



PROOF OF EVIDENCE

SITE: FORMER POLICE STATION, SOUTHAMPTON ROAD, LYMINGTON

SO41 9GH

**CHURCHILL RETIREMENT LIVING
CHURCHILL HOUSE
PARKSIDE
RINGWOOD
BH24 3SG**

MARCH 2022

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL RETIREMENT LIVING LTD AGAINST PORTSMOUTH CITY COUNCIL'S REFUSAL OF A PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO FORM A FOUR STOREY BUILDING TO FORM 32 RETIREMENT APARTMENTS (C3 USE) FOR OLDER PERSONS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING FOLLOWING THE DEMOLITION OF AN EXISTING CAR SHOWROOM AND DWELLING.

SITE AT: FORMER POLICE STATION, SOUTHAMPTON ROAD, LYMINGTON, SO41 9GH

LPA REF: 21/10938

PLANNING INSPECTORATE REF: APP/B1740/W/21/3289313

PLANNING INQUIRY DATE: 26th-29th April 2022

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1.0 Executive Summary

- 1.1 The appeal proposal for the redevelopment of a vacant police station on Southampton Road, Lymington for 32 Retirement Living apartments for older persons including communal facilities, and associated parking and landscaping.
- 1.2 The Council refused the application on the 10th December 2021 following the Planning Committee's decision refuse planning permission contrary to officer recommendation for the following reasons, and I summarise;
 - (i) The proposal would not constitute sustainable development by virtue of not providing a mixed and balanced community;
 - (ii) The scale and mass of the proposed development would have unacceptable impact on the character of the surrounding area including the Lymington Conservation Area;
 - (iii) Impact on future growth of retained trees;
 - (iv) Insufficient provision of on-site parking and on site turning for emergency vehicle;
 - (v) Insufficient outdoor amenity space for future residents;
 - (vi) Absence of a legal agreement to secure mitigation of impact towards the Solent Special Protection Area (SPA) and Special Areas of Conservation (SAC);
 - (vii) Absence of a legal agreement to secure provision of an off-site contribution towards affordable housing.
- 1.3 The Council in the lead up to the appeal informed the Appellant that it was no longer looking to defend the first reason for refusal and it is considered that the proposal is a sustainable form of development that would positively contribute to mixed and balanced communities and complies with Policy HOU1 of the Local Plan Part 1.
- 1.4 In respect to the sixth and seventh reason for refusal the parties are agreed that these reasons for refusal fall away with the provision of a completed legal agreement to secure the figures set out in 2.16 and 2.18 of the Statement of Common Ground (**CD-56**).
- 1.5 The 4 remaining issues at dispute at this appeal are as follows;
 - (i) The scale and mass of the proposed development would have unacceptable impact on the character of the surrounding area including the Lymington Conservation Area;
 - (ii) Impact on future growth of retained trees;
 - (iii) Provision of on-site parking and on site turning for emergency vehicle; and,
 - (iv) Provision of on site amenity space to meet the needs of future residents.

1.6 In this particular case the Council are unable to demonstrate a 5 year housing land supply and Paragraph 11(d) and the tilted balance is engaged meaning that for decision taking the policies of the development plan which are most important for determining this application are out of date, and permission should be granted unless; (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

1.7 It is the Appellant's case that the proposal is accordance with all development plan policies and the NPPF taken as a whole. Even if it were to be considered that some aspect of the proposed scheme resulted in some adverse impact it is considered that it would not be anywhere near significant and demonstrable to outweigh the planning benefits of the proposed scheme.

1.8 The Appellant's other witnesses cover the following issues;

- Mr. Nigel Appleton, Contact Consulting - Need for older persons accommodation;
- Mr. Paul White, Ecus Ltd - Heritage
- Mr. Robert Jackson, Planning Issues Ltd - Design
- Mr. Philip Brophy, Barrells Treecare - Trees
- Ms. Jessica Lloyd, Paul Basham Associates - Highways

My evidence considers the issue of amenity space provision and matters relating to planning balance and the engagement of Para 11 (d) of the NPPF.

(ii) Whether the proposed development provides suitable amenity space for future residents

1.9 The Appellant company, Churchill Retirement Living is one of the market leaders in the provision of retirement accommodation for older persons with over 20 years of experience in providing award winning schemes. The quality of landscape provision within their developments is important to prospective residents and indeed Churchill Retirement Living have won awards for excellence for their landscaped gardens.

1.10 My evidence sets out the Appellant's experience of this form of specialised accommodation and the character of residents which has an implication for the type, design and amount of amenity space provision. It identifies that the most important area of amenity space is the residents lounge as useable all year round whatever the weather. Policy ENV3 requires all development should achieve a high quality design, be functional making effective use of both developed land and open spaces. It is only criterion (vi) of the policy that makes reference to green spaces and it only seeks for appropriately designed green spaces including sufficient planting. The policy or supporting text provides no further guidance or standards for the provision of amenity space for specialised accommodation for older people or indeed for any form of residential development. The appellant considers that the proposal is well-designed and has specific regard to the amenity needs of its future occupants and complies with Policy ENV3.

Planning Balance

1.11 The Appellant's case is that the appeal scheme would not cause any material planning harm and would deliver a number of significant planning benefits. It is considered that the appeal proposal is compliant with the development plan when considered as a whole, national planning policy, and provides substantial planning benefits as follows (weight attached in brackets);

- The proposal would bring forward 32 units of C3 dwellings in an authority where there is a presumption in favour of residential development because of an under supply of housing and constrained supply of land (significant weight);
- The delivery of 32 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as 'critical', and local housing needs identifies for 1,800 units of private sector market retirement accommodation (significant weight);
- Redevelopment of a previously developed site in an authority which has an acknowledged constrained supply of available land for residential development (significant weight);
- The appeal proposal is for the redevelopment of a site in a sustainable location being on public transport corridor to the town centre with local shops and facilities within walking distance (significant weight);
- The development would make optimum use of the site (moderate weight);
- There is benefit in releasing under-occupied housing stock in a local area where there is an acknowledge constrain on available land for residential development (moderate weight);
- The proposal would provide economic benefits by generating jobs, in the construction phase and by residents spending locally (significant weight);
- There would be social benefits in older persons accommodation including to the national health service (significant weight); and
- There would be environmental benefits from the redevelopment of this site and through the sustainable construction of the proposed development (moderate weight).

1.12 I respectfully request that the appeal be allowed.

2.0 Professional Qualifications and Experience

- 2.1 I am Matthew Shellum BA hons DIPTP MRTPI, Planning Director and Head of Appeals at Planning Issues Ltd., where I have held the post for 2 years. I hold a degree (Batchelor of Arts with Honours) in Geography and Planning Studies and a post graduate diploma in Town Planning, both from Oxford Brookes University. I am a member of the Royal Town Planning Institute and have been so for over 13 years.
- 2.2 I previously held the post of Principal Planning Associate for The Planning Bureau Ltd. where I was employed since 2001. The Planning Bureau's primary client was McCarthy & Stone Retirement Lifestyles Ltd. who also specialise in the provision of older persons accommodation. I have 20 years planning experience working with the retirement housing sector. I have obtained in the region of 200 planning consents for retirement housing schemes around the country via local permissions and planning appeals during that time.
- 2.3 Prior to 2001 I held posts with local planning authorities in Hampshire and Wiltshire.
- 2.4 Planning Issues Ltd. provide planning advice to the Appellant on all its development proposals nationwide, and have been involved with this appeal site since January 2020 and acted as agent on behalf of the Appellant in submitting and pursuing the planning application that is now subject to this appeal. In the course of my role I would be reviewing circa 50 sites a year for the Appellant at various stages of land acquisition, pre-application planning submission, planning application and planning appeals.
- 2.5 This proof of evidence relates to an appeal made under Section 78 of the Town and Country Planning Act 1990 against New Forest District Council's refusal of the application subject of this appeal for the redevelopment of the site to form 32 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping following the demolition of existing buildings on the site.
- 2.6 The proposed development has been considered in the light of Section 38(6) of the 2004 Act. My evidence has considered the proposal against the policies of the development plan and consider the proposal complies with the development plan when considered as a whole. Applying s.38(6) of the 2004 Act, the appeal should therefore be allowed unless material considerations indicate otherwise. In this case the Appellant's position is that all material considerations weigh in favour of the grant of permission.

3.0 Introduction

3.1 The proof of evidence considers the following aspects of the case, and is set out as follows:

- A brief description of the Appeal proposal, site history and planning process;
- Relevant Development Plan Policy and Material Planning Considerations;
- Why Planning Permission should be Granted;
- Planning Balance including the benefits of older persons accommodation; and
- Conclusion.

3.2 This proof is accompanied by a short executive summary setting out the appeal proposal's compliance with the development plan and the material planning benefits of the proposed scheme that weigh in favour of the proposed development.

3.3 A Planning Statement (**CD-13**), Design and Access Statement (**CD-12**), Heritage Statement (**CD-14**), Arboricultural Assessment (**CD15-17**), Transport Statement (**CD-19**) and Viability Statement were submitted with the application. To avoid duplication of evidence, reference will be made to these documents where appropriate.

3.4 The Appellant's case is supported by a proof from Mr. Robert Jackson, Design Director, Planning Issues Ltd. in respect to matters of design and townscape; a proof from Mr. Paul White, Ecus Ltd. in respect to heritage matters; a proof from Ms. Jessica Lloyd in respect to highways matters; a proof from Mr. Phil Brophy in respect to tree related matters; and a proof from Mr. Nigel Appleton on older persons housing needs. My proof specifically considers matters of planning policy and the scheme's compliance with the Development Plan, the planning balance including the material planning benefits of specialist accommodation for older people, and where relevant my experience of working with the retirement housing sector.

4.0 Site History & Planning Process

Appeal Site

- 4.1 The site is located within the built up area of the town of Lymington. The site is within 350m of Lymington High Street with its provision of local shops and services, to the south of the site on the A337 is a Waitrose supermarket.
- 4.2 The site is approximately rectangular and of 0.22ha in size. It bounds Southampton Road (A337) on its eastern boundary and Queen Elizabeth Avenue on its northern boundary. To the south of the site is Buckland House a flatted development of three storeys. To the west of the site is the Old Police House which is now a private dwelling of two and half storeys in red brick with access from Queen Elizabeth Avenue. Opposite the site is Farringford Court a flatted development of two to three storeys which is an Extra Care development (C2 use) by McCarthy & Stone built in 2011.
- 4.3 The site subject of this appeal was the former Lymington Police Station whose use ceased in 2017 and is currently vacant. The existing building is an L shaped building in a traditional civic style building in red brick with a mansard roof sat behind a parapet. The building fronts on to Southampton Road and has a parking area in front of the police station and a further area of parking and garages to the rear of the building. Within the road frontages to Southampton Road and Queen Elizabeth Avenue there are a number of semi mature trees and shrubs.
- 4.4 The site abuts the Lymington Conservation Area along its southern boundary with Eastern Road. The immediate area is predominantly residential in character and a mix of apartments and houses. Please see Mr. Jackson's proof the Design and Access Statement submitted with the application for further details on the appeal site and its context.

Site Planning History

- 4.5 Prior to the application subject of this appeal there is no relevant planning history relating to the appeal site. There are relevant planning appeals and permissions relating to other retirement living developments within Lymington and they are referenced within Section 7.0 and the consideration of the Council's reasons for refusal.

Planning Process

- 4.6 In accordance with the National Planning Policy Framework at paragraphs 39-41 the Appellant held pre-application meetings with the Council in January 2020 and October 2020 prior to the submission of the application in 2021.

- 4.7 The application subject of this appeal was submitted to New Forest District Council in June 2021 and was validated on the 15th July 2021. The application submitted was for the demolition of existing buildings and redevelopment of the site to form 32no retirement living apartments for older persons including communal facilities, access, parking and associated landscaping.
- 4.8 The application was presented to the Council's Planning Committee of the 13th October 2021 with a recommendation for approval subject to the completion of a S106 legal agreement to secure appropriate habitats mitigation contributions, measures to achieve biodiversity net gain, and an appropriate contribution towards the off-site provision of affordable housing.
- 4.9 The application was resolved by the planning committee to be deferred on the sole grounds '*for an appropriate contribution towards the off-site affordable housing to be agreed between officers and the applicant.*¹'
- 4.10 The application was returned to the Council's Planning Committee of the 8th December 2021 with a recommendation for approval subject to the completion of a legal agreement following the parties having reached an agreement on the affordable housing contribution.
- 4.11 Notwithstanding the Council's Planning Committee's previous resolution to defer the application on one sole ground of an affordable housing contribution, they resolved this time to refuse the application contrary to planning officer's advice, and their own previous resolution, for seven grounds which are set out in the decision notice of the 10th December 2021 and are as follows;
- (1) The proposed development would not deliver sustainable development and not create a mixed or balanced community and is thereby contrary to local plan policy HOU1 of the Local Plan 2016-2036 Part One: Planning Strategy which seeks to create a mixed and balanced community by providing a mix and choice of homes by type, size, tenure and cost.**
 - (2) The proposed development is of a scale and mass that is considered to be inappropriate and out of keeping with the area resulting in an adverse impact on the character of the surrounding area and the existing character of the adjacent Conservation Area. In these respects the proposal is considered discordant with local plan policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy and saved policy DM1 of the Local Plan Part 2: Sites and Development Management.**
 - (3) The proposed development, by reason of the proximity of the proposed apartments to the maturing protected trees on site, would not allow for these trees to grow into natural size**

¹ New Forest District Council Planning Committee Meeting Minutes of 13th December 2021.

and form. This is likely to result in the future unsympathetic pruning and potential loss of these trees which would be detrimental to the amenity of the area.

- (4) **The proposal makes insufficient provision for on-site parking to serve the development and inadequate turning on site to enable emergency service vehicles to turn on site and leave in forward gear. The development is likely to lead to additional pressure on on-street parking within the surrounding local area, to the detriment of amenity of the area.**
- (5) **The proposed development has insufficient outdoor amenity space. Such a lack of outdoor amenity space would fail to meet the reasonable amenity needs and may consequently adversely impact the health and wellbeing of future residents, contrary to the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.**
- (6) **To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in new units of overnight residential accommodation which will potentially have an adverse impact through greater nitrates being discharged into the Solent catchment area thereby having an adverse impact on the integrity of the Solent Special Protection Area (SPA) and Special Areas of Conservation (SAC). A precautionary approach is required to be adopted and in the absence of a completed Section 106 Agreement and adverse impact on the integrity of the SPA and SACs cannot be ruled out. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is inadequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017, and New Forest Local Plan (2016-2036) Policy ENV1.**
- (7) **In the absence of a completed S106 Agreement to secure an appropriate contribution towards the provision of off-site affordable housing, the proposed development fails to accord with the provisions of policy HOU2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.**

4.11 In respect to the first reason for refusal the Council has advised at the case management conference that it is not intending to offer any evidence to defend this reason for refusal. The Appellant considers that the parties are agreed that the proposal complies with HOU1 of the Local Plan Part1 and it would contribute to delivering a mixed and balanced community. Notwithstanding, the Council's concession on this point matters relating to the need for older persons accommodation within Lymington and the District have been raised by third parties. Accordingly, the Appellant has provided a proof by Mr. Nigel Appleton from Contact Consulting Ltd. on this matter and it is intended that the Appellant will present him to the Inquiry.

- 4.12 In respect to the sixth reason for refusal in relation to mitigation measures towards the Solent Special Protection Areas the Appellant agreed during the course of the application to make a financial contribution towards the Solent Protection Areas and nitrate neutrality. This is reflected in the wording of the reason for refusal relating to the 'absence of a suitable agreement'. The Appellant will provide a completed legal agreement securing the appropriate mitigation measures and as such both parties as set out in the Statement of Common Ground **(CD-56)** agree that this reason for refusal is addressed and no further evidence is provided on it.
- 4.13 In respect to the final reason for refusal the Council have assessed the Appellant's submitted viability assessment using independent external consultants and the parties are agreed on a sum to be paid by financial contribution in lieu of on-site provision of affordable housing. The agreed figure of £959,546. Towards affordable housing is set out and agreed by the parties in the Statement of Common Ground **(CD-56)**.
- 4.14 No further evidence is produced in respect to the sixth and seventh reasons for refusal as these are now considered to have been addressed.

5.0 Development Plan Policy

5.1 The development plan for New Forest District Council comprises the 'Local Plan 2016-2036 Part 1: Planning Strategy' (Local Plan Part 1), 'The Local Plan Part 2: Sites and Development Management' (Local Plan Part 2), saved policies of 'The New Forest District Local Plan First Alteration 2005' and the saved policies of 'The Local Plan Part 1: Core Strategy 2009'. Only policies from the Local Plan Part 1 and Part 2 2016-2036 were referenced in the reasons for refusal as none of the saved policies are relevant to this application, so the evidence will focus on these development plan documents.

5.2 I would refer to the Planning Statement submitted with the application for a wider review of development plan policy. I below set out briefly those policies considered to be salient to this appeal proposal.

Local Plan 2016-2036 Part 1: Planning Strategy (July 2020) (CD-27)

5.3 Section 2 of the Local Plan Part 1 sets out the plan profile area and strategic context of the district. The notable point from the section is the extent to which the District is constrained by important environmental designations such as the New Forest National Park, the Cranborne Chase Area of Outstanding Natural Beauty and the South West Hampshire Green Belt. The Key Issues section of the plan identifies at Paragraph 3.4 that one of the main issues is to find the right balance between meeting development needs and protecting the quality of the local environment.

5.4 Key Issue 6 for the Local Plan is identified as an 'Ageing Population' and states;

'How do we best address the accommodation, care and related needs of our ageing resident population when the proportion of residents aged 65 and over is projected to increase by 40% (13,200) between 2016 and 2036.'

5.5 The Council have acknowledged that one of the planning issues for the Local Plan to address is the growing needs of an ageing population including accommodation requirements.

5.6 Strategic Objective 3 (para 3.21) seeks to provide a high quality, safe and attractive living environment, and to ensure that valued local character and distinctiveness is maintained, that new development is well-designed and is appropriate in scale, density, form and character to its context, and conserve, manage and where possible enhance listed buildings and other built heritage assets.

5.7 Strategic Objective 5 (para 3.23) on housing needs, mix and affordability states;

'To provide a range and choice of good quality new homes by type, size, tenure and location. To ensure that new housing as far as possible addresses local housing needs providing, in particular homes more affordable for younger households and a wider spectrum of homes and other measures enabling older residents to continue to live well and remain independent in their New Forest communities.'

Policy STR1: Achieving Sustainable Development

- 5.8 Policy STR1 seeks all new development to make a positive social, economic and environmental contribution to community and business life in the plan area. The policy has a strategic objective of delivering most development within existing settlement boundaries. Criterion (i) is specific to housing development and advises that the housing needs of local communities should be met by locating new residential development in sustainable and accessible locations. The criterion also seeks a mix of housing types to address the full spectrum of housing needs at all stages of life. This complies with national planning policy (NPPF, Para 62) which seeks that the housing needs of different groups in the community are assessed and reflected in planning policies. I would also suggested its wording to include '*all stages of life*' is a further acknowledgement of the key issue of an ageing population that the Council has identified for this plan.
- 5.9 Criterion (ii) of the policy advises taking a context and landscape led approach to the siting and design of development to deliver high quality design that maintains local distinctiveness and creates high quality townscapes, and sustains and enhances heritages.
- 5.10 Criterion (iii) seeks to achieve an environmental net gain and mitigate where necessary the direct and indirect impacts of development on the integrity of the New Forest and Solent international nature conservation sites.
- 5.11 Criterion (iv) actively seeks to ensure that new development is accessible by sustainable modes of transport as well as by car, in order that reliance on the private car is minimised.
- 5.12 Criterion (vi) seeks to ensure that new development is adaptable to the future needs of occupiers and future-proofed for climate changes and innovations in transport and communications technology.

Policy STR3: The Strategy for Locating New Development

- 5.13 Policy STR3 is a strategy for locating new development towards accessible locations to sustain the vitality and viability of the towns and villages of the plan area. Policy STR4 develops this further with a settlement hierarchy of the most sustainable locations starting with the towns of the District which includes Lymington, and identifies it as one of the most sustainable locations for large-scale residential development to improve their self-containment and to support their local service offer.

Policy STR5: Meeting our Housing Needs

- 5.14 Policy STR5 sets out the Council's target housing delivery to meet its identified needs but given the Council's absence of a five year housing land supply this policy can be considered to be out of date. Criterion (ii) to the policy identifies that at least 800 new dwellings on sites of 10 or more homes will be identified in the defined towns and villages and allocated through the Local Plan Part 2 or Neighbourhood Plans including 200 new dwellings in Lymington and Pennington.

Policy ENV1: Mitigating the Impacts of Development on International Nature Conservation Site

- 5.15 Policy ENV1 was referenced in the sixth reason for refusal which will be addressed through legal agreement but requires mitigating the impacts of new development on international nature conservation sites including the Solent Special Protection Area. Criterion (2) to the policy specifically references residential development mitigating adverse effects as set out in the Solent Recreation Mitigation Strategy. Criterion (4i) sets out that financial contributions towards the provision of recreational mitigation measures will be acceptable for developments providing 49 net dwellings or fewer. Criterion (4iv) requires a financial contribution or other appropriate mechanisms to achieve nutrient neutrality from all residential development discharging waste water in to the Solent and Southampton Water.

Policy ENV3: Design Quality and Local Distinctiveness

- 5.16 Policy ENV3 seeks to ensure that new development is of a high quality design and contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. The policy requires new development to function well, which would have regard to the specifics of the proposed development, be appropriate to its environment and context, and be attractive.
- 5.17 Criterion (i) of the policy requires new development to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features. Criterion (vi) requires new development to provide appropriately designed green spaces including sufficient planting.

Policy ENV4: Landscape Character and Quality

- 5.18 Policy ENV4 seeks to retain and enhance landscape features through sensitive design, mitigation and enhancement measures. Criterion (i) identifies such landscape features can include trees.

Policy HOU1: Housing Type, Size, Tenure and Choice

- 5.19 Policy HOU1 is referenced in the first reason for refusal and is intended to ensure that all residential development helps to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost. The policy continues that its objectives are;

'...to improve the diversity of housing choice, and to achieve an overall balance of housing provision in general accordance with housing needs evidence. Each development should contribute appropriately to improving housing diversity wherever possible, taking into account the location, size and characteristics of the site, the form of development proposed and the viability of the scheme.'

5.20 The supporting text to the policy at 6.4 lists the greater range and quantity of certain types and tenures of accommodation that the policy in terms of diversity of housing choice is seeking. Included within this are the following;

'Homes which provide specialised care on-site including sheltered and extra care housing.

Homes attractive to active older households and down-sizers...

Affordable housing in accordance with Policy HOU2,'

5.21 Paragraph 6.5 advises that development proposals will be assessed in light of the most robust and up-to-date information on housing need in the plan area. Paragraph 6.6 identifies that smaller homes should be attractive to 'down-sizers' when they no longer need their family home. Paragraph 6.7 identifies there is demographic evidence for the need for one-bedroom homes.

Policy HOU2: Affordable Housing

5.22 Policy HOU2 is the Council's affordable housing policy referenced in the final reason for refusal which has subsequently been resolved. For reference the policy seeks affordable housing from schemes of 11 or more dwellings at a target of 50% provision but subject to the consideration of the viability of development. Paragraph 6.21 advises that in exceptional circumstances consideration may be given to alternative mechanisms to secure the equivalent delivery of affordable housing off-site.

Policy HOU3: Residential Accommodation for Older People

5.23 Policy HOU3 positively supports residential accommodation for older people stating that the strategy is to enable older people to continue to live independently. The policy seeks to ensure that new housing provision includes housing types designed to be suitable for older people. Paragraphs 6.23 and 6.24 of the Local Plan provide more detail on the extent of need of older persons accommodation in the plan area, and given the Council's first reason for refusal it is worth setting this out in detail;

'The resident population of the Plan Area is ageing and living longer, and the number of people aged 75 and over is projected to increase by 65% (12,800) in the Plan period, and by 2036 almost half the Plan Area population is projected to be aged 55 and over. The majority older residents will continue to live in mainstream housing. Many will prefer to remain in their existing homes and to live independently for as long as they are able to.....

Whilst turnover in and renewal of the existing stock of specialist older persons accommodation will help to meet some future needs, there remains a significant need to provide new specialist accommodation during the Local Plan period, especially for the very elderly. Based on national prevalence rates of health and other factors affecting the ability of local residents to live independently, homes designed to be suitable for the changing needs of older people, including sheltered and extra care housing may need to comprise around a fifth of the new homes provided in the Plan period. Whilst this figure is best treated as indicative, such provision can help local people

continue to live independently in more suitable accommodation if they wish to, freeing up existing family houses for others..'

- 5.24 The Council's indicative comment that around a fifth of all new homes provided in the plan period is telling in respect to the extent of older persons accommodation that they need to plan for.
- 5.25 Paragraph 6.27 advises that for specialist self-contained accommodation for older people it will be important to ensure that residents benefit from a high level of amenity and shared community spaces to encourage companionship and social activities whilst enabling residents to live independently as far as possible. The text also advises that older persons accommodation should also include low maintenance garden areas with outdoor seating.

Policy CC2: Safe and Sustainable Travel

- 5.26 Policy CCC2 on safe and sustainable travel requires new development to provide sufficient car parking in accordance with the adopted parking standards supplementary planning document. The Parking Standards Supplementary Planning Document (2012) does not provide any specified parking standards for older persons accommodation. Paragraph 8.24 under parking advises that it is important to approach parking standards with some flexibility to ensure that land is used efficiently, having regard to existing parking provision, the needs arising from the proposed development, and the accessibility and location to other modes of travel. The policy also requires infrastructure to support the use of electric vehicles, which is also controlled through Policy IMPL2.

Policy IMP1: Developer Contributions

- 5.27 Policy IMPL1 advises that all development must provide, or contribute proportionately to the provision of, any on-site and off-site infrastructure, facilities, affordable housing, public open space and habitat mitigation measures that are necessary and reasonably required to support the development and mitigate its impacts to achieve a sustainable development. The policy allows for independent testing of viability where the level of contributions would render the development unviable.

Local Plan Part 2: Sites and Development Management (April 2014) (CD-28)

- 5.28 The Local Plan Part 2 sets out the detailed proposals and policies required to implement the planning strategy set out in the 2009 Core Strategy. The 2009 Core Strategy has largely been replaced by new policies of the Local Plan 2016-2036. The reasons for refusal only quote one policy of the Local Plan Part 2 as being alleged to be breached and that is Policy DM1.

Policy DM1: Heritage and Conservation

- 5.29 Policy DM1 under heritage seeks new development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. The policy continues to express national planning policy set out in the historic environment section of the NPPF. The policy

requires an assessment of the impact of a proposal on the heritage asset and its significance. In the event that there would be harm to the heritage asset account will be taken of the whether the public benefits of a proposal outweigh any harm caused to the heritage asset.

Supplementary Planning Documents

Lymington Local Distinctiveness SPD (Feb 2011)

- 5.30 Whilst adopted to support the policies of the 2009 Core Strategy the Lymington Local Distinctiveness SPD remains relevant to the appeal proposal. The document is aimed at ensuring new development in Lymington is well designed and respects local character and distinctiveness. The SPD is considered further in the design and access statement and in Mr. Jackson's design proof.

Parking Standards SPD (October 2012)

- 5.31 The Council have an adopted parking standards SPD from 2012 for the provision of car parking spaces in residential and non-residential development. The SPD also includes guidance on cycle parking and electric vehicle parking. Table 6 of the document includes a recommended parking standard of 1 space per apartment for active elderly accommodation with warden control.
- 5.32 The Council have produced a Consultation Draft Parking Standards SPD for residential and non-residential development in November 2021. The revised SPD makes reference again to 'recommended' car parking standards as opposed to maximum or minimum standards. It does not propose changes to the recommended standards set out for older person's accommodation. Principle 13 allows for departure from the parking standards where it can be fully justified using a robust evidence base.

Material Planning Considerations

National Planning Policy Framework (2021) (CD-21)

- 5.33 The Planning Statement submitted with the application provides an overview of national planning policy. For ease of reference, I will briefly focus on national planning policy in respect to the outstanding issues for determination at this appeal where it is not contained in other appeal documents, as well as national planning policy in respect to material planning considerations when assessing the planning balance of the proposed scheme.

National Planning Policy Framework (NPPF)

- 5.34 In relation to this Appeal, the following sections of the NPPF are particularly material;
- **Para 7** – *“The purpose of the planning system is to contribute to the achievement of sustainable development.”* This statement puts sustainability at the heart of planning and is the thread that runs through the NPPF.
 - **Para 8** – sets out the component parts that constitute ‘sustainable development’, namely economic, social and environmental.

- **Para 11** – *‘Plans and decisions should apply a presumption in favour of sustainable development.’*
For decision making this means approving development proposals that accord with the development plan without delay.
- **Para 12** - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan permission should not normally be granted.
- **Para 60** – sets out the planning objective *‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’*. This is recognition of the level of need for new housing across the country against the recent dwindling trend of housing supply.
- **Paras 60 and 61** – states that local housing needs assessments should determine the minimum number of homes needed, unless exceptional circumstances justify an alternative approach. This goes further to state that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities...”*
- **Para 63** - where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless; off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- **Para 111** states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- **Para 119** advises that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- **Para 120(c)** gives substantial weight to the value of reusing suitable brownfield land within settlements for homes.
- **Para 124** advises that planning decision should support development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change.

- **Para 125** - states that where there is an existing shortage of land to meet identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- **Para 126** -The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places to live and work while making development acceptable to communities.
- **Para 130** – seeks to ensure that developments;
 - a) Function well and add to the quality of the area over their lifetime;
 - b) are visually attractive due to good architecture, layout and landscaping;
 - c) are sympathetic to local character and history including the built environment and landscaping, while not preventing or discouraging appropriate innovation or change including increased densities;
 - d) Establish or maintain a strong sense of place to create attractive, distinguished places;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - f) Create places that are safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity and where crime does not undermine the quality of life.
- **Para 134** - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- **Para 182** advises the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- **Para 194** - Local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- **Para 199** - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- **Para 202** - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- **Para 203** - The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Policy Guidance (CD-22)

5.35 The National Planning Policy Guidance (NPPG) was published “on line” in March 2014, and has subsequent revisions. It provides planning policy guidance on a number of planning topics and replaces previous planning guidance which has been revoked by a written ministerial statement. It is considered that the following sections are of particular relevance to this appeal:

- Housing for Older and Disabled People
- Design

5.36 In respect to the section on '*Housing for Older and Disabled People*', it was introduced into the PPG as a separate section in July 2019. I consider it to be significant that the Government has deemed it necessary given the extent of need for these forms of accommodation that it has warranted its own explicit section providing advice for plan makers and decision takers to secure delivery of these specialist forms of accommodation. Whilst the whole section is relevant to the appeal proposal, Paragraph 001 identifying the scale of need is worth reiterating;

'The need to provide housing older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.' (my emphasis).

5.37 Paragraph 003 advises for plan-making purposes '*strategic policy making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.*'

5.38 Paragraph 013 states that it is up to the plan-making body whether to allocate sites for specialist housing for older people and this might be appropriate where there is an identified unmet need for specialist housing. The paragraph identifies the location of housing as a key consideration for older people, factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.

- 5.39 Paragraph 016 states ***'where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.'***

National Design Guide (2019) (CD-24)

- 5.40 The Ministry of Housing, Communities and Local Government published the National Design Guide in 2019. The design guide is a practical guide to achieving well-designed and successful places. It forms part of the Government's collection of planning practice guidance and supports the National Planning Policy Framework. The National Design Guide is considered further in the design and access statement and Mr. Jackson's proof of evidence.

6.0 Why Planning Permission should be Granted

6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that the appeal application has to be determined in accordance with the development plan unless material planning considerations indicate otherwise.

6.2 The Council determined they would have refused the application for reasons set out in Paragraph 4.7 of my proof. This section of my proof of evidence identifies why planning permission should be granted and the overall compliance with the development plan policies and objectives. It is considered that planning permission should be granted for the following reasons;

- (i) Provision of residential accommodation;
- (ii) Meeting identified national and local housing needs;
- (iii) Redevelopment of previously developed land;
- (iv) Compliance with spatial strategy for redeveloping in sustainable locations;
- (v) Efficient and effective use of land;
- (vi) Economic Benefits of the proposed scheme;
- (vii) Social Benefits of the proposed scheme;
- (viii) Economic Benefits of the proposed scheme; and,
- (ix) Release of under occupied housing stock.

(i) Provision of Residential Accommodation

6.3 The proposed development provides 32 units of residential accommodation complying with the development plan's aims and objectives of providing housing during the plan period. As set out in the Statement of Common Ground the Council are unable to demonstrate a five-year supply of deliverable housing land and accordingly the 'tilted balance' set out in Paragraph 11(d) of the NPPF is engaged. The Council's development plan also identifies the constrained nature of the district through the National Park, green belt and area of outstanding natural beauty which limits the supply of developable land for residential accommodation. The proposal complies with the strategic policy objectives of the Local Plan Part 1 to meet housing needs for all stages of life. Accordingly, I place significant weight on the delivery of housing units.

(ii) Meeting identified National and Local Housing Needs

6.4 The proposed development would contribute towards the delivery of specialised older persons accommodation for which there is a need for both nationally and locally. The NPPG introduced a section entitled 'Housing for Older and Disabled People' in 2019. I consider it to be significant that the Government has deemed it necessary given the extent of need and levels of historic and current delivery for these forms of accommodation that it has warranted its own explicit section providing advice for plan

makers and decision takers to secure delivery of these specialist forms of accommodation. Its use of the word '*critical*' is telling in the extent of need to secure specialist accommodation for older persons. There is nowhere else in national planning policy where the delivery of a specific housing type is described in such terms.

- 6.5 The PPG comments on the delivery of older persons accommodation has been further underlined in the recent House of Lords Built Environment Committee report *Meeting Housing Demand* (10th January 2022)(**CD-25**). At Paragraphs 90 and 91 of the Report focussing on housing needs of older people, the committee state;

'There will need to be a mix of more suitable, accessible 'mainstream' housing and specialist housing for the elderly if the housing market is to be sustainable in the coming years as the population ages. Older people's housing choices are constrained by the options available.'

'Little progress has been made on housing for the elderly. As demand changes as the population ages, a more focussed approach is needed. The Government must take a coordinated approach to the issue of later living housing, between departments and through the National Planning Policy Framework.'

- 6.6 Paragraph 016 of the PPG states '*where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.'*

- 6.7 At a local level the Local Plan Part 1 identifies accommodating the housing needs of an ageing population as a key issue. The strategic objectives² include '*To provide a range and choice of good quality new homes by type, size, tenure and location. To ensure that new housing as far as possible addresses local housing needs providing, in particular homes more affordable for younger households **and a wider spectrum of homes and other measures enabling older residents to continue to live well and remain independent in their New Forest communities.***'

- 6.8 The extent of specialised housing need for older persons in the New Forest is considered in more detail in Mr. Appleton's proof of evidence. I would note that his conclusions echo the development plan that *the most pressing priority, driven by demography, need, tenure, and policy imperatives is to increase the availability of all categories of specialised accommodation for older homeowners*³. Accordingly, given the extent of local need and strategic policy objectives of the Local Plan I place *very significant weight* on the proposals compliance with national and local planning policy (HOU3). This application of weight is in accordance with the recent Inspector's appeal decision at Stanford Hill, Lymington (**CD-45**) in June last year (APP/B1740/W/20/3265937).

- 6.9 The proposal would provide also an off-site financial contribution of £959,546 which is the equivalent to 12 units of affordable housing and would meet another identified local housing need.

² Strategic Objective 5 of the Local Plan Part 1.

³ Para 9.1, Proof of Evidence, Mr. N. Appleton, Contact Consulting

(iv) Redevelopment of Previously Developed Land

- 6.10 The proposed development will see the reuse of a vacant brownfield site within one of the principal towns within the District where Policy STR4 strategically looks to direct major residential development. Paragraph 120(c) advises that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. Both national and development plan policies promote the redevelopment of previously developed land and the proposal would comply with STR3 and STR4 of the Local Plan Part 1 and I attach significant weight to it.

(v) Redeveloping in Sustainable Locations

- 6.11 The proposal is for the development of a highly sustainable site on an established transport corridor close the town centre of Lymington. The site is within a short walk to the town centre with good access to public transport which is an important locational requirement for specialist accommodation for older persons. The presence of existing specialist accommodation in the immediate area identifies the site as a suitable sustainable location for the appeal proposal. I place significant weight on the proposals compliance with the development plan Policy STR3 and the NPPF.

(vi) Effective and Efficient Use of Land

- 6.12 Sustainable land is a finite resource and Paragraph 119 of the NPPF encourages the effective and efficient use of land commensurate with maintaining the character of the area and healthy living conditions. Paragraph 119 of the NPPF advises that strategic policies *should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or brownfield land.* Paragraph 124(a) advises that decisions should *support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.* In this case the District and its settlements are constrained by the New Forest National Park, the South West Hampshire Green Belt and the Cranborne Chase Area of Outstanding Natural Beauty. The extent and availability of land suitable for development that meets the strategic objectives of the Local Plan such as the appeal site needs to be used effectively and efficiently. This is further underline by the Council's absence of 5 year supply of deliverable housing land. . I consider that the redevelopment of the site for 32 retirement living dwellings optimises the development potential for the site whilst producing a good quality building which is compatible with the area. I place significant weight on the appeal proposals effective and efficient use of the site.

(vii) Economic Benefits

- 6.13 The NPPF places at its heart the presumption in favour of sustainable development. Sustainable development is identified by the NPPF has having three component parts (economic, social and environmental) that need to be read as a whole.

6.14 The NPPF identifies the planning system as having a key role in building a strong and competitive economy. The provision of specialised accommodation for the elderly would also provide other benefits to the community and local economy as a whole. A significant benefit to the town from the scheme would however be the intended elderly residents themselves. If approved, the development once fully occupied, is likely to accommodate some 70 - 75 residents who given their age are likely to use the shopping and other facilities of the nearby local shops on a regular basis.

6.15 Research undertaken by ORB in respect of private sector sheltered housing confirms the above. In their document "A Better Life" published in October 2003 (Appendix 1), detailed consideration was given to the benefit of developments for the elderly upon local amenities. Chapter 4 of the Report on page 27 identifies the following: -

"Private sheltered housing schemes play a vital part in the life of local communities. The propensity of older people to spend locally is high, assuming there is access to local shops which ordinary housing cannot guarantee."

6.16 The Report also undertook a number of case studies with local traders and on page 27 the owner of a local pharmacy commented:

"Since the retirement housing scheme opened three years ago, business has definitely increased by ten to twenty percent. Businesses locally do well because elderly people tend to shop locally".

6.17 More recently the Homes and Later Living group have published the report 'Silver Saviours for the High Street' (Appendix 2), which identified;

- Retirement properties create more local economic value and more local jobs than any other type of residential development.
- People living in each retirement development generate £550,000 of spending per year, £347,000 of which is spent on the local high street. Some £225,000 of this is new spending in the local authority, directly contributing to keeping local shops open.
- For just one retirement development, a local authority could expect to see benefits of 85 construction jobs for the duration of the build, as well as six permanent jobs.

(viii) Social Benefits

6.18 Retirement housing gives rise to many social benefits by providing a specialised age friendly environment to meet a specific housing need. The UK has the oldest housing stock in the EU with 38% of our homes dating before 1946 and 21% before 1919. Older homes are in a poorer state of repair, are often colder, damper, have more risk of fire and fall hazards. They lack in adaptations such as handrails, wider internal doors, stair lifts and walk in showers. Without these simple features everyday tasks can become harder and harder. Specifically designed housing for older people offers significant opportunities to enable residents to be as independent as possible in a safe and warm environment. It also helps to reduce

anxieties and worries experienced by many older people living in housing which does not best suit their needs in retirement by providing safety, security and reducing management and maintenance concerns.

6.19 Retirement Living housing offers significant benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities – not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. A recent report 'Happier and Healthier' by Homes for Later Living (2019) (Appendix 3) has found that:

- Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year.
- Building 30,000 more retirement dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year.

(Homes for Later Living September 2019)

6.20 The table below breaks down health and social care costs, comparing housing for later living with mainstream housing:

Table below: The fiscal impacts of mainstream vs homes for later living housing, by outcome and efficiency

	Mainstream housing, pp >80yrs	Homes for Later Living housing, pp >80yrs	Difference
Adverse health outcomes / cause:	Cost (£)	Cost (£)	Saving (£)
Fracture or serious injury / falls	811	300	(510)
Dementia / loneliness	2,119	1,874	(244)
Stroke incapacitation / delayed action	477	343	(134)
Pneumonia, heart attacks, arthritis / cold homes*	205	nil	(205)
Visits to GP and A&E attendance / (various)	267	195	(72)
Subtotal (prevention)	3,878	2712	(1,166)
Efficiencies:			
Utilisation of public-funded institutional care**	1812	nil	(1,812)
Use of public-funded home care services	984	820	(164)
Use of disabled facilities grant money***	349	nil	(349)
Subtotal (efficiencies)	3,144	820	(2,324)
Total	7,022	3,512	(3,490)

(Homes for Later Living September 2019)

- 6.21 There are huge benefits from new found friends and companions. Around 3.8 million individuals over the age of 65 live alone in the UK, with increasing sense of loneliness and vulnerability. Research has suggested that the impact of loneliness and isolation on mortality is equivalent to smoking 15 cigarettes a day. These people are also much more likely to suffer from depression and to develop dementia.
- 6.22 The recent Housing for Later Living Report (2019) shows that on a selection of wellbeing criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing into housing specifically designed for later living.

(ix) Environmental Benefits

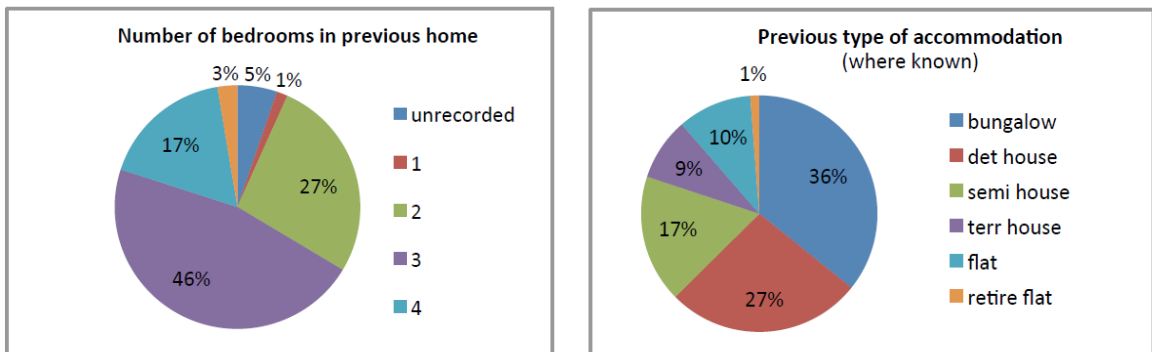
- 6.23 The proposal will see the redevelopment of a previously developed site in a highly sustainable location. The scheme would also be designed to energy and water efficiency standards utilising photovoltaic panels for energy generation and restricting water consumption as a resource. I place some weight to the environmental benefits of the proposed development.

(x) Release of Under Occupied Housing Stock

- 6.24 A research project undertaken by Professor Michael Ball from the University of Reading in May 2011 entitled “Housing Markets and Independence in Old Age: Expanding the Opportunities” (Appendix 4) reinforces the benefits set out above. The report reaffirms the position that Owner Occupied Retirement Housing (OORH) has a positive impact on local housing markets. On moving, most residents free up a substantial family home, with two thirds moving from houses with three or more bedrooms.
- 6.25 The report identifies the following benefits of specialist housing provision based on an analysis of 5,000 sales records of older people who bought retirement housing properties between 2007 and 2010. They show how specialist housing frees up under-utilised family-sized housing in the local area.
- For every 5,000 owner-occupied retirement homes sold, family housing to the value of £1.1 billion is released back onto local housing markets.
 - For an individual retirement housing scheme of 40 dwellings, this equates to the release of 40 family-sized homes – the majority of which are in the local area – worth nearly £9 million.
 - The average value of the individual dwellings released is just under £220,000. Two thirds had three or more bedrooms.
 - Property vacated is then usually bought by younger people and often used to raise families. In this way, local housing stock is recycled through the generations.
 - Provision of specialist retirement housing has a multiplier effect through the housing chain. For each individual specialist dwelling built, housing for six people is provided; the 'classic' family of four in the vacated property, and the couple downsizing into specialist accommodation.

- A wider chain of moves is also triggered. As the initial property vacated is likely to be quite substantial, additional moves further down the chain occur. On many occasions, six or more moves can be stimulated.
- First time buyers also benefit. It is estimated that within six moves, a first time buyer is able to enter the housing market.

Figure 5.6: Characteristics of previous homes



6.26 In areas where housing supply is restricted it will be important that the existing housing stock can be utilised to best meet local housing needs. The proposal has the potential to free up to 32 under-utilised houses in Lymington and environs and significant weight can be given to it.

6.27 The weight that should be afforded to these significant benefits has recently been considered in an appeal decision for the Appellant at a site in Fleet, Hampshire (APP/N1730/W/20/3261194) (CD-43). At Paragraphs 69-71 the Inspector in considering the planning balance and weight to be attached to the benefits of the proposed scheme states;

69. *'Moreover, there would be a number of benefits of the appeal scheme which were put forward by the Appellant. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.*

70. *The following benefits would arise: (i) much needed housing for older people. The Council suggests that the weight to this benefit should be tempered because the residents of the scheme would not be restricted to being aged 85 or over. However, given the needs identified in the SHMA and the average age of residents of the Appellant's development being 79-80, the scheme meets the needs of the Council and significant weight should be given to this benefit. (ii) the development is of previously developed land (substantial weight); (iii) the development would be in a sustainable location (substantial weight); (iv) the development would make optimum use of the site (moderate weight); (v) the development would provide 31 market dwellings and is a clear benefit (substantial weight); (vi) the provision of the Appellant's payment of £500,000 to the delivery of affordable housing would be a significant benefit (substantial weight); (vii) there is a benefit releasing under-occupied housing stock*

(substantial weight); (viii) the site would provide economic benefits by generating jobs, in the construction and operational phases of the development and by residents spending locally (substantial weight); (ix) there would be social benefits in specialised age friendly housing (substantial weight); (x) the environmental benefits of the scheme are a clear benefit (moderate weight). Cumulatively, these 10 benefits weigh heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG and at a local level in HLP32.

71. Therefore, even if I had reached a contrary conclusion in terms of this appeal and found that there was a conflict with the development plan, any harm which might be identified as arising from the appeal proposal comes nowhere near significantly and demonstrably outweighing the many and varied benefits of the appeal proposal. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

6.28 I would concur the same applies here that the cumulatively benefits of the proposed scheme weigh heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG.

6.29 Similarly at a recent appeal for the Appellant in Basingstoke (APP/H1705/W/20/3248204) **(CD-44)** involving heritage assets the Inspector concluded;

'72 In this is instance, there is clear and convincing evidence with regards to the suitability of the proposal. The delivery of specialist housing weighs substantially in favour of the appeal scheme, especially given the critical need identified at national level in both the Framework and the National Planning Policy Guidance (NPPG), along with the identified shortfall in terms of the delivery at local level. As a result, even if I had reached a different conclusion in relation to the heritage issues and found there to be harm to the identified designated heritage assets, any harm would have been clearly outweighed by the significant public benefits of the scheme. Therefore, in this case, I find no reasons to withhold planning permission.'

7.0 Consideration of the Council's Reasons for Refusal.

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that the appeal application has to be determined in accordance with the development plan unless material planning considerations indicate otherwise. The Appellant's position is that the proposed development accords with the development plan when considered as a whole and there are no material planning considerations that indicate that the decision should be made otherwise than in accordance with the plan.

7.2 The Appellant's other witnesses deal with the matter of design, heritage impact, parking provision and impact on trees. My evidence deals with the following main issues before this Inquiry;

- (i) Presumption in favour of Sustainable Development (Para 11, NPPF);**
- (ii) Whether the proposed development provides sufficient outdoor amenity space to meet the needs of future residents; and,**
- (iii) Planning Balance.**

(i) Presumption in favour of Sustainable Development (Para 11, NPPF)

7.3 Paragraph 74 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The supply of specific deliverable sites should in addition include a buffer of 5% or 20% where there has been significant under delivery of housing over the previous 3 years.

7.4 A failure to be able to demonstrate such a level of supply will deem the local planning authorities' policies that are most important for determining the application to be out of date. Paragraph 76 of the NPPF introduces the Housing Delivery Test which is referenced in footnote 7 of paragraph 11 advising that a local planning authority's policies which are most important for determining the application will be out of date if the delivery of housing was substantially below the housing requirement over the previous three years.

7.6 As set out in the Statement of Common Ground (**CD-56**) the Council cannot at this time demonstrate a five-year housing supply of deliverable land. Accordingly, in such circumstances Paragraph 11(d) of the NPPF the 'tilted balance' is engaged.

7.7 Given the Council's absence of a 5-year housing land supply Paragraph 11(d) of the NPPF is engaged, meaning that for decision taking the policies of the development plan which are most important for determining this application are out of date, and permission should be granted unless; (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.8 It is the Appellant's case that the proposal is accordance with all development plan policies and the NPPF taken as a whole. Even if it were to be considered that some aspect of the proposed scheme resulted in some adverse impact it is considered that it would not be anywhere near significant and demonstrable to outweigh the planning benefits of the proposed scheme. I return to this in my subsequent section on Planning Balance.

(ii) Whether the proposed development provides sufficient outdoor amenity space to meet the needs of future residents

7.9 The Council's fifth reason for refusal considers that the proposal is contrary to Policy ENV3 of the Local Plan Part 1 because it provides insufficient amenity space to meet the needs of future residents. Policy ENV3 requires all development should achieve a high quality design, be functional making effective use of both developed land and open spaces. It is only criterion (vi) of the policy that makes reference to green spaces and it only seeks for appropriately designed green spaces including sufficient planting. The policy or supporting text provides no further guidance or standards for the provision of amenity space for specialised accommodation for older people or indeed for any form of residential development.

7.10 Professional planning officers of the Council considered the application from an amenity perspective complies with Policy ENV3. In the absence of any other policy tests or adopted standards a judgement needs to be made based on an understanding of the amenity space needs of future residents of the development.

7.11 Churchill Retirement Living is one of the market leaders in the provision of retirement accommodation for older persons with over 20 years of experience in providing award winning schemes. The quality of landscape provision within their developments is important to prospective residents and indeed Churchill Retirement Living have won awards for excellence for their landscaped gardens.

7.12 As set out in the 'Retirement Living Explained' document (Appendix 5) the typical purchaser of a retirement living apartment tends to be 79 to 80 years of age, often seeking single person occupancy. Retirement Living developments are a needs form of development and people tend to only move into them when they require further assistance to maintain an independent life. The main drivers for a move into a retirement housing scheme are death of partner and looking for a communal living environment for companionship; downsizing from a larger family home as the property has become too much to manage or not suited to their mobility needs; and finally the need to give up the private motor car and being closer to shops and facilities.



Figure 1 - Tregolls Court, Truro - Award winning landscaping.

7.13 For the reasons of mobility and maintaining independence in later years, retirement housing providers such as Churchill Retirement Living have very specific requirements for sustainable previously developed land within 0.5 miles of town or local centres and close proximity to forms of public transport. This means that there is a limited supply of suitable sites for retirement living accommodation but also that they are invariably located within or very close to town and local centres, where due to the size of the site or perhaps because of the need to make a particular urban design response, it is not possible to provide much, or possibly any external amenity space. No, or very little amenity space is of course a feature of many town or city centre flatted developments, be they sheltered or conventional housing and it should be borne in mind that conventional housing is of course unlikely to have the communal facilities within the building which are a feature of retirement housing.

7.14 This explanation accords with the opinion expressed by an Inspector at an Appeal (APP/G2625/A/O3/1118836) in 2004 for a retirement living development at Norwich, which stated as follows:

'However, the appellants have wide experience in providing sheltered accommodation for elderly clients and, presumably, a detailed knowledge of their expectations. They would, in my opinion, be unlikely, therefore, to promote a development that potential purchasers would find unacceptable in respect of available amenity space. They note that there are internal communal areas, in addition to private sitting rooms, that would be available to the residents and also that individuals would have a choice whether or not to purchase apartments in the building.'



Figure 2 - Sarum Lodge, Salisbury, tight constrained site in the historic city centre.

7.15 With residents typically being in their early 80s they use amenity space in a passive way. Active use of external amenity space tends to be relatively limited and mainly involves sitting out for those few residents who occasionally choose to do so, and perhaps tending a small flower border immediately outside of ground floor apartments where access is provided to individual apartments. In all instances, there is sufficient space around the building for residents to sit outside their living rooms, at ground floor level, albeit in the knowledge that privacy is limited especially as these areas are communal. The situation is no different to many similar developments which have been successfully completed by Churchill Retirement Living or McCarthy & Stone or other builders of a similar retirement accommodation. On most developments should residents seek other space for sitting out, they are likely to make use of the patio areas adjacent to the residents' lounge, and indeed, this is the location which the residents of upper floors are more likely to utilise should they so wish. There is, of course, nothing to prevent residents of upper floors making use of any area of amenity space, all areas of garden being in communal control. The visual quality of the space and landscaping is of far more importance than the quantum of space.

7.16 To conclude the average age of residents on first entry to this form of accommodation is 80 years of age. Their amenity space needs are passive in nature and largely limited to seating areas. The quality and variety of the amenity space in terms of landscaping, microclimate, biodiversity and seating areas are far more important than quantum of amenity space provision and most actively prefer seating areas in shaded parts of the grounds and off the residents lounge. The proposed scheme has been designed for

the context having regard to other townscape considerations. The Appellant who is one of the market leaders in the provision of specialist accommodation for older persons considers this to be a benefit of the design and should not be a criticism of it. It is not in the Appellant's interest to design a building with sub-standard amenity space for its residents as it simply would not be able to sell the units.

(iii) Planning Balance

7.17 I have considered both the planning benefits and the Council's alleged concerns with the application having regard to evidence of the Appellant's other witnesses. The planning benefits of the proposed scheme I have listed in the table below;

Planning Benefits	Weight
Provision of 32 residential dwellings	Significant - Complies with Para 59, NPPF, Council's absence of 5 year housing land supply, Policies STR5 & HOU1 of the Local Plan Part 1.
Redevelopment of a Previously Developed Site	Significant - Complies with Para 8, 11, 117 of NPPF, Policies STR3 & STR4 of Local Plan Part 1.
Redeveloping a Sustainable Site	Significant - Complies with Para 8, 11 of NPPF, Policies STR1 & STR3 of the Local Plan Part 1.
Effective and Efficient use of Land	Significant - Complies with Para 117, 122, 123 of NPPF, Policies STR1 & ENV3 of the Local Plan Part 1.
Meeting local housing need for older persons	Very Significant - Complies with Para 59, 61 of NPPF, PPG, Policy HOU1 & HOU3
Meeting local housing need for affordable housing	Significant - Complies with Para 59, 61 of NPPF, Policies HOU1 & HOU2 of the Local Plan Part 1.
Visual enhancement of the townscape	Significant - Complies with Para 130 of NPPF, Policy ENV3 of the Local Plan Part 1 and Policy DM1 of the Local Plan Part 2.
Freeing up under occupied local housing stock	Significant - Complies with HOU1 and HOU3 and its supporting text.
Economic Benefits of the Proposed Scheme	Significant
Social Benefits of the Proposed Scheme	Significant
Environmental Benefits of the Proposed Scheme	Moderate

- 7.18 I conclude that the proposal is compliant with the development plan and national planning policy and planning permission should be allowed. In this case having regard to Mr. White's evidence there is no harm to identified designated heritage assets and as such the heritage balance set out in Paragraph 202 of the NPPF is not required to be carried out. Even if there was considered to be some less than substantial harm to the significance of a designated heritage asset, it is considered that the public benefits of the proposed scheme outweigh any element of harm.
- 7.19 Furthermore, in this case the 'tilted balance' set out in Paragraph 11(d) of the NPPF is engaged and the presumption in favour of sustainable development applies. It is considered that the proposed scheme complies with the development plan, and there are no adverse impacts. Even if there were some identified adverse impacts from the Council's allegations they would not significantly and demonstrably outweigh the benefits of the proposed scheme, when assessed against the policies in this Framework taken as a whole.
- 7.20 If the scheme were not to be allowed it would delay indefinitely the redevelopment of this vacant brown field site, and the delivery of specialised accommodation for older persons which there is an identified significant local housing need. It would also delay the provision of affordable housing, indeed it is questionable given the size of the site whether other forms of residential development would deliver any or a similar amount of affordable housing provision to the appeal proposal. The vacant nature of the site also does not provide a positive townscape for local residents.

8.0 Third Parties

8.1 The Council received 76 local representations including a signed petition of 1410 signatures during the determination of the planning application with all objecting to the scheme. The issues raised by third parties are summarised in the officer's report to committee but included; the scale of the development being out of character, insufficient outdoor space, insufficient affordable housing provision, insufficient parking provision, need for further specialist older persons accommodation in the area; amenity impacts for neighbours; highway safety; adverse impact on tree; and, the existing police station should be retained for its own architectural merit.

8.2 The majority of these issues were framed within the seven reasons for refusal and therefore addressed within the substantive evidence of the Appellant's witness and I would direct the reader to the respective proofs. I will address those additional points where not covered by other witnesses evidence or where agreement has subsequently been reached with the Council. The additional matters raised by third parties which this section of my evidence addresses are as follows;

- Mixed and balanced communities and the need for older persons accommodation;
- Affordable Housing provision;
- Impacts on neighbours.

(i) Mixed and balanced communities and need for older persons accommodation

8.3 I would refer to my paragraphs 6.7 and 6.8 of this proof of evidence, the proof of evidence provided by Mr. Appleton and the recent appeal decision at Stanford Hill, Lymington (**CD-45**) in respect to the need of older persons accommodation. In respect to the question of providing mixed and balanced communities Policy HOU1 seeks to ensure that all residential development helps to address the diversity of housing needs of local people at all stages of life by providing a mix and choices of homes. The reference here to '*all stages of life*' is considered to reflect one of the key issues that the Local Plan identifies, in how does it address the accommodation needs of an ageing population?; and the strategic objective it sets out for the Local Plan of providing '*a range and choice of good quality new homes by type, size, tenure and location. To ensure that new housing as far as possible addresses local housing needs providing, in particular homes more affordable for younger households **and a wider spectrum of homes and other measures enabling older residents to continue to live well and remain independent in their New Forest communities.***'

8.4 This is borne out in the supporting text to the policy at Paragraph 6.4 as it specifically states that the policy seeks the provision of a greater range and quantity of the following types of residential development, which listed includes *homes which specialised care on-site including sheltered and extra care housing, and homes attractive to active older households and down-sizers, including bungalows and smaller homes with higher accessibility and space standards.* Furthermore, paragraph 6.6 of the supporting text to the policy identifies the provision of smaller homes to be attractive to down-sizers

when they no longer need the family home with reference made to Policy HOU3 on residential accommodation for older people. It is agreed that the proposed scheme complies with Policy HOU3 on residential accommodation for older persons. The policy advises that the strategy is to enable older people to continue to live independently by ensuring that new housing provision includes housing types designed to be suitable for older people.

- 8.5 The list of housing types contained at paragraph 6.24 includes *affordable housing in accordance with Policy HOU2*. It is common ground between the parties that the proposal complies with Policy HOU2 in respect to the provision of affordable housing. The proposal would provide an off-site financial contribution of £959,546 which is the equivalent to 12 units of affordable housing⁴
- 8.6 Policy HOU1 continues the *policy objectives are to improve the diversity of housing choice, and to achieve an overall housing balance of housing provision in general accordance with housing needs evidence*'. In respect to housing needs evidence for older persons in the district I would refer to Mr. Appleton's proof of evidence, however the Local Plan at paragraph 6.23 identifies a projected 65% increase in the number of people aged 75 and over, and that a fifth of all new homes in the district in the plan period may need to comprise older persons housing (Para 6.24).' The proposal for older persons accommodation is supported by evidence of local housing need currently and during the plan period.
- 8.7 Policy HOU1 concludes that *'each development should contribute appropriately to improving housing diversity wherever possible, taking into account the location, size and characteristics of the site, the form of development proposed and the viability of the scheme'*. It's clear from this statement that it is not expected that every site is going to provide for all the housing types listed at Paragraph 6.4 there will be factors that will be determinative on the extent to which residential development proposals will be able to improve housing diversity. The policy lists those factors which can be considered in the context of this appeal site.
- 8.8 In respect to location there will be certain housing sites that will not be suitable for older persons accommodation given their proximity to shops, services and public transport. This is particularly the case when considering rural authorities such as the New Forest. In this case the opposite is true, it is a highly sustainable location close to the town centre of Lymington and on a public transport corridor. Given the extent of identified local housing need for older persons during the plan period it would be a missed opportunity on a suitable and sustainable site not to develop it for older persons accommodation.
- 8.9 At 0.22ha this is a small brownfield site that is unable to accommodate a diverse mix of different housing types. Given the Council's absence of a 5 year housing land supply it is considered more beneficial to effectively and efficiently optimise the use of the site for older persons accommodation

⁴ Affordable Housing Statement, Planning Issues.

than to reduce overall housing numbers by attempting to provide a differing mix of housing types. At 32 units this is at the bottom end of the scale in terms of Retirement Living developments and a reduction in unit numbers is unlikely to deliver a sustainable scheme for older persons accommodation. In respect to site characteristics regard needs to be had to the retention of the perimeter trees. The form of development being a single footprint building designed specifically for older persons accommodation with associated communal facilities makes it unsuitable for mixing alternative types of residential accommodation.

8.10 I therefore consider the proposal for specialised accommodation for older persons, which will also make provision for affordable housing is completely in accordance with Policy HOU1 and the housing diversity requirements that the policy and supporting text specifically seeks to provide. Indeed, on such a small site it is hard to conceive a form of redevelopment that would better meet the policies and Local Plan's strategic objectives and deliver the same number of units in a district with an agreed under supply of housing land.

8.11 The provision of older persons accommodation within Lymington was considered in some detail at a recent appeal at Stanford Hill in June last year (APP/B1740/W/20/3265937) as raised by third parties. I would draw specific attention to Paragraphs 37 to 42 of the appeal decision and the Inspector's conclusion comment on this point where he considered '*the appeal scheme's delivery of specialist housing for older people would deliver benefits that weigh very significantly in its favour*' (Para 42). I see no reason to afford this proposed scheme anything other than *very significant weight*.

(ii) Affordable Housing

8.12 Linked to comments about mixed and balanced communities a number of third parties referred to a lack of affordable housing provision. This was a reason for refusal but based on the absence of legal agreement to secure the provision of affordable housing rather than a disagreement between the parties on the quantum and method of affordable housing delivery.

8.13 It is agreed between the parties to provide an off-site financial contribution of £959,546 which is the equivalent to 12 units of affordable housing based on the Council's preferred tenure split but could deliver more if the Council chose to depart from their preferred tenure mix. Given the nature of the development being for a specialised form of accommodation which service charges reflective of this type of accommodation it is not possible to mix affordable housing within the development. In addition housing associations do not wish to take on a small number of apartments in a retirement living development. In this case given the comments of locals a financial contribution can be directed towards the Council's primary affordable housing needs and for first time buyers/occupants. The Council have the ability to ensure that the funds from this proposed legal agreement could be targeted towards delivery of affordable housing in Lymington.

8.14 It is considered that the provision of £959,546 is a significant sum and weighs in favour of the proposed development.

(iii) Impact on neighbouring properties

- 8.15 Third parties raised the issue of impact on neighbouring amenity through consideration of issues such as overbearing relationship, loss of light, noise and overlooking. Issues relating to neighbouring amenity are covered by policy ENV3 of the local plan and requires new development to avoid 'unacceptable effects'.
- 8.16 The neighbouring residential properties sharing a boundary with the site and therefore most likely to be impacted by the redevelopment of the appeal site are The Old Police House to the west of the site and Buckland House a development of flats to the south. Those properties opposite to the north on Queen Elizabeth Avenue, and opposite to the east on Southampton Road have substantial separation distances with public realm in between and retained mature trees that there is no impact on amenities.
- 8.17 In respect to The Old Police House the proposed building reduces in scale to two and half storeys in closest proximity with eaves and ridge heights being comparable to The Old Police House. In the flank wall closest to The Old Police House there is no habitable room windows above ground floor. There are two apartments at first and second floor level above the entrance to the development that face towards The Old Police House but this is at a significant distance not to result in any unacceptable impact on the amenities of the neighbouring property by virtue of overlooking.
- 8.18 The proposed built form is pulled away from the boundary with The Old Police House allowing for the access road and does not extend to the rear to the extent that the proposed scheme would result in an unacceptable impact on the neighbouring property by virtue of an overbearing relationship or any overshadowing of that property.
- 8.19 A noise assessment was submitted with the application that concluded that the proposed electrical substation would be lower than the typical background noise levels measured at site⁵ and would not result in an unacceptable noise impact on the neighbouring property. The bin store is an enclosed store and is not considered to cause any unacceptable impact in terms of odours.
- 8.20 In respect to Buckland House to the south of the site, the proposed scheme is of three storeys and has eaves and ridge of comparable height to Buckland House. The closest element of the southern elevation to the shared boundary is approximately 4.2m, and approximately 6.3m from the northern elevation of Buckland House. The proposed southern elevation has limited fenestration above the ground floor level limited to two kitchen windows and glazing to non-habitable internal communal corridors. The western element of the south facing side elevation is set back further and is approximately 17.3m from the shared boundary with Buckland House with views towards the parking court of Buckland House, It is considered that the proposed scheme would not result in an unacceptable level of overlooking to the properties of Buckland House.

⁵ Section 6.0 of Noise Assessment (R9201-1 Rev 0), 27th August 2021, 24 Acoustics

9.0 Conclusion

9.1 The Appeal proposal accords admirably with planning, housing and sustainability aims and objectives of the NPPF, PPG, National Design Guide and local planning policy, not least in providing residential development for which there is a 'critical' need nationally and locally, and in a sustainable manner.

9.2 The proposed development has been considered in the light of Section 38(6) of the 2004 Act. I have considered the proposal against the policies of the development plan and consider the proposal complies with the development plan when considered as a whole. Applying s.38(6) of the 2004 Act, the appeal should therefore be allowed unless material considerations indicate otherwise. In this case the Appellant's position is that all material considerations weigh heavily in favour of the grant of permission.

9.3 The proposed scheme has been carefully designed having regard to the local context, and neighbouring land uses. The Appellant's case is that the appeal scheme would not cause any material planning harm and would deliver a number of significant planning benefits. It is considered that the appeal proposal is compliant with the development plan when considered as a whole, national planning policy, and provides substantial planning benefits as follows (weight attached in brackets);

- The proposal would bring forward 32 units of C3 dwellings in an authority where there is a presumption in favour of residential development because of an under supply of housing (significant weight);
- The delivery of 32 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as 'critical', and the development plan identifies a fifth of all new dwellings during the plan period need to be for older persons accommodation (very significant weight);
- Redevelopment of a previously developed site within a district which has an acknowledged constrained supply of available land for residential development (significant weight);
- The appeal proposal is for the redevelopment of a site in a sustainable location being on public transport corridor to the town centre with local shops and facilities within walking distance (significant weight);
- The development would make optimum use of the site (significant weight);
- There is benefit in releasing under-occupied housing stock in a local area where there is an acknowledge constrain on available land for residential development (significant weight);
- The proposal would provide economic benefits by generating jobs, in the construction phase and by residents spending locally (significant weight);

- There would be social benefits in older persons accommodation including to the national health service (significant weight); and
- There would be environmental benefits from the redevelopment of this site and through the sustainable construction of the proposed development (moderate weight).

9.4 In this particular case the Council are unable to demonstrate a 5 year housing land supply and in this regard Paragraph 11(d) and the tilted balance is engaged. The Appellant through its witnesses' evidence and my statement considers that the proposed scheme complies with development plan policies and is a good designed building having regard to the context and needs of future residents and as such no harm is caused.

9.5 Given the level of policy compliance and planning benefits listed above and the weight that should be attached to those benefits, the Appellant is of the view that even if the appeal proposal were considered to give rise to an element of harm as a result of the design response, that that level of harm would not be so adverse that it would "*significantly and demonstrably outweigh the benefits*" as per NPPF paragraph 11(d). Planning permission should therefore be granted.

9.6 I respectfully request that the appeal be allowed.