
THE OLD POLICE STATION, LYMINGTON

OPENING SUBMISSIONS FOR THE LPA

1. **Introduction**

2. **The decision**

The report of the Officer to the LPA made an ‘on balance’ recommendation by the Case officer to the Members recognising that there was a level of planning harm associated with the proposals but arriving at the view that overall planning balance supported a recommendation for approval. ¹ The members were entitled to and did disagree. The tree officer who maintained an objection is being called and two experts have independently assessed the reasons and professionally support the heritage and design case and the case arising from the level of car parking on site. James Gilfillan assesses on site amenity space and the balance of factors differently to the case officer and based on the available evidence agrees with the decision of the Members to refuse.

3. **Refinement of the cases**

The fourth reason for refusal alleges that the proposal did not enable emergency service vehicles to turn on site and leave in a forward gear. This was not an objection maintained by the LHA but was a soundly made objection which has been confirmed as accurate and justified by the evidence of Mr Chimes² and is a proper matter for concern which the Members were right to consider should be addressed. It is neither safe or convenient

¹ CD 62 – POR considered as a whole.

² See POE §3.11 – note the issue relates to ambulances rather than fire engines.

for larger or emergency vehicles, such as an ambulance to be forced to reverse back into Queen Elizabeth Avenue due to the poor layout of the hardstanding and parking arrangements. Yet it was unavoidable as originally proposed. The revised layout now proposed (by moving the sub-station) does now mean that space does exist within the layout for such manoeuvres to be achieved.

4. The first reason for refusal alleged that the proposal would not create a mixed and balanced community contrary to HOU1 of the LP part 1. The Members have reconsidered this part of the refusal and the associated evidence of need for the form of development proposed and have resolved well in advance of exchange of evidence ³that this will no longer form part of the case for the LPA. ⁴This is not to say that JG weighs the benefits of the scheme in the same way as the Appellant - he does not, but it does mean that need is acknowledged as are benefits from the form of use. It also means that no conflict with HOU 1 is now alleged.

5. **Mitigation and scheme contributions**

Habitats As requested in the Post CMC Note it can be confirmed that the correct version of the “replacement” reason for refusal ⁶ is that found at § 2.14 of the SCG ⁵. Lymington is on the coast and lies close to the New Forest National Park, it is accordingly unsurprising that habitats and environmental mitigation measures are required to be addressed. Those matters have been addressed in the following ways: -

5(1) recreational disturbance infrastructure⁶ contribution of £101,466.00 ⁷ (all the sums are index-linked) is required in accordance with the relevant AA⁸ and CIL compliance statement.

³ As notified at CMC.

⁴ It has been confirmed that Mr Appleton is to be called to address the issues as between the Appellant and third parties.

⁵ See CD 56 on page 7.

⁶ See CD 59 §2.8

⁷ See SCG §2.16

⁸ See CD 40

5(2) a recreational disturbance non-infrastructure contribution of £15,194.00⁹ is similarly required [ditto].

5(3) a solent bird aware recreation disturbance mitigation¹⁰ contribution in the sum of £14,383.00 is required.

5(4) an air quality monitoring contribution in the sum of £2,192.00 is required.

6. The areas adjoining the solent have a thorny issue in respect of elevated nitrates, which will be addressed through a condition agreed between the parties. ¹¹

7. **Affordable housing**

This form of development is subject to a local policy requirement to provide affordable housing at 50%. In this case it has been accepted that the contribution can be made off site by way of a financial contribution in lieu. As allowed by policy the full level of affordable housing seeks can be reduced if the overall viability of the scheme can be shown not to be able to sustain that level of contribution. In this case the viability of the scheme has been appraised by the council's own independent assessment but can only maintain a contribution in the sum of £959,456.00¹² has been agreed.

8. The relevant financial contributions are to be dealt with by means of a section 106 obligation the terms of which have been agreed between the main parties.

9. **Other introductory comments**

Whilst in principle this site could be redeveloped, this agreed position does need to be further examined and understood in context. The Old Police Station is agreed to be a non - designated heritage asset as is also recorded in the SCG at §8.14. Whilst there is difference between the experts on the extent – there is also common ground that the Old

⁹ See SCG §2.16 also

¹⁰ See CD 37 and SCG §2.16

¹¹ See Agreed condition 16 [CD 57] required to achieve post-development neutrality.

¹² See SCG §8.17

Police Station currently makes some level of contribution to the character and appearance of the area and is of local value.¹³ As this is the case and given the location of the site ,with the Old Police Station¹⁴ on it, lies within the setting of the conservation area - the context is one that needs to be handled with care. The view of Mr Smith explains why he supports the view of the Members that, contrary to the opinion of the Appellant’s experts, this is not a successful redevelopment proposal. Rather than benefit the area - the proposal will be harmful and more so than assessed by the Officers in reporting to the Members.

10. A main plank of the Appellant’s case is that such a sustainable previously developed location should make efficient use of land and develop at a suitably high density. Many of the benefits relied upon so heavily by the Appellants derive from this.
11. Mr Jackson considers that he has addressed the concerns of those responding to public consultation by designing a building which is “*a more traditional building reducing the overall height by incorporating the fourth floor into the roof space*”. ¹⁵ The LPA disagrees.
12. All the reasons for refusing this scheme can be seen as the negative consequences of taking the desire to maximise the development upon this site too far by: -
 - 12.1 Proposing a building of too great a scale and mass having regard to the context.
 - 12.2 Pushing that building too close to the protected trees.
 - 12.3 Providing insufficient parking of the right amount and type to meet likely needs;
and
 - 12.4 Leaving insufficient space around the building to provide enough quality on site amenity space for the use and enjoyment of future residents.

Main issue 1

¹³ See A’s heritage statement including at §4.3.9/11 §5.3.6.

¹⁴ With the House adjoining and historically linked.

¹⁵ See RJ POE at 5.6.3.

Whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people

13. As stated above the evidence of JG weighs this as a benefit and does not allege conflict with HOU1.

Main issue 2

The effect of the scale and massing of the proposal on the character and appearance of the area, with particular regard to the setting of the Lymington Conservation Area

14. Whilst this key reason will ultimately be informed by your site visit¹⁶ and impressions of the area so described the case for the LPA is that this proposed redevelopment of the site would not be successful - as it needs to be. The existing building on the site is of local value and this is agreed. The Old Police Station has a group value together with the Old Police House. The Old Police Station is not locally listed but there is no such list maintained by the LPA. The existing situation accordingly makes a positive overall contribution to the character and appearance of the area and the site lies in the setting of the conservation area. This places an onus on any redevelopment of this site to provide a response which responds to the character of the site and area very well given this is the case and given the role of the site within views along Southampton Road and the dispersed character beyond Queen Elizabeth Avenue, the intended punctuation of Buckland House and the tighter grain of development to the south of Buckland House. The Appellant explains some elements of the form of the building do follow the function and use. This is a use that is acknowledged to exist nearby and there is no issue with the principle of the use but that does not and cannot justify a building that is not contextually responsive. Mr Smith explains in his evidence that the scale, mass, and design of this

¹⁶ And by consideration of the visualisations provided by the evidence from the Appellants.

intensive redevelopment¹⁷ proposal adversely affect the character of wider area and consequently the significance of the conservation area and JG concludes that the public benefits do not justify this less than substantial harm nor the total loss of the non-designated heritage asset.

Main issue 3

The effect of the proposal on the protected trees on the site

15. The trees with which this issue is concerned are T2,3,6,7 and 8 which are all silver maple and T9 which is a cedar. The evidence of the LPA is that the proximity of the proposed building at the proposed mass and scale together with the new specialist residential use, will mean that the trees would need to be more aggressively managed, would fail to realize their full potential and this would have an impact on the aesthetic value of the trees. Moreover, the evidence for the LPA is that this would have adverse implications for the health of the trees and the undue proximity would be likely to lead to further pressure from residents to further prune or fell. It is no answer to say that the protection of the trees confers control on the authority when the proposal would be likely to lead to those foreseeable outcomes. The trees have been shown to have a significance from a community point of view. The LPA disagree with the suggestion that the proposed reduction of the canopy of the silver maples is not a result of the proximity of the proposed building – the LPA regard it to be plain that it is. Any further compromising of the form of the Cedar has not been given due consideration in the evolution of these proposals. The proposals will have material and adverse implications for these trees.

Main issue 4

Whether or not the proposal would make adequate provision for on – site parking and turning areas for emergency service vehicles.

¹⁷ JS does not consider that the design succeeds in reducing the mass or scale or respond positively to the context. See JS POE §3.43.

16. As already covered the LPA did not consider that the original layout would make adequate provision. The evidence of Mr Chimes has set out why he considers that the LPA were correct. However, provided the revised layout is accepted then it is accepted that space would then be available within the access and hardstanding proposed for such manoeuvres to be made – provided such unimpeded space existed at the relevant time.

17. The LPA maintain that the on - site parking would not be adequate and the reasons for that view are set out in the written evidence of Mr Chimes and will be fully explored within the roundtable session. The realistic needs on site would not be met - in a manner that would probably be prejudicial to the character and quality of Queen Elizabeth Avenue resulting from displacement due to under provision within the site of the number and range of spaces.¹⁸

Main issue 5

The effect of the proposal on the living conditions of future occupiers, in terms of the provision of outdoor amenity space.

18. Whilst proposed parking is paired back so is amenity space. JG has set out why he considers not only the quantity, but the quality of the proposed provision is deficient. It is not an answer to say that people will buy the properties – the issue does need to be addressed in terms of what is proposed. No complaint is made that there will be an internal community space – which would no doubt be well used. Again, this is no answer to the point. Despite the inadequate parking - the left-over space for outdoor amenity use is nonetheless very limited in this scheme and the landscape proposals are driven to focus

¹⁸ 12 spaces with none allocated for emergency vehicles or persons with disability.

on a relatively narrow area outside the communal lounge but close to the facing elevation of Buckland House at a height to eaves of more than 8 metres.¹⁹

19. Accordingly, the LPA will invite you to conclude that these proposals should be refused, and the appeal dismissed.

G.A. GRANT

KINGS CHAMBERS

BIRMINGHAM-MANCHESTER-LEEDS

26th April 2022

¹⁹ See JRG 4.

