

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 Summary

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

LPA Ref: 21/10938

James Gilfillan. MATCP, MRTPI.

1. This is an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) against the decision of NFDC to refuse permission to demolish the former Lymington Police Station and erect a block of 32 retirement flats at the former Lymington Police Station, Southampton Road, Lymington.
2. The application was refused by notice dated 10th December 2021 for seven reasons. 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.
3. As set out in the Statement of Case and agreed in the Statement of Common Ground, the Council will defend reasons for refusal 1, in part and reasons 2, 3, 4, & 5 in all. 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. 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).
4. This proof considers the conflict of the scheme with adopted policy STR1, those parts of adopted policy ENV3 relating to residential amenity as presented at refusal reason 5, the Heritage Balance required by NPPF para's 202 and 203, the Planning balance, application of S. 38(6) of the Planning and Compulsory Purchase Act 2004 and any other material planning considerations.
5. Expert witnesses have presented evidence to support the heritage and design reason, the arboricultural reason and highway reason, for refusing planning permission, concluding conflict with adopted policies and guidance in each case.
6. The scheme has public benefits, however such benefits are insufficient to outweigh the less than substantial harm to heritage assets, the conservation of which should be given great weight.
7. That identified harm, including the harm arising from the loss of the existing non-designated heritage asset, and conflict with adopted policies in relation to design, arboricultural landscape features, highways and amenity, demonstrates the failure of

the scheme to deliver sustainable development and indicate refusal was the correct outcome.

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

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

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