police Station.

5. RELEVANT PLANNING POLICIES

- 5.1 The starting point for decision making is the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material planning considerations indicate otherwise.

The Statutory Development Plan

- 5.2 The statutory development plan for the area comprises the following documents¹:
- i) The Local Plan Part 1: Planning Strategy adopted 2020
 - ii) The Local Plan Part 2: Sites and Development Management adopted 2014
 - iii) Saved policies (CS7, CS19 and CS21) of the Local Plan Part 1: 'Core Strategy' (2009); and
 - iv) Saved policy DW-E12 Protection of Landscape Features of the New Forest District Plan First Alteration 2005.
 - v) The Hampshire Minerals and Waste Local Plan 2013

The Local Plan Part 1: Planning Strategy 2020

- 5.3 The plan should be read as a whole (**CD27**), however Policies which have a bearing on the appeal proposals in the Local Plan Part 1 are as follows:

STR1 Achieving sustainable development

STR2 Protection of the countryside

STR3 Strategy for locating new development

STR4 Settlement hierarchy

STR5 Meeting our housing need

ENV1 Mitigating impact - International Nature Conservation sites

ENV3 Design quality and local distinctiveness

HOU1 Housing type, size and choice

HOU2 Affordable housing

¹ Policy DW-E12; Protection of Landscape Features (saved from the Local Plan First Review 2005), the 2009 Core Strategy 'Saved Policies' and The Hampshire Minerals and Waste Local Plan (adopted October 2013). These are not relevant to this appeal.

HOU3 Residential accommodation for older people

CCC2 Safe and sustainable travel

IMPL1 Developer contributions

IMPL2 Development standards

A copy of the policies are found at **CD55**

The Local Plan Part 2 (Sites and Development Management) adopted 2014

5.4 Policies which have a bearing on the appeal proposals in the Local Plan Part 2 are as follows:

Policy DM1 Heritage and Conservation

A copy of the policies is attached at **CD55**

Other Policy Documents and Guidance.

5.5 Other relevant policy documents and guidance advice not covered in other proofs.

Mitigation for European Sites SPD 2021

5.7 Recognising the proximity to and sensitivity of protected habitats to increased recreational use, the SPD sets the framework for mitigation and identifies a suite of projects and strategies to mitigate the effects of development of different scales and locations across the district proportionate to the proposed use.

5.8 The mitigation covers on and off site projects and divides projects and costs in to revenue and capital streams. The latter being infrastructure is normally covered by CIL, but is captured by S.106 agreements in the event CIL is not liable or relief is secured, but the mitigation is still secured in order to ensure an Appropriate Assessment is passed.

5.9 The SPD is provided at **CD29**

Natural England Advice note for achieving Nutrient Neutral Development for new development in the Solent region. 2020.

- 5.9 Working strategically across the South Hampshire region, Natural England prepared this advice note to support LPA's and applicants by setting the context of protected habitats and the likely significant effects of additional nutrients in the Solent arising from development occurring across the region.
- 5.10 Recognising the effect of the Habitats Regulations requirements, the note sets a framework for identifying the scale of the harm arising from development and options for mitigation and delivering nutrient neutral development, in order for an Appropriate Assessment to be passed.
- 5.11 The advice note can be found at **CD38**

Bird Aware Solent Strategy 2017.

- 5.10 This sets the impact of and framework for protecting Solent habitats relied upon by migrating birds, by managing increased visits to the waters edge around the Solent, where additional recreational activities result in conflict and disturbance.
- 5.11 It identifies a suite of projects and roles seeking to influence visitor behaviour and activities to limit the impact on the protected habitats and mitigate the harm identified and sets costs to deliver these largely revenue based solutions to be secured from new development, in order for an Appropriate Assessment to be passed.
- 5.12 The strategy is available at **CD37**

Air Quality Monitoring. 2021

- 5.13 Identified as part of the Habitats Regs Assessment of the then emerging Local Plan, the impact of additional vehicle trips generated by housing growth on air quality has led to concerns regarding nitrogen deposition and ammonia on parts of the New Forest SAC and SPA.
- 5.14 At this time, as set out in adopted policy ENV1, a contribution is sought towards monitoring air quality in sensitive location in order to better understand the situation. This may emerge in to a strategy for mitigation over the life of the plan if monitoring indicates likely significant effects can not be ruled out.

5.15 The Councils is preparing an Air Quality SPD, a draft of which is out to public consultation until April 1st 2022. In respect of the impact of Air Quality on protected habitats in the New Forest, it largely repeats the interim position statement, already being relied upon.

5.16 The interim position statement is found at **CD34** and the draft SPD at **CD35**

Parking Standards SPD 2012 and Draft SPD 2022

5.17 This document is found at **CD30**, sets parking standards for different uses and sizes of development across the District, including reference to cycles, lorries and other forms of transport dependent on the use of the site. Older peoples housing is captured in Table 6 at page 16

5.18 It also provides the framework for Transport Assessments and travel plans.

5.19 The draft emerging SPD is provided at **CD31**, and updates the approach to parking cross the District, by introducing greater consideration of sustainability, reduced reliance on the private car and greater flexibility in urban areas. Older peoples housing is included on table 9 at page 28.

5.20 This draft is scheduled to go before the Councils cabinet for adoption on the 6th April 2022. Should it be adopted, it would supersede the 2012 document. The final version would be provided to the parties as soon as possible thereafter.

5.21 **National Planning Policy Framework 2021.**

6. THE COUNCIL'S CASE

6.1 There are five main issues in this appeal which arise from the reasons for refusal now being supported by the Council. These issues are born out of the application of the development plan and Framework policies on sustainable development, design and heritage, the need to weigh public benefits against less than substantial harm (paragraph 202), non-designated balanced judgement and the planning balance:

- i) The failure to deliver sustainable development
- ii) The effect of the proposed development on the character and appearance of the area, including the significance of heritage assets;
- iii) Conflict with trees on the site
- iv) Lack of parking, manoeuvring space for emergency vehicles and consequence for amenity of the area
- v) Lack of suitable amenity space and consequence for residents health and wellbeing

6.2 Considered in full below, this proof of evidence will focus on assessment of planning policy relevant to the appeal scheme and above points i) and v) from the reasons for refusal. Points ii) – iv) are covered in the Proof of evidence provided by Smith, Chalmers and Chimes respectively.

6.3 It thereafter follows and covered by this Proof of Evidence at chapter 7 are:

- Assessment of the public benefits of the scheme and the weight to be attributed to them; and
- The heritage balances, planning balance, including under section 38(6) of the 2004 Act, para 202/203 of the NPPF, and para. 11 of the NPPF.

6.4 In summary of ii) Mr Smith concludes;

“It is my view that the Appeal Scheme, in terms of conservation and design issues is contrary to New Forest District Council’s Local Plan Policy DM1, ENV3. The Appeal Scheme will cause significant harm to the high significance of Lymington Conservation Area and complete harm to the moderate significance of the non-designated former Lymington Police Station. Consequently, in regard to conservation and design issues for this case, it is my professional opinion that this level of harm is sufficient to place restriction on the granting of permission”.

- 6.5 In summary of iii) Mrs Chalmers concludes;
“not only has the appellant not followed best practice in respect of considering trees as part of a development site, but the quality and positive contribution of the protected trees would be sufficiently compromised as a consequence of the proposed scheme so as to render the appeal proposals unacceptable and contrary to adopted policy and National Guidance”.
- 6.6 In summary of iv) Mr Chimes concludes:
“This report has established that the development would result in an unacceptable impact on local amenity. In light of the above it is therefore evident that there are transportation and highway reasons for which the Appeal should be dismissed.”

On site Amenity and Residents Wellbeing

- 6.7 Refusal Reason 5 (**CD51**) identifies the amenity space provided on site would be insufficient, failing to meet the reasonable amenity needs of residents and may adversely impact on their health and wellbeing.
- 6.8 Adopted policy ENV3 provides local plan basis for the consideration of ‘amenity’, in order to secure a high quality living environment for future residents.
- 6.9 That policy requires development achieves high quality design that *inter alia* “contributes positively to quality of life”, by creating spaces that are:
- Attractive: visually appealing and enjoyable to be in.
- 6.10 Paragraph ii) requires avoidance of unacceptable effects on shading and other adverse impacts on residential amenity.
- 6.11 The NPPF at para.92 c) seeks to enable and support healthy lifestyles, especially where this would address well being needs.
- 6.12 Then at para.98 identifies the importance for health and well-being of providing access to high quality open spaces.

- 6.13 Chapter 12 strongly encourages good design in delivering sustainable development including at para.130 f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.14 The National Design Guide 2021 at para.120 (CD24) recognises the contribution of external space to support the health and well-being of their users. Paragraphs 121 – 123 embellish that contribution and para.130 considers what makes an external space appropriate.
- 6.15 The original Housing our Aging Population Panel for Innovation (HAPPI) report in 2009 set 10 key design criteria (appendix JRG2), that have been retained in the subsequent follow ups and companion reports. Recognisable from good design generally - good light, ventilation, room to move around and good storage - but they have particular relevance to the spectrum of older persons' housing which needs to both offer an attractive alternative to the family home, and be able to adapt over time to meet changing needs.
- 6.16 Of particular reference is the third criteria; Balconies and Outdoor Space.
- building layouts maximise natural light and ventilation by avoiding internal corridors and single-aspect flats, and apartments have balconies, patios, or terraces with enough space for tables and chairs as well as plants.
- 6.17 In order to support Planning Authorities and Professionals, Churchill, worked with the Housing Learning and Improvement Network (LIN) and Newcastle University in producing a guide titled “Retirement Living Explained” (appendix JRG3).
- 6.18 That guide highlights 12 design characteristics to be essential to the success of retirement living accommodation for older people in the UK. The third characteristic is “Quality Amenity Space”. These characteristics follow the above referenced HAPPI inspired reports.
- 6.19 It is clear that there is adopted local policy and national guidance directing decision makers to be assured that the design of a scheme makes provision for appropriate amount and useability of outdoor space to serve the needs of its occupiers and clearly

makes the link between the quality of that space and the health and well-being of residents.

- 6.20 In the case of this scheme it is considered that the outdoor amenity space, proposed for residents, is insufficient due to the limited amount of space provided, its relationship to Southampton Road and the extent to which the space would be in shade due to the presence of trees along the east edge, the building to the south and the proposed building.
- 6.21 The scheme proposes circa 530 Sq,m of amenity space around the building, largely around the outer edge of the building, between the north, east and south elevations and the boundaries.
- 6.22 The 7 ground floor flats would have patio doors providing direct access to the gardens and small patios. 4 of those would be on the north and east elevations, in close proximity to the trees along the boundary of the site. It is not clear if these would be enclosed by a form of balustrade or if residents would have access on to the garden beyond.
- 6.23 8 upper floor flats would have balconies, all on the internal south and west elevations.
- 6.24 The site plan shows the extent to which the external spaces would be under the canopies of the protected trees. Based on the crown spreads as shown, approximately 220Sq.m of the external space would be under the crown spread of the trees. As set out in the Proof of Mrs Chalmers, those trees should grow to have larger canopy spreads, thereby affecting a great proportion of the gardens.
- 6.25 It is recognised that the effect of the trees will vary throughout the year, as the leaves grow, however the shading cast by the trees would be at its greatest in the summer months when the weather is most likely to be favourable for using the garden and desire from residents to be out would also be greatest.
- 6.26 The site layout plan, at (**CD3**), demonstrates clearly the extent of the site covered by the building, parking, access drive and other hard surfaces. The footprint of the proposed building is considerably larger than the existing and the layout places the proposed building closer to all boundaries of the site than the existing and at a significantly greater height.

- 6.27 The consequence of this layout and increase in building size renders much of the space between the building and boundaries as landscape setting rather than functional garden amenity space. Due to the narrow width, proximity to the respective roads and windows of ground floor flats and extent of overhanging trees and potential shading from trees and building, the areas along the north and east sides of the building would not provide a degree of comfort or privacy, respectively, to be attractive to residents. As such this would place greater onus on the space around the south of the building, away from the trees, roadside noise and residents flats.
- 6.28 The residents lounge would be positioned on the south side of the ground floor, directly from the main entrance in to the building. Extensive glazing across the south elevation, with multiple doors serving a patio, between the south elevation and the southern boundary.
- 6.29 As measurable on the site plan (**CD3 & appendix JRG4**), the proposed building would be between 6 and 7m from the north elevation of the neighbouring building, Buckland House. That building rises to 3 storeys, circa 8.15m to eaves, in height (**Appendix JRG4**) and sits in a position closer to Southampton Road than the proposed east elevation, extending rearward almost in line with the west elevation of that part of the proposed building (**CD3**).
- 6.30 Due to the proximity of the 2 buildings to each other and the height of Buckland Court, the prime area of external amenity would be heavily overshadowed for significant periods of the year. Whilst the gardens would be sufficiently light for likely use, the benefits of solar gain for the comfort of users is a very significant factor in the attractiveness of outdoor space, especially for elderly residents who will not be undertaking strenuous activity in the gardens on site.
- 6.31 The existing police station is approximately 9m from the southern boundary, the proposed building is approximately 4.5m. Whilst the date of the photo is unknown, the aerial photo at (appendix **JRG5**) shows the extent of shading cast on to the appeal site by Buckland Court, directly across the area of proposed communal patio.
- 6.32 Based on the height of Buckland Court, it has been possible to generate the length of shadows that would be cast at different times of day and different points throughout the year. Appendix **JRG6** includes images captured from 'SUN-Calc' web site.

www.suncalc.org. Whilst not a complete shading diagram, they do give a clear indication of the length of shadows cast across the appeal site in order to demonstrate the degree to which the southern amenity space would be in shade.

- 6.33 Taking the Spring equinox, Summer solstice and a mid-point 01/08/22, it is clear that the length of shadows cast by Buckland Court, produced by the calculations, applied to the full length of the north elevation, would materially compromise the extent of sunlight to the garden amenity areas along the south edge of the site, accessed from the communal lounge.
- 6.34 It is accepted that there would be greater amount of sunlight enjoyed in the west half of the space along the southern boundary, especially in the afternoon, however that space is little more than 5x10m, not much greater than a garden serving an average family home but supporting 32 flats.
- 6.35 Whilst having benefits for social interaction and activity arising from its position adjacent to the main building entrance, it would also be adjacent to the car park and disturbance arising from multiple vehicles manoeuvring, which as demonstrated by Mr Chimes proof of evidence, would require larger vehicles having to undertake numerous turns in order to enter and exit safely.
- 6.36 As noted above Buckland Court is very close to the boundary with the application site and the principal external amenity space serving the residents. There are numerous windows in the north elevation of Bucklers Court, serving living rooms, bedrooms, communal staircase and a kitchen.
- 6.37 This would lead to a degree of overlooking, from at least 4 flats, over the amenity space on the appeal site, compromising the attractiveness of the space.
- 6.38 It is accepted that the Council does not have space standards for external amenity space, however policy ENV3 (**CD55**) at ii) directs development to avoid unacceptable effects on amenity and contribute positively to quality of life. It is considered that the amenity space provided with this scheme fails to provide its residents with amenity space free from some or several of the conflicts identified, limiting the attractiveness of most if not all of the external space.

6.39 In doing so the scheme fails to deliver the high quality of design advocated by national guidance, specialist housing specific guidance and meet the needs of its intended user and would not contribute positively to their quality and life and thus the benefits such space would have for their overall health and well being.

Habitats mitigation.

- 6.40 Identified in the Councils Statement of Case and agreed as Common Ground (**CD56**), the scheme would give rise to impacts on protected impacts in the New Forest and Solent. Those impacts arise from recreational pressures, nutrient release in foul water and vehicle exhaust fumes.
- 6.41 When determining to refuse planning permission the Council, as Competent Authority undertook an Appropriate Assessment of the scheme in accordance with the Habitats Regulations 2017. Two assessments are undertaken, one for recreational impacts on the New Forest and Solent, the second for nutrient neutrality. Copies of those two assessments can be found at (**CD40**).
- 6.42 The background to the sensitivities of the habitats, how the development would adversely affect their integrity and how mitigation is proportionately calculated and would be used to mitigate the effects of the development can be found in the documents at (**CD29**)
- 6.43 It is common ground that the adverse impacts arising from the development leading to reason for refusal 6 (as amended) can be overcome by way of appropriately worded obligation secured in a S.106.
- 6.44 The Statement of Common Ground (**CD56**) presents the amount of monies required to mitigate the impact of the development.
- 6.45 As was accepted by the Inspector at the Stanford Hill appeal **CD45**, nitrate neutrality is proposed to be secured by way of Grampian style condition. Included at condition 16, **found at CD57**
- 6.46 The Council does not have control over any nitrate neutrality schemes, however there are numerous schemes available across the Solent area that the appellant could rely on to secure mitigation from. The Council has entered into overarching legal agreements with several scheme providers and the relevant LPA to which it is located, to ensure implementation, monitoring and enforceability are provided for.

Affordable Housing.

- 6.50 It is common ground that there is a need for the delivery of affordable housing in the District. The scheme meets both the National and Local thresholds for delivering affordable housing, found in the NPPF and policy HOU2 (**CD55**) respectively.
- 6.51 The Policy sets a target of 50% of the scheme to be delivered as affordable housing on site. It does, in the final sentence, refer to the principle of ensuring a scheme remains viable and deliverable. This is then accommodated more comprehensively by policy IMPL1 (**CD55**)
- 6.52 The scheme was subject to extensive viability discussions in order to identify the appropriate amount of contribution, in part evidenced by the ‘update to committee’ found on the first page of the Planning case officers report to the January Planning Committee (**CD62**).
- 6.53 That contribution, identified in the SofCG has been agreed by the parties as that deliverable without undermining scheme deliverability.
- 6.54 Whilst the target of 50% on site has not been met, in this case it was considered that in order to ensure viability and deliverability of the scheme, the affordable housing contribution should take the form of a financial contribution, calculated after a review of the scheme’s viability.

7.0 Scheme Benefits, Heritage and Planning Balance

Public Benefits

- 7.1 Having concluded that less than substantial harm to the significance of designated heritage assets would occur, it is necessary to balance that harm against the alleged public benefits of the scheme and the weight to be applied.
- 7.2 Thereafter the 'planning balance' should be undertaken to determine whether the scheme would deliver sustainable development in accordance with adopted policy STR1 and the NPPF, or whether material planning considerations indicate otherwise.
- 7.3 Firstly the benefits of the scheme as identified by the appellants Grounds of Appeal and the weight to be applied will be considered;
- Development of previously developed land;
 - Development would be of land in a sustainable location
 - Making optimum use of a previously developed site
 - The delivery of much needed specialist housing for older people
 - Development would provide 32 retirement market dwellings
 - Releasing under-occupied housing stock
 - Economic benefits through job creation through construction and operational phases, and through residents spending locally
 - Social benefits of specialised accommodation for older persons
 - Environmental benefits including photovoltaic panels

Development of previously developed land, in a sustainable location, making optimum use of the site.

- 7.4 Local policies and National guidance direct development to use previously developed land as a priority, especially those in a sustainable location. The site is included on the Councils Brownfield register, though is not allocated by a specific policy for a particular form of development.

- 7.5 This accords with the sequential approach of directing development to different settlements based on the scale of the proposal and size of the settlement ensures proportionate infrastructure and services are available to support the development in accordance with Local Plan Policies STR3 & STR4. **(CD55)**
- 7.6 In this case the site is in a good location to support the social, health and welfare needs of occupiers of the development, however given the scale of Lymington, it is not considered that the existing infrastructure and facilities supporting those needs locally, require this development in order to support their viability and long term retention.
- 7.7 However given the location of the site within the built up area, development is not precluded in principle and such benefits would weigh in favour of any development of the site greater than existing, it is considered that the benefits of the siting of 32 units in such an accessible location would be significant benefits of the scheme.
- 7.8 Although the range of services available would support any resident, in some way, living at the site and are not just a benefit to those qualifying to live in an older persons sheltered accommodation scheme.
- 7.9 Enhanced use of land in urban areas is a benefit that contributes to Local Plan Policy STR1 (i) and in principle is given significant weight as a benefit. However maximizing the use of such urban land can not be considered in isolation of the design consequences of such an approach.

Delivery of much needed specialist housing for older residents.

- 7.10 Policy HOU1 recognises a need for all sizes, tenures and styles of housing, setting an indicative mix of sizes and tenures at table 6.1(New Forest Local Plan para. 6.5) **(CD55)**. The resident population of the plan area is aging and living longer. The majority of older residents will continue to live in mainstream housing, and many will prefer to remain in their existing homes and live independently as long as possible (NFLP 6.23). The adopted plan recognises need for new specialist accommodation during the plan period, especially for the very elderly (NFLP 6.24).
- 7.11 The Local Plan at para.6.24 recognises there is significant need to provide new specialist accommodation during the plan period. Whilst no absolute number of units has been included in the plan, para.6.24 does go on to give an indicative figure of 1/5th

of the total number of homes, approximately 2000, to include sheltered and extra care housing.

7.12 However the significant need is directed towards the very elderly and be designed to be suitable for the changing needs of older people.

7.13 In the first 5 years the plan places priority on increased extra care accommodation, with higher level of support and renewal or replacement of general residential care homes with those better able to serve specialist intensive care needs, such as dementia (NFLP 6.25).

7.14 The scheme largely matches the definition of Sheltered accommodation provided by the PPG Reference ID: 63-010-20190626

- **Retirement living or sheltered housing:** This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.

But there is little to distinguish it from open market housing, or readily meet the needs of the aging population and the greater physical support and interventions likely to be required for them to truly live independently.

7.15 Objections to the scheme, from Lymington Town Council, have highlighted the extent of supply of similar retirement housing in Lymington and recent delivery of 41 units at Knights Lodge, North street and shortly 44 units at Stanford Hill (**CD45**). The need identified by the Local Plan is across the entire District and plan period, as the proportion of the population in older age groups, that this development is aimed towards, grows.

7.16 However there remains a place in the housing market for such a format, but medium weight should be applied to the benefits to overall supply of delivering the retirement housing proposed by the appellant.

Development would provide 32 retirement market dwellings

7.17 Agreed as Common Ground, the Council can not demonstrate, that it has a 5 year supply of land for Housing. This is largely predicated on strategic allocated sites not

proceeding as rapidly as was presented to the Inspectors at the Local Plan examination. The Councils housing land supply statement is found at **CD36**

- 7.18 That statement calculates approximately 3.1 years worth of Housing land.
- 7.19 The Council has an up-to-date strategy for the delivery of the required homes over the plan period. That plan will deliver a significant boost to housing in the district on suitable sites and in a plan led way, in accordance with the Framework.
- 7.20 By adopting the Local Plan Pt1 Planning Strategy in 2020, the Council has identified the right amount of land in the right places to support growth, this is clearly set out in adopted policy STR5 **CD55**. This recognises 60% of housing need will come from large scale planned strategic allocations. The policy goes on to identify the approach to deliver the remaining 40% on existing allocations and new allocations on planned sites as part of the impending review of the Local Plan Part 2 site allocations.
- 7.21 The site is included on the Councils Brownfield Land Register, indicatively providing 20 flats, and would be likely to be relied upon to contribute to para ii,a) 200 homes in Lymington and Pennington.
- 7.22 The most up to date Housing Delivery Test results, for 2021, confirm a measurement of 141% against the policy STR5 adopted trajectory.
- 7.23 Whilst that suggests delivery is currently matching need, the scheme subject to this appeal would fall to be delivered after 2022, it would contribute to the increased trajectory of 400 homes pa, over the 2021-2026 period.
- 7.24 Given the reliance on strategic sites to deliver a large amount of the need of the plan period and the longer timescales for delivery of such sites, as evidenced by the housing trajectory included in the 5yr HLS, (**CD26**), there is a need for smaller allocations to make up much of the provision in the forthcoming 5 year period.
- 7.25 The scheme would make provision of 32 additional units, which would contribute 8% of the annual requirement. As such there would be moderate benefit arising.

Releasing under-occupied housing stock.

- 7.26 The housing targets adopted by the Local Plan accommodate an expectation of inward migration, into the plan area, as a result of housing delivery. Census data used to inform the SHMA2014 recognised greater propensity for older households to under occupy, the opportunity for those residents to 'down-size' is accepted, which in turn releases some housing capacity back into the open market, potentially available to families, this in turn is a benefit.
- 7.27 However there is no guarantee that such turn over would occur within the plan area, nor is it in the appellants or councils control and is a consequence of increased housing availability across the board. Medium weight is given.

Economic benefits through job creation through construction and operational phases, and through residents spending locally.

- 7.28 Short term employment in construction has a minor benefit for the economy. Employment generated by the scheme would be less than that provided for by the site in its former use.
- 7.29 Given the proximity to Lymington, residents of any development on this site are more than likely to choose to spend time and money in shops and leisure facilities, so whilst such a benefit would occur, it is unlikely that the spend and contribution to vitality and viability arising from this retirement housing scheme would be materially greater than that of open market housing. Given its previous use as a police station, it would have brought employees into the town, who would have been highly likely to take linked trips and contribute to 'spend' in the town centre.
- 7.30 Furthermore due to the size of Lymington as a town it supports and relies on a wide catchment and therefore the benefits for local services and facilities, from this scheme alone would be low and not fundamental to the success or retention of those commercial services.

Social benefits of specialist accommodation for older people.

- 7.31 It is accepted that the PPG indicates specialist housing for the elderly could help reduce the costs to the social care and health systems, especially para.008 of Housing for Older and Disabled People which recognises: "Accessible and adaptable housing

enables people to live more independently, while also saving on health and social costs in the future”.

- 7.32 Local Plan Policy HOU3 (**CD55**) promotes the delivery of homes that enable older people to continue to live independently, encouraging developments are built to standards capable of adaption to meet the future needs of older people and others with care needs.
- 7.33 There is nothing about the scheme that demonstrates how the scheme supports residents in these areas, delivering the specialist housing for which the Local Plan recognises there is significant need or that the scheme is adaptable to their needs.
- 7.34 Whilst the principle of reducing demand on mainstream social and health care systems is a positive benefit of sheltered accommodation it is not clear that the scheme delivers a format for such benefits to be realised. I would apply moderate benefits in terms of its potential to reduce the demand on social care and health systems.
- 7.35 It is however recognised that the scheme would make a positive contribution to the social wellbeing of residents, through reduced anxiety arising from the responsibility and cost of building maintenance, isolation and loneliness from living alone, as well as personal safety and security. Resulting in a medium overall benefit.

Environmental benefits, including photovoltaic panels

- 7.36 Solar PV is a benefit of the scheme but would be of any development delivering such equipment on the site. The Council has only recently declared a climate emergency and does not have an adopted local plan policy requiring delivery of such equipment on all appropriate development. Whilst such delivery would be very positive in those circumstances, the benefit only arises because of the development. Furthermore the extent of shading of the development due to the buildings and trees around it and north facing single aspect flats proposed, the energy produced on site is likely to be required by greater reliance on artificial lighting in the building.
- 7.37 Being built to modern standards of insulation and energy efficiency, as required by the Building Regulations, would have environmental benefits, as would any development scheme undertaken on site. There is no evidence of intentions to deliver above those standards or provide on site sources of renewable energy generation.

- 7.38 Furthermore, there is nothing about the 'Retirement Accommodation' category of housing that would render the scheme any more energy efficient than open market housing in the same building. Whilst the generous flat sizes would have benefits for residents, they would limit the efficiency of seeking optimal use of the site, reducing the energy efficiency per resident, compared to flats built to the Technical Housing Standards sizes. This is given very little weight as a benefit
- 7.39 There are reduced fuel needs, off site air quality, habitat and highway capacity benefits to reducing reliance on the private car, due to proximity to services and facilities in Lymington, however they arise from any scheme on this site and would be proportionate to the scale of the development.

Whether any harm to heritage assets would be outweighed by the proposed development's public benefits.

- 7.40 The appellants' case, as submitted to the Council and as pursued at this appeal is that the scheme would not cause harm to the significance of identified heritage assets, however should 'less than substantial harm' to heritage assets be concluded, then in accordance with NPPF para.202, such harm would be outweighed by the public benefits of the development which are compelling.
- 7.41 The Proof of Mr Smith demonstrates the scheme will cause less than substantial harm to the significance (character and appearance) of Lymington Conservation Area. This would be a moderate level of harm within that spectrum but clear and convincing justification of this harm has not been made.
- 7.42 The Inspector is directed by para 199 of the framework, that great weight should be given to conservation of designated heritage assets, even when the harm is less than substantial.
- 7.43 There is a need for housing, including specialist housing for the elderly. The former would have a moderate benefit, the latter, medium benefit due to its limited differences with open market housing.
- 7.44 Some of the benefits identified above, such as predicted local spend and reduced impact on social and health care services, are not guaranteed to occur or are within

the gift of the appellant or council to deliver. Counter to the scale of those benefits would be the harm to residents wellbeing due to the lack of useable amenity space and local 'spend' generated by the employment use of the site.

- 7.45 Economic benefits from employment during construction would be short lived and can not be guaranteed to support a local workforce.
- 7.46 Whilst increased use of land in the urban area is a significant benefit, with positives for a greater supply of housing in the urban area, close to services and facilities reducing reliance on the private car, it is the scale of the increased use of the site and the consequences for the positive contribution of the trees, that leads, in part, to the harm to the significance of heritage assets.
- 7.47 Unlike the uncertainty of benefits for residents spend locally and reduced reliance on social and health care services, the impact of the development and its harm to the significance of heritage assets would occur.
- 7.48 The scheme does not replace a building that currently harms the significance of the designated heritage asset and is agreed to be a heritage asset itself, therefore being a positive feature of the character and appearance of the area. The scheme does not deliver a new building, in a design and layout that provides public benefits by better revealing the significance of the heritage assets or preserving the significance of the conservation area, or preserving the character and appearance of the area.
- 7.49 Taking the above and the medium and moderate benefits of delivering retirement accommodation and housing, respectively, combined with the short term, unpredictable economic benefits and the limited ability of the scheme to evolve to support the needs of aging residents, it would not deliver sufficient public benefits to outweigh the less than substantial harm to heritage assets, the conservation of which great weight should be applied.
- 7.50 Turning to the loss of the existing building, agreed to be a non-designated heritage asset, NPPF para.203 requires a balanced judgement having regard to the scale of harm and the significance of the asset.
- 7.51 Mr Smith concludes the building is of notable historic and architectural interest of medium heritage significance, that is, its heritage value is at the top end of the

spectrum for non-designated heritage assets. In this case the scale of loss would be total, leading to a substantial degree of harm. He also acknowledges the association of the adjoining Old Police House with the appeal site, concluding that property to be a non-designated heritage asset of low significance(para.3.38). The combined effect of the loss of the Police Station and its impact on the adjoining Police House would contribute a medium degree of weight against the development.

The Planning balance, S.38(6), and any other material considerations

- 7.52 The starting point for decision making is the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material planning considerations indicate otherwise.
- 7.53 The documents comprising the development plan and the relevant policies are listed above at para's 5.2-5.4
- 7.54 The scheme, as defended at this appeal, is determined to conflict with the following policies:
STR1 Achieving sustainable development:
ENV3 Design quality and local distinctiveness:
ENV4 Landscape Character and Quality:
CCC2 Safe and Sustainable Travel:
Of the Local Plan Pt1: Planning Strategy 2020, and:
DM1 Heritage and Conservation,
Of the Local Plan Pt2: Sites and Development Management Policies 2014.
- 7.55 Benefits of the scheme have been identified above and can, subject to conditions, demonstrate a degree of compliance with the following remaining policies listed at 5.3-5.4 above.
- 7.56 New Forest Local Plan Pt1: Planning Strategy 2020. (**CD55**)
- 7.57 STR2 – Protection of the Countryside. The scheme would be within the built up area away from the boundary with either Cranborne Chase AONB, or New Forest National Park boundaries. Delivering development in urban areas such as Lymington, reduces

the pressure to expand settlements in to close proximity with those areas with more sensitive characters.

- 7.58 STR3 – Strategy for locating new development. The development has been directed towards an accessible location and will contribute towards vitality and viability. The policy does require a high standard of design that maintains and enhances local character and amenity, which the scheme doesn't deliver.
- 7.59 STR4 – Settlement Hierarchy. The site is within Lymington, included in the largest settlements in the hierarchy listed, where there is access to a wider range of employment, facilities and services. Appropriate for large scale developments, that for residential development are 50 dwellings. The policy does not preserve the settlements listed as 'Towns' for large scale developments only, and the scheme being a medium scale development, at 32 dwellings, would be appropriate to its location.
- 7.60 STR5 – Meeting our Housing Needs. Sets the strategic approach to the delivery of housing and trajectory for their delivery. Predominately relying on strategic allocations but recognising existing smaller allocations in the Local Plan Pt2 and to be identified in a review of that development plan document, likely to include this site, owing to its current inclusion on the Councils Brownfield land register.
- 7.61 ENV1 – Mitigating impacts on International Nature Conservation Sites. Identifies the framework of protected habitats where likely significant effects would occur in and close to the plan area. Identifies a mitigation strategy. In this respect the mitigation is off site and would consist of financial contributions and nitrate neutrality projects to be secured by appropriate S.106 and condition in order to pass an appropriate assessment of the Habitats regulations. The absence of such security the tilted balance would not apply.
- 7.62 HOU1 - Housing type, size, tenure and choice. Indicates that there needs to be a diverse choice of housing available across all sites at all stages of life by providing a mix of choice of homes. The scheme proposes a mix of 1 and 2-bed units and increases supply of homes directed at the elderly.
- 7.63 HOU2 – Affordable Housing. Imposes the national threshold for qualifying at schemes of 11 or more units but proposes different benchmark delivery percentages for different areas within the plan area, the target being 50% on this site. The scheme qualified for

assessment but has failed to deliver onsite affordable housing. The policy accepts that viability considerations will be taken into account and the scheme has been subject to a review of its viability in order to arrive at a financial contribution. However, in reaching a balanced view on the benefits and impact of the scheme, the lack of provision of on site affordable housing is a relevant matter to consider, particularly given that the provision of affordable housing is an important objective of the Local Plan, representing 69% of the annual housing requirement (NFLP 6.13).

- 7.64 HOU3 – Residential Accommodation for older people. Positively supports alterations to allow residents to stay in their homes as they age and delivery of homes designed to be adaptable to changing needs and delivery of housing types suitable for older people. The scheme proposes specialist accommodation for elderly residents. There are no specific targets for numbers of units to be delivered in the plan period, the need being absorbed in to the overall housing needs and the policy encourages all sites to deliver a proportion of its accommodation suitable for older people.
- 7.65 IMPL1 – Developer Contributions. Sets the principle of contributions required to make the development acceptable and offers flexibility to preserve scheme viability. In accordance with HOU2 above, a financial appraisal of the schemes viability was presented and its inability to remain viable whilst delivering affordable housing was accepted.
- 7.66 IMPL2 – Development Standards. Requires developments to incorporate measures to minimise their environmental impact and be adaptable to the needs of occupiers over their life time. Conditions could be used to ensure such standards are met.
- 7.67 New Forest Local Plan Pt2: Sites and DM policies 2014 (**CD28**)
- 7.68 DM2 – Nature Conservation (**CD55**), bio diversity and geo diversity. Directed towards protecting or mitigating harm of ‘UK’ protected habitats and protecting protected species and their local habitats, promoting on site bio-diversity gain. The location of the site does directly impact on important features of nature conservation and has demonstrated it can deliver 10% bio-diversity net gain on site.
- 7.69 Turning to those policies identified in the reasons for refusal, the conflict with design, character, built form and heritage aspects of ENV3 and DM1 have been covered in detail by the proof of Mr Smith, ENV4, by Mrs Chalmers and CCC2 by Mr Chimes, but

briefly addressed as to their contribution to the planning balance. STR1 – Achieving Sustainable Development will be covered in greater detail below.

- 7.70 ENV3 – Design Quality and Local Distinctiveness. Requires development to achieve high quality design that contributes positively to local distinctiveness. Detailed analysis of the way the scheme conflicts with this policy has been presented to the Inquiry. The existing building contributes to the character and appearance of the area positively and its loss would not be a benefit for the appearance of the streetscene or surrounding area. The proposed building fails to deliver a high quality design that makes an equal or better contribution to local distinctiveness. The scheme leads to conflict with the policy and adopted guidance in the Lymington local distinctiveness SPD.
- 7.71 Whilst the policy does not take such a strong stance, the pre-amble to the policy at para. 5.45 (**CD55**) references the approach of para.134 of the framework, where decision makers are directed to refuse development of poor design.
- 7.72 It also requires development to contribute to quality of life, be enjoyable to be in and avoid unacceptable effects on residential amenity, which this proof has demonstrated the scheme fails to achieve.
- 7.73 ENV4 – Landscape Character and Quality. Requires development to retain and/or enhance identified landscape features and characteristics. The scheme has been identified to conflict significantly with section i) (**CD55**). The impact of the proximity of the development to the protected trees on the site would compromise their contribution to the distinctiveness of the settlement. There are clear concerns that by reason of the proximity of the building to the trees, they would not continue to mature and would be placed under significant pressure to be pruned, thereby undermining their current and future positive contribution to the character of the area.
- 7.74 CCC2 – Safe and Sustainable Travel. Requires development to provide sufficient car parking in accordance with the adopted parking standards. A 20 space shortfall against the standards would be considered to be a significant breach of the policy requirements and a consequential pressure on the amenity of Queen Elizabeth Avenue.
- 7.75 DM1 – Heritage and Conservation. Requires development preserves and seeks to enhance the historic environment and heritage assets. Although adopted in 2014, this

was after the original NPPF in 2012 and remains very closely aligned to the approach and expectations of decision making in section 16 of the NPPF 2021.

- 7.76 The harm to heritage assets has been identified and the public benefits of the scheme weighed against them, concluding at para.7.53 above, that the less than substantial harm is not outweighed. Additional medium weight against the scheme should be concluded to arise from the impact on non-designated heritage assets. In all great weight should be applied to this heritage harm.
- 7.77 STR1 – Achieving Sustainable Development. Expects all development to make a positive social, economic and environmental contribution to community and business life in the plan area. The full policy wording is at (CD55)
- 7.78 The scheme is considered to comply with the first (unnumbered) section as it delivers development within a settlement boundary, in a manner that is appropriate for and proportionate to the nature and size of the settlement, where there is sufficient supporting infrastructure, this weighs in favour of the scheme and contributes positively to achieving sustainable development.
- 7.79 Subsection i), due to its proximity to Lymington town centre, the site is sustainable and accessible. The development proposes a mix of 1 and 2-bed units, there is likely to be a mix of values associated with flats that have garden views, balconies or terraces compared with those with views across the road frontage. There would not be a mix of tenure or any affordable housing provided on site, however the provision of retirement accommodation contributes to the overall mix in the wider community, directed towards older residents, although does not appear to embed adaptability in to its built fabric to meet future needs of residents. The off site financial contribution towards affordable housing will contribute to mix of tenure and cost of accommodation in the wider plan area.
- 7.80 The recently adopted development plan has adopted a strategy to significantly increase the delivery of homes in a manner that accords with this strand of sustainable development. The scheme does not readily support the strategy as identified, but nevertheless does provide housing, in a specialist form for older residents, for which there is need.
- 7.81 This makes a minor positive contribution to the delivery of a sustainable development.

- 7.82 Subsection ii), due to the size, scale and layout of the proposed scheme and its design, the scheme fails to take a context led approach to its siting and layout, that fails to maintain local distinctiveness, fails to create a high quality townscape, fails to sustain or enhance the heritage and amenity value of the plan area, including the unsustainable relationship with important landscape features on the site.
- 7.83 This has been clearly articulated above in consideration of the failure to comply with Policies ENV3, ENV4 and DM1 and in the proofs of Mr Smith and Mrs Chalmers.
- 7.84 This has a significant negative contribution to the delivery of a sustainable development.
- 7.85 Subsection iii), the scheme would deliver bio-diversity net gain. Recreation and air quality impact on protected habitats in the New Forest and Solent, arising from the development leading to likely significant effects, are capable of being mitigated and it is expected a S.106 agreement will be completed prior to the inquiry.
- 7.86 The negative contribution of the development to water quality in the Solent, by way of additional nutrients in waste water would also give rise to likely significant effects. Mitigation projects are available to offset the impact and the LPA would be content with the proposed Grampian condition, however should that approach be deemed unacceptable then likely significant effects could not be ruled out.
- 7.87 Should the appropriate mitigation be secured the scheme would make a minor contribution towards the delivery of a sustainable development.
- 7.88 Subsection iv), the scheme does not deliver development that generates economic growth or investment but does deliver residents in close proximity to services and facilities, that would contribute to the vitality and viability of the town and those services and reduce reliance on the private car.
- 7.89 Employment of an on site manager would be expected as part of the scheme meeting the definition of a sheltered housing scheme, combined with any on site employment in grounds and building maintenance is unlikely to be greater than generated by the existing use

- 7.90 Overlapping with i) the benefit of the location within the identified settlement a minor positive contribution would be made, by the scheme, towards delivering a sustainable development.
- 7.91 Subsection v), residents would be safe from flooding, pollution and climate change. Conditions could mitigate the impact from off site surface water run off. Provision of on site sources of renewable energy generation is positive but would need to be weighed against the extra reliance on artificial lighting due to the layout and shading.
- 7.92 It is acknowledged that as a residential scheme in a largely residential area the scheme would not involve activities at odds with those prevailing, requiring consideration.
- 7.93 In this respect the development would be neutral towards achieving a sustainable development.
- 7.94 Subsection vi), it is not explicit in the documents supporting the scheme what, if any, future proofing has been embedded in the scheme. The Local Plan recognises significant need for specialist housing for the elderly, but in older age groups that this scheme accepts and with greater support and mobility needs, it would be inherently appropriate for adaptability to the changing needs of residents to be embedded within the scheme.
- 7.95 Whilst not readily an innovation in transport technology, the significant shift in technology supporting 'home shopping' in recent years has dramatically increased the number of delivery vehicles visiting residential areas. The limited space on site for manoeuvring of such vehicles as demonstrated by plans attached to the Highway proof of Mr Chimes, indicates the scheme has not been designed to deal with the consequence of such changes in communications technology.
- 7.96 In this respect there is no positive contribution towards delivering a sustainable development.
- 7.97 The combined effect of these considerations presents a scheme with minor economic and social benefits, but even after taking account of the location and need for housing, a scheme with significantly negative environmental consequences. The scheme therefore does not comply with Policy STR1.

- 7.98 Delivery of sustainable development underpins the planning system, in this case the very strong conflict with policies ENV3, ENV4, CCC2 and DM1 contribute to the failure of the scheme to comply with STR1 and would not deliver a sustainable development, such conflict outweighs the benefits arising from compliance with those policies considered above at **7.56 – 7.68**.
- 7.99 Whilst that indicates the appeal should be refused for failing to accord with the development plan, the decision maker should consider any material considerations that may also add weight to the case.

Other Material Considerations.

- 7.100 In light of the report provided at (**CD36**) a 5year housing land supply can not be demonstrated at this time. Due to the harm of the scheme to the significance of heritage assets, I consider footnote 7 to para 11 of the framework is engaged and the Inspector is respectfully invited not to apply the tilted balance.
- 7.101 Should the Inspector conclude that there is no harm to the significance of heritage assets, or that such harm is outweighed by public benefits then the application of the tilted balance is accepted.
- 7.102 However the harm to the character and appearance of the area, relationship with trees and compromised amenity and wellbeing of residents, arising from the poor design and scale of the scheme as identified by the evidence presented demonstrate that the scheme is not well designed and that NPPF para.134 is engaged and the Inspector is directed towards refusal of planning permission in any event.

8.0 Conclusions

- 8.1 This proof has set out that the appeal scheme would not deliver sustainable development, a requirement at the heart of the planning system.
- 8.2 The supporting specialist proofs demonstrate the poor design, including lack of amenity space, combined with the unsustainable relationship with trees and lack of parking and manoeuvring space on site, would conflict with adopted policies and constitute poor design. As directed by the NPPF this should in itself be reason to dismiss the appeal.
- 8.3 Mr Smith has demonstrated that the scheme would cause harm to the significance of heritage assets and whilst the scheme would deliver public benefits, those benefits would not outweigh the harm.
- 8.4 The inability of the Council at this time, to demonstrate a 5year supply of land for housing should not engage the tilted balance due to the harm to the significance of heritage assets.
- 8.5 There are no other material considerations that would direct the Inspector away from determining the appeal in accordance with the development plan.
- 8.6 The Inspector is respectfully requested to support the Local Planning Authority, by resisting this unsustainable development, in protecting the distinctiveness of Lymington, preserving the significance of heritage assets, and resisting development that does not support the wellbeing of residents, by dismissing this appeal.

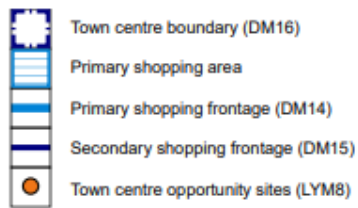
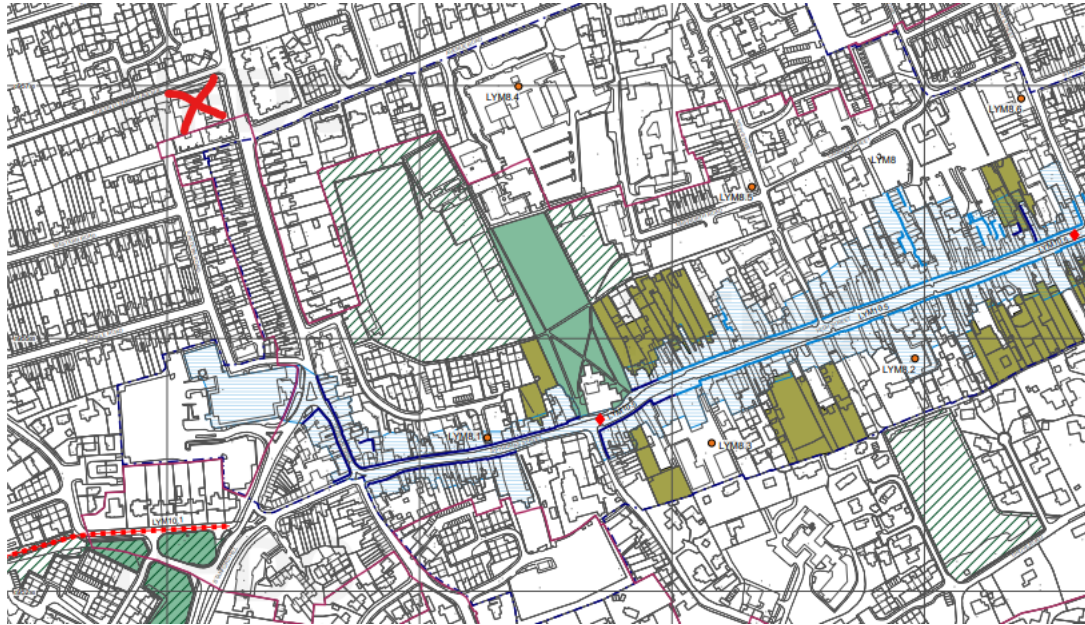
APPENDIX JRG 1
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Appendix JRG1

PINS Ref:

LPA ref: 21/10938

Local Plan Map Ref:5.1 – Lymington town centre



APPENDIX JRG 2
APP/B1740/W/21/3289313

HAPPI

Housing our Ageing Population:
Panel for Innovation

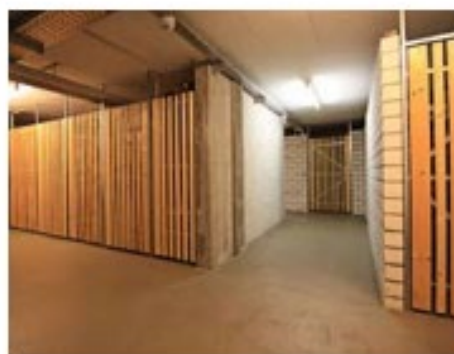




important for the blind and partially sighted, who rely on knowing exactly where to put and find things in order to retain their independence. An individual's circumstances must be fully understood in order to generate appropriate design solutions. An area of walk-in store rooms – often in basements – is a standard feature of most housing on the continent, as seen in HAPPI visits to schemes in the Netherlands, Germany and Switzerland.

Many older people find it hard to give up their garden even when they are struggling to maintain it. Large, sheltered or semi-enclosed balconies, which can feel more like extra rooms, provide a practical substitute. Outdoor spaces that offer a fully accessible extension to the home, usable for much of the year, are valuable to those who leave the home less frequently; approximately a third of older people cross the threshold of their front doors only twice a week.⁴⁷

The same applies to circulation space, both within and outside of the home. The wide and sociable access decks seen at Flurgarten and Solinsieme (Case Study 19) offer settings for convivial conversation and sitting out. Like balconies, they connect us to the outside world, as well as to our home. In much of the UK, internal corridors with doors off both sides – often artificially lit – are commonly accepted as a necessary evil required to maximise development efficiency. Though often finished to a 'hotel-like' standard at considerable expense, they lack character and are used only for access.



Tom Welch,
housing developer,
Pad 55, Pickering

We're offering elegant lock-up-and-go homes, designed to appeal to discerning over-55s, especially expats returning to the UK. Pickering is a great location – it has easy access to northern cities and the coast, but it feels rural.

We have been unlucky with our timing; the downturn has resulted in market pricing moving away from us. But we think there are learning points in what we've done at Pad 55.

⁴⁶ Help the Aged (2007)
⁴⁷ Sinclair, D., A. Swan and A. Pearson (2007) 'Social Inclusion and Older People' Help the Aged

Ten components for the design of housing for older people.

HAPPI RECOMMENDS THAT:



Generous top floor flat at Flurgarten, St Gallen

the new retirement homes should have generous internal space standards, with potential for three habitable rooms and designed to accommodate flexible layouts



Sunny circulation with a view, de Pussenburgh, Rotterdam

care is taken in the design of homes and shared spaces, with the placement, size and detail of windows, and to ensure plenty of natural light, and to allow daylight into circulation spaces



Balcony as garden in Maanenshof dementia unit, Groningen

building layouts maximise natural light and ventilation by avoiding internal corridors and single-aspect flats, and apartments have balconies, patios, or terraces with enough space for tables and chairs as well as plants



Fully accessible shower in Gibeleich Alterszentrum, Zurich

in the implementation of measures to ensure adaptability, homes are designed to be 'care ready' so that new and emerging technologies, such as telecare and community equipment, can be readily installed



Access deck as defensible space at Sankt Antonius, Stuttgart

building layouts promote circulation areas as shared spaces that offer connections to the wider context, encouraging interaction, supporting interdependence and avoiding an 'institutional feel', including the imaginative use of shared balcony access to front doors and thresholds, promoting natural surveillance and providing for 'defensible space'



6
Lively social space at
de Pluszenburgh, Rotterdam

in all but the smallest developments (or those very close to existing community facilities), multi-purpose space is available for residents to meet, with facilities designed to support an appropriate range of activities – perhaps serving the wider neighbourhood as a community ‘hub’, as well as guest rooms for visiting friends and families



7
Manicured gardens for sustainable
drainage, Pad 55, Pickering

in giving thought to the public realm, design measures ensure that homes engage positively with the street, and that the natural environment is nurtured through new trees and hedges and the preservation of mature planting, and providing wildlife habitats as well as colour, shade and shelter



8
Expressive awnings at Irchel, Zurich

homes are energy-efficient and well insulated, but also well ventilated and able to avoid overheating by, for example, passive solar design, the use of native deciduous planting supplemented by external blinds or shutters, easily operated awnings over balconies, green roofs and cooling chimneys



9
Spacious and convenient bike store,
de Rokade, Groningen

adequate storage is available outside the home together with provision for cycles and mobility aids, and that storage inside the home meets the needs of the occupier



10
Shared surfaces, Bo01, Malmö

shared external surfaces, such as ‘home zones’, that give priority to pedestrians rather than cars, and which are proving successful in other countries, become more common, with due regard to the kinds of navigation difficulties that some visually impaired people may experience in such environments.

APPENDIX JRG 3
APP/B1740/W/21/3289313

Retirement Living Explained

A Guide for Planning & Design Professionals



“ the product and concept has evolved to
'retirement living'

Design Characteristics

In the UK, private-sector retirement housing evolved from the late 1970's when McCarthy & Stone established its first model for sheltered accommodation for the over fifty-fives, which was later adopted and adapted by competitors over a forty-year period. In this time the product and concept has evolved to 'retirement living' – a lifestyle choice, not just a building. More recently, following the HAPPI inspired reports⁴, developers have learnt what makes a successful development, in terms of attracting purchasers, sustaining customer satisfaction over the long term, and maintaining properties in perpetuity. Some of these characteristics are taken from Northern Europe, America and Australia, where retirement living is more established.



⁴Jeremy Porteus, *Housing our Ageing Population: Positive Ideas (HAPPI)/Making Retirement Living A Positive Choice*, (London: All Party Parliamentary Group on Housing and Care for Older People, 2016)

“ characteristics are taken from Northern Europe, America and Australia, where retirement living is more established

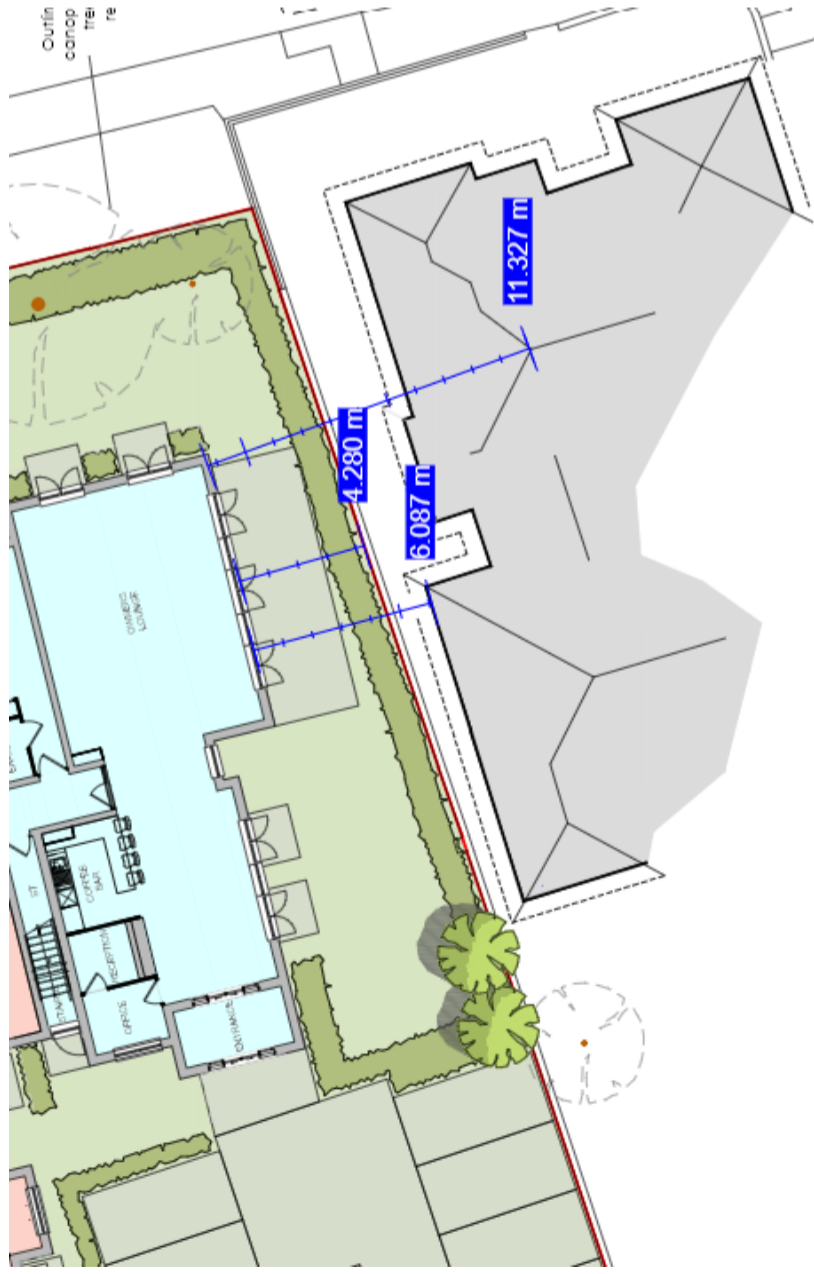
CRL understand the following twelve design characteristics to be essential to the success of retirement living accommodation for older people in the UK:

- 1 Single-building with internal level access (for reasons of economy and end-user accessibility);
- 2 Mainly single-aspect apartments (double-loaded corridors necessitated by land values/sustainable land use, though double-aspect achieved where possible);
- 3 Quality amenity space (quantity is less important where there is a shared garden);
- 4 Parking ratio of one space per three apartments (supported by precedent, research² and appeal decisions);
- 5 Communal space or 'Owners Lounge' (a central feature of sheltered accommodation, providing space for social interaction, helping mitigate loneliness);
- 6 Manager's office (and apartment for Lodge Manager in developments over 50 apartments);
- 7 Guest suite (twin bedroom and shower room for visiting friends and family);
- 8 Plant room (plant is managed centrally, particularly air source heat pumps for energy-efficient heating);
- 9 One lift (essential for end-user accessibility, albeit developments promote independent living/active lifestyles i.e. not a residential institution);
- 10 Internal refuse store (for environmental reasons and end-user accessibility/comfort);
- 11 Mobility scooter store (for protected storage of mobility scooters and bicycles);
- 12 Target minimum of 30 apartments (to spread cost of management charge for end-users).



²Mott MacDonald, Lodge Parking Survey Results, (Southampton: Mott MacDonald, 2017)

APPENDIX JRG 4
APP/B1740/W/21/3289313



Appendix JRG4

Proposed site separation distances

Buckland Court height

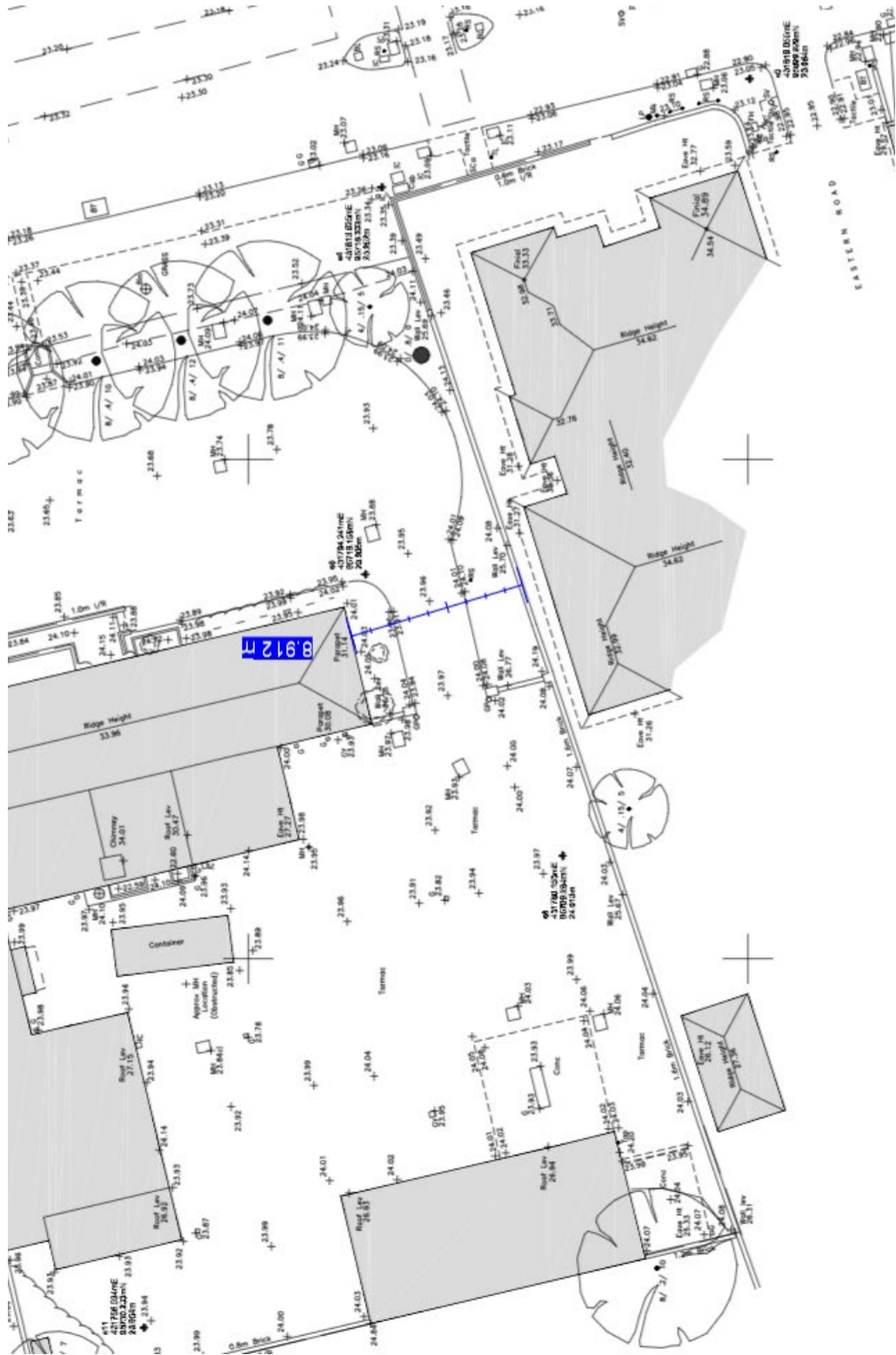


Road Elevation



APPENDIX JRG 5
APP/B1740/W/21/3289313

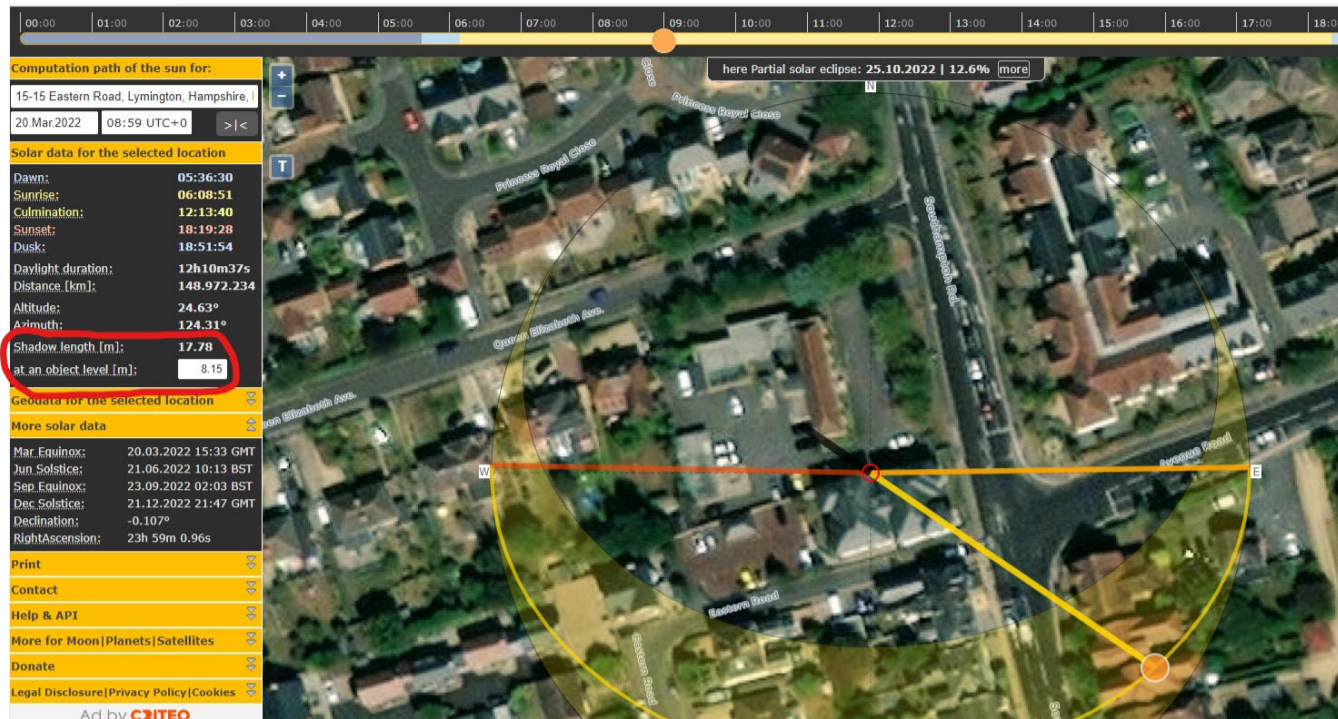
Appendix JRG . Existing shading.



APPENDIX JRG 6
APP/B1740/W/21/3289313

Appendix JRGX SunCalc diagrams. March Equinox 20/03/22

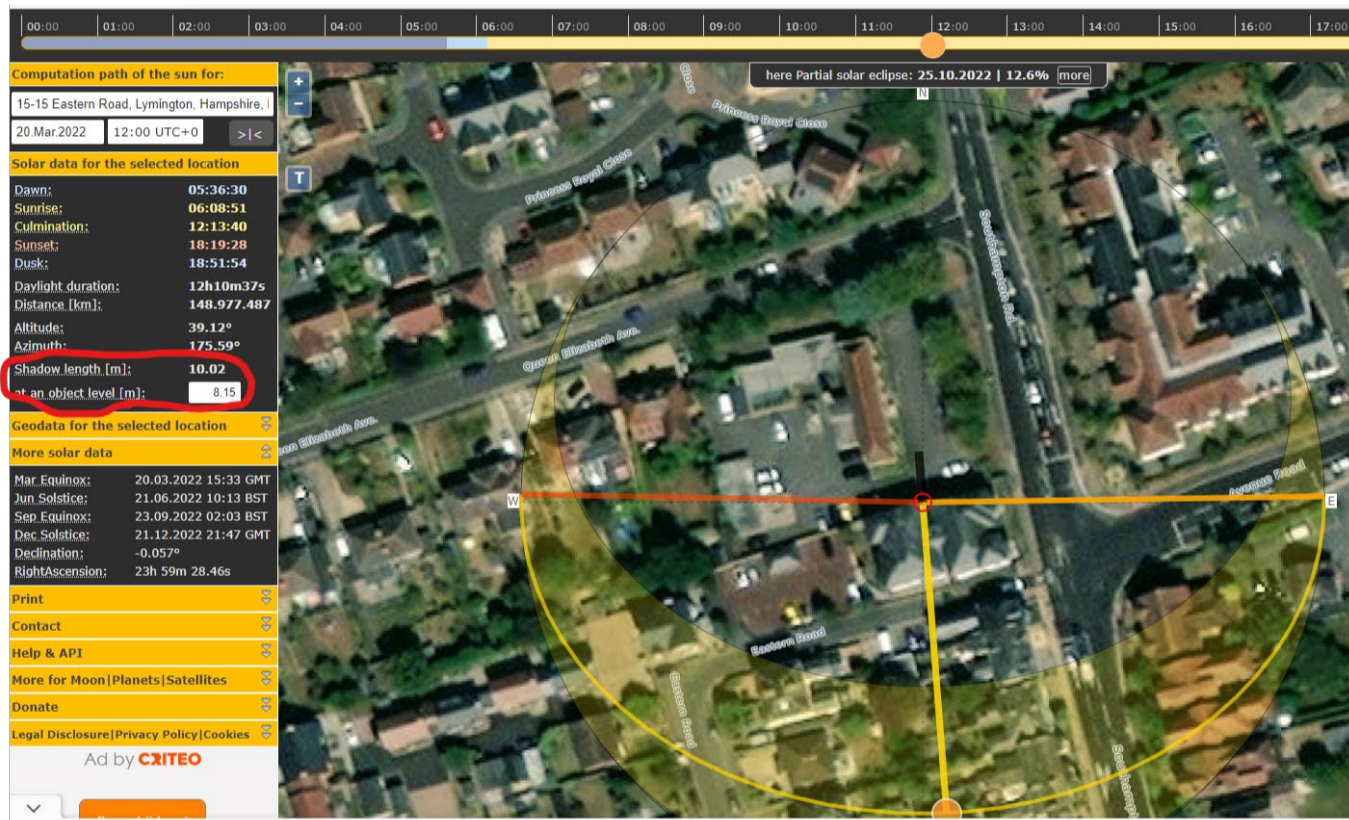
9am



SunCalc shows the movement of the sun and sunlight-phase for a certain day at a certain place.

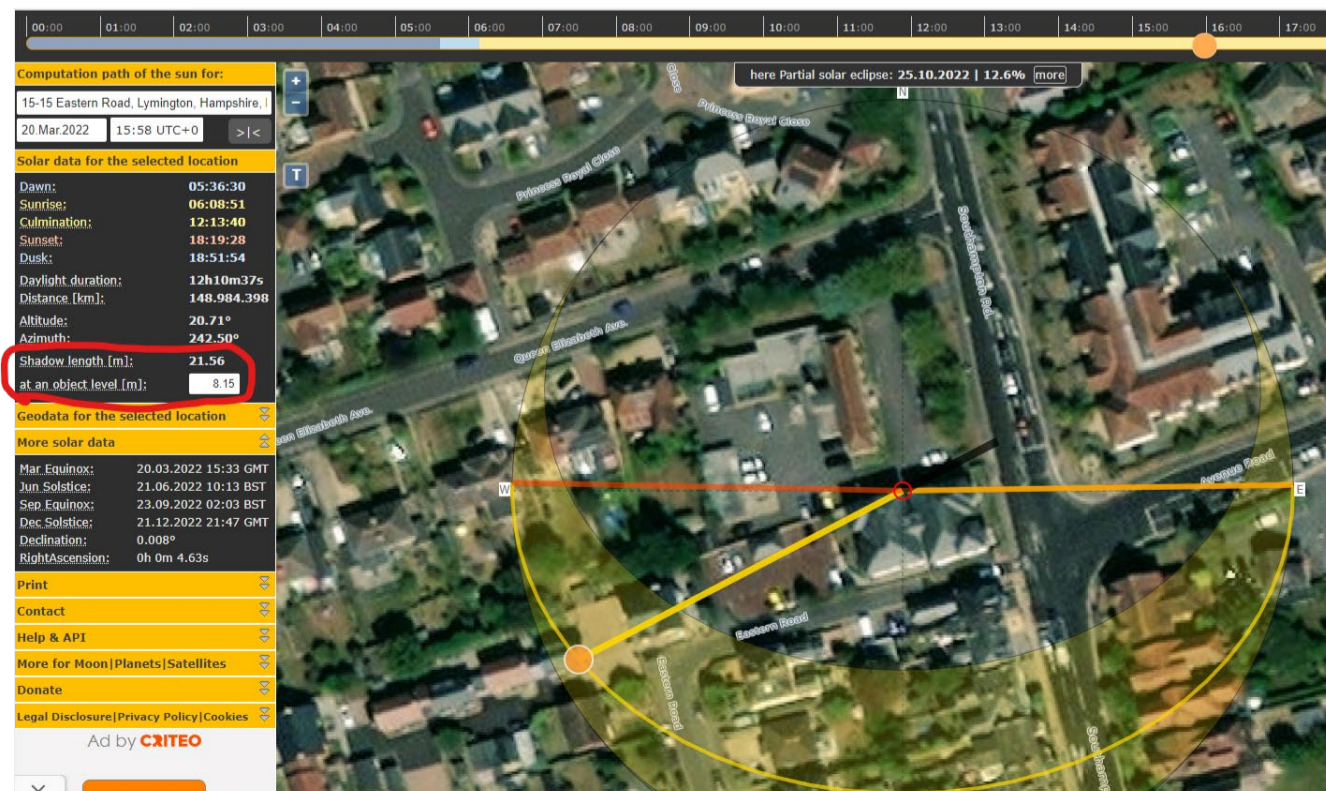
You can change the sun's positions for sunrise, selected time and sunset see. The thin yellow-colored curve shows the trajectory of the sun throughout the year. The closer a point in the center, the higher the sun above the horizon. The colors in the above time-slider shows the sunlight during the day. The sun on the time slider can be moved by mouse or with the arrow keys of the keyboard

Midday



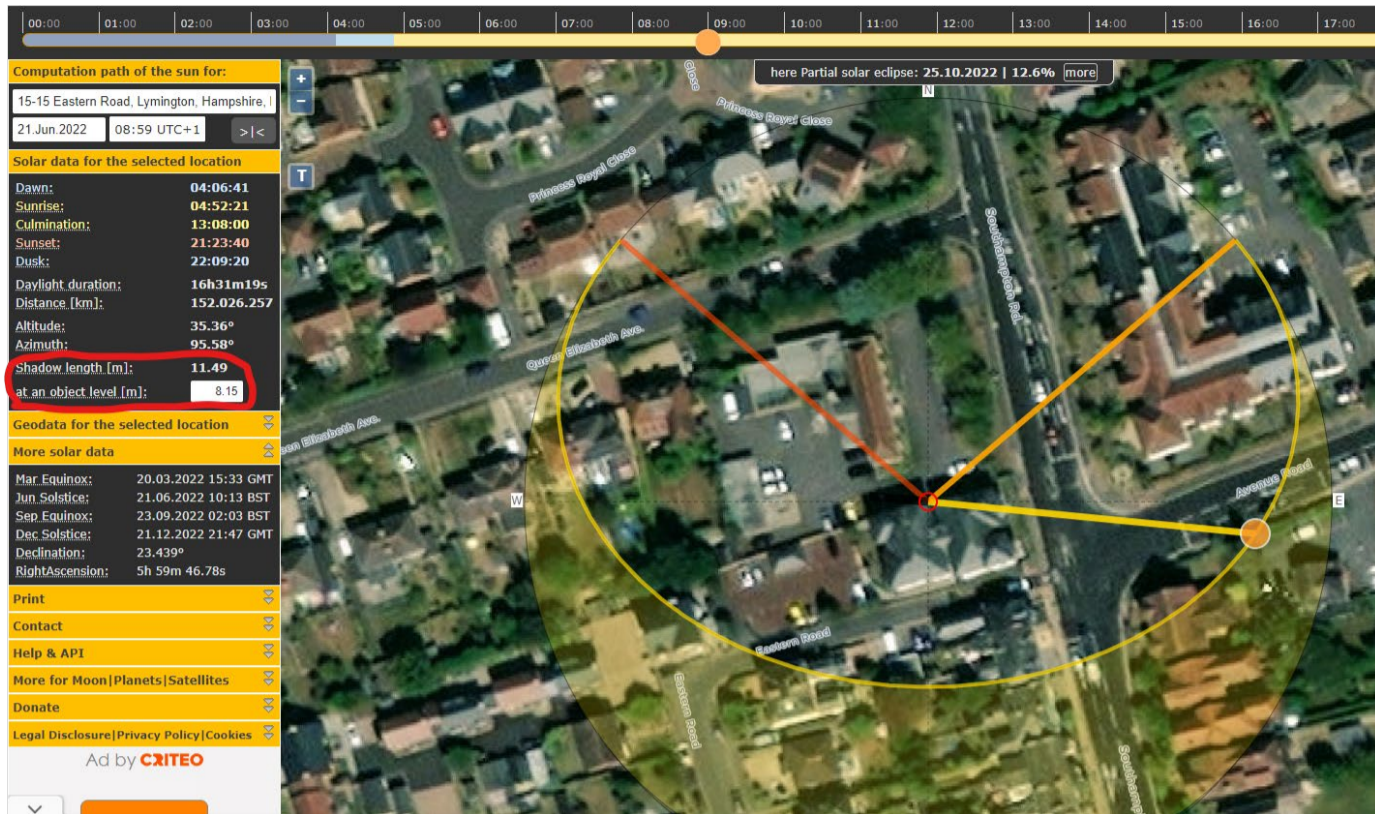
The black line extending from the red circle is the length of shadow from that particular point on the adjoining building. The length is also shown in the information bar on the left side of the image.

4pm

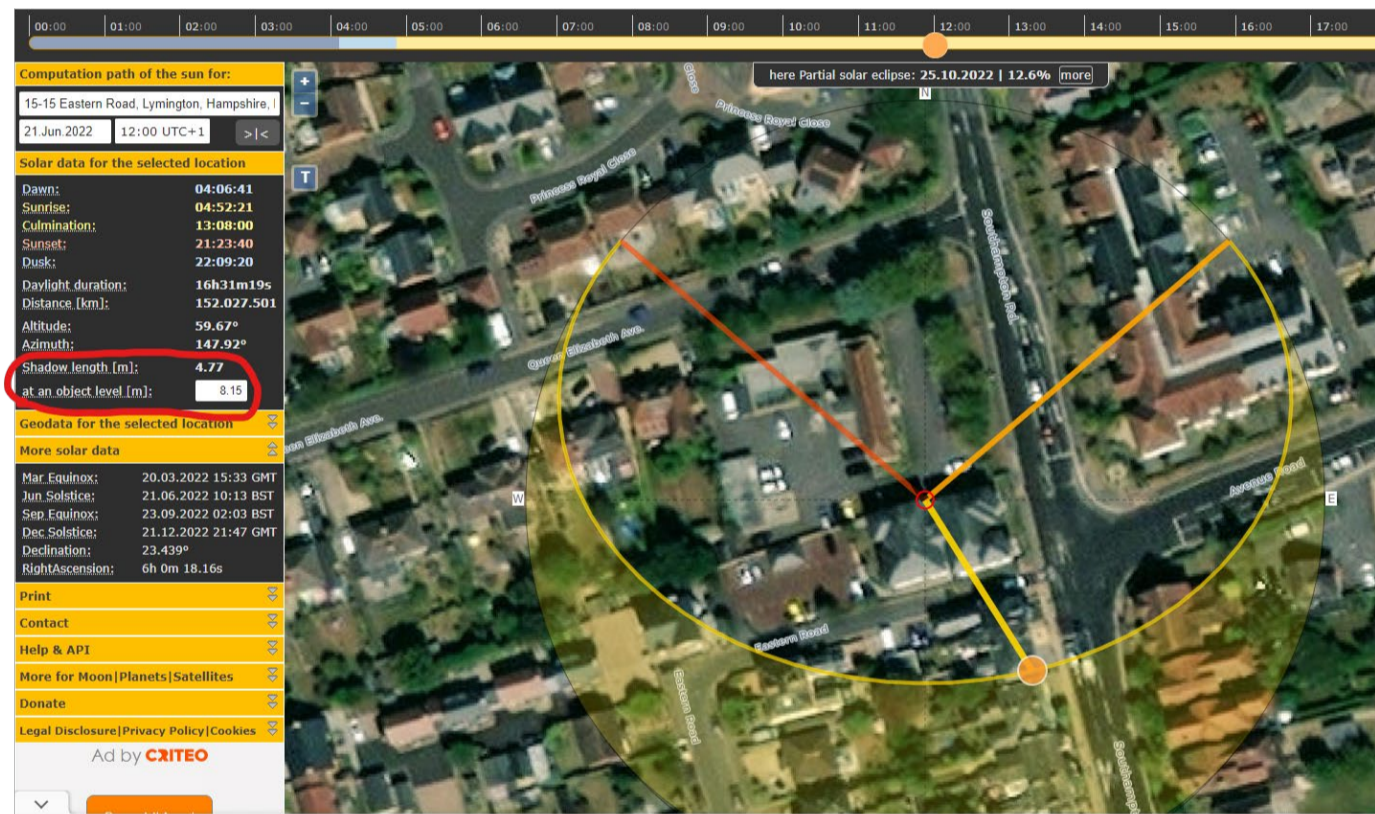


Summer solstice. 21/06/22

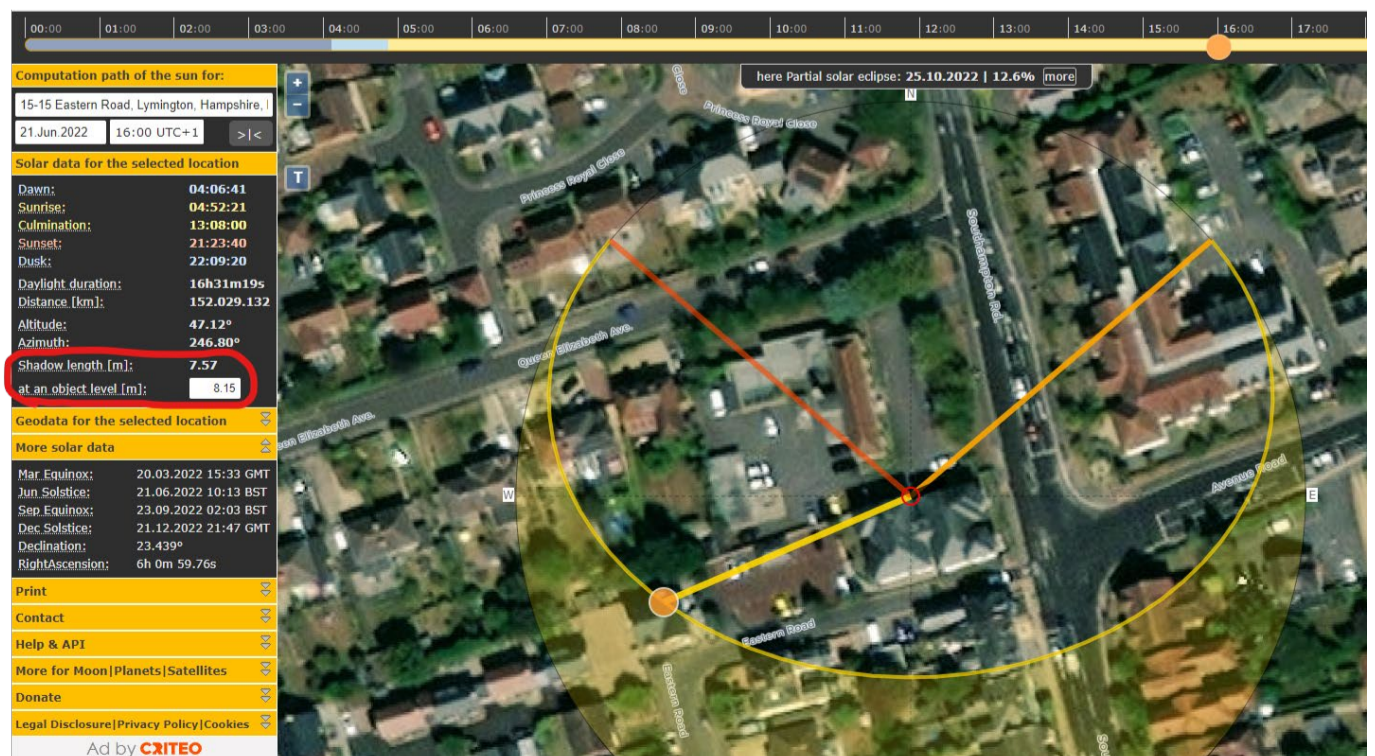
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Midday

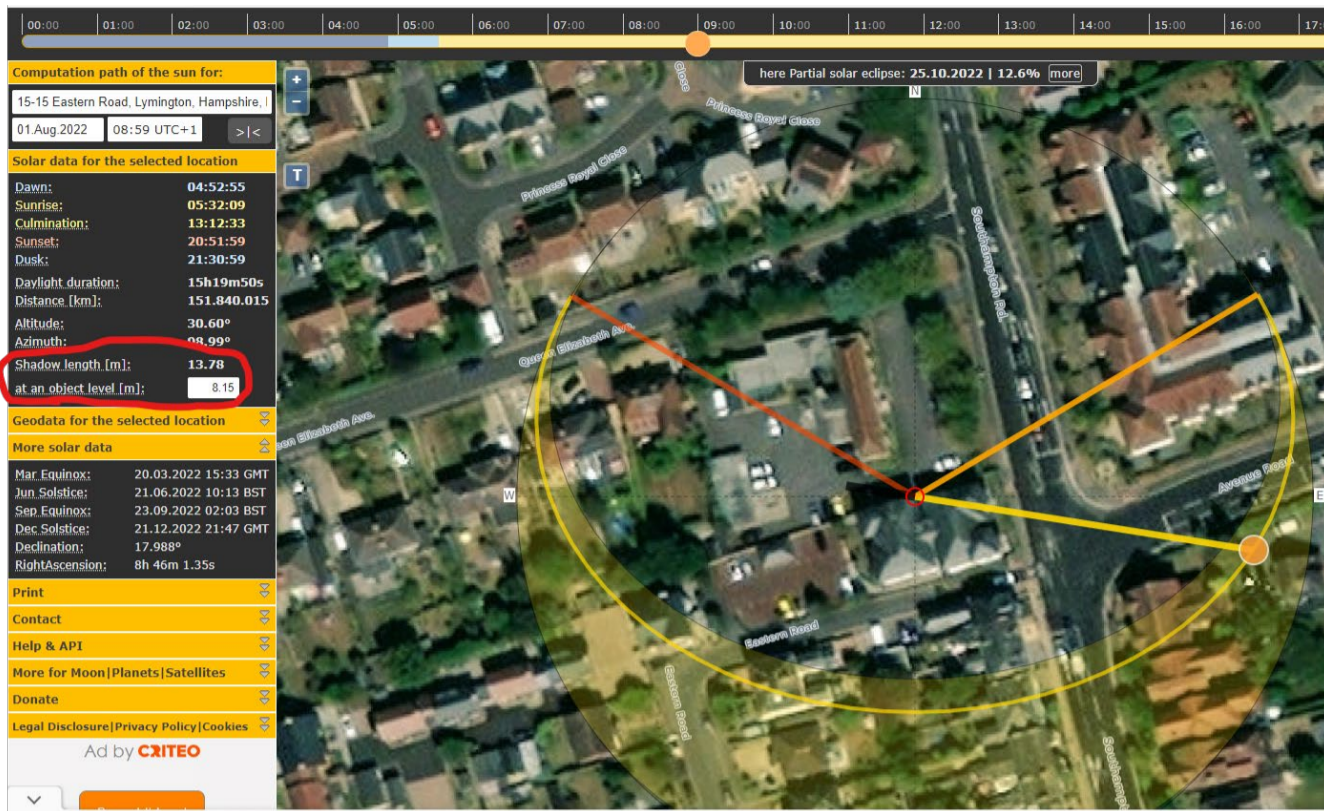


4pm

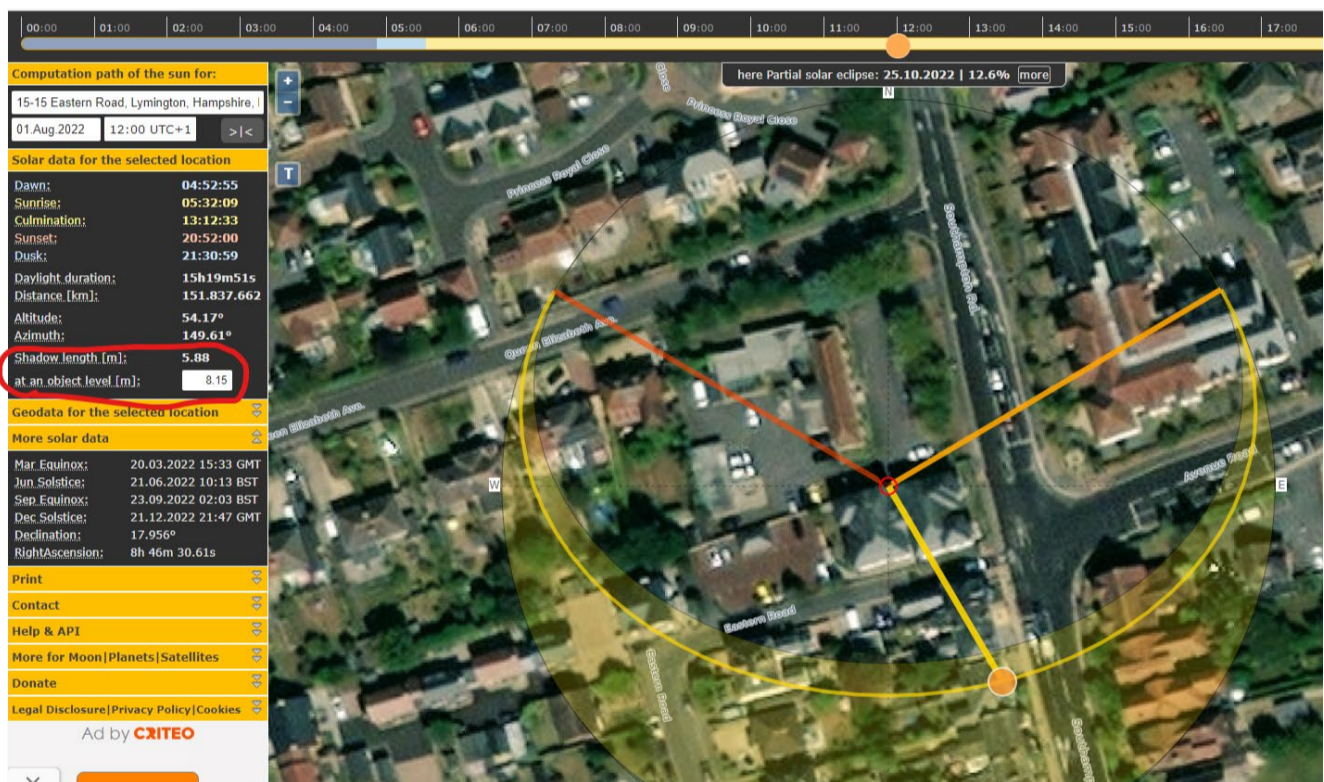


01/08/22

9am



Midday



4pm

