

# PLANNING STATEMENT

**Land at Christy's Lane, Shaftesbury, Dorset SP7 8TL**

*Redevelopment for retirement living accommodation for older people comprising 41 retirement apartments including communal facilities, access, car parking and landscaping.*

**planning***issues*  
TOWN PLANNING AND ARCHITECTURE

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## EXECUTIVE SUMMARY

- i. This Planning Statement has been prepared in support of a detailed planning application for the proposed retirement living development at Land at Christy's Lane, Shaftesbury (the site). The application proposes the erection of 41 retirement living apartments, together with access, parking and landscaping.
- ii. The UK faces a rapidly growing and ageing population. The Government aims to 'significantly boost the supply of housing'. The PPG is unequivocal in its message that "the need to provide housing for older people is *critical*".
- iii. The provision of retirement housing releases under-occupied family homes back into the housing market. This should be afforded significant weight in the determination of the application. In November 2021, the then Housing Minister, Christopher Pincher sought to encourage older people to downsize, highlighting that there were over 3 million people unable to downsize due to lack of suitable housing. The Government is currently looking at ways to remove barriers to the development of the later living sector.
- iv. North Dorset Council is no exception. The Dorset HMA Strategic Housing Market Assessment (2015) highlights that a total of 14% of the overall housing need in the district between 2013 and 2033 will need to be geared towards specialist housing for older people. This 14% housing need requires an estimated 4,422 additional specialist dwellings across the borough by 2038. This would suggest there is currently a significant shortfall in suitable housing.
- v. The PPG is clear: "*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.*" When considering the planning balance, substantial weight should be given to the proposal considering the high levels of specialist housing need identified.
- vi. The proposal is on a vacant brownfield site. In accordance with the NPPF (para 120c) substantial weight should be given to the value of using suitable brownfield land within settlements for homes.
- vii. The site is in a highly sustainable location. It offers opportunities for the future residents to walk to local shops and services in the town centre. Substantial weight should be given to delivering development in a highly sustainable location.
- viii. The principle of development is considered acceptable. This is a vacant brownfield site, and the proposal complies with Policy 11, 12 and 18 of the North Dorset Local Plan Part One and SFTC1 of the Shaftesbury Neighbourhood Plan.
- ix. The scheme has been designed to reflect the character and scale of the surrounding area whilst making efficient use of this sustainable brownfield site. Substantial weight should be afforded to the efficient use of land as required by paragraph 124 of the NPPF.
- x. There are numerous economic, social and environmental benefits associated with the application. These should respectively be afforded substantial and moderate weight respect to environmental benefits in the determination of this application.
- xi. Overall, the proposal will provide redevelopment of a brownfield site in a sustainable location. It will provide much needed housing for older people, providing social and economic benefits and freeing up family housing elsewhere in the market. It will deliver sustainable development in accordance with policies within the Development Plan and the NPPF.

## INTRODUCTION

- 1.1 This Planning Statement has been prepared by Planning Issues Limited, on behalf of Churchill Retirement Living, in support of a detailed planning application at Land at Christy's Lane, Shaftesbury.
- 1.2 The planning application seeks permission to redevelop the site for 41 Retirement Living Apartments, including communal facilities, access, car parking and landscaping. The mix comprises 27no. one bedroom apartments and 14no. two bedrooled apartments.
- 1.3 This statement accompanies a detailed planning application. It should be read in conjunction with the following supporting documents which h accompany the application:
  - Planning Statement by Planning Issues;
  - Affordable Housing and Viability Appraisal by Planning Issues Ltd;
  - Design and Access Statement by Churchill; Retirement Living;
  - Heritage Statement by Ecus Consultants;
  - Ecological Appraisal and Biodiversity Net Gain Assessment by Tetra Tech;
  - Flood Risk and Drainage Assessment by Awcockward Partnership;
  - Landscaping Strategy by James Blake Associates;
  - Statement of Community Engagement by Devcomm;
  - Transport Statement by Paul Basham Associates Ltd; and
  - Tree Protection Plan, Arboricultural Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Care.
- 1.4 The application includes the following plans:
  - 10127SB - PA00 - Site Location Plan
  - 10127SB - PA01 - Site Plan
  - 10127SB - PA02 - Ground Floor Plan
  - 10127SB - PA03 - First Floor Plan
  - 10127SB - PA04 - Second Floor Plan
  - 10127SB - PA05 - Roof Plan
  - 10127SB - PA06 - Elevation 1
  - 10127SB - PA07 - Elevation 2
  - 10127SB - PA08 - Elevation 3
- 1.5 This statement briefly explains the concept of retirement living; the national and local planning policy; an analysis of the scheme against the policy context and wider material considerations.

## OLDER PEOPLE HOUSING

- 2.1 On 26<sup>th</sup> June 2019 the Planning Practice Guidance was updated to include '*Housing for older and disabled people*' to assist Councils in preparing planning policies on housing for older and disabled people. The Guidance sets out that providing housing for older people is '*critical*'<sup>1</sup>.
- 2.2 It is well documented that the UK faces an ageing population. The recently released Census 2021 data shows that on Census Day 2021 there were more people than ever aged 65 years and over in England, with more than one in six people (18.4%) being over the age of 65.
- 2.3 The recent House of Lords Built Environment Committee Report sets out that this ageing population must be reflected in the types of new homes built, particularly as there will be an increase in older people living alone (January 2022).
- 2.4 The House of Lords Built Environment Committee Report sets out that this ageing population must be reflected in the types of new homes built, particularly as there will be an increase in older people living alone (January 2022). The Government's aspirations are set out in the Adult Social Reform White Paper published in December 2021. They seek provision of a greater range of specialist housing for older people with the aim of increasing choice and allowing people to live independently while having better access to care and support.
- 2.5 Recognising the issues being faced, the Government has recently set up a task force to help improve the housing options for older people. The task force will work across housing, health and care sectors with the aim of driving an increase in the volume and range of housing options for older people.
- 2.6 Housing Minister Rachel Maclean has recently stated "*Making sure older people can access the right homes that meet their needs in later life is a government priority. And by unlocking more housing for older people, we can also have a hugely beneficial impact on their health and wellbeing*"<sup>2</sup>.
- 2.7 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-making.
- 2.8 The Applicant has specialised in the provision of purpose-built apartments for older people since 1998 and has provided development proposals throughout England and Wales.
- 2.9 The accommodation proposed is specifically designed to meet the needs of independent retired people and provides self-contained apartments for sale. A key aspect of the design is that the units are in a single block. This is essential for control over access, with safety and security being a key concern for individuals as they age. It also provides much greater benefits for social interaction. This is enhanced with the communal space, in particular the owners lounge, coffee bar and garden.

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<sup>1</sup> *Planning Practice Guidance, Paragraph: 001 Reference ID: 63-001-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>*

<sup>2</sup> *Government unveils taskforce chair to boost older people's housing - GOV.UK ([www.gov.uk](http://www.gov.uk))*

2.10 The type of housing proposed is defined as retirement living or sheltered housing within the PPG. It sets out:

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

2.11 Without a range of housing options for older people, they are left with no choice but to stay in their own home, which can become unsuitable as people age, with lots of steps, or maintenance requirements. This puts additional pressure on social care services to deliver additional care at home, before people move in to high dependency care homes.

2.12 Providing opportunities for people to downsize in to suitable and adaptable accommodation, with support on hand should they need it, meets the Government’s agenda of encouraging much greater independence in old age, and reduces the pressure on social care services.

2.13 The communal facilities proposed are:

- A lodge manager employed by a Management Company to provide assistance and security for the owners of the apartments;
- A video entry system which is linked to the owners’ television in their apartments;
- An owners’ lounge is provided for use by all residents and their guests within the building;
- Communal lifts are provided for use by residents and visitors;
- A communal toilet for use by residents and visitors;
- A communal landscaped garden area;
- A guest suite for use of relatives of property owners who wish to stay overnight;
- A communal car parking area for use by residents who have a car (unallocated);
- An area for mobility scooters and bicycles to be sorted and charged; and
- A communal refuse store.

2.14 The apartments are sold by the Applicant with a lease containing an age restriction which ensures that only people of 60 years and over with a spouse or partner of at least 55, can live in the development. It is suggested that this is secured by the following condition.

*“Each of the apartments hereby permitted shall be occupied only by:*

- *Persons aged 60 or over; or*
- *A spouse/or partner (who is themselves over 55 years older) living as part of a single household with such a person or persons; or*
- *Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over has since died; or*
- *Any other individual expressly agreed in writing by the Local Planning Authority.”*

2.15 Notwithstanding the age restriction, the average age of purchaser of the apartments are 78 years old, with the average age of all occupiers being late 70s. Typically 70% of apartments are single occupancy, often occupied by a widow. The decision to purchase this type of development is predominantly needs based, with residents forced to move as their existing property is no longer suitable or they can no longer access the shops or services they need.

2.16 A recent report ‘**Too Little, Too Late?**’ sets out that downsizing is key to tackling the national housing crisis. It acknowledges that under occupation is greatest among the elderly

population but current housing stock in the UK limits their options. If more family homes are freed up by downsizing, the benefits would be felt across the housing market, with families being able to 'upsize' and smaller homes becoming available for first time buyers. This is further supported by a report '**Chain Reaction**' (August 2020) which finds:

- Circa 3 million older people in the UK aged 65+ want to downsize.
- If those that wanted to were able to do so, this would free up nearly 2 million spare bedrooms, predominantly in three bedroom homes with gardens, ideally suited for young families with children.
- The chain impact would be a major boost for first time buyers with roughly 2 in every 3 retirement properties built releasing homes suitable for first time buyers.

- 2.17 Speaking to the House of Lords Built Environment Committee on 2<sup>nd</sup> November 2021, Housing Minister, Christopher Pincher said he wants to encourage older people in large homes to downsize and make way for first time buyers. He stated that four in ten homes were too big for their owners and that Michael Gove, the Communities Secretary was looking at ways to "identify and remove the barriers to development of the later living sector". He reiterated the 3 million people that can't downsize due to the lack of suitable housing. He noted that in the early 1990s something like 31% of properties were under-occupied, now that percentage is 38%.
- 2.18 A report by Knight Frank acknowledges that whilst there is an increase in the number of older people's housing units being developed, this rate is still dwarfed by the rapidly ageing population. By 2037, population projections suggest that one in four of us will be over 65. Thus even while delivery of older people's housing may increase, in real terms the numbers of older people housing units per 1,000 individuals is expected to drop. Thus a **step change in new delivery** is required if the imbalance between need and supply is to be addressed.
- 2.19 In addition, the majority of existing retirement housing is within the social rented sector, thus only available for those in need of affordable housing. A large proportion of older people are owner occupiers, and particularly own without a mortgage. They are therefore unable to apply for social rented housing, and in many cases wish to retain equity and so would be looking for a property to buy.
- 2.20 The '**Happier and Healthier**' Report (2019) clearly sets out that this type of retirement living accommodation will save the NHS on average £3,500 per person per annum compared to mainstream housing.
- 2.21 In recent evidence within a report '**Silver Saviours of the High Street**' has shown the significant economic benefits that retirement living developments can have on local high streets. The residents are 'basket shoppers', often walking into town on a daily basis to get the shopping they need. They will also utilise the high street during the week, when it's typically at its quietest. Through downsizing residents often have more disposable income and more time to use local facilities.

## THE SITE AND PLANNING HISTORY

### The Site

- 3.1 The 0.25ha site comprises of the vacant land, formerly used as the Shaftesbury Cattle Market. The Cattle Market ceased operation in January 2019 and was subsequently demolished later in 2019.
- 3.2 The site is located along Christy's Lane, a bypass situated west of Shaftesbury town centre. The site falls within a mixed-use area which is currently undergoing wider redevelopment and regeneration. The surrounding uses include Tesco's to the east and south, as well as the town centre and residential housing to the east. To the west is Lidl and its associated car parking, and north of the site is predominately characterised by industrial and residential uses.
- 3.3 Since the demolition of the Cattle Market, the wide site has been development with Lidl having built a store to the west of this application site which opened in 2021.
- 3.4 The parcel that comprises this application site remains undeveloped and is currently hoarded.

### Planning History

- 3.5 In March 2019, the application for the demolition of the former Cattle Market was approved under planning reference 2/2019/0209/DEM.
- 3.6 There is no further specific history on the application site.
- 3.7 In May 2020, an application was approved for the 'Erection of retail food store (Class A1), formation of vehicular and pedestrian access, car parking, landscaping and engineering works' (P/FUL/2020/00008). Within this application, the Site subject of this application had been earmarked for future disposal and therefore it does not benefit from an existing use.

### Community Engagement

- 3.8 Churchill Retirement Living always look to carry out public consultations with the local community as part of their design process and to present their proposals to the local public.
- 3.9 An online public consultation was held between 24<sup>th</sup> July to the 6<sup>th</sup> August 2023 on a dedicated website, where plans were available to view, together with an interactive feedback form. A copy of the information boards is appended to the Statement of Community Involvement.
- 3.10 Letters were issued on 24<sup>th</sup> July 2023 to circa. 278 residential and commercial addresses bordering and within close proximity to the site.
- 3.11 In total, 3 responses were received by the end of the consultation period. The project website received 148 views from 20 people from during the event. Given the level of interaction, the feedback received represents a small sample of the community and demonstrates that a vast majority of the local residents who viewed the website, either liked the proposals, had no concerns over the proposals or were apathetic to the proposals.
- 3.12 Overall, the feedback showed one respondent was supportive of the principle of retirement living housing, over half of respondents recognised the benefit of the proposals in terms of the opportunity for increasing footfall and expenditure at shops and services within the town centre. The feedback also recognised the proposal would significantly reduce the risk of health challenges and contribute savings to the NHS.



- 3.13 Further discussion on the pre-application community engagement can be found within the support Statement of Community Engagement submitted with this application.
- 3.14 In addition to the above, a presentation has also been set up to occur at Shaftesbury Town Council on September 6<sup>th</sup> 2023. This presentation will provide the Town Council the opportunity to discuss the proposal and raise any questions they may have.

## FRAMEWORK

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 4.2 North Dorset forms part of the Dorset Council unitary authority, which had formed with East Dorset District Council, Purbeck District Council, West Dorset District Council and Weymouth and Portland Borough Council in 2019. Dorset Council are preparing a District wide Local Plan, however until its adoption the adopted local plan of the now dissolved North Dorset Council must be accorded with. Therefore, the Development Plan for North Dorset consists of the North Dorset Local Plan Part One, adopted in 2016 and the Shaftesbury Neighbourhood Plan, adopted in 2021. Shaftesbury is identified as one of the four main towns that functions as the main service centres for the district.

- 4.3 The planning policies from the North Dorset Local Plan Part one relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:

- Policy 3 - Climate Change
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 8 - Affordable Housing
- Policy 11 - The Economy
- Policy 12 - Retail, Leisure and Other Commercial Developments
- Policy 18 - Shaftesbury
- Policy 22 - Renewable and Low Carbon Technology
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity

- 4.4 The planning policies from the Shaftesbury Neighbourhood Plan relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:

- Policy SFTC1 - Town Centre
- Policy SFTC4 - Parking
- Policy SFHE2 - Housing
- Policy SFDH2 - Design
- Policy SFDH5 - Accommodating Vehicles

- 4.5 As set out above, Dorset Council is preparing to adopt a district wide Local Plan. In January 2021, the Council published a Regulation 18 Consultation draft. It is advised in the Local Development Scheme that the Regulation 19 publication should have taken place in May 2022, with Submission in October 2022. However, it is evident Dorset Council are significantly delayed in the preparation of their Local Plan. Therefore, for the purposes of this application, the North Dorset Local Plan and Shaftesbury Neighbourhood Plan have been reviewed.

### National Planning Policy Framework

- 4.6 National Planning Policy Framework was updated on 20<sup>th</sup> July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The

latest version of the NPPF replaces the previous National Planning Policy Framework published in March 2012, and revised in July 2018 and February 2019.

4.7 Paragraph 8 of the revised NPPF highlights three dimensions to sustainable development being economic, social and environmental objectives.

4.8 The revised NPPF at paragraph 11 states that for plans and decisions should apply a presumption in favour of sustainable development which for decision making this means:

*"c) Approving development proposals that accord with an up-to-date development plan without delay; or*

*d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 this Framework*

4.9 Paragraph 47 identifies that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless longer period has been agreed by the applicant in writing.

4.10 The Government's policy, as set out in the revised NPPF, is to boost significantly, the supply of housing. Paragraph 60 reads:

*"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."*

4.11 The NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, and type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including older people.

4.12 Paragraph 69 of the revised NPPF acknowledges that small and medium sized sites and make an important contribution to meeting housing requirement of an area, and are often built-out relatively quickly. To promote the development of good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

4.13 Paragraph 86(f) of the NPPF sets out planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

4.14 The NPPF identifies at Paragraph 120 that planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate

opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land

- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

4.15 The Government recognises at Paragraph 124 that planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

4.16 The NPPF places a strong emphasis of achieving well-designed places at Paragraph 130 advising that new developments should ensure that they:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodation and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’*

4.17 The overriding message in the NPPF is one of sustainable development.

### **Planning Practice Guidance**

4.18 The Planning Practice Guidance (PPG) is a material consideration when taking decisions on planning applications. The PPG provides guidance on how policies in the NPPF should be implemented.

4.19 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001<sup>3</sup> states:

**“The need to provide housing for 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 1.6 million 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” (emphasis added).

4.20 Paragraph 003<sup>4</sup> recognises that “*the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.*” Thus a range of provision needs to be planned for.

4.21 Paragraph 006<sup>5</sup> sets out “plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.” Therefore, recognising that housing for older people has its own requirements and cannot be successfully considered against criteria for general family housing.

4.22 Paragraph: 016<sup>6</sup> sets out that “Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people”. It goes on to clearly state: **“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”** (emphasis added).

### **Draft Consultation National Planning Policy Framework**

4.23 The Government have published a consultation document on proposed reforms to the national planning policy with accompanying proposed revision on the NPPF on the 22<sup>nd</sup> December 2022. At the current time the revised NPPF document is out for consultation until the 3<sup>rd</sup> March 2023 following which the revised version of the NPPF will be published in the spring of 2023. The revised NPPF may be published prior to the determination of this application in which case the development plan policies will need to have regard to their consistency with revised national planning policy. At the current time some weight can be given to the emerging NPPF, but regard will need to be had to public comments received on the consultation document and those elements of national policy proposing to be amended or retained unchanged as the case may be.

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<sup>3</sup>Planning Practice Guidance, Paragraph: 001 Reference ID: 63-001-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

<sup>4</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 63-003-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

<sup>5</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 63-006-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

<sup>6</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 63-016-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

## PLANNING CONSIDERATIONS

### The Proposed Development

- 5.1 The proposal subject to this application is for the redevelopment of the site to form 41 retirement living apartments.
- 5.2 The development will create a new vehicular access off the private Lidl access road from Christy's Lane, leading to a parking court that contains 14 parking spaces. A mobility scooter store is located on the northwestern leg of the building, catering for 6 scooters and is accessed from the parking court via a pedestrian walkway adjacent to the owner's lounge and refuse store.
- 5.3 The proposed development will include a high-quality landscape amenity space in the form of communal garden area which will be maintained in perpetuity by the applicant's sister company, 'Churchill Estates Management'. In addition, there will be internal communal areas including the residents lounge and guest suite.
- 5.4 The proposed development is 3 storeys in height, constructed of three contrasting bricks with two contrasting roof tiles, as well as UPVC windows and doors.

### Principal of Development

- 5.5 The Development Plan the Council consists of the North Dorset Local Plan Part one, adopted in 2016. Shaftesbury is one of the four main towns (including Blandford, Gillingham, Shaftesbury and Sturminster Newton) identified in Policy 2 that function as the main service centres in the district, and will be the main focus for growth, both for the vast majority of housing and other development.
- 5.6 The proposed redevelopment of the site is within the settlement boundaries of Shaftesbury and the principle of development is considered appropriate within this location.
- 5.7 Policy 18 further highlights at least 1,140 homes will be provided at Shaftesbury between 2011 and 2031.
- 5.8 As previously identified, the site was formerly in use as the Shaftesbury Cattle Market, this was demolished in 2019. Given the cattle market had ceased operating in January 2019, the wider site has been identified as an area appropriate for regeneration. Throughout the Local Plan, the wider site is referred to as 'Land between Shaftesbury Town Centre and Christy's Lane' as set out in Policy 11 and 12, as well as 'Land to the East of the Town Centre and the West of Christy's Lane' as per Policy 18.
- 5.9 Whilst the wider site has not been formally allocated, the Local Plan identifies the area for mixed-use regeneration which will be encouraged and supported. Notwithstanding, the use of the term 'mixed-use' is not prescriptive in Policy 11 or Policy 12 and similarly there are no clauses which state individual developments in the area must come forward as a mixed-use scheme. As set out in supporting paragraph 8.100 to Policy 18, the Council have suggested the uses could comprise of community facilities, retail and housing provision. This is also defined in the Local Plan Part 1 Appendix D - Glossary of Terms for 'mixed-use (or mixed-use development)'.
- 5.10 In accordance with the above, the North Dorset Joint Retail Assessment Vol 2 published in 2008, also identified the site - reference '*Site Shaft 1: Cattle Market*', which states the site

could accommodate large scale development or provide additional parking to Tesco, with possible alternative uses such as leisure, community or housing.

- 5.11 Therefore, when considering the Council's ambitions for the site as an area suitable for a mix of uses, the fact that a Lidl superstore has since been built out providing 2,010sqm of convenience retail, would conclude that the remaining element of the site is suitable for an alternative use, where housing has been established as an acceptable use.
- 5.12 Furthermore, within the Shaftesbury Neighbourhood Plan, the site falls within the newly formed town centre boundary, although outside of the Primary Shopping Area and Active Frontages, as depicted in Map SFTC1.
- 5.13 Policy SFTC1 sets out development proposals in the town centre area will be supported if they meet one or more of the 8 aspirations listed and do not undermine others. Upon review of the policy criterion, it is considered that the redevelopment of older persons housing meets a number of the aspirations listed, especially given future occupants of a Churchill Retirement Living development are basket shoppers (further details of basket shoppers set out in paragraph 2.21 of this report).
- 5.14 Additionally, as identified in the Infographic produced by Lichfield's (which has been submitted in support of this application) the redevelopment of this site will introduce £318,000 per annum resident expenditure within local shops and services, as well as a further 4 full-time jobs as a consequence of this increase expenditure. This will help significantly boost local high street vitality and visibility. Therefore, the redevelopment of this brownfield, vacant site, to older persons housing does accord with Policy SFTC1 of the Shaftesbury Neighbourhood Plan, as well as paragraph 86(f) of the NPPF (2021).
- 5.15 The redevelopment of this vacant brownfield site for older persons housing does accord with Local Plan Part One Policy's 11, 12 and 18, as well as Policy SFTC 1 of the Shaftesbury Neighbourhood Plan. Furthermore, paragraph 120(c) of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

### **Housing Delivery**

- 5.16 There is a significant national drive to increase housing delivery. Paragraph 61 of the NPPF is clear, the Government intends to significantly boost the supply of new homes. There is an intention to deliver 300,000 new homes a year. The Government has made planning reform a priority, to speed up and plan for the homes we need.
- 5.17 The planning system has a clear role in ensuring it delivers homes where they are most needed. As set out in paragraph 119 of the NPPF this means making as much use as possible of previously developed land. The Government is championing the take up of brownfield land by encouraging the remediation of degraded or contaminated spaces, promoting the development of under-utilised land and opening up opportunities to build upward.
- 5.18 Within the adopted Local Plan 2016, North Dorset Council have a housing provision target of 5,195 dwellings to be delivered between 2011-2031 within the four main towns of Shaftesbury, Gillingham, Blandford and Sturminster Newton. Of these, 1,400 dwellings are targeted to Shaftesbury.
- 5.19 Brownfield sites such as the application site are essential in bringing forward sustainable housing in North Dorset and this proposal will aid towards the housing provision.

- 5.20 Paragraph 69 of the NPPF acknowledges the benefits in terms of delivery offered by small and medium sized sites and encourages authorities to give great weight to the benefits of using suitable sites within settlements for homes and at paragraph 120(c) that substantial weight should be given to the value of using suitable brownfield land within settlements for homes.
- 5.21 As identified in the Council's Housing Land Supply Report (published in March 2023), North Dorset were able to deliver a 4.27-year supply of land, falling short of the 5-year requirement.
- 5.22 In terms of the Housing Delivery Test (2021) North Dorset achieved 69% of their requirement, having completed 520-dwellings against their 750-dwelling requirement.
- 5.23 On the basis of the above, the presumption in favour of sustainable development applies. Additionally, paragraph 14 of the NPPF (2021) must also be considered given Shaftesbury have a Made Neighbourhood Plan. Paragraph 14 states:

*'In situations where the presumption (as paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

- a. the neighbourhood plan became part of the development plan two years or less before the date in which the decision is made;*
- b. the neighbourhood plan contains policies and allocation to meet its identified housing requirements;*
- c. the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.'*

- 5.24 Subsequently, paragraph 14(a) does not apply as the Shaftesbury Neighbourhood Plan was formally adopted in June 2021. Therefore, the NPPF paragraph 11(d) titled balance is engaged.
- 5.25 The proposed development of older persons housing, which will be delivered within the next five years, will **significantly assist the Council in meeting its housing targets and should be given substantial weight when considering the planning balance.**

### **Older People Housing Need**

- 5.26 On 26th June 2019 the Planning Practice Guidance was updated to include 'Housing for older and disabled people' to assist Councils in preparing planning policies on housing for older and disabled people. The Guidance sets out that providing housing for older people is 'critical'.
- 5.27 It is well documented that the UK faces an ageing population. Life expectancy is greater than it used to be and as set out above by 2032 the number of people in the UK aged over 80 is set to increase from 3.2 million to five million (ONS mid 2018 population estimates). The House of Lords Built Environment Committee Report (January 2022) requires new homes to be built that reflect our ageing population, particularly as there will be an increase in older people living alone.



- 5.28 The Homes for Later Living Report (September 2019) notes the need to deliver 30,000 retirement and extra care houses a year in the UK to keep pace with demand. Currently in the UK, we build around 8,000 retirement properties a year. This is despite the PPG setting out that the need to provide housing for older people is 'critical'. This is distinctly below the level of need and demand.
- 5.29 Recognising the issues being faced, the Government has recently set up a task force to help improve the housing options for older people. The task force will work across housing, health and care sectors with the aim of driving an increase in the volume and range of housing options for older people.
- 5.30 Housing Minister Rachel Maclean has recently stated "Making sure older people can access the right homes that meet their needs in later life is a government priority. And by unlocking more housing for older people, we can also have a hugely beneficial impact on their health and wellbeing".
- 5.31 The Government's reform of Health and Adult Social Care is underpinned by the principle of increasing independence in old age. Without choice and diversity in the housing market to allow this, many older people are faced with limited options but to remain in often large and unsuitable accommodation, with lots of steps, or maintenance requirements. This puts additional pressure on social care services to deliver additional care at home, before people move into high dependency care homes.
- 5.32 Providing opportunities for people to downsize to suitable and adaptable accommodation, with support on hand should they need it, meets the Government's agenda of encouraging much greater independence in old age, and reduces the pressure on social care services.
- 5.33 In addition, the majority of existing retirement housing is within the social rented sector, thus only available for those in need of affordable housing. A large proportion of older people are owner occupiers, and particularly own without a mortgage. They are therefore unable to apply for social rented housing, and in many cases wish to retain equity and so would be looking for a property to buy.
- 5.34 Objective 5 of the North Dorset Local Plan Part One is to deliver more housing that better meets the diverse needs of the district by ensuring that housing is designed to support the changing needs of its occupants and users.
- 5.35 Additionally, Objective 6 sets out to improve the quality of life of North Dorset's residents, particularly the older population.
- 5.36 Policy 7 of the Local Plan Part One sets out the Council will seek to meet the needs of different groups in the community and support the provision of age-restricted housing for the elderly.
- 5.37 Based on the 2018 sub national population projections (released June 2020) the percentage of people aged 65 and over is currently 28.3% in North Dorset compared to the England average of 18.2%. There is a projected increase to 32.6% in 2030 and 35.6% in 2040.
- 5.38 People are living longer lives and the proportion of older people in the population is increasing. **In mid-2016 there were 1.6 million 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.

5.39 As recorded in 2021 Census, there are more people than ever aged 65 years and over in England. Subsequently, more than one in six people were aged 65 years and over on Census Day in 2021. In Dorset this is no different, there has been an increase of 24.8% in people aged 65 years and over between 2011 and 2021. Most notably, people aged between 70 to 74 has doubled during the time period, showing an exponential increase in older persons.

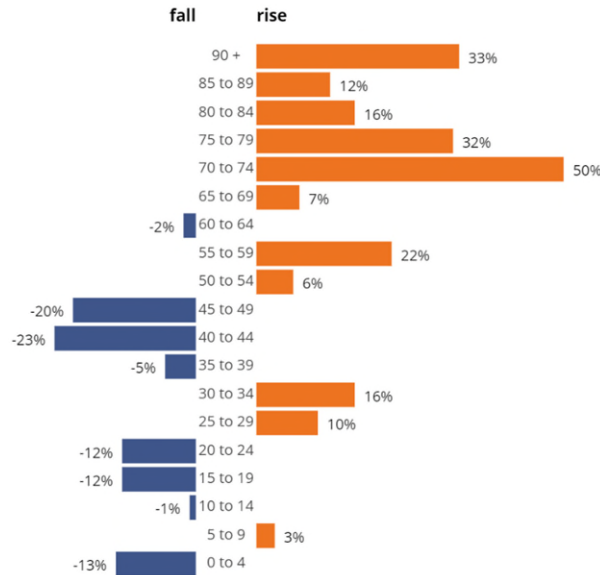


Figure 1: Population Change (%) by age group in Dorset, 2011 to 2021

5.40 As identified in the government data on Productive Healthy Ageing, Dorset falls within the 75<sup>th</sup> percentile to best for life expectancy in both female and male, 84.9 years and 81.2 years respectively.

5.41 The Housing Needs Assessment (2022) undertaken by Dorset Council recognises that in 2019, Dorset's population was greater than that of the neighbouring Council (Bournemouth, Poole and Christchurch) and significantly higher than the national average. The report goes on to identify the projected change in population of older persons between 2021-2038 as 41,400 people aged 65 years and above.

5.42 This 14% housing need requires an estimated 4,422 additional specialist dwellings across the borough by 2038. This would suggest there is currently a significant shortfall in suitable housing.

5.43 From an online review, the current retirement living schemes in the Shaftesbury area have been listed below:

- Homefarris House - Bleke Street, Shaftesbury, Dorset SP7 8AU (built in 1985) - comprising of 44 flats.
- Hardy Lodge - Coppice Street, Shaftesbury, Dorset SP8 8PD (built in 2018) - comprising of 42 flats.
- St. Edward's Court - Salisbury Street, Shaftesbury, Dorset SP7 8LZ (built in 1982) - comprising of 21 flats.

5.44 This shows there is a current supply of 107 retirement apartments, with 65 of those being built prior to 1985.

- 5.45 The most recent development of retirement living accommodation in Shaftesbury was Churchill Retirement Living's Hardy Lodge. Hardy Lodge was an incredibly popular retirement scheme, subsequently demonstrating Shaftesbury's attractiveness to the retirement population.
- 5.46 Therefore, despite there being an estimated increase in the ageing population by 41,500 people in the district by 2038 and a delivery requirement of 4,422 specialist units, there has only been increase of 42 units within Shaftesbury post-1985. This presents a significant unmet need.
- 5.47 The PPG is clear: "where there is an identified unmet need for specialist housing, local authorities should take a positive approve to schemes that propose to address this need."
- 5.48 The SHMA (2015) also recognises the issue of under-occupied housing stock, in North Dorset 56.6% of older persons housing has an under-occupancy rate of 2 or more rooms. As shown in the figure below, North Dorset has the highest under-occupancy rate out of the East Dorset Housing Market Area.

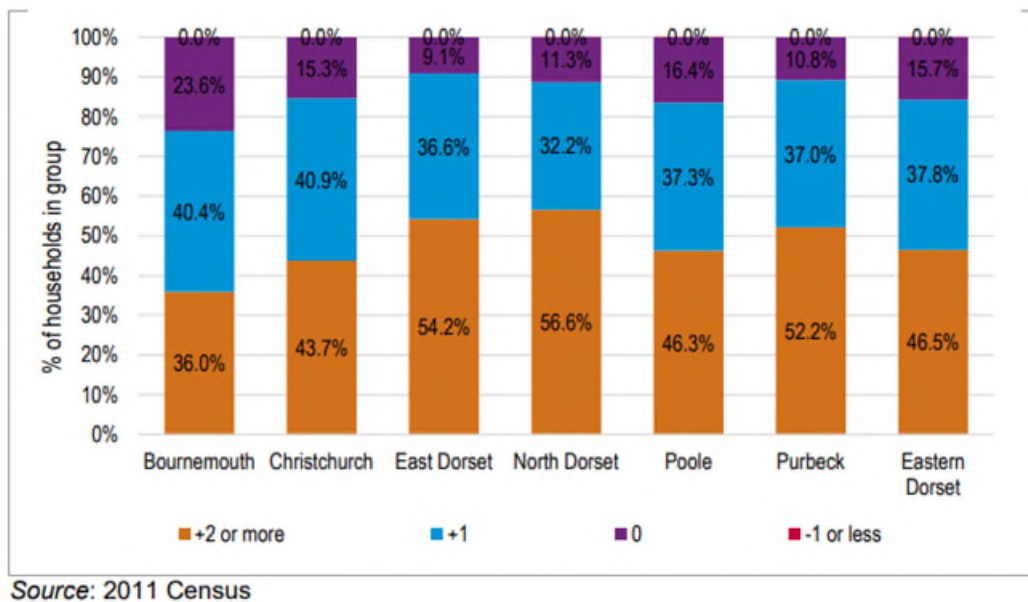


Figure 2: Occupancy Rating of Older Persons Household - by District

- 5.49 Moreover, the tenure of the 56.6% of older persons in an under-occupied property shows that in North Dorset 4,034 of these are owner-occupied. This demonstrates that the development of older persons housing in North Dorset would free up other types of housing within the housing market.

### Impact on Health and Social Care

- 5.50 The proposal seeks to provide housing to assist older people to live as independent lives as possible. The Government's reform of Health and Social Care is underpinned by the principle of people living in their own home as long as possible. Thus, providing specially designed housing is important in helping to address this.
- 5.51 The PPG is clear: "where there is an identified unmet need for specialist housing, local authorities should take a positive approve to schemes that propose to address this need."
- 5.52 Paragraph 001 of the PPG on Housing for Older and Disabled People is unequivocal in its message that "the need to provide housing for older people is critical". In this context, the

benefits of the scheme in delivering older people’s housing against the identified needs must be given substantial weight in the determination of this application.

5.53 In accordance with the above, the ‘Campaign to End Loneliness’ estimates the potential national costs of loneliness to health and care services, for a cohort of people aged over 65, to be in excess of £1,700 per person over a 10-year period

5.54 There is evidence showing that providing purpose-built retirement accommodation reduces the impact on the NHS. The **Happier and Healthier Report** (2019) clearly sets out that this type of retirement living accommodation will save the NHS on average £3,500 per person per annum compared to mainstream housing.

5.55 For the proposed 41-unit scheme, it is estimated this will lead to a fiscal savings of £187,000.

5.56 Social isolation has been identified as an age-related illness. As shown in figure 3, the site is located within an area at very high risk of loneliness.

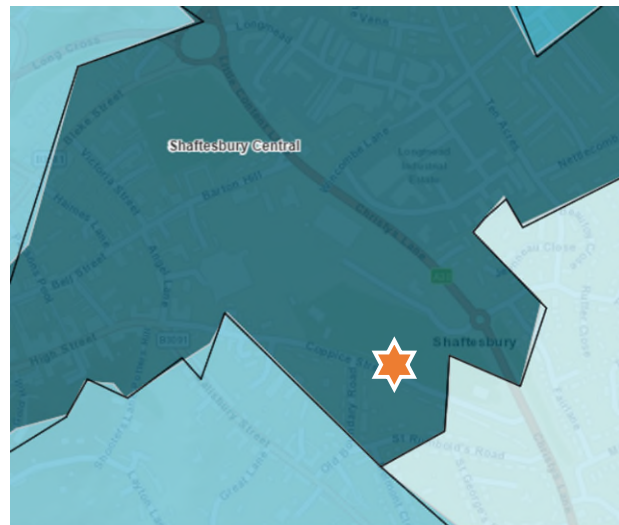


Figure 3: Loneliness Heat Map (Age UK)

5.57 Depression remains the most common mental health need for older people. There is clear evidence that retirement living accommodation significantly reduces loneliness and social isolation. Residents live in accommodation with like-minded individuals. There are social gatherings in the communal lounge, ranging from coffee mornings to fish and chip suppers, to Bridge clubs. There are film nights and formal garden parties. In addition, there are daily informal interactions and residents chat to neighbours in the communal areas or the lodge manager on their way in and out of the building.

5.58 Loneliness and depression within the ageing population has been recognised by the World Health Organisation. The WHO have acknowledged that focusing on improving the wider determinants of health that affect an older person can lead to improvements in mental health and life expectancy. Within this, supportive housing and the provision of security and freedom has been recognised as important factors to help prevent these issues.

5.59 People often chose to move into retirement living accommodation after a significant life event, such as a fall or death of a partner.

5.60 Government data on Productive Healthy Ageing identifies in Dorset the number of emergency hospital admissions due to falls in people aged 80 years and over is 5,356 per 100,000 which is within the 25<sup>th</sup>-75<sup>th</sup> percentile in England. Dorset maintains this position within the 25<sup>th</sup> to 75<sup>th</sup> percentile in England for hip fracture in people aged 80 and over (data set shown below).

Emergency hospital admissions due to falls in people aged 80 plus	2021/22	-	1,730	5,356	5,034	5,311	8,251		2,523
Hip fractures in people aged 65 and over	2021/22	-	660	539	540	551	829		125
Hip fractures in people aged 65 to 79	2021/22	-	170	205	227	236	424		89
Hip fractures in people aged 80 and over	2021/22	-	485	1,506	1,446	1,466	2,002		229

Figure 4: Productive Healthy Ageing Profile (Source: Public Health Data)

- 5.61 The consequence of falls can have a significant impact on health and social care services. It can lead to the need for regular care at home or even admission to a residential care home if the house is no longer suitable. Options such as the proposed retirement living scheme offers a specifically designed environment, with level access throughout to enable older people to live safe and independent lives.
- 5.62 Furthermore, the proposed development will not be creating new residents. Evidence from Churchill Retirement Living's existing schemes is that at least 50% of residents come from a 5-mile radius around the site. These residents will already be within the local health service and will not place any increased pressure on the local facilities.

### **Design Considerations**

- 5.63 A detailed assessment of the local character has been undertaken to greater understand the site and its wider setting. The Design and Access Statement has also been produced to evaluate the character and setting of the surrounding area. This section should be read in tandem to the Design and Access Statement.
- 5.64 The proposed development consists of a 3-storey traditional 'L' shape building. Materials are proposed to include brick, painted brick, brick detailing, red and grey roof tiles.
- 5.65 Although a singular building, the building has been broken with vary roof heights and corner gabling to break the overall scale of the building. The building takes on a simple form which is reflective of the surroundings. Similarly, the proposal is considered to introduce a positive public realm into a currently vacant and inactive brownfield site.
- 5.66 The main elevation of the building being the north elevation which fronts onto Christy's Lane, a main artery route bypassing Shaftesbury. Simultaneously, the building is stepped back from the northern boundary to avoid interference with the beech trees, which are a prominent feature in the streetscape along Christy's Lane.
- 5.67 Whilst the building has a good visual interest, its overall appearance through materials and colour palette do not detract attention away from the approaches to/from Shaftesbury's historic core.
- 5.68 The proposed apartment building comprises a mix of 1 and 2 bed apartments, which provides high density development in a sustainable location close to the town centre in accordance with Policy 7 of the Local Plan Part One and paragraph 124 of the NPPF.
- 5.69 Overall, the proposal is considered to create a high-quality place that responds appropriately to the site and surrounding context. The scheme is considered to comply with Policy 7, and Policy 24 of the Local Plan Part One paragraphs 124, 130 and 134 of the NPPF, as well as paragraph 124 of the National Design Guide (2021).

### Scale, Height and Mass

- 5.70 The proposed development shows a 3-storey development, which is considered an appropriate and in keeping with the surrounding townscape.
- 5.71 As identified above, the overall scale and mass of the building has been broken up by a varied design and materials palette. The building is visually subdivided through the use of facing materials, roof covering, as well as the symmetrical stepping of the buildings build line to prevent a flat elevation. The corner features of the buildings have been used to add variation to the roof line and to break up the mass.

- 5.72 The scale and setting of the building have been designed so as to demarcate the corners of the building and provide architectural definition without drawing attention away from the wider streetscape.
- 5.73 It was also considered from a heritage perspective the number of storeys is considered appropriate and does not detract attention away from the approaches to and from Shaftesbury's historic townscape, including Barton Hill circa 130m north-west of the site.

#### Siting and Layout

- 5.74 The development potential of the site was assessed with a number of configurations reviewed which can be found within the supporting Design and Access Statement.
- 5.75 The proposal is for a 'L' shaped block that fronts onto Christy's Lane, with amenity space surrounding the eastern, and southern extents, as well as further amenity space and parking court located centrally within the site. The main entrance to the building is situated along the southern elevation, located off the proposed parking court.
- 5.76 The primary area of amenity space is located centrally within the site and provides a courtyard style arrangement. This is accessed off the internal Owner's Lounge.
- 5.77 The orientation of the building is considered to provide future occupants private and useable amenity space, as well as addressing the main northern elevation along Christy's Lane.

#### Density and Mix

- 5.78 The NPPF strongly promotes the efficient use of unused land; paragraph 120(c) identifies that substantial weight should be given to the value of using suitable brownfield land within settlement for homes.
- 5.79 Policy 7 of the Local Plan Part 1 states high density development (above 50dph) will only be acceptable in areas such as town centres, sustainably located areas, or in other locations which have already been developed at high density.
- 5.80 The development will provide 164dph. It is considered that the proposed development makes an appropriate balance between making an efficient use of land, whilst respecting the local character and context.
- 5.81 The proposal provides a mix of 1 and 2 bed apartments, which allows for best use of the site situated in a sustainable location close to the town centre. This is therefore in accordance with paragraph 124 of the NPPF.
- 5.82 In addition to the above the proposal meets M4(2) standards.

#### Appearance and Materials

- 5.83 The proposals seek to integrate themselves into the pattern of urban form with similar materials and features. On this basis the buildings surrounding the proposals have informed many of the choices of materials. A sensitively selected palette of materials has been used.
- 5.84 The elevations present a red brick, with a contrasting off-white brick to break up the facades. Heads and cills are proposed as buff break to create a more visually interesting elevational detail.
- 5.85 The use of the contrasting bricks signifies the stepping of the facades, with particular reference to the north and east elevations, which generates a symmetrical vision along Christy's Lane.

- 5.86 The area of the facades which steps out is also differentiated with contrasting grey roof covering.
- 5.87 Windows will be white uPVC casement. Balconies, both walk-out and Juliette, will be black painted metal.
- 5.88 Rainwater goods will consist of white uPVC eaves and black gutters and downpipes.
- 5.89 The design has taken reference from the traditional design features and materials found in this area of Shaftesbury. Therefore, it is considered the proposed development will fit seamlessly into the surrounding area.

#### Neighbouring Amenity

- 5.90 Policy 25 of the Local Plan Part One identifies development will be permitted provided that is designed to protect the privacy of occupants and those of neighbouring properties.
- 5.91 The site is surrounded by a mix of uses; this includes Lidl superstore to the west, Tesco's to the east and south and industrial and residential dwellings to the north.
- 5.92 There is no concern over the impact of daylight/sunlight, overlooking or loss of privacy from the proposed development.
- 5.93 With the above in mind, it is considered that the development is in to be in accordance with Policy 25 and the NPPF.

#### **Heritage Considerations**

- 5.94 A detailed assessment of the site has been undertaken by Ecus Consultants to understand the sites heritage interests.
- 5.95 The site lies outside of the Shaftesbury Conservation Area, albeit the site does contribute to the setting and therefore its significance. Moreover, the redevelopment of the site does not directly or indirectly impact upon Listed Buildings within a 500m distance.
- 5.96 The site lies circa 130m south-east of Barton Hill House, Grade II Listed, former 18<sup>th</sup> Century private residential dwelling, now functioning as a boarding house. The redevelopment of this site has been concluded that given there is no intervisibility between the proposal and Barton Hill House, it would therefore not result in any harm to the heritage significance of the property.
- 5.97 Further assessment has also been undertaken on the Grade II Listed Buildings located along Coppice Street, including 10, 19, 21 and the Parish Boundary Wall, all of which are located circa 160-200m south of the site. It has been concluded that the redevelopment of the site does not contribute to the heritage interests or setting of these buildings. As such, the assessment concludes that the redevelopment proposal does not contribute to the setting or significance of the Grade II Listed Buildings along Coppice Street.
- 5.98 The design of the scheme has taken into consideration its surrounding heritage setting. Through its set back position, it prevents overshadowing or dominating views along Christy's Lane, which is in keeping with the settlement pattern defining this area.
- 5.99 The Heritage Statement concludes that there is no harm to either Shaftesbury Conservation Area, or the listed buildings located along Coppice Street, through the redevelopment of the site.



- 5.100 With regards to archaeology, consultation with the Senior Archaeologist at Dorset Council in May 2023 was undertaken to ascertain whether any archaeological works was required for the site. It was subsequently concluded that no further archaeological works would be needed for the site and therefore archaeological resource is not considered a constraint.
- 5.101 Therefore, the proposals are considered to accord with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and comply with the NPPF and Policy 5 of the Local Plan Part One.

### **Amenity Space**

- 5.102 The amenity space proposed in both its extent and design will meet the needs of its user. A Landscaping Strategy by James Blake Associates has been submitted with the application showing the high-quality landscaping proposed.
- 5.103 Policy 25 of the Local Plan Part One identifies sets out the Council's requirements in regard to what is considered suitable amenity. It states residential development will be permitted provided that it provides private open space in the form of gardens or communal open spaces appropriate to the needs of the intended occupants.
- 5.104 The applicant has considerable experience in delivering retirement developments nationwide and as such this has provided a clear understanding of the use and need of amenity space.
- 5.105 The quality of amenity space is important to residents. Typical purchasers are 78-year-old widows, and it is considered high quality amenity space is far more important than quantity. Residents wish to have a pleasant outlook, often with activity and with high quality planting. This is valued far more than large areas of green space.
- 5.106 Residents use the space in a fairly limited respect; this involves siting out on the patio and tending to flower pots which are located immediately outside ground floor apartments or on balconies.
- 5.107 Further to the external amenity space, there is the internal communal lounge and coffee bar. This is a highly valued social space, where residents meet for coffee or to play card games and is useable all year round. Film nights, book clubs, wine and cheese evenings, fish and chip suppers, as well as summer garden parties are organised for the residents. Residents value this internal amenity space far more than large, grassed areas and it is usable all year round.
- 5.108 Given the balance of achieving efficient use of land as set out in Paragraph 124 of the NPPF combined with the clear understanding of the needs of the residents and the emphasis on high quality landscaping it is strongly considered that the level and quality of amenity space is acceptable.

### **Access and Parking**

- 5.109 This application is supported by a Transport Statement undertaken by Paul Basham Associates Ltd.
- 5.110 The site will be accessed via a newly formed bellmouth off a private road that facilitates access to the Lidl store. The existing access stub built as part of the Lidl development will be modified to become a servicing layby for the proposed development. The newly proposed access is further away from the junction with Christy's Lane and therefore is considered a betterment.



- 5.111 When determining the quantum of parking required for this site, the Dorset Council parking SPD (May 2011) was assessed. However, the SPD only provides standards for residential institutions and hospitals, as well as nursing/care homes.
- 5.112 On the basis of the above, the independent surveys undertaken by Churchill Retirement Living has been utilised to assess the parking demand for this development. The research shows a demand for 0.28 spaces per apartment. Residents often move into a retirement development to be situated closer to local shops and services therefore, reliance upon cars is significantly reduced. As the development age, a pattern has emerged that residents usually given up their cars within 6 months as they no longer need it.
- 5.113 In addition, there is excellent provision of pedestrian infrastructure surrounding the site, this includes recent works undertaken by Lidl – segregated cycle track, dedicated pedestrian crossing and relocated bus stop. The surrounding footways are appropriately equipped with dropped kerbs, street lighting and occasional tactile paving; all of which are features help to create a safe and suitable walking environment.
- 5.114 In total, 14 unallocated parking spaces have been provided, this provides a ratio of 0.34 spaces per apartment. This is above the evidenced need of 0.28 from Churchills parking survey evidence.
- 5.115 The proposal also includes a mobility scooter charging and storage area located on the north-western elevation of the building with access from a path leading to the parking court.
- 5.116 In accordance with the above, the site presents an opportunity to create a sustainable, non-car reliant development. The town centre hosts a range of amenities including restaurants, post office, coffee shops, doctors and pharmacy. These facilities have all been considered to be within a 10-minute walk of the site. It is therefore concluded the site provides an excellent opportunity to create a sustainable development.
- 5.117 The closest bus station is located 40m east along Christy's Lane, this comprises of a newly built bus stop equipped with a shelter and a bus cage. This stop provides access to a number of services with key destinations including Gillingham, Blandford and Salisbury.
- 5.118 The closest Railway Station is Gillingham train station, located approximately 7km northeast of the site. This train station is also accessible by the number 2 bus service via a 30-minute journey. Gillingham provides direct services to London Waterloo, Exeter St Davids and Basingstoke.
- 5.119 The NPPF strongly promotes sustainable transport. Developers should not be expected to provide more parking than required unless there are clear and compelling justifications, taking into consideration the accessibility, type, mix and use of the development.
- 5.120 It has been recognised a fire tender is able to get within 18m of a dry riser in accordance with Building Regulations.
- 5.121 Overall, within the Transport Statement, it is demonstrated that safe and suitable access to the site is achievable, and the proposed development would not result in a severe impact on the operation or safety of the local road network.
- 5.122 It is clear within the NPPF paragraph 111 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.

## **Refuse**

- 5.123 Refuse collection is proposed to take place via the existing access stub built as part of the Lidl development. This will be modified to become a servicing layby which is proposed to be flush with the newly proposed access, differentiated through surface material/colour.
- 5.124 The layby measures approximately 16.5m long and allows a Dorset refuse vehicle to wait without obstructing vehicles turning into the access road from Christy's Lane.
- 5.125 The refuse store is located within 10m of the layby within an internal refuse store situated in the north-western corner of the development. The development proposal has a communal refuse store within which small bags of household waste and recycling material from each individual flat can be decanted into larger shared bins, clearly designated for specific waste storage.
- 5.126 Churchill Retirement have developed a detailed understanding of the typical waste requirements based on experience of their existing lodges. The majority of flats are single occupancy. The owners are daily basket shoppers with a low carbon footprint who generate small amounts of waste. The proposed refuse store is therefore suitable to meet the required needs.

## **Flood Risk and Drainage**

- 5.127 The application is supported by a Flood Risk Assessment and Drainage Strategy undertaken by the Awcock Ward Partnership.
- 5.128 The site is located in Fluvial Flood Zone 1, with a less than 1 in 1,000 probability of flooding. The site also falls in an area at 'Very Low Risk' of surface water flooding and is not situated within a Critical Drainage Area (CDA).
- 5.129 Based on investigations undertaken by Crossfield's Consulting (May 2023), it has been concluded that the existing ground conditions supports the use of infiltration design. Therefore, in line with the approved drainage hierarchy, the use of soakaways has been prioritised – this is considered to improve ground water recharge compared with the existing brownfield site, which serves to benefit the downstream abstraction (Source Protection Zone 1).
- 5.130 In accordance with the above, surface water run-off from the site and proposed building will be intercepted and drained toward a new cellular soakaway beneath the parking court to the south-west of the building.
- 5.131 The proposed surface water management plan will reduce the peak rates and volumes of runoff compared to baseline conditions and will also offer a significantly reduced pollution hazard compared to the site's previous use as a cattle market.
- 5.132 Foul flows generated by the proposed development will be served by a new private gravity network and will discharge into the existing private foul sewer which connects to the Wessex Water (WW) network within Christy's Lane. It has been concluded that the private foul sewer has sufficient capacity to serve the proposed development.

## **Affordable Housing**

- 5.133 An Affordable Housing and Viability Statement has been submitted with a planning application analyses the policy requirement in light of the current economic climate and the viability of provision against the current development proposal.

5.134 In summary, forecasts over the next 3 years suggest that build cost inflation will continue to outpace inflation in house prices. It is therefore concluded that the assumptions within the FVA are appropriately balanced and are not overly pessimistic given the current and forecasted movements in costs and values.

5.135 It is considered that it is unfeasible to provide affordable housing on site in this instance.

## **Ecology**

### Habitat and Protect Species

5.136 This application is supported by an Ecological Report undertaken by TetraTech.

5.137 The site comprises mostly bare ground with scattered vegetation, bordered by mature trees and hedgerows. The habitats within the site are largely of negligible ecological importance. Whilst the south-western aspect of hedgerows has the potential for supporting breeding birds.

5.138 The proposed landscape planting for the site includes new trees, shrubs and hedgerows which would provide improved opportunities for birds by enhancing foraging and nesting opportunities and terrestrial invertebrates. To create further enhancement, integrated bird nest boxes may be incorporated into the scheme. Nest boxes should be positioned on the eastern elevation, in a location sheltered from prevailing wind, rain and strong sunlight.

5.139 The site was considered to have negligible suitability for foraging and commuting bats, and therefore activity surveys were not required.

5.140 In light of the above, the proposal seeks to provide a better quality of habitats with greater ecological importance compared to the habitats currently present on site. This is proposed through the Landscaping Plan produced by James Blake Associates which incorporates natural areas to encourage native pollen rich wildflowers.

5.141 The Ecological Appraisal concluded; no features of significant ecological importance have been identified. Additionally, mitigation measures can be controlled by a reasonable worded CEMP condition, to protect fauna species which may occur on the site during development, as a precautionary approach.

## **Trees**

5.142 The application is supported by an Arboricultural Assessment and Tree Protection Plan by Barrell Tree Care.

5.143 The proposal includes the removal of 5 trees along the southern boundary, all of which are considered to be low quality trees with very little potential to contribute to the local character due to their poor condition and small size. They are insignificant in the wider setting and their loss will have no detrimental impact on local character.

5.144 No trees will be pruned as a result of this development, therefore there will be no impact on local character for that reason. Similarly, all RPAs of the retaining trees will be protected and therefore will be no encroachment during the development activity.

- 5.145 The retention, protection and enhancement of trees within and adjoining the site has been considered throughout the design development process. This is clearly set out in the Arboricultural Impact Assessment accompanying the application.
- 5.146 The protection of the trees has been a strong factor in the design development. As set out in the Arboricultural Impact Assessment, the proposal will not result in the pressure to fell the trees in the future.

### **Sustainable Development**

- 5.147 The Applicant is fully aware that sustainable development is a major concern of Climate Change. The applicant implements various initiatives within its schemes that address this issue. A sustainability group within the company are constantly reviewing the latest guidance and technologies with a view to reducing the carbon footprint of the retirement housing developments.
- 5.148 The Applicants scheme utilise previously developed sites in highly accessible locations close to community facilities and shops, with access to alternative modes of transport enabling a reduction in car numbers and ownership but make provision for battery operated buggies and cycles.
- 5.149 As set out above, landscaping is an important feature of the development and the accompanying design provides an indication of the proposed planting levels to make the most effective use of the space as well as make a positive contribution to the amenity value, making it a more pleasant environment. The landscaping design is of an extremely high standard and will improve the environmental quality of the site for prospective residents.
- 5.150 Construction of the developments incorporates the use of local materials where possible and many energy saving devices, which is assisted by the containment of the apartments in a single block.
- 5.151 The Applicant continually reviews their environmental policies examining the newly evolving sustainable systems for incorporation into their developments where appropriate. Indeed, the use of roof mounted Solar Photovoltaics within the development proposal demonstrates Churchill Retirement Living's commitment to the principles of Sustainable Development and for on-site energy generation.

### **Economic Considerations**

- 5.152 In recent evidence within a report '**Silver Saviours of the High Street**' has shown the significant economic benefits that retirement living developments can have on local high streets. The residents are 'basket shoppers', often walking into town on a daily basis to get the shopping they need. They will also utilise the high street during the week, when it's typically at its quietest. Through downsizing residents often have more disposable income and more time to use local facilities.
- 5.153 There is significant evidence linking poor health with unsuitable living conditions. As set out above, 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 service of approximately £3,500 per year (**Homes for Later Living September 2019**). Residents generally remain in better health, both physically and mentally, in comparison to being in unsuitable accommodation and for many being isolated. Doctors, nurses, and care workers can visit several occupiers at once.

- 5.154 With 41 units proposed, there is estimated to be fiscal savings to the NHS of £187,000 per annum directly from the proposed development, in comparison to mainstream housing. This is significant economic benefit.
- 5.155 Retirement housing releases under-occupied family housing and plays a very important role in recycling of housing stock in general. There is a 'knock-on' effect in terms of the whole housing chain enabling more effective use of existing housing. In the absence of choice, older people will stay put in properties that are often unsuitable for them until such a time as they need expensive residential care. It is estimated that the proposed development will open up approximately 82 existing homes within the housing market through a chain reaction. The proposal will therefore assist with meeting wider family housing needs.
- 5.156 Substantial weight should be afforded these economic benefits.

### **Social Considerations**

- 5.157 Specifically designed housing for older people enables residents to be as independent as possible in a safe and warm environment. Older homes are typically 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. Retirement housing help to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs by providing safety, security and reducing management and maintenance concerns.
- 5.158 There are huge benefits from new found friends and companions. Loneliness is linked with damaging health impacts such as heart disease, strokes, depression and Alzheimer's. Loneliness and isolation have become even more apparent in older generations through the lockdowns faced during the COVID 19 pandemic. However residents within existing Churchill Retirement Living schemes have expressed huge praise for their Lodge Managers in looking after them.
- 5.159 Churchill developments offer a formal coffee morning as well as a number of informal coffee gatherings. Residents often organise bridge clubs and weekly film nights in the communal lounge. There are also group trips into the town centre for coffee and shopping. Even just to say hello to neighbours in the corridor or a quick conversation with the Lodge Manager can significantly help. Churchill also organise a number of events each year such as summer parties, cheese and wine nights, and musical nights.
- 5.160 Residents can walk to local shops and services, or use their mobility scooter, giving them independence if they are no longer able or wish to drive. This is important as people age, reducing reliance on formal social care or help from family and friends.
- 5.161 The **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.
- 5.162 The requirement of the NPPF at paragraph 92 to achieve healthy, safe and inclusive places are a fundamental part of the scheme proposed. These are key benefits that residents are looking for when they seek to move to a Churchill Retirement Living scheme.
- 5.163 Overall it is considered that substantial weight should be afforded to these social benefits.

## Environmental Considerations

- 5.164 The proposal will make efficient use of vacant brownfield land thereby reducing the need to use limited land resources for housing.
- 5.165 The site is in a highly sustainable location. Shops and services can easily be accessed on foot thereby reducing the need for travel by means which consume energy and create emissions. Providing shared facilities for a large number of residents in a single building makes more efficient use of material and energy resources. The proposal will be constructed with an energy efficient fabric and building services specification.
- 5.166 In efforts to reduce the overall carbon emissions associated with the development and to maximise the energy efficiency, The site proposes to install EV Charging points to 25% of site-wide car parking spaces. Ductwork can be installed for the remaining 75% of spaces, to future proof the scheme.
- 5.167 Substantial weight should be afforded to these environmental benefits.

## Planning Balance

- 5.168 Notwithstanding the fact we consider the proposal to be in accordance with the Development Plan it is necessary to undertake a planning balance.
- 5.169 As set out above, Section 38(6) of the Planning and Compulsory Purchase Act sets out that planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is not considered to be in conflict with any policies within the development plan.
- 5.170 North Dorset Council also have a shortfall in Housing Land Supply (4.27-years) and therefore, the presumption in favour of sustainable development applies in accordance with paragraph 11(d) and 14(a) of the NPPF (2021). Para 11(d) identifies the Council must grant permission unless there are any adverse impacts which would demonstrably outweigh the benefits. There are adverse impacts that are considered to outweigh the benefits of the proposal.
- 5.171 The application should therefore be approved unless material consideration indicates otherwise. It is considered that the material considerations weigh heavily in favour of the grant of permission.
- 5.172 It is evident there is '*critical*' need for the delivery of older persons housing and a significant pressing need within the administrative boundary of North Dorset. Therefore, this planning application will contribute towards delivering these much needed homes. That contribution can be considered as a substantial benefit which weighs strongly in favour of this planning application.
- 5.173 The planning benefits with the weight to be given for this proposal are set out below:

<b>Planning benefits of the current proposal</b>	<b>Weight to be given</b>
Provision of much needed housing for older people where the need for such accommodation is 'critical'	Substantial weight
Development of previously developed land, which is currently vacant and underused	Substantial weight
Development in a sustainable location, town centre location within immediate proximity to local services and facilities	Substantial weight

Efficient use of land	Substantial weight
Provision of 41 market dwellings	Substantial weight
Freeing up under occupied local housing stock	Substantial weight
Economic benefits of the proposed scheme through job creation and increased spending in the local area	Substantial weight
Social benefits of the proposed scheme, reducing social isolation and benefits to health and social care systems	Substantial weight
Environmental benefits of the proposed scheme including the delivery of ecological enhancements	Substantial weight

5.174 Recent appeal decisions have been noted below that effectively present the planning benefits of specialised accommodation for older persons, this includes a decision allowing for 31 retirement living apartments in Fleet, Hampshire and a decision allowing for 56 retirement living apartments in Basingstoke.

**Appeal Decision Former Fleet Police Station, 13 Cookham Road, Fleet (APP/N1730/W/20/3261194) (May 2021)**

5.175 The weight to be attached to the planning benefits of specialised accommodation for older persons was considered at a site in Fleet, Hampshire, by the Planning Inspectorate. The appeal was allowed for 31 retirement apartments by Churchill Retirement Living.

5.176 In weighing up the planning balance the Inspector set out at para 70:

*“The following benefits would arise: (i) much needed housing for older people... 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 appellants payment 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 operation 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 weight heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at nation level in the NPPF and PPG and at a local level.”*

5.177 The Inspector goes on to state in para 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 come 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 the appeal should be allowed.*

5.178 A copy of the decision is included at Appendix C.



**Appeal Decision Basingstoke Police Station, London Road, Basingstoke RG21 4AD (APP/H1705/W/20/3248204) (June 2021)**

5.179 This appeal decision in Basingstoke was allowed for 56 retirement apartments. In considering the planning balance, the Inspector sets out:

*“The proposal would provide much needed housing for older people. In this respect, I note from evidence that there is a shortfall within the Borough for the provision of this type of accommodation and that there are no specific allocations for such development. Therefore, the Council is reliant on windfalls for their delivery. Such provision of specialist housing also allows for the release of under-occupied housing stock... In light of the advice contained within Para 59 of the Framework to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements, it is appropriate to give significant weight to these benefits.*

*The proposal would involve the re-development of previously developed land, which is located within close proximity to the town centre and all the associated services and facilities that this has, thereby making the site sustainable in this respect. It is therefore appropriate to attach substantial weight to these benefits.*

*The proposal would provide economic benefits through generation of jobs, during both construction, but also once the development has been completed. Further benefits would also be delivered through increased spending by residents locally. Given the scale of the development proposed, it is appropriate to attach substantial weight to these benefits.*

*Further benefits would also be delivered through the optimum use of the site for new development, along with some environmental improvements through the reduction in hardstanding within the site. It is appropriate to afford these benefits moderate weight.”*

5.180 The Inspector goes on to conclude:

*“In this 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 Practice 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.”*

5.181 A copy of the decision is included in Appendix D.

5.182 Overall the scheme is considered to meet the requirements of the development plan when read as a whole. Paragraph 11(c) of the NPPF provides that proposals which accord with the development plan should be approved without delay.



## CONCLUSION

- 6.1 The proposed development is in full accordance with the Development Plan, there is no policy objection to the delivery of the scheme and as such should be approved as per paragraph 11c of the NPPF without delay.
- 6.2 The UK faces a rapidly growing and ageing population. The Government aims to **'significantly boost the supply of housing'** The PPG is unequivocal in its message that ***"the need to provide housing for older people is critical"***.
- 6.3 The PPG is clear: *"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."* **Substantial weight should be given to the proposal considering the high levels of specialist housing needs.**
- 6.4 The site is in a highly sustainable location being situated on the edge of the retail town centre with access to nearby town centre services and amenities. It offers opportunities for the future residents to walk to a range of services and facilities located a very short distance from the site. This is particularly important as people age, with many having to give up driving. **Substantial weight should be given to delivering development in a high-quality sustainable location.**
- 6.5 The scheme has been designed to reflect the character and scale of the surrounding area, whilst at the same time seeking to make the most efficient use of this sustainable site. **Substantial weight should be afforded to the efficient use of the land.**
- 6.6 The provision of retirement housing releases under occupied family homes back into the housing market. This in turn enables moves throughout the whole housing market, benefiting everyone including first time buyers. **Freeing up under occupied local housing stock should be afforded substantial weight in the determination of this application.**
- 6.7 The economic benefits associated with the application include:
- Savings to the NHS and social care services of £3,500 per person per year in retirement living accommodation (equating to £187,000 for this site)
  - Increased spending in local shops and services.
  - Creation of construction jobs as well as jobs within the local economy (Appendix B).
- 6.8 These benefits should be afforded **substantial weight in the determination of this application.**
- 6.9 The social benefits of the proposed development include:
- Encouraging independence in later life with suitably designed housing. Reducing reliance on residential and nursing care.
  - Providing safety and security and reducing management and maintenance concerns.
  - Companionship, reducing loneliness and social isolation and the associated health impacts.
  - Entertainment and social gatherings.
- 6.10 These social benefits are vital for mental health and quality of life as people age. **They should be afforded substantial weight in the determination of this application.**

- 6.11 The environmental benefits include:
- Efficient use of vacant brownfield land, reducing the need for greenfield release.
  - Close proximity to shops and facilities encouraging the residents to walk.
  - Shared facilities for residents in a single building makes efficient use of energy and resources.
  - Reduction of CO<sub>2</sub> emissions.
  - Use of low energy lighting with use of daylight and movement sensor controls.
- 6.12 These environmental benefits should be **afforded substantial weight in the determination of this application.**
- 6.13 There are numerous and significant benefits associated with the application which must be considered within the planning balance. The redevelopment of this site will have positive improvements to the public realm of Christy's Lane by way of visual townscape enhancements, as well as repurposing this vacant brownfield site. The proposal also has substantial ecology and environmental benefits.
- 6.14 As such it is considered the scheme accords with the Development Plan and it is clear that there are significant social, economic and environmental benefits of the scheme. Accordingly, the scheme should be granted permission, as per 11(c) of the NPPF without delay.

## **APPENDIX A**

National Planning Policy Framework (NPPF) 2021

## National Planning Policy Framework (2021)

**Paragraph 8:** Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

**Paragraph 11(d):** Plans and decisions should apply a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

- 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
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**Paragraph 14:** In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

**Paragraph 47:** Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

**Paragraph 60:** 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.

**Paragraph 62:** Within this context, 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, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

**Paragraph 69:** Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
- c) support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

**Paragraph 86(f):** Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

**Paragraph 111:** Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**Paragraph 120:** Planning policies and decisions should:

- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate

- opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

**Paragraph 124:** Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

**Paragraph 130:** Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**APPENDIX B**

Site Infographic by Lichfields

# Land at Christy's Lane, Shaftesbury, Dorset, SP7 8TL

The proposed development of Land at Christy's Lane, Shaftesbury will stimulate economic growth, assist in meeting North Dorset's housing requirements and add to the local authority's revenues.

## The proposal



**41**  
Retirement Units



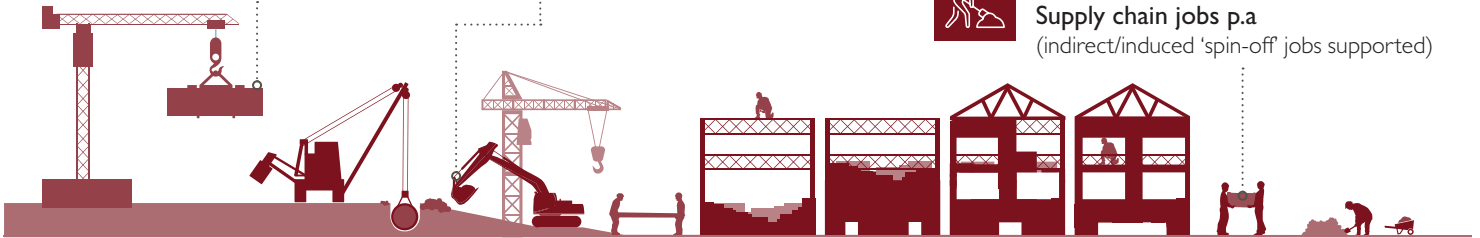
## Construction benefits

**£6.6m**  
Construction value  
(total construction cost)

**£14.2m GVA**  
Economic output  
(additional GVA p.a.)

**82 Jobs**  
Construction jobs p.a.  
(temporary jobs over 15 month build period)

**107 Jobs**  
Supply chain jobs p.a.  
(indirect/induced 'spin-off' jobs supported)



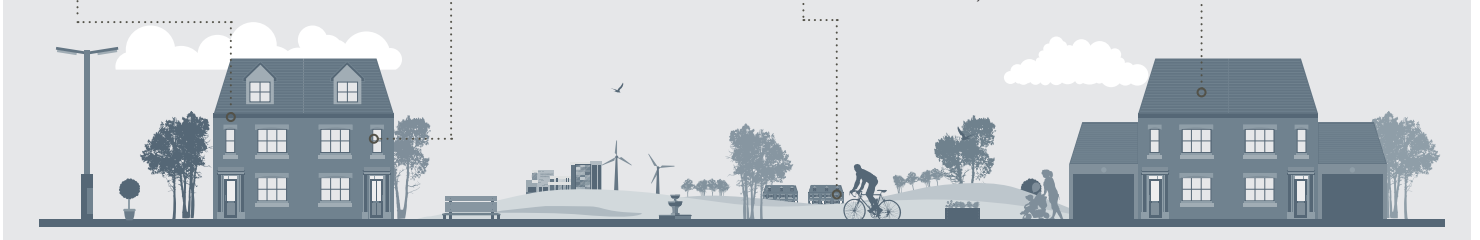
## Operational and expenditure benefits

**3 Direct jobs**  
(additional jobs supported  
by the new retirement  
development)

**£318,000**  
Resident expenditure  
(within local shops and  
services p.a.)

**4 Supported  
jobs**  
(from increased expenditure  
in local area)

**£106,000**  
Economic output  
(additional GVA p.a.)



## Wider benefits

**82**  
Potential existing homes  
(released for other buyers)

**£187,000**  
Fiscal savings contribution  
p.a. (to the NHS)





**APPENDIX C**

Appeal Decision, Fleet, May 2021



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## Appeal Decision

Inquiry Held on 16-18 March 2021

Site visit made on 19 March 2021

**by Harold Stephens BA MPhil Dip TP MRTPI FRSA**

an Inspector appointed by the Secretary of State

**Decision date: 14 May 2021**

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**Appeal Ref: APP/N1730/W/20/3261194**

**Former Fleet Police Station, 13 Crookham Road, Fleet GU51 5QQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Churchill Retirement Living Ltd against Hart District Council.
  - The application Ref 19/02659/FUL, is dated 15 November 2019.
  - The development proposed is demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping at the former Fleet Police Station, 13 Crookham Road, Fleet GU51 5QQ in accordance with the terms of the application, Ref 19/02659/FUL, dated 15 November 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matters

2. The appeal was lodged against the non-determination of the planning application. The application was reported to the Council's Planning Committee on 11 November 2020 to inform the Planning Committee of the submission of the non-determination planning appeal and to establish what the decision of the Planning Committee would have been had it determined the application. The Planning Committee resolved that it would have refused the application for the following three reasons which are contained in the Planning Statement of Common Ground (SoCG).<sup>1</sup> In summary these are: (i) the proposed development would not provide an adequate level of affordable housing; (ii) the proposed development would not achieve a high-quality design or positively contribute to the overall appearance of the area; and (iii) the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the Special Protection Area.
3. The application was supported by a number of plans, reports, and technical information. A full list of the plans on which the appeal is to be determined is

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<sup>1</sup> Paragraph 2.9

set out at paragraph 2.11 of the Planning SoCG which was agreed by the main parties. The application was also submitted with supporting statements and information which is set out at paragraph 2.12 of the Planning SoCG. The proposal was supported by a Design and Access Statement (DAS), a Planning Statement, information on Greenfield Runoff Rates, a Transport Statement, an Ecological Desk Study, a Shadow Habitats Regulation Assessment, a Ground Investigation Report, an Affordable Housing Viability Statement, a Statement of Community Involvement, a Thames Basin Heath Statement, a Sustainability and Energy Statement and a Planning Statement Addendum.

4. I held a Case Management Conference (CMC) on 11 January 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry and timings. In the weeks following the CMC both main parties continued discussions on the appeal to ensure that matters of dispute were clear and that all matters of agreement (non-disputed matters) were documented in either Statements of Common Ground or in draft Planning Conditions such that time on these matters was minimised at the Inquiry. It follows that there are two Statements of Common Ground in this case:
  - Planning Statement of Common Ground – 26/01/21
  - Viability Statement of Common Ground - 26/01/21.
5. At the Inquiry a Planning Obligation was submitted. The Planning Obligation is made by an Agreement between the Appellant, HSBC UK Bank Plc and Hart District Council under s106 of the TCPA 1990. The Planning Obligation secures the following: (i) an off-site financial contribution in lieu of on-site affordable housing provision of £500,000; (ii) provision of SANG<sup>2</sup> land at Queen Elizabeth Barracks, Sandy Lane, Church Crookham and provision of a SAMM<sup>3</sup> payment of £14,585. The s106 Agreement is signed and dated 10 May 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.
6. In relation to putative RfR1 (affordable housing), it is clear that agreement has now been reached in relation to an off-site financial contribution towards affordable housing that is secured through a s106 Agreement. Therefore, it is agreed that having regard to development viability, the appeal proposal would provide an adequate level of affordable housing provision. This matter is no longer in dispute and did not form part of the Council's or the Appellant's evidence.

## **Main Issues**

7. In the light of the above I consider the main issues are:
  - (i) *The effect of the design of the proposed development on the character and appearance of the area; and*
  - (ii) *The effect of the proposed development on the Thames Basin Heaths Special Protection Area.*

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<sup>2</sup> Suitable Alternative Natural Greenspace

<sup>3</sup> Strategic Access Management and Monitoring

## Reasons

### *The Appeal Site*

8. The appeal site is an L shaped plot of land of approximately 0.29ha. The site slopes down from Crookham Road to the back of the site. The site is currently vacant being formerly a police station. The police station building (now demolished) was constructed in red brick and was located centrally within the site. On the south boundary is a single storey garage block. A tarmac surfaced car park associated with the police station use occupies the north west part of the site with access gained from Crookham Road. A secondary vehicular access is located to the south east from St James Road. The police station building was two storeys in height with a part pitched and part flat roof. An underground fuel tank is recorded on site.
9. To the south west of the site is Walton Close which incorporates three residential properties, separating the site from Walton Close is a brick wall. To the north west is Crookham Road and on the opposite side of the road is Grace Gardens and Fraynes Croft, both incorporate residential properties. To the north east is St James Road and on the opposite side are residential properties which were built in approximately 2010. To the south east is the access road to the Fleet Bowls Club clubhouse and residential dwellings to the rear. The properties in the immediate area range from single storey to three stories in height with the majority being of a brick construction. The site is not within a conservation area.

### *Description of Development*

10. The description of development of the appeal is:

*"Demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping."*

11. The proposed apartments would consist of 19 x one-bedroom apartments and 12 x two-bedroom apartments. These would be supported by communal facilities including a one bedroom guest suite, lobby, residents' lounge, and rear garden. The proposal would fall within Use Class C3 (Dwelling Houses).
12. The submitted Planning Statement (para. 2.10) states:

*"The developments consist of 1- and 2-bedroom apartments and are sold by the Applicant with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development."*
13. The development would have a lodge manager who would be on call during normal working hours and would have an office. There is no warden living on site and no specialist medical support would be provided.
14. The scheme would consist of a single three storey building fronting Crookham Road. The main entrance to the building would be to the west and would also provide access to a car park for 20 vehicles. Vehicular access would be from Crookham Road as per the arrangement for the former police station.

### *Planning Policy*

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The parties are agreed that the statutory development plan includes the following documents: (i) The South East Plan (SEP) Saved Policy NRM6; the Hart Local Plan (Replacement) 1996-2006 Saved Policies (HLP06); (iii) the Hart Local Plan (Strategy and Sites) 2032 (HLP32) and the Fleet Neighbourhood Plan (FNP) 2019. The parties are agreed that the policies relevant to this appeal are in these documents and they are listed at paragraphs 3.5-3.8 on page 11 of the Planning SoCG.
16. The development plan identifies the appeal site to be within the Fleet Settlement boundary and approximately 50m south west of the Fleet Town Centre boundary. For the purposes of FNP Policy 10A, the appeal site is identified as being within the Fleet Town Centre Character Area.
17. It is common ground in this case that the development plan is up-to-date. The relevant policies are also agreed and are set out in the Planning SoCG. I shall assess which policies are supportive, neutral or in conflict with the proposed development and the weighting that can be attached to various policies. Then I shall assess taking the plan as a whole, whether or not the appeal scheme complies with the development plan. Then in the light of compliance or breach whether there are material considerations which would outweigh that determination in accordance with the development plan.
18. Both parties are agreed that relevant policy and guidance is contained in the following documents:
  - Building for a Healthy Life (2020)
  - Government's Technical Housing Standards - Nationally Described Space Standard (2015)
  - Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment 2014 -2032 (2016)
  - Hart District Council Urban Characterisation and Density Study (2010)
  - Hart District Council Parking Provision Interim Guidance (2008)
  - Hart District Council Five Year Housing Land Supply from 1 April 2020 (September 2020)
  - Thames Basin Heaths Special Protection Area Delivery Framework (2009)
  - Hart Council Community Infrastructure Policy (August 2014)
  - Whole Plan and CIL Viability Study December (2016)
19. There is no dispute that the proposal complies with the vision and objectives of the plan in that it gives priority to the redevelopment of previously developed land and that it provides more accommodation for the elderly.<sup>4</sup> There is also agreement that the proposal complies with the following key policies. Firstly, it is agreed that Policy SD1, which deals with sustainable development, is not breached by the proposal. Policy SD1 is the overarching policy in the plan and must be given significant weight.

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<sup>4</sup> HLP32 page 32

20. Secondly, there is no dispute that Policy SS1, which sets out the spatial strategy and the distribution of growth, is supportive of the development. The appeal scheme is located in the most sustainable settlement in Hart and is on previously developed land. I note that in meeting the housing requirement of the District, criteria (b) identifies permitting further development within the defined settlement boundaries where this proposal is located. Compliance with Policy SS1 must therefore be given significant weight.
21. Thirdly, both sides accept that Policy H1 (a-c) supports the proposal. The appeal scheme would provide an appropriate mix of dwelling types and sizes having regard to the evidence in the SHMA about housing needs and the size, location and characteristics of the surroundings; it would also provide homes that are accessible and adaptable and it would provide homes that would be made for specialist accommodation having regard to the SHMA.<sup>5</sup> Collectively the proposal complies with Policy H1 and should be given significant weight.
22. Fourthly, Policy H2 is met by the s106 contributions. There is an accepted significant need for further affordable housing in Hart<sup>6</sup> and the policy compliance should be given significant weight. Fifthly, Policy H4 is also supportive of the proposal seeking the provision of specialist accommodation for older persons on sites within settlement boundaries.<sup>7</sup> Significant weight should be given to this policy. Sixthly, the parties agree that the proposal complies with Policy H6 in meeting nationally described internal space standards. Again, significant weight should be given to this policy compliance.

***First Issue - the effect of the design of the proposed development on the character and appearance of the area***

23. The appeal scheme proposes a three storey L shaped building with the long frontages to Crookham Road (north west) and Walton Close (south west). A communal amenity garden would be provided to the rear of the building on the east part of the site and a car park to the south, accessed from Crookham Road. The main access to the building would be from the access road to the south west. The proposed building would feature a pitched roof, gables, dormer windows and balconies. The predominant elevation material would be red brick, light cream render and brick accents are also proposed. The roof would consist of grey tiling.
24. The Council maintains that the proposed development would result in a poor design response through its failure to integrate and interact successfully with Crookham Road and St James Close; that the proposed elevations lack detail and quality; and that the scheme fails to respond positively to urban design policies and guidance. It is argued that the proposal would not meet the requirements of Policy NBE9 of HLP32, Policy GEN1 of HLP06 or Policy 10 or 10A of the FNP. It is contended that these design policies are highly significant and sufficient in themselves to justify dismissing the appeal. Reference is

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<sup>5</sup> Paragraphs 128-131 of HLP32

<sup>6</sup> Paragraph 137 of HLP32

<sup>7</sup> Paragraph 156 of HLP32

made to the Government's increasing emphasis on the need for high quality design and placemaking which is evident from the NPPF, the Planning Practice Guidance, the National Design Guide and Building for a Healthy Life.

25. There was some discussion at the Inquiry about the status of the site and whether it is located within Fleet Town Centre. From the documents that are before me, I consider that the appeal site is not within the Fleet Town Centre for the purposes of the HLP32.<sup>8</sup> However, it is within the Fleet Town Centre Neighbourhood Area for the purposes of the FNP and to which the Urban Characterisation and Density Study (UCDS) and Townscape Analysis Map apply. Although both the HLP32 and the FNP form part of the statutory development plan any conflict in policy must be resolved in favour of the policy which is contained in the last document to become part of the development plan.<sup>9</sup>
26. Both sides agree that the UCDS is a material consideration and it identifies the site to be in Area D: Fleet Road of the Fleet Town Centre Neighbourhood Area. A number of locally listed and positive buildings are identified in the sub area on the Townscape Analysis Map. The UCDS identifies Area D as sensitive to change and identifies a number of characteristics that apply. Policy 10A of the FNP makes clear that proposals will be supported where they have appropriate regard to the design characteristics for the relevant land use in that character area.
27. Although the Council opened its case on the basis that the massing and appearance of the proposed development was in dispute between the parties, no material evidence was led by the Council on that point. The Council confirmed that the points of particular concern in relation to the design of the scheme were the lack of active frontages and local character.
28. As a preliminary point, I note that the site has been vacant for about six years but nowhere has the Council sought to impose a site specific design solution through the development plan nor has it set down a list of requirements for this site or the general area. Instead the Council relies on alleged conflict with Policies NBE9 of HLP32, GEN1 of HLP06 and Policies 10 and 10A of the FNP all of which are generic in nature.
29. With regard to Policy NBE9 of HLP32 the proposal is alleged to conflict with criteria (b) and (g) because of the lack of active elevation. However, there are 10 criteria in the policy and only two are said to be breached. Therefore, even on the Council's case 8 of the criteria are effectively complied with so that overall, the policy is complied with taking the policy as a whole. Secondly, neither criteria (b) or (g) expressly mention active frontage. The Council accepted that neither criteria in the policy mentioned active elevation.

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<sup>8</sup> Inset Map 10.1

<sup>9</sup> Section 38(5) of the PCPA 2004 refers. The HLP32 was the last document to become part of the development plan being adopted in April 2020



30. The Council argued that the aims of Policy NBE9 (b) and (g) cannot be met without active elevation. However, I consider the language in HLP32 is clear where the Council considers active frontages are necessary, such as in Policy ED5 and in the area in the Fleet Town Centre in Inset Map 10.1. I cannot accept that criteria (b) and (g) do actually deal with active frontages. Criteria (b) relates to the contribution of the building to public spaces and also access routes and public rights of way. It cannot be inferred that active frontages are implicit in that and the NPPF<sup>10</sup> states that policies must be clearly written and unambiguous. Exactly the same points can be made about criteria (g). This is all about crime and preventing anti-social behaviour. It cannot be inferred that active frontages are implicit here.
31. With regard to Policy GEN1 of HLP06, criteria (i), the Council accepted that this policy is generic in nature and has no express requirement for active elevation here. Moreover, there are numerous criteria in this policy and only one is alleged to be breached. With regard to Policies 10 and 10A of the FNP, I note that this policy was described by the examiner in 2019 as a generic design policy.<sup>11</sup> Furthermore, the Council accepted that the relevant UCDS's guidance<sup>12</sup> for new developments in Area D of the Fleet Town Centre was limited to developments being of two or three storeys and that there were various opportunities for public realm and traffic management opportunities.
32. Overall, it is clear to me that there is no express requirement for active frontages in any of these policies. The development plan simply does not require active frontages on the appeal site.
33. Additionally, the importance of active frontages is overstated by the Council. None of the documents cited in support of the pre-eminence of active frontages affords active frontages the weight given to them by Dr Kruczkowski.<sup>13</sup> Where the NPPF, the National Design Guide and Building for a Healthy Life do mention active frontages, they do so as ways of integrating buildings into their surroundings. This is recognised in the guidance that Dr Kruczkowski, cited at paragraph 2.3 of the Rebuttal PoE: the purpose of an active frontage is to add interest, life, and vitality to the public realm. In my view the proposed design does this, and the proposed development would be fully occupied on a full time basis by 31 occupants at least who would be resident and using the high street on a daily basis. There are no requirements or grading standards in the NPPF or otherwise for appropriate or inappropriate active frontages and, as I saw on my site visit, the activity afforded by the other frontages in the area is limited.
34. Turning to the alleged impact of the proposed development, I note that the proposed building would be set back about 5m from Crookham Road and about 1m below the level of Crookham Road. The Council's principal criticism

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<sup>10</sup> Paragraph 16

<sup>11</sup> Mr Moorhouse Appendix 1

<sup>12</sup> Appendix 1, page 12

<sup>13</sup> Dr Kruczkowski's POE paragraph 2.53-2.54



with the proposed development is that its principal façade does not face Crookham Road because the front door does not face Crookham Road, meaning that the frontage to the building could only ever achieve a "Grade D" standard for active frontages. I disagree.

35. It is wrong to say the principal elevation in the building would not be on Crookham Road. The principal elevation is defined by the massing of the proposed development and the location of the main road, which means that the development's principal façade would be the elevation facing Crookham Road. As Mr Jackson confirmed the building would be easily legible and understood by anyone coming to the site and there would be no harm in having the main entrance to the side of the building.
36. The appeal scheme would offer a high degree of social interaction between residents of the development and those walking by it. Some 39 openings face Crookham Road over a frontage of 54 metres. The openings on the building increase the interface of the building with the public realm given that five of the ground floor flats have doors, leading onto patios, which would be used by residents. A further six of the first and second floor flats have Juliette balconies with fully opening doors. The Council's approach highlights a lack of understanding of how to design a scheme which works for the provision of accommodation for older persons. The design which the Council appears to want would not be architecturally workable given the need for a level access to the building and level access internally.
37. In addition, the suggestion that the building could be level with Crookham Road is impractical because of the need for a platform lift and this would decrease the level of interaction with the public realm, as ground floor residents would be level with a busy road so less likely to use or sit on the six patios at the front of the building. Dr Kruczkowski's evidence in chief was that "an active frontage is not made active by having doors". The level of usage by a front door on Crookham Road would be limited in any event. The location of the car park at the rear means that even if there were a front door on the Crookham Road elevation of the building, it would not be regularly used. This is illustrated by the properties in St James' Close. In my view there would be no material harm arising from the design of the appeal scheme.
38. I now turn to the alleged harm to local character. It was very difficult to discern from the Council's evidence what the actual current character of the locality is. There is the guidance in the UCDS's Area D: Fleet Road of the Fleet Town Centre Neighbourhood Area and the locally distinctive character of the site which the Council identified as coming from the Townscape Analysis Map. However, it is clear that not all of the characteristics that apply to the Area D character area are relevant to the appeal site.<sup>14</sup> Indeed, almost none of the characteristics of this area can be seen from the site or are relevant to the immediate surroundings. There is no retail adjacent, there is no Edwardian

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<sup>14</sup> UCDS Appendix 1 page 10 Area D: Fleet Road

character, there are no locally listed buildings within view, there is no common building line and there is no view of a 1960's shopping centre. The only points of relevance are that buildings are two-three storeys and that there is a negative building on the proposed site where sensitive development would be welcomed.

39. In my view the local character is highly varied and different with no dominant style, typology, massing, building line, footprint, scale, use or material. The scale and height of the site context is two to three storeys. The site context is mixed and includes detached houses, terraced houses, semi-detached houses, bungalows, and large flatted developments as well as commercial properties. It is obviously wrong to look at character based on a plan alone, which should actually be determined by the context of the site. The appearance of buildings and building materials used in the site context is also mixed. Plainly the site is in a location where the urban transitions into the suburban. In the context of the site, the scheme proposed by the Appellant offers high quality design, which is cohesive with Crookham Road and its surroundings. I cannot agree with the Council that the measured, polite, and benign elevations of this building would be so materially harmful to the existing character as to justify refusal on design grounds.
40. Where Dr Kruczkowski did identify buildings, which made 'positive contributions', that is all he did. He did not identify any characteristics which make them positive, for example in his description of Royal Parade. Dr Kruczkowski failed to identify any local characteristics from the Townscape Analysis Map which the proposal does not comply with save for that the character is about relationships with the street. That is, effectively, a repeat of the Council's case on active frontages which I have already dealt with above.
41. The proposed design would enliven the Crookham Road street scene. The proposed amenity space would be set down and back from the road which would allow some privacy and separation from traffic but would also allow some interaction between the public realm and residents. The boundary treatment is set at a height to allow passing pedestrians visual connection with residents at the front of the building. The setting down of the building is key to dealing with the sloping site levels of about 2m across the site, making the building accessible to all at a single level. The most appropriate location for practical entry to the building is at the south west elevation as designed, where it could be seen from both Crookham Road and the car park and can provide level access to the building.
42. The appeal scheme provides a high quality design. The context analysis within the DAS has identified this site as a transition site between the more urban grain development to the north and the suburban development to the south. The building would be set down into the site, to both create a level access to all points and reduce the height of the building to neighbouring dwellings. The proposal has similar eaves heights to St James Close. The roof would be stepped to break down into elements thereby reducing the overall mass.

Dormers would further visually break up the roof mass. The height, scale and mass are all appropriate for this site and its context. Gables with limited articulation are a feature of the immediate context. The DAS covers a detailed analysis of the materials and features of buildings in the local context. The proposed design therefore positively responds to all aspects of paragraph 127 of the NPPF and is high quality.

43. Drawing all of these threads together I conclude on the first issue that the proposed development is a high quality design which would positively contribute to the overall character and appearance of the area. The proposal would accord with aforementioned development plan policies NBE9 of HLP 32, GEN1 of HLP 06 and Policy 10 and 10A of FNP and with other relevant policy and guidance including that contained in the NPPF.

### ***Second Issue - Effect on Thames Basin Heaths SPA***

#### *Assessment of likely significant effects*

44. The appeal site is located in proximity to the Thames Basin Heaths Special Protection Area (TBHSPA). It is within the 5 kms SPA Buffer Zone but outside of the 400m 'inner exclusion' zone identified within SEP Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17. The TBHSPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar, and Dartford warbler. The area is protected in the UK under the provisions set out in the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'). These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.
45. The conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Habitats Regulations, by maintaining or restoring the extent and distribution of the habitats of the qualifying features; the structure and function of the habitats of the qualifying features; the supporting processes on which the habitats of the qualifying features rely; the population of each of the qualifying features, and, the distribution of the qualifying features within the site. I have had regard to these objectives in undertaking my duties in accordance with the Habitats Regulations.
46. The characteristics of the proposed development coupled with its proximity to the SPA present an increased risk of disturbance to its qualifying features. Natural England (NE) has indicated that it believes that within 5km of the SPA, additional residential development in combination will have significant effects on the Bourley and Long Valley SSSI, which forms part of the TBHSPA. Thus, without mitigation any such proposal is contrary to Habitats Regulations 63 and 64. Mitigation measures in the form of SANG and SAMM contributions are required to be secured to avoid impacts from residents who may recreate upon the SPA. NE also considers that without appropriate mitigation the

proposed development could have an adverse effect on the integrity of the Basingstoke Canal SSI. In order to mitigate these impacts and make the development acceptable foul drainage must be connected to the public sewer.

47. Collectively, SEP Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17 require adequate measures to avoid or mitigate any potential adverse effects on the SPA. The application proposes 31 net additional dwellings (Class C3 use) within the 400m – 5km TBHSPA 'zone of influence'. As such, adequate measures in accordance with the Habitats Regulations and the above development plan policies are required. The Habitats Regulations require the Competent Authority to consider the potential impact that a development may have on a European Protected Site (TBHSPA).
48. The Thames Basin Heaths Joint Strategic Partnership has agreed a 'Thames Basin Heaths Special Protection Area Delivery Framework'<sup>15</sup> to enable the delivery of housing in the vicinity of the TBHSPA without development having a significant effect on the TBHSPA as a whole. The delivery framework is based on avoidance measures and the policy indicates that these measures can take the form of areas of open space (SANG). The delivery framework also states developments can provide SANG or that Local Authorities collect developer contributions towards mitigation measures. This includes the provision of SANG land and joint contributions to the funding of SAMM of the effects of mitigation measures across the TBHSPA.
49. At the application stage, NE originally objected to the proposed development<sup>16</sup> but, following the submission of a Shadow Habitats Regulations Assessment,<sup>17</sup> advised that as long as the Applicant was complying with the requirements of Hart's Avoidance and Mitigation Strategy for the TBHSPA (through a legal agreement securing SANG and SAMM), NE had no objection on the grounds of the impact of the development on the TBHSPA.<sup>18</sup> No such legal agreement was in place at the time the appeal was submitted. As a consequence, the Inspector is now the Competent Authority for the appeal scheme, and it is necessary for me to undertake an Appropriate Assessment (AA).

#### *Appropriate Assessment*

50. This AA is necessary to comply with Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017. It is accepted by the parties that the characteristics of the proposed development coupled with the proximity to the SPA present a likely significant effect in-combination to its qualifying features. The parties also agree that an appropriate Avoidance Strategy which involves the provision of SANG and a financial contribution towards the SPA wide SAMM project would be necessary and sufficient to address the impacts from the proposed development.

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<sup>15</sup> CD3.6

<sup>16</sup> Mr Moorhouse's Appendix 4

<sup>17</sup> D 2.7

<sup>18</sup> Mr Moorhouse's Appendix 5

51. Following submission of the appeal, the Appellant has provided a s106 Agreement, with a Deed of Covenant appended, relating to the acquisition of SANG land from a third party<sup>19</sup> at Queen Elizabeth Barracks, Sandy Lane, Church Crookham (Naishes Wood SANG). The s106 Agreement secures the appropriate amount of SANG land as mitigation for the appeal scheme and it also secures a financial contribution to the Council for SAMP. The assumed contribution for the SANG land is £186,600 plus VAT based on an assumed 0.43 ha of SANG Land and 31 units. The s106 Agreement also secures a SAMP contribution of £14,585 to be paid by the owner.
52. I consider that the proposed SANG and SAMP mitigation is likely to be effective as the SANG land was specifically designed to persuade visitors away from the SPA. It is reasonable to conclude that SANG is effective as mitigation and dwellings consented within 5kms of the Thames Basin Heaths SPA with accompanying SANG are not likely to result in an increased number of visitors to the SPA. I also consider the amount of SANG proposed in this case is more than adequate to mitigate for the expected contribution of the proposal to the combined visitor pressure impact on the integrity of the SPA and the SAMP contributions are appropriate to secure management and maintenance of the land in perpetuity.
53. The parties are agreed that the Inspector as Competent Authority can and should in this case find that development proposals would accord with the Habitats Regulations on the basis that the Appellant has secured access to the Naishes Wood SANG by entering into a Deed of Covenant with a third party<sup>20</sup> as set out in the s106 Agreement and by making the SAMP payment.<sup>21</sup> The Council considers that at 17 March 2021 there exists sufficient capacity at Naishes Wood SANG to mitigate any harm from the appeal proposals. In this case I found that the appeal scheme is otherwise acceptable by reference to other issues and therefore it is appropriate to consult NE accordingly.
54. On 29 March 2021 a consultation with NE was undertaken in accordance with the Habitats Regulations. The response from NE confirms its opinion that the proposed SAMP mitigation secured by the s106 Agreement is acceptable. NE also confirms that the amount of SANG land proposed and secured by the s106 Agreement and the Deed of Covenant, is acceptable to address the anticipated effects of the development. This response is consistent with NE's earlier consultation response provided for the appeal, in which it is stated that its objection would be removed if a SANG solution was found. Moreover, the SANG in question has already been opened to the public and is operational. I consider this provides absolute certainty that the SANG mitigation would be secured long before occupation.
55. Having had regard to the views of NE and taking into account that I have found all other matters to be acceptable I am content that with the necessary and sufficient measures secured the proposed development would not adversely affect the integrity of the European Site and its relevant features.

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<sup>19</sup> Taylor Wimpey Developments Limited

<sup>20</sup> Ibid

<sup>21</sup> Document 4

56. I am also satisfied on the following matters. Firstly, there is an identified and, prepared SANG at Naishes Wood where access for mitigation purposes will be permitted if permission is to be granted by the Inspector. Secondly, there are no technical impediments to the use of the SANG land. Thirdly, the Council has signed the s106 Agreement. Fourthly, the Appellant is able and willing to pay the amount that is required under the SAMM and SANG arrangements. Finally, there is no evidence to suggest that the capacity which exists at Naishes Wood, is likely to vanish before the transaction is completed and therefore the SANG provision would ensure that the proposal would not give rise to adverse effects to the integrity of the SPA.
57. The Appellant has also confirmed that foul drainage would be connected to the main sewer and has agreed to a condition to ensure that wastewater capacity will be provided to accommodate the additional flows from the development.
58. For all of these reasons therefore I am satisfied that the mitigation described above would be appropriately secured and that it would be sufficient to prevent harmful effects on the integrity and interest features of the TBHSPA so there would be no conflict with the Habitats Regulations. Moreover, there would be no conflict with SEP Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17. On the second issue I conclude there would be no justification to withhold permission.

### **Other Matters**

59. Both parties accept that the proposed development would not result in a material loss of amenity to neighbouring residential occupiers and would meet the requirements of Policy GEN1(ii) of HLP06 and the NPPF paragraph 127(f) in this regard. The quantum of the proposed parking provision at a ratio of 0.65 is appropriate in this instance and would accord with HLP32 Policy INF3d) and FNP Policy 19. Matters relating to ecology and surface drainage can be secured by conditions. There was one objection from a neighbouring occupier on the grounds of noise and disturbance through construction and questioning the need for specialised accommodation for older persons. With regard to noise and disturbance this is a matter that can be dealt with by a planning condition. I have already dealt with the identified need for specialised accommodation for older persons earlier in this decision.

### **Planning Obligation**

60. At the Inquiry, a s106 Planning Obligation was submitted by way of Agreement. The Planning Obligation is made by an Agreement between the Appellant, HSBC Bank PLC, and Hart District Council. A CIL Compliance Statement was submitted with the Planning Obligation. I have considered the Planning Obligation in the light of the CIL Regulations 2010, as amended, the advice in the NPPF and the PPG.
61. Local Planning Authorities should only consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.<sup>22</sup> Regulation 122 of the CIL Regulations, as amended by the 2011 and 2019 Regulations, and paragraph 56 of the NPPF

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<sup>22</sup> NPPF paragraph 54



make clear that Planning Obligations should only be sought where they meet all of the following three tests: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development.

62. The s106 Agreement secures a financial contribution of £500,000 to be paid by the owners towards the provision of off-site affordable housing. Securing a financial contribution towards off-site affordable housing is necessary to meet the requirements of HLP32 Policy H2. It is directly related to the development and fairly and reasonably related in scale and kind. The financial contribution has been calculated based on the application site, development proposed and viability. The s106 Agreement requires the total affordable housing contribution to be used towards the provision of off-site affordable housing.
63. The s106 Agreement secures a SAMM contribution of £14,585 to be paid by the owners. The owner also confirms that the requisite amount of SANG on the SANG land has been secured by entering into a SANG Agreement. SEP Saved Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17 require adequate measures to avoid or mitigate any potential adverse effects on the TBHSPA. The Conservation of Habitats and Species Regulations 2017 (as amended) require the 'Competent Authority' to consider the potential impact that a development may have on the TBHSPA. Mitigation of the likely significant effect of the development on the TBHSPA is therefore necessary and directly related to the development of 31 Class C3 residential units.
64. The SAMM contribution is fairly and reasonably related in scale and kind to the development. It is based on the tariffs published by NE and agreed by the Hart District Council Cabinet on 01.10.2020 relating to dwelling size and occupancy. The Appellant has secured SANG from a third party and the associated SANG Agreement is appended to the s106 Agreement. The assumed contribution for the SANG land is £186,600 plus VAT. The SANG is fairly and reasonably related in scale and kind to the development. It secures an area of SANG (0.43 hectares) based on occupancy rates of the scheme.
65. In my view, all of the obligations in the Planning Obligation are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision.

### **Planning Balance**

66. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material planning considerations indicate otherwise. I have identified the relevant policies in this case which are listed at paragraphs 3.5-3.8 of the Planning SoCG. There is no dispute between the parties that the development plan is up-to-date.
67. In all the circumstances of this case I find there is no conflict with any of the development plan policies. I conclude that the appeal proposal accords with the development plan when read as a whole. Paragraph 11c of the NPPF

provides that proposals which accord with an up-to-date development plan should be approved without delay. There is clear evidence before me with regard to the suitability of the site. All the material considerations weigh in favour of the grant of permission.

68. The appeal site is located within the Fleet Settlement boundary. There is no dispute that the proposal complies with the vision and objectives of the plan in that it gives priority to the redevelopment of previously developed land and that it promotes more accommodation for the elderly. It is agreed that the proposal complies with 6 of the key policies in the development plan: HLP32: Policy SD1, Policy SS1, Policy H1 (a-c), Policy H2, Policy H4 and Policy H6. In my view, compliance with these policies can be given very significant weight. The proposal accords with other relevant development plan policies which can be given additional weight. The only conflict which the Council identified with the development plan policies is in respect of design and in particular HLP32: Policy NBE9, HLP06: GEN1 and FNP: Policy 10 and 10A. I have concluded that there would be no breach of any of these policies. The proposed development is a high quality design and accords with the design expectations of the development plan and paragraph 130 of the NPPF which makes clear that design should not be a reason for rejecting the development. There would be no harm arising from the Council's criticism about the frontage of the proposed development or the alleged harm to local character.
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<sup>23</sup> 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<sup>24</sup> (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<sup>25</sup> (substantial weight); (ix) there would be social benefits in specialised age friendly housing<sup>26</sup> (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 local level in HLP32.

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<sup>23</sup> Figures 14.8 and 14.10 page 212

<sup>24</sup> NPPF paragraph 118(d) and paragraph 131 of HLP32

<sup>25</sup> NPPF paragraph 80

<sup>26</sup> Appeal Decision APP/G5180/W/16/3155059 POE Mr Shellum Appendix 4 paragraph 25



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.

### **Planning Conditions**

72. A list of suggested conditions was submitted by the Council at the end of the Inquiry (Doc3). I have considered these draft conditions in the light of the advice in paragraphs 54 and 55 of the NPPF and the Government's PPG on the Use of Planning Conditions. The Appellant has agreed to all of the suggested conditions except for Condition 13 which relates to Car Park Management. The Appellant has also agreed in writing to Pre-commencement Condition 3.
73. Condition 1 is the standard timescale condition. Condition 2 is necessary to ensure that the development is carried out in accordance with the approved plans. Condition 3 is required to protect the amenity of nearby residents. Condition 4 is necessary to ensure appropriate surface water drainage provision. Condition 5 is necessary to ensure safe living conditions for future residents. Condition 6 and Condition 7 are required to ensure that the external appearance of the building is satisfactory. Condition 8 is necessary to ensure that adequate refuse storage is provided. Condition 9 is required to reduce the emission of greenhouse gases.
74. Condition 10 is necessary to deliver a net gain in biodiversity. Condition 11 and Condition 12 are required to prevent on-site and off-site flood risk from increasing from the proposed drainage system. Suggested Condition 13 on Car Park Management is not agreed. In my view Condition 13 is unnecessary and unenforceable. It would also introduce no flexibility in the use of the parking spaces for the development which is unsustainable and counter intuitive to the reason the Council has given for the condition. I have deleted this suggested condition.
75. Condition 14 is required to ensure that the development is carried out in accordance with the application and delivers age restricted housing. Condition 15 is required to ensure that the external appearance of the building is satisfactory. Condition 16 is necessary to ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking. Condition 17 is necessary to ensure that all new homes within the development meet the water efficiency standard of 110 litres/person/day. Condition 18 is required to protect the amenity of nearby residents.

### **Conclusion**

76. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

*Harold Stephens*

INSPECTOR

## **SCHEDULE OF PLANNING CONDITIONS (1-17)**

### Standard Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### Approved Drawings

- 2) The development hereby approved shall be carried out in accordance with the following plans:

Location Plan 10103FL PA00  
Proposed Site Plan 10103FL PA01 Rev A  
Proposed Ground Floor Plan 10103FL PA02  
Proposed First Floor Plan 10103FL PA03  
Proposed Second Floor Plan 10103FL PA04  
Proposed Roof Plan 10103FL PA05 Rev A  
Proposed Elevation A - Crookham Rd Elevation 10103FL PA06  
Proposed Elevation B - Walton Cl 10103FL PA07  
Proposed Elevation C - St James Rd 10103FL PA08  
Proposed Elevation D - St James Cl 10103FL PA09  
Indicative PV Layout C526-Fleet-Mech  
Soft Landscape Strategy 12773\_TG\_P01 Rev B  
Preliminary Drainage Layout PDL-101 Rev A  
Proposed Lighting Plan 10103FL- SK001  
Parking Swept Path Analysis ATR-101 Rev A

### Pre-commencement Conditions

#### Demolition and Construction Management Plan

- 3) No development shall commence until a demolition and construction management plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:
  1. A programme of demolition and construction works;
  2. Methods and phasing for demolition and construction works;
  3. Locations of temporary site buildings, compounds, construction material and plant storage areas;
  4. Parking of vehicles of site operatives and visitors;
  5. Loading and unloading of plant and materials;
  6. Demolition and construction traffic management;
  7. Wheel washing facilities;
  8. Measures to control the emission of dust and dirt during construction; and
  9. A scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall take place in accordance with the approved demolition and construction management plan.

### Detailed Surface Water Drainage Strategy

- 4) Excluding demolition, no development shall take place until a detailed surface water drainage strategy based on the principles within drawing no. Preliminary Drainage Layout PDL-101 Rev A has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include:
1. A technical summary highlighting any changes to the design from that within the approved preliminary drainage layout;
  2. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;
  3. Detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including discharge location. The results should include design and simulation criteria, network design and results tables, manholes schedules tables and summary of critical results by maximum level during the 1 in 1, 1 in 30, 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the submitted drainage layout;
  4. Evidence that urban creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
  5. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall take place and retained in accordance with the approved detailed surface water drainage strategy.

### Contamination Strategy

- 5) Excluding demolition, no development shall take place until a detailed decontamination strategy in relation to the underground fuel tank on the site has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved detailed decontamination strategy.

### Pre-above Ground Works Conditions

#### Materials

- 6) No above ground construction shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Hard Landscaping

- 7) No above ground works shall take place until full details of hard landscaping have been submitted to, and approved in writing by, the Local Planning Authority.

Hard landscaping details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure, hard surfacing materials, and lighting features. The approved hard landscaping details shall be implemented prior to occupation of any of the dwellings hereby permitted and retained thereafter.

#### Refuse Storage and Management

- 8) No above ground works shall take place until full details of refuse storage and management have been submitted to, and approved in writing, by the Local Planning Authority. Refuse details shall include bin store locations, design details, provision for 4 x 1,100 litre bins for waste and recycling and route(s) to and from the properties for collections. The development shall take place in accordance with the approved refuse storage and management details and retained thereafter.

#### Photovoltaic Panels

- 9) No above ground works shall take place until full details of the proposed photovoltaic panels have been submitted to, and approved in writing, by the Local Planning Authority. The development shall take place in accordance with the approved photovoltaic panel details and retained thereafter.

#### Ecology (Swift Bricks)

- 10) No above ground works shall take place until details of the quantity and location of swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved swift brick details and retained thereafter.

#### Pre-occupation Conditions

##### Surface Water Drainage System Maintenance

- 11) No dwellings shall be occupied until details for the maintenance of the surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

1. Maintenance schedules for each drainage feature type and ownership; and
2. Details of protection measures.

The development shall take place in accordance with the approved surface water drainage system maintenance details and retained thereafter.

##### Wastewater

- 12) No dwellings shall be occupied until one of the following has been submitted to, and approved in writing by, the Local Planning Authority:

1. Confirmation that wastewater capacity exists off site to serve the development; or
2. A housing and infrastructure phasing plan agreed with Thames Water; or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

The development shall take place in accordance with the approved details and retained thereafter.

### Compliance Conditions

#### Age Restriction

- 13) The age restricted dwellings hereby permitted shall be occupied only by:
1. Persons of 60 years or over.
  2. Persons of 55 years or over living as part of a single household who is a spouse or partner of a persons of 60 years or over.

#### Soft Landscaping

- 14) Soft landscape shall take place in accordance with drawing no. Soft Landscape Strategy 12773\_TG\_P01 Rev B. Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during a period of five years following occupation shall be replaced and/or shall receive remedial action as required by the authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

#### Parking Provision and Retention

- 15) The development shall not be occupied until the approved parking for mobility scooters, cycles and vehicles has been provided in accordance with drawing no. Proposed Site Plan 10103FL PA01 Rev A. The parking shall be maintained at all times to allow them to be used as such.

#### Sustainable Water Use

- 16) All new homes within the development must meet the water efficiency standard of 110 litres/person/day and retained thereafter.

#### Construction Hours

- 17) No development, working on the site or delivery of materials shall take place at the site except between 0730 hours to 1800 hours weekdays or 0800 to 1300 hours Saturdays. No development, working on the site or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms Saira Kabir Sheikh QC

Instructed by Hart DC

*She called:*

Dr. Stefan Kruczkowski BA (Hons)  
DipTP, PhD, RPUD, FHEA

Director, Urban Design Doctor Ltd

Mr Rob Moorhouse BSc, MSc, MRTPI

Principal Planning Officer, Hart DC

### **FOR THE APPELLANT:**

Mr Sasha White QC  
Ms Evie Barden of Counsel

Both instructed by Stuart Goodwill,  
Planning Issues Ltd

*They called*

Robert Jackson BArch, MArch, RIBA

Design Director, Planning Issues Ltd

Matthew Shellum BA (Hons), Dip TP

Head of Appeals, Planning Issues Ltd

### **DOCUMENTS SUBMITTED AT THE INQUIRY:**

1. Opening Statement on behalf of the Appellant
2. Opening Statement on behalf of the Council
3. Draft Planning Conditions as at 17.03.2021 submitted by the Council
4. Executed Section 106 Planning Obligation dated 10 May 2021
5. Hart DC Community Infrastructure Levy Compliance Statement
6. Appellant's note confirming acceptance of Pre-commencement Condition 3 submitted by Mr Shellum
7. Closing submissions on behalf of the Council
8. Closing submissions on behalf of the Appellant

## **APPENDIX D**

Appeal Decision, Basingstoke, June 2021



## Appeal Decision

Hearing Held on 27 April 2021 and 18 May 2021

Site visit made on 29 April 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> June 2021

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**Appeal Ref: APP/H1705/W/20/3248204**

**Former Basingstoke Police Station, London Road, Basingstoke RG21 4AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Churchill Retirement Living against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 19/01822/FUL, dated 28 June 2019, was refused by notice dated 27 February 2020.
  - The development proposed is demolition of existing buildings and erection of 56 No retirement apartments, guest apartment, communal facilities, vehicular access, car parking and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 56 No retirement apartments, guest apartment, communal facilities, vehicular access, car parking and landscaping on land at Former Basingstoke Police Station, London Road, Basingstoke RG21 4AD, in accordance with planning application Ref 19/01822/FUL, dated 28 June 2019, subject to the conditions in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by Churchill Retirement Living against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.
4. The appellant has included revised plans and information as part of their appeal. Whilst not before the Council at the time of their decision, they were submitted at the outset of the appeal, therefore parties have had the opportunity to comment. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.



5. The proposal is supported by a planning obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. I have had regard to it in reaching my decision. As agreed between the parties, a completed version was submitted shortly after the hearing closed.
6. The appeal hearing was conducted as a Virtual Hearing.

### **Main issues**

7. The main issues in this appeal are:
  - The effect of the proposal upon the character and appearance of the area, in particular, whether the siting, layout, design, scale, bulk and appearance of the development would appear as an incongruous form of development having regard to the pattern and character of the surroundings;
  - Whether the proposal would preserve or enhance the character or appearance of the Basingstoke Town Conservation Area and whether it would preserve the setting of the White Hart Public House, a Grade II listed building;
  - Whether the proposed development makes adequate provision for safe and secure cycle parking;
  - Whether the proposed development makes adequate provision for the storage of refuse and recycling; and
  - Whether the proposal makes adequate provision for local infrastructure, in particular the provision of affordable housing and open space provision.

### **Reasons**

#### *Character and appearance*

8. The appeal site lies to the east of Basingstoke Town Centre, on the northern side of London Road. The site comprises the vacant former police station and associated surface car parking and ancillary outbuildings, which are located to the rear. Fronting onto London Road, the existing building is predominantly single storey across the frontage, with a taller, 4-storey central section, which extends back into the site. The building is set back from London Road, where there are a number of trees, grassed areas, along with a number of former car parking spaces between it and the footway.
9. The surrounding area comprises a mix of modern and historic developments. Due to the uses of a number of surrounding buildings, the area forms the core of civic activity within the town, with uses including Council Offices, Registry Office and Basingstoke Magistrates' Court. Immediately to the east is Lauriston Court, which is a 3-4 storey residential block, that extends back, away from the road. Further to the east, the area is predominantly residential and is more sub-urban in character, with dwellings comprising a mix of detached and semi-detached properties.
10. A particular characteristic of the area is that all the buildings are distinct and individual, sitting within their own plots with space around them. However, whilst the buildings on the northern side of London Road are set back behind landscaping, those on the southern side are positioned close to the carriageway edge. As a result, the northern side has a verdant character.

11. The appeal site lies within Basingstoke Town Conservation Area (BTCA), and there are a number of nearby listed buildings, including The White Hart Public House, Goldings and Eastlands, all of which are Grade II.
12. Policy EM1 of the Basingstoke and Deane Local Plan (BDLP) states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area concerned and must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.
13. Policy EM10 of the BDLP states that proposals will be required to respect the local environment, contribute to the streetscene and be visually attractive. Policy EM10 advocates a high quality and robust design-led approach to new development. In particular, the policy requires that development must 'positively contribute to the appearance and use of streets' (criteria 1b), 'respond to the local context' (criteria 1c), contribute 'to a sense of place' (criteria 2a) and have 'due regard to' the density, scale, layout and appearance of the surrounding area (criteria 2c).
14. In contrast to the existing main building, the proposed four storey development would extend across the full width of the plot and, due to its height, would be of considerably greater scale, bulk and mass. The building would be positioned closer to London Road, which, in combination with its additional size, would increase the presence and visual prominence of development on the site. Although in this respect, I note that it would be in line with the adjoining Lauriston Court development. Furthermore, a reasonable amount of open and undeveloped space would be provided to the front and around the sides of the building, albeit less than that around the existing police station.
15. In my view the local character of the area is varied, with no particular style of building, footprint, scale, building line or materials being particularly prevalent. Building heights are also varied, however given the rise in levels towards the towns centre, due to their position in relation to London Road, those on the southern side appear more prominent.
16. As a result, whilst the building would be larger than the existing development on the site, it would still appear as its own building, which due to the detailing of the elevations and the use of contrasting materials, would ensure that it would retain an identity of its own. In this respect, whilst being modern in design and appearance, the proposal would be similar in its overall pattern and characteristics to surrounding developments.
17. Furthermore, when travelling along London Road, towards the appeal site and beyond, the nature and character of surrounding development changes from a more suburban feel, to a more dense, urban environment. This provides a sense of arrival within the town centre. The overall scale and design of the building would be in keeping with this change in character and would help to support and maintain that sense of arrival and a perception of entry into the town centre.
18. At the hearing, there was considerable debate with regard to the existing plane trees which are located to the front of the site. It was put to me by the Council that the existing trees represent important features within the BTCA and the street scene and, as a result, form a key element of the open and verdant

character of the northern side of London Street. Having visited the site, I would concur with this view.

19. From the evidence, it is clear that these trees would be retained, although some works would be required to them to enable the development to take place. However, due to their relationship with the proposed building, they would result in some shading to a number of the dwellings which would front onto London Road. This, in the Council's view, would result in substantial pressure for these trees to be removed in the future. In response, it was put to me by the appellant that, unlike traditional open market housing, residents of retirement living apartments often seek properties with views of trees and therefore it was their intention to retain and manage them.
20. I accept that due to the relationship of the building with the trees, it would result in some shadowing to a number of the dwellings located to the front of the building. However, on the basis of the evidence before me, I am satisfied that sufficient measures would be in place to ensure the long-term retention and management of these trees.
21. Pulling all these elements together, I conclude on this main issue that the proposal would deliver a quality design, which, in combination with the retention of the existing landscaped front of the site, would not materially harm the character and appearance of the area.
22. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, accords with Policies EM1 and EM10 of BDLP, the Design and Sustainability Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework).

### *Designated Heritage Assets*

#### Basingstoke Town Conservation Area

23. The BTCA covers the historic core of Basingstoke and is divided into five Character Areas, with the appeal site falling into Character Area Three, Goldings and Parkland. The Basingstoke Town Conservation Area Appraisal and Management Plan Supplementary Planning Document 2015 (CAA) defines the area as being dominated by the formality of the 18th century fronted house and the relationship with its former parkland.
24. The predominant character is defined by existing development, principally large civic and administrative buildings, which are located at the western end of London Road. These buildings are prominent within the streetscape and contrast in scale to the two-storey former historic residential buildings of Goldings and Eastlands. On the northern side, the buildings are set back from the road, but are positioned along the pavement edge on the southern side. Buildings are varied in appearance, therefore there is no particular architectural style which dominates the Character Area.
25. Section 72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 identifies the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reflected in Policy EM11 of the BDLP, which establishes that proposals must conserve or enhance the quality of the borough's heritage assets, which includes Conservation Areas. EM11 states that proposals will be permitted

- where they demonstrate an understanding of the character and setting of Conservation Areas and respect historic interest and local character and ensure the use of appropriate materials, design and detailing.
26. In contrast to the existing building on site, the proposed development would be of a greater height and scale and would therefore be more prominent within the street scene. Furthermore, with the replacement of the single storey aspects of the existing building with a four-storey development, the building would have a greater visual presence. That said, the increase in prominence and visual presence of development on the site does not, in my view, automatically translate into a form of development which would harm the BTCA.
  27. The Council were of the view that the development of the site required a building to exhibit a 'Pavilion' style, so as to respond to surrounding developments. However, on this matter, I agree with the appellant that using the accepted interpretation of the term, none of the surrounding buildings could be described to fully meet this style. To my mind, the reference to Pavilion in this context relates more to the provision of, and a sense of space around the building, allowing it to be fully appreciated, rather than a building which is also ornate and unique in its architectural detailing.
  28. In this respect, whilst the building would be positioned closer to London Road, it would be set within a landscaped context, with retained trees along the site frontage and space provided both either side and within the site. The footprint of the building would also respect the overall shape and pattern of the existing police station, with a frontage and a central core extending into the site. As such, the proposal would respect the existing grain and character of the BTCA.
  29. Whilst being four-storeys in height, due to the surrounding topography, the ridgeline of the proposed building would be lower than Eastlands and would be of a comparable height to the buildings on the opposite side of London Road. Furthermore, whilst being set further forward, the front of the building would mirror that of the adjoining Lauriston Court. This, along with the retention of the existing trees and associated landscaping, would maintain a substantial element of the verdant character of the northern side of London Road. As a result, the proposed building would be in keeping with surrounding development and would not appear overly dominant within the street scene.
  30. With regards to the existing building, there were differing views from the parties in terms of its quality and the overall contribution it makes to the BTCA. In my opinion, the existing building, due to its distinctive design and appearance, is, at best, a noteworthy feature within the BTCA, with its former use being reflective of the 'civic' nature of surrounding land uses. However, overall, I find that the existing building makes no positive contribution to the BTCA. Neither do I consider, nor find evidence to support, the Council's submission that the existing building serves as a 'bookend' to the BTCA.
  31. Drawing these aspects together, the proposal would not harm the architectural interest of the BTCA. It would remove a building that, whilst not harmful to the BTCA, in my view makes no positive contribution to it, and would replace it with a building that would be in keeping with its surroundings, with its design and siting complementing surrounding buildings. Furthermore, whilst it would be more prominent due to its scale, it would not appear as a dominant form of development. Existing trees along the frontage would be retained, along with

an element of landscaped frontage. As such, the proposal would preserve the overall character and appearance of the BTCA.

32. I have had regard to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I conclude that the appeal scheme would not harm and would preserve the character and appearance of the BTCA and therefore accords with Policy EM11 of the BDLP, Section 4 and 7 of the SPD and Section 16 of the Framework.

#### White Hart Public House

33. The White Hart Public House is a Grade II listed building and is located on the opposite side of London Road. The building dates to the eighteenth century with a nineteenth century addition to the east. From the evidence, the building served as an important public house and inn on one of the main routes into the historic core of Basingstoke. The heritage significance of the building is therefore defined by both its age and its architectural detailing, along with its historical importance as a roadside inn. To some degree however, the overall significance of the building has been reduced over the years by surrounding modern development.
34. I have already concluded that the existing police station makes no positive contribution to the BTCA and, for the same reasons, I conclude that it makes no contribution to the setting of the White Hart Public House. That said, the presence of the existing trees and the verdant frontage of the appeal site, do however make some contribution to the appreciation of the listed building, in particular when viewing the building along London Road in both directions. In this respect, the retention of the majority of the trees, and the potential for additional landscaping in this area, would preserve the overall setting of the listed building in this respect.
35. Views of the building along London Road would still be retained, allowing the former historic role and function of the building to be appreciated, although these would be seen within the context of the new development on the appeal site. The prominence of the White Hart Public House would therefore not be harmed by the proposal.
36. In respect to the overall design of the proposed building, whilst being modern, it would reflect and respond to surrounding local character and architectural detailing, which is characteristic of this part of the streetscape. As a result, it would not harm the setting of the listed building when seen from surrounding viewpoints.
37. Whilst the proposal would result in the provision of a new building that would be of a greater scale than the existing Police Station, given the separation distance between it and the listed building, I do not find that the ability to appreciate the listed building would be altered, to such a degree, as to harm the significance of the building. Furthermore, given the separation provided by London Road, and the fact that the proposal would retain a substantial element of the existing landscaped frontage, this would be sufficient to ensure that the proposal would not be overbearing to the listed building.

38. As a consequence, whilst the proposed building would be taller and located closer to the listed building than the existing development on site, I find that the overall historic significance of the listed building would not be harmed.
39. I have had regard to my duty under S66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the listed building. Accordingly, I conclude that the appeal scheme would preserve the setting of the White Hart Public House and would not harm its significance. Therefore, the proposal accords with Policy EM11 of the BDLP, Section 4 and 7 of the SPD and Section 16 of the Framework.
40. In summary, I conclude that the proposal would cause no harm to the designated heritage assets.

#### *Cycle parking provision*

41. The Parking Supplementary Planning Document July 2018 (PSPD), sets out the Council's standards with regards to the level of cycle parking provision necessary within new developments. Where cycle parking is provided the PSPD requires it to be secure and covered, conveniently located adjacent to entrances/exits to buildings, enjoy good natural observation, be easily accessible from roads and/or cycle routes and be well lit. In terms of the level of cycle parking to be provided, the PSPD does not set out specific requirements in relation to cycle parking for retirement housing, but instead, requires provision to be determined on a case by case basis.
42. Through the submission of the updated plan, the appeal proposal would make provision for six cycle stands, which would be located in a covered shelter at the end of the refuse/recycling building. In total this would provide sufficient space for 12 cycles.
43. In support of the level of provision, evidence was presented to me by the appellant, including levels of use from other similar developments, to support the case that due to the nature of the development and the age of the intended occupants, the total level of cycle use would be low, and would be mainly related to staff use, rather than residents. At the hearing, the Council maintained a position that the level of provision was insufficient.
44. Having reviewed the evidence, I find the survey data and the case put forward by the appellant to be compelling and, in this instance, provides strong justification to support the overall proposed level of provision on site. Furthermore, I note that the nature of the provision would meet the requirements set out in the PSPD. Therefore, given the nature and type of the development proposed, I consider that the proposal would make adequate provision for cycle parking to meet the needs of both residents and staff.
45. For the above reasons, I therefore conclude that the proposed development would make adequate provision for safe and secure cycle parking and, in this respect, accords with Policies CN9 and EM10 of the BDLP, the PSPD and Section 9 of The Framework.

#### *Waste and recycling provision*

46. The Design and Sustainability Supplementary Planning Document July 2018 (DSSPD), sets out the Council's requirements with regard to a range of



- development standards, including the provision of adequate waste and recycling facilities.
47. Using the DSSPD, based on the size of the scheme, the Council considers that the proposed development would require the provision of 18 x 1100 litre containers for waste and recycling and 9 x 240 litre glass recycling containers.
  48. Through the provision of the amended plan, the proposal would provide 12 x 1100 litre and 9 x 240 litre glass recycling containers, to be within a bin store located adjacent to the site entrance.
  49. At the Hearing, the view of the Council was that, despite the amended plan, the level of provision was still well below the required level and, as a result further additional bins would be required in the future, which, due to the limited size of the bin store, would have to be provided externally. In the view of the Council, this would represent visual harm to the area. On the other hand, evidence was presented by the appellant in the form of data from other similar developments to show that, whilst the overall provision was less than the Council's DSSPD, the level of bins to be provided on site, accorded with their experience of the waste and recycling that arose from other similar developments.
  50. I agree with the Council that, given the location of the site, the proliferation of external bins would harm the character and appearance of the area. However, given the evidence provided by the appellant, it is clear that, due to the nature of the development proposed, the level of waste from the proposed use would be less than that which would be generated from a general needs housing development of a similar scale.
  51. On this basis, I am therefore satisfied that due to the nature of the development, the amount, level and location of the bin stores provided as part of the scheme are sufficient to meet the overall needs that would arise from the development.
  52. For the above reasons, I therefore conclude that the proposed development would make adequate provision for the storage of refuse and recycling and, in this respect, accords with Policies CN9 and EM10 of the BDLP, the DSSPD and the Framework.

#### *Provision of Infrastructure*

53. The appeal is supported by a Planning Obligation in the form of a Unilateral Undertaking, which sets out contributions to be provided for both open space and affordable housing.
54. At the Hearing, the parties were in agreement with regards to the total level of contributions that the development could make to ensure it remained viable. However, there was disagreement with regards to the split of these contributions, with the Council seeking a considerable proportion of the monies to be spent on improvements to nearby open space.
55. To address this, the appellant, through the Unilateral Undertaking provided two options for the contributions as set out in Schedules A and B of the Undertaking. Schedule A included their preferred level of contribution, with the focus being on affordable housing. Whereas schedule B, reflected the Council's position.

56. Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations make it clear that Planning Obligations should only be sought where they meet all of the identified tests, namely (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
57. It was agreed between the parties that an open space contribution would meet tests (a) and (b). However, in the view of the appellant, the level sought for open space was not fairly and reasonably related in scale and kind.
58. In justifying their figure, the Council referred to their adopted standards and clarified that the sum was based on identified need across the Borough for open space provision. Furthermore, in calculating the requirement, they did not consider that the on-site provision was suitable and therefore required the total of provision to be provided off-site.
59. On the other hand, it was put to me by the appellant that, due to the type of housing proposed, the open space requirements of the proposal would be different to that which would be expected from general open market housing. In their experience, residents would make more use of internal spaces in the form of the residents' lounge and use the communal gardens in a different way.
60. Turning to the proportion of contributions, I am not convinced by the case put forward by the Council with regard to the need for a substantial element of the contribution to be used towards open space provision within the area. Whilst I do not doubt that future residents of the proposed development would indeed wish to access nearby open spaces, in particular War Memorial Park, given the nature of the proposed use, I would envisage this to be limited to more general visits for walking or sitting, rather than any more specific purpose. I also consider that some acknowledgment has to be made of the on-site provision. Whilst this may not be extensive, it would, no doubt, meet the needs of particular residents, who may not wish, or even be able to access local parks.
61. On this basis, I do not find that the level of contribution for open space sought by the Council to be fairly and reasonably related in scale and kind. Furthermore, in terms of affordable housing, my attention was drawn to the significant needs across all types of housing across the Borough, with the appellant describing the shortfall as acute. From the evidence, I would concur with this position. In light of this position, it would therefore appear fair and reasonable to require the substantial element of the contributions to be made towards the provision of affordable housing.
62. For the above reasons, I therefore conclude that the proposal, through Schedule A of the Unilateral Undertaking, would make adequate provision for local infrastructure, in particular the provision of affordable housing and open space provision and, in this respect, accords with Policies CN1, CN4, CN6 and EM5 of the BDLP, the Planning Obligations for Infrastructure Supplementary Planning Document and the Framework.

### **Planning Balance**

63. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.



64. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole or where specific policies in the NPPF, indicate that development should be restricted. Furthermore, I have found no conflict with the Framework in respect of heritage issues. As a result, I find that the tilted balance as identified in Paragraph 11d of the Framework is engaged in this case.
65. I have found that the proposed development would not harm the character and appearance of the area and accords with the relevant policies in the development plan and the Framework. There would be no harm arising from the proposal to nearby designated heritage assets, with the proposal preserving the character of the BTCA and the setting of the nearby listed White Hart Public House. Furthermore, I have concluded that the proposal provides adequate cycle parking, refuse storage and policy compliant levels of contributions to both affordable housing and public open space. These weigh heavily in favour of the proposal.
66. A number of benefits were also put to me by the appellant. The Council did not take issue with these benefits, but, in their view, considered that they did not attract sufficient weight to overcome the harm they considered would be caused by the conflict with the development plan and the Framework.
67. The proposal would provide much needed housing for older people. In this respect, I note from the evidence that there is a shortfall within the Borough for the provision of this type of accommodation and that there are no specific allocations for such development. Therefore, the Council is reliant on windfalls for their delivery. Such provision of specialist housing also allows for the release of under-occupied housing stock. Furthermore, the proposal would make a substantial contribution to the provision of affordable housing within the Borough. In light of the advice contained within Paragraph 59 of the Framework to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements, it is appropriate to give significant weight to these benefits.
68. The proposal would involve the re-development of previously developed land, which is located within close proximity to the town centre and all the associated services and facilities that this has, thereby making the site sustainable in this respect. It is therefore appropriate to attach substantial weight to these benefits.
69. The proposal would provide economic benefits through the generation of jobs, during both the construction, but also once the development has been completed. Further benefits would also be delivered through increased spending by residents locally. Given the scale of the development proposed, it is appropriate to attached substantial weight to these benefits.
70. Further benefits would also be delivered through the optimum use of the site for new development, along with some environmental improvements through the reduction in hardstanding within the site. It is appropriate to afford these benefits moderate weight.
71. In summary, I have found no conflict with any of the relevant development plan policies and therefore conclude that the appeal proposal accords with the

development plan. As the Council are unable to demonstrate a 5-year land supply, Paragraph 11d of the Framework provides that applications should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

72. In this 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 Practice 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.

### **Planning Conditions**

73. At the hearing, a number of minor changes to the conditions were suggested, to ensure that the correct plan references were included within the conditions. As such, and in light of my conclusion in the Preliminary Matters section of this decision, I have made the requisite amendments in the interests of clarity and precision.
74. The suggested conditions have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
75. To ensure the external appearance of the building it is necessary to require the submission of details of proposed materials and finishes. For the same reason, it is appropriate to attach a condition requiring the details of all hard and paved surfaces to be approved.
76. To protect the character and appearance of the area, it is appropriate to attach a condition requiring the submission of a landscaping scheme, along with a management plan for its continued maintenance.
77. To ensure bio-diversity enhancement is delivered, it is necessary to attach a condition requiring the submission of a habitat enhancement scheme. For the same reasons, it is necessary to require the submission of details of any proposed external lighting.
78. To protect the living conditions of surrounding residents it is necessary to require the submission of a noise assessment, along with restrictions on noise levels to be generated from construction activities. For the same reason, it is necessary to attach a condition to ensure no piling methods are used in the construction and to require the submission a measured site survey.
79. To ensure that risks from contaminated land to the future users of the site and adjoining land are minimised, it is necessary to require the submission of a desk top study and that a verification report to show that any risks have be mitigated.

80. In the interests of highway safety, it is necessary to require the provision of adequate visibility splays. For the same reason, it is appropriate to require the access to be constructed from suitable material and to ensure that the car parking is laid out and available prior to the use of the site
81. In the interests of local residents, businesses and also in the interest of highway safety, it is necessary to attach a condition requiring the submission of a Construction and Environmental Method Statement.
82. Considering the presence of existing trees on the site, it is necessary to attach a condition requiring the submission of tree protection measures. For the same reason, it is necessary to require the submission of details of all existing and proposed utilities.
83. To prevent the risk of flooding, it is necessary to attach a condition requiring the submission of a surface water drainage strategy.
84. Given the nature of the development, it is necessary to attach a condition to restrict the occupancy of the dwellings.

**Conclusion**

85. For the above reasons, the appeal is allowed, subject to the conditions as set out in the attached schedule.

*Adrian Hunter*

INSPECTOR

## **APPEARANCES**

### *FOR THE APPELLANT*

Neil Cameron QC	Landmark Chambers
Robert Jackson	Planning Issues Ltd
Matthew Shellum	Planning Issues Ltd
James MacKay	Alder King
Paul White	Ecus Ltd

### *FOR THE LOCAL PLANNING AUTHORITY*

Nicola Williams	Basingstoke and Deane Borough Council
John Dawson	Basingstoke and Deane Borough Council
Daniel Ayre	Basingstoke and Deane Borough Council
Terry Martin	Basingstoke and Deane Borough Council
Tom Roworth	Basingstoke and Deane Borough Council
Sooh Boocock	Basingstoke and Deane Borough Council
Parminder Dosanjh	Aspinall Verdi
Matthew Olive	Aspinall Verdi

### **Schedule of Conditions**

1. The development hereby permitted shall be commenced within three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (drawing 10101BS PA100 Rev A); Proposed site plan (drawing 10101BS PA101 Rev D); Ground floor plan (drawing 10101BS PA102 Rev B); First floor plan (drawing 10101BS PA103 Rev A); Second floor plan (drawing 10101BS PA104 Rev A); Third floor plan (drawing 10101BS PA105 Rev A); Proposed elevation 1 (drawing 10101BS PA107 Rev A); Proposed elevation 2 (drawing 10101BS PA108 Rev A); Proposed elevation 3 (drawing 10101BS PA109 Rev A); Proposed elevation 4-6 (drawing 10101BS PA110 Rev B); Proposed roof plan (drawing 10101BS PA106 Rev A); Proposed elevations of outbuilding (drawing 10101BS PA111 Rev A).
3. Notwithstanding the approved plans, no development above ground floor slab level shall commence until details of materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include samples, including on-site sample panels as applicable. These requirements include the provision of information relating to:
  - the size, texture, colour and source of bricks including specials;
  - the bonding and coursing of brickwork;
  - the material, texture and colour of any tiles/slates;
  - mortar mixes;
  - the material, texture and colour of any other materials such as cladding, string courses, coping and balustrades; and
  - Windows and doors.

The development shall be carried out and thereafter maintained in accordance with the details so approved.

4. Notwithstanding the details submitted, no development above ground slab level shall occur until the following drawings have been submitted to and approved in writing by the Local Planning Authority:
  - Scaled drawings at a scale of 1:10 including string courses, window cills and headers, the depth of window reveals, windows and doors and parapet.

The development shall be carried out in accordance with the approved details and retained thereafter.

5. No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme

- detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development takes place above ground floor slab level. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
6. No development shall take place above ground floor slab level of the building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscape management and maintenance detailing, as a minimum, an implementation timetable for all landscaping works and a landscape management programme, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The development shall be carried out in accordance with the approved details.
  7. No development above ground floor slab level shall take place on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.
  8. No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences/hedges shall be erected before the building hereby approved is commenced and shall subsequently be maintained. Any hedging, trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.
  9. No development shall take place until details of the habitat enhancement scheme have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
  10. Details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out and thereafter maintained in accordance with the details so approved.
  11. No development above ground floor slab level should take place until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment should, if found necessary, provide a noise mitigation scheme for protecting the proposed dwellings from neighbouring commercial land uses. Should a scheme of noise mitigation be required no dwelling should be occupied until a post completion noise survey has been carried out by a suitably qualified acoustic consultant and a report has been submitted to, and approved in writing by the Local Planning Authority.

12. The rating level of sound emitted from any fixed plant associated with the development shall not exceed background sound levels between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall be no greater than 5dB below the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

13. No works pursuant to this permission, including demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

A desk top study carried out by a competent person documenting all potential sources of contamination on the site in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011

And

With the exception of the demolition of existing buildings and removal of existing hardstanding no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the Council's Environmental Health team and in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;
- and, unless otherwise agreed in writing by the Local Planning Authority,
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and include if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.



This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

14. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 13(b) that any remediation scheme required and approved under the provisions of condition 13(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

- as built drawings of the implemented scheme;
- photographs of the remediation works in progress; and
- Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 16(b), unless otherwise agreed in writing by the Local Planning Authority.

15. Prior to construction of development commencing visibility splays of 2.4m. x 43m. shall be provided at the entrance. These splays shall have all obstructions removed between 1m and 2m. above the level of the adjacent carriageway and shall be maintained thereafter.

16. Prior to occupation the works to the access including the first 6m measured from the nearside edge of carriageway shall be surfaced in a non-migratory material. This area shall be maintained in this condition thereafter.

17. No development or other operations (including demolition, site preparation or groundworks) shall commence on site until a Construction and Environmental Method Statement that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting and shall be adhered to throughout the construction period. The Statement shall include for:

- Means of direct access (temporary or permanent) to the site from the adjoining maintainable public highway;
- The parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of construction works (including ground works) pursuant to the development hereby approved);
- Loading and unloading of plant and materials away from the maintainable public highway;
- Storage of plant and materials used in constructing the development away from the maintainable public highway;



- Wheel washing facilities or an explanation why they are not necessary;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling and disposing of waste resulting from construction work and the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (06.30 to 09.30) and PM peak (16.00 to 18.30) periods;
  - The routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary;
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - Arrangements for liaison with the Council's Environmental Protection Team;
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
  - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works; and
  - Procedures for emergency deviation of the agreed working hours;
18. The building shall not be occupied until the proposed car parking facilities have been laid out in accordance with the approved site plan. The car parking provided shall thereafter be kept available at all times for the intended use.
19. Notwithstanding the arboricultural information already provided within the Barrell Tree Consultancy arboricultural assessment & method statement, ref: 17356-AA4-PB, 04/07/19., no development or other operations (including demolition, site preparation or groundworks) shall commence on site, until a revised scheme of tree protection has been submitted to and approved in writing by Local Planning Authority. In addition to other trees on the site, the revised scheme shall include the retention and maintenance of the 4 London plane trees to the front of the site. The scheme of protection shall include temporary fencing, ground protection, supervision and special engineering solutions designed to ensure the successful retention of trees. The development shall proceed in accordance with the approved tree protection scheme.
20. No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction

works shall commence on site until a plan showing the location of all existing and proposed utility services has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage. No development or other operations shall take place other than in complete accordance with the utility services plan.

21. No development shall take place until a detailed surface water drainage strategy has been provided to the Lead Local Flood Authority, containing the following elements:
  - Any proposals for such systems must be supported by an assessment of the risks to controlled waters.
  - Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015. The development shall be carried out in accordance with the approved details.
22. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
23. No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and thereafter maintained in accordance with the approved details.
24. Each dwelling hereby permitted shall be occupied only by;
  - (i) A person aged 60 years or over;
  - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
  - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.