PLANNING STATEMENT

Former Hemdean House School, Hemdean Road, Caversham, RG4 7SD

Redevelopment and demolition of buildings, erection of 51no. retirement apartments and conversion of the former School House to form 10no. general open market apartments including communal facilities, access, car parking and landscaping. The conversion of former gate house lodge to form 1 no. general open market dwelling.

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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 along with open market conversions of two buildings on site at land at the Former Hemdean School. This application proposes:

> *Redevelopment and demolition of buildings, erection of 51no. retirement apartments and conversion of the former School House to form 10no. general open market apartments including communal facilities, access, car parking and landscaping. The conversion of former gate house lodge to form 1 no. general open market dwelling.*

ii. The UK faces a rapidly growing and ageing population. The Government aims to '**significantly boost the supply of housing'**. The Government has provided a clear target to deliver 1.5 million new homes over the next five years and speed up the delivery of housing. The PPG is unequivocal in its message that "the need to provide housing for older people is *critical*".

iii. The PPG further goes on to state *"Given their close proximity to transport networks and local shops and services, local authorities may wish to consider locating specialist housing for different groups including older people within town centres or edge of centre locations.".*

iv. 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. The Government seeks 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.

v. There is a clear need for older persons housing, 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. As recorded in 2021 Census, the overall Reading population increased by 11.9% from 2011 to 2021 from 155,700 to 174,200 in 2021. There has been an increase of 17.2% in people aged 65 years and over from the 2011 census to 2021 census.

vi. 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.

vii. The proposal utilises a brownfield site that is included within the Council's emerging Local Plan update as an allocated site. This is a suitable brownfield site in a highly sustainable location. **The NPPF is clear that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused (paragraph 125(c)).**

viii. The site is in a highly sustainable location. It offers clear opportunities for the future residents to walk to local shops and services in Caversham. The site is also in close proximity to the public transport network, providing local and national travel opportunities. Substantial weight should be given to delivering development in a highly sustainable location.

ix. The scheme has been carefully 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 125 of the NPPF.

x. There are numerous economic, social and environmental benefits associated with the application. Achieving sustainable development through these three pillars is at the forefront of the National Planning Policy Framework (2024), with particular reference to paragraph 8. These benefits respectively should be afforded substantial weight in the determination of this application.

xi. It is considered there are numerous benefits associated with the development which should be afforded weight in the planning balance. These are summarised in the table below:

Planning benefits of the current proposal	Weight to be given
Provision of 62 units of residential accommodation	Substantial weight
Provision of much needed housing for older people, where the need for such accommodation is 'critical'.	Substantial weight
Development of brownfield land	Substantial weight
Development in a sustainable location	Substantial weight
Efficient use of land	Moderate weight
Freeing up under occupied housing stock	Substantial weight
Economic benefits	Moderate weight
Social benefits	Substantial weight
Environmental benefits	Moderate weight

xii. The Council are currently unable to demonstrate a 5 year land supply and so the presumption in favour of sustainable development is engaged. In accordance with paragraph 11d(ii) there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the development plan taken as a whole. The proposal should be approved without delay.

INTRODUCTION

1.1 This Planning Statement has been prepared by Planning Issues Limited, on behalf of Churchill Living Limited, in support of a detailed planning application at the Former Hemdean House School, Caversham.

1.2 The planning application seeks permission to redevelop the site to provide 51 retirement apartments, the conversion of former gate house lodge to form 1 no. general open market dwelling and conversion of the former School House to form 10no. general open market apartments.

1.3 This statement accompanies a detailed planning application. It should be read in conjunction with the following supporting documents which accompany the application:

- Planning Statement by Planning Issues;
- Affordable Housing and Viability Appraisal by Planning Issues Ltd;
- Design and Access Statement by Planning Issues Ltd;
- Heritage Statement by HAPRO Ltd;
- Archaeological DBA by HAPRO Ltd;
- Ecological Appraisal and Bat Surveys by Tetra Tech;
- Flood Risk and Drainage Assessment by Awcock Ward Partnership;
- Transport Statement by Paul Basham Associates;
- BNG Statement and Metric by ACD Environmental;
- Landscaping Strategy by ACD Environmental;
- Statement of Community Engagement by DevComm;
- Tree Protection Plan, Arboricultural Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Care; and
- Energy Statement by FOCUS Consultants.

1.4 The application includes the following plans:

Details	Plan Number
Site Location Plan	10137CS PALOC
Site Plan with Roof	10137CS PA00
Site Plan with Floor Plan	10137CS PA01
Ground Floor Plan	10137CS PA02
First Floor Plan	10137CS PA03
Second Floor Plan	10137CS PA04
Roof Plan	10137CS PA05
Hemdean Road Elevation	10137CS PA06
North Elevation	10137CS PA07
South Elevation	10137CS PA08
West Elevation	10137CS PA09
Gate House Lodge Plans - Existing	10137CS PA10
Gate House Lodge Elevations –	10137CS PA11

Gate House Lodge Plans -	10137CS PA12
Gate House Lodge Elevations -	10137CS PA13
School House Plans - Existing	10137CS PA14
School House Elevations –	10137CS PA15
School House Plans - Proposed	10137CS PA16
School House Elevations -	10137CS PA17

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.

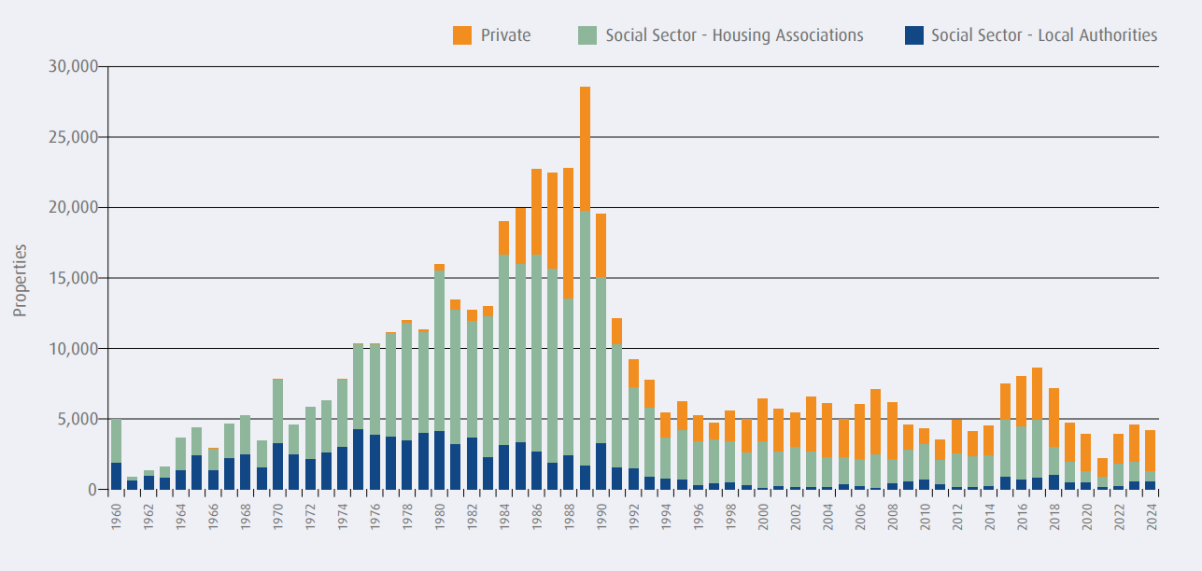
OLDER PEOPLE HOUSING

2.1 On 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'*[1].

2.2 It is well documented that the UK faces an ageing population. Census data shows that on Census Day in 2021 there were more people than ever aged 65 years and over in England.

2.3 Between 2022 and 2047 over 56% of projected household growth will be made up of households with someone aged 65 or older. The 2022 sub national population projections predict that the number of people aged 65 and over will increase from 10.6 million to 14.7 million by 2047. This group has been and will continue to be the fastest growing age group.

2.4 Despite this ageing population, retirement housing, including extra care housing, accounts for only around 2.6% of homes across the UK[2]. As shown in the graph below, the delivery of specialist housing peaked in the 1980s and despite rapid ageing in recent decades – the delivery of specialist housing has remained at around 5,000-7,000 per year for the last 20 years. The graph fails to show that around 2000 sheltered homes are either demolished, disposed of or repurposed[3]. With an ageing population, delivery clearly needs to increase.



Sheltered Properties Built by Year and Sector[4]

2.5 The Planning Practice Guidance includes a specific section on *'Housing for older and disabled people'*, which highlights that providing housing for older people is *'critical'*[5]. There is nowhere else in national planning policy where the delivery of a specific housing type is described in such terms.

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

[2] Housing our ageing population | Local Government Association

[3] HLIN_APPG-HCOP_Re-HAPPI.pdf (housinglin.org.uk)

[4] HLIN_APPG-HCOP_Re-HAPPI.pdf (housinglin.org.uk) (June 2024)

[5] PPG, Paragraph: 001 Reference ID: 63-001-20190626.

2.6 A 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.

2.7 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.

2.8 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.

2.9 On 26th November 2024, the Older Persons Housing Task Force published their findings, looking at options for the provision of greater choice, quality and security of housing for older people. The taskforce was launched in May 2023, headed by Julienne Meyers, and accompanied by a host of industry specialists.

2.10 The report **'Our Future Homes: Housing that promotes wellbeing and community for an ageing population'** (published 26th November 2024) identifies 9 core recommendations, with a final overarching recommendation that the government establish a new delivery capability to carry this transformative work forward. These have been set out below:

Recommendation 1	**Standardise definitions of Older Persons Housing/ Later Living Homes** - To enable partnership working across the private and public sectors and to build public understanding of what's available, we need to be speaking the same language.
Recommendation 2	**Incentivise a wide range of Older Persons Housing/ Later Living Homes options** - Senior citizens in the UK are not a homogeneous group. They are highly diverse in their needs, wishes, backgrounds and identities. Meaningful choice must be available and accessible to all.
Recommendation 3	**Ensuring more housing is designed for later life -** We have a growing ageing population and housing stock that does not meet their needs. We need to optimise all forms of OPH/LLH including mainstream housing, community-led housing, service-led housing (supported living and assisted living) and, though not the focus of this report, care homes.
Recommendation 4	**Create age-friendly, dementia-inclusive, faith and culture-sensitive communities -** Because the community beyond the front door - the built environment, local infrastructure, communities and mutual support - enables people to live independently and well, whatever housing they choose to live in.
Recommendation	**Expand Older Persons Housing /Later Living Homes at scale and ensure it is affordable to live in, and viable to finance, build and operate -** To increase supply, we need to create greater incentives for inward investment, including private and public sector capital

	support; thereby enabling a greater mix of housing that is affordable to those in the 'lower to middle-affluence market'.
Recommendation 6	**Strengthen planning policies -** National and local planning policy and practice can incentivise and accelerate the development of new forms of OHP/LLH; and help shape mainstream housing and the built environment to be more age-friendly, dementia-inclusive, faith and culture-sensitive.
Recommendation 7	**Establish a national information platform and local hubs -** For people to take up options they must first understand what they offer, what would best meet their needs and how to take them up. Accurate and trusted sources are vital.
Recommendation 8	**Build consumer confidence -** To increase demand, we need to build consumer trust and confidence in a range of different types of housing; and to increase supply we need to provide regulatory clarity for providers and potential investors.
Recommendation 9	**Enhance innovation, research and professional development -** There are gaps in our knowledge of senior citizens' needs and what works to meet them. A strategic approach is essential to generate and embed the greatest value from private and publicly funded research, with an increase in funding for the latter.
Recommendation 10	**Create collective leadership to drive change** - To achieve a step change, we need to inspire and empower ambitious action, from the top of government and outwards to communities and families. We need to fully integrate housing health and care at all levels of the system.

2.17 The report clearly identifies *"There are gaps in our knowledge of senior citizens' needs and what works to meet them. A strategic approach is essential to generate and embed the greatest value from private and publicly funded research, with an increase in funding for the latter."*

2.18 The Our Future Homes report further identifies a number of key statistics which promote the necessity for suitable housing for the ageing population, these include:

- By 2066, there will be an **additional 8.3 million (26%) projected UK residents aged 65 years** – broadly equivalent to the size of the population of London today.
- **91% of over 65's currently lives in mainstream housing**. in 2020-21, only 12% of senior citizens had level access to the entrance of their building, as well as **more than half of all households live in homes with an Energy Efficiency Rating of D or below.**
- **Nearly 9 in 10 people aged 65-79 live in under occupied homes**, with over 50% living in homes with two or more excess bedrooms. Coupled with the fact that 52% of senior citizens live alone, with lower wellbeing compared with those who live with others and higher rates of loneliness.
- At present, an average of circa 5-7,000 later living homes are built annually, out of a total circa 200,000 newly built homes. **This is in sharp contrast to the 30-50,000 new homes a year estimated to be needed to meet the ageing population.** This presents a radical departure from present housing policy which focuses on first-time buyers.
- **Only 6% over 65s live in service-led housing with support (supported living) and 0.6% live in assisted living**, which is almost 10 times less than in more mature markets such as the USA and Australia, where over 5% of over 65s live in service-led housing with care.

2.19 Chapter 6 (Strengthening Planning Policies) clearly stipulates that Local Planning Authorities must ensure sufficient land is made available to support the volumes of new supply needed, as well as actively raising the profile and priority given to Older Persons Housing/Later Living Homes in Local Plans. This would inevitably bring confidence to providers and help overcome the "social reluctance to plan for old age".

2.20 The UK has the oldest housing stock in Europe, meaning many people are living in non decent and inappropriate homes. With steps or high maintenance requirements, these homes are not suitable for some older people[6]. Not everybody needs specialist retirement accommodation, but it is important to offer a choice in the market, enabling people to make decisions about their futures.

2.21 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.

2.22 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.

2.23 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.

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

*2.25 "**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."*

2.26 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. This puts additional pressure on social care services to deliver additional care at home before people move into high dependency care homes.

2.27 The communal facilities proposed are:

- A lodge manager to provide assistance and security for the owners of the apartments;
- A video entry system;
- An owners' lounge is provided for use by all residents and their guests;
- Communal landscaped gardens;
- A guest suite;
- A communal car parking area (unallocated);
- An area for mobility scooters to be stored and charged; and

[6] Voices of our ageing population - Office for National Statistics (ons.gov.uk)

- A communal refuse store.

2.28 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.

2.29 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.

2.30 Notwithstanding the age restriction, the average age of a purchaser of an apartment is 81 years old, with the average age of all occupiers being late 80s. Typically 70% of apartments are single occupancy, often occupied by a widow. The decision to purchase this type of property 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.

THE SITE AND PLANNING HISTORY

The Site

3.1 The 0.88 hectare site currently comprises of the vacant former Hemdean House School and a number of 9 ancillary buildings, together with gate lodge building currently occupied by the PlayDay nursery.

3.2 The brick built school house located at the western end of the site and the gate lodge building on the eastern extent of the site are proposed to be converted. All remaining buildings on site will be demolished.

3.3 The eastern side of the site comprises of playing fields and a hard play area, both of which are relatively flat. Beyond the hard play and towards the western side of the site, the site slopes up steeply towards and beyond the School House. Additionally, the western site is heavily tree-lined. Both of these heavily restrict existing development and confine any potential new development to the flatter areas to the eastern side of the site.

3.4 The former Lodge (now PlayDay Nursery) sits at the bottom (eastern) side of the site, is 1.5-storeys tall, and is locally listed. The School House sits at the top (western) side of the site, is 4-storeys tall, and is also locally listed.

3.5 The Hemdean House School closed in July 2024 and the nursery site is temporarily closed at the time of writing this statement.

3.6 The site is very well located within amenities and social facilities immediately available when leaving the site.

Planning History

3.7 There is no relevant planning history on the site.

Community Engagement

3.8 Churchill 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.

<u>Online Consultation</u>

3.9 A dedicated website was launched on 12th January 2026 to provide information on the project, the website also contained an online feedback form which was live during the consultation period from the 12th January 2026 to 18th January 2026 and continues to be available.

3.10 Consultation invites were sent to 304 residential and commercial addresses bordering and within close proximity to the site.

3.11 After an initial email briefing of councillors on the 8th January. The three Caversham Ward representatives took the opportunity to have a meeting with Churchill's team. Which was held on the 15th January.

3.12 The project website gained a total of 2,074 views throughout the 7-day consultation period, with 837 individual active users. The majority of users viewed the home pages, proposal page and the design page with fewer users navigating to the feedback section of the website.

3.13 From the feedback forms that were received during the public consultation comments related parking provision and access, need for retirement housing, design and scale of the building, nursery closure, impact on health services and landscaping.

3.14 The feedback received contained a balance of views with some support for the development, as well as dissenting views and some detailed feedback provided which is covered within the accompanying Statement of Community Engagement.

PLANNING POLICY

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 The Development Plan for Reading Borough Council comprises the 'Reading Local Plan was adopted on 4th November 2019, with a review undertaken in in March 2023 when the Local Plan Review was adopted.

4.3 The policies that are relevant to the determination of this planning application within the Development Plan are listed below:

Review of the Reading Borough Local Plan 2019 (March 2023)

- CC1: Presumption in Favour of Sustainable Development
- CC2: Sustainable Design and Construction
- CC3: Adaption to Climate Change
- CC6: Accessibility and the Intensity of Development
- CC7: Design and the Public Realm
- EN4: Locally Important Heritage Assts
- EN14: Trees, Hedges and Woodland
- H1: Housing provision
- H2: Density and Mix
- H3: Affordable Housing
- H5: Standards for new housing
- H6: Accommodation for vulnerable people
- H8: Residential Conversions
- TR5: Car and Cycle Parking and Electric Vehicle Charging
- OU1: New and Existing Community Facilities

Local Plan Partial Update

4.4 The Council submitted the Local Plan Partial Update to the Secretary of State on 9th May 2025. This is currently going through examination. Additional relevant policies from the submitted Local Plan Partial Update are noted below:

- EN19: Urban Greening Factor
- CA1: Sites for Development in Caversham and Emmer GReen

4.5 Within the emerging Local Plan Update, the site subject to this application forms a housing allocation policy under CA1 (Site for development in Caversham and Emmer Green) as site 'CA1h'. The policy states 'continued education and community use of the site, or, if no longer required for education, change of use and development for residential'.

Supplementary Planning Documents

4.6 The following documents are also considered to be relevant to the application:

- Affordable Housing SPD
- Revised Parking Standards and Design SPD
- Planning Obligations under S106 SPD

National Planning Policy Framework

4.7 National Planning Policy Framework was updated on 12th December 2024 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, February 2019, July 2021, September 2023 and December 2023.

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

4.9 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 strong reason for refusing the development proposed; or [my emphasis added]

ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

4.10 The new version of the presumption adds explicit reference to the need to consider key policies. These are listed as those for directing development to include sustainable locations, making effective use of land and securing well-designed places. The addition to 11(d) has put emphasis on the reuse of brownfield sites in sustainable locations.

4.11 Paragraph 48 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 statuary timescales unless longer period has been agreed by the applicant in writing.

4.12 The Government's policy, as set out in the revised NPPF, is to boost significantly, the supply of housing. Paragraph 61 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."

4.13 The NPPF looks at delivering a sufficient supply of homes, Paragraph 63 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.

4.14 Paragraph 73 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.

4.15 Paragraph 90(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.

4.16 The NPPF identifies at Paragraph 125 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, proposals for which <u>should be approved unless substantial harm would be caused</u>, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; [my emphasis added]

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.

4.17 This amendment undeniably illustrates the push that is being made by central government for the re-use of sites stating that unless substantial harm would be caused then applications on brownfield sites should be approved.

4.18 Paragraph 128 states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality-of-service provision and access to open space.

4.19 The Government recognises at Paragraph 129 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.

4.20 Paragraph 130 states that where there is an existing shortage of land to meet identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

4.21 Paragraph 135 seeks to ensure that developments:

a) Function well and add to the quality of the area over their lifetime;

b) are visually attractive due to good architecture, layout and landscaping;

c) are sympathetic to local character and history including the built environment and landscaping, while not preventing or discouraging appropriate innovation or change including increased densities;

d) Establish or maintain a strong sense of place to create attractive, distinguished places;

e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;

f) Create places that are safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity and where crime does not undermine the quality of life.

4.22 At Chapter 12, changes made in the previous December 2023 NPPF that referenced "beauty" and "beautiful" in relation to well-designed development have been reversed. The wording of the chapter heading has been altered to remove 'beautiful', the chapter is now headed only "Achieving well-designed places".

4.23 The NPPF places a strong emphasis of achieving well-designed places at Paragraph 135 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.'

4.24 At Chapter 16, the NPPF looks at conserving and enhancing the historic environment.

4.25 Paragraph 210 states that in determining applications, LPA's should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.26 Paragraph 216 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.27 The overriding message in the NPPF is one of sustainable development with a strong emphasis from the government in promoting development.

NPPF Consultation

4.28 The Government is currently consulting on proposed revisions to the National Planning Policy Framework, having published a draft revised Framework on 16 December 2025 with the consultation running until 10 March 2026. This consultation invites views on changes to national planning policy to support new homes and infrastructure delivery, streamline plan-making and decision-taking, and address topics such as data centres, viability assessment inputs and site thresholds, with the intention that the final policy will guide plan preparation and planning decisions once adopted.

4.29 As the revised NPPF is currently subject to consultation, it carries limited weight at this stage, with the adopted NPPF remaining the primary material consideration for the determination of planning applications until any updated Framework is formally published.

Planning Practice Guidance

4.30 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.

4.31 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001[7] states:

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

*"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).

4.32 Paragraph 003[8] 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.

4.33 Paragraph 006[9] 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.

4.34 Paragraph: 016[10] 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).

4.35 Furthermore, in September 2020, the PPG updated its guidance on Town Centre and Retail, recognising the importance of diversifying our town centres. Paragraph 001[11] emphasis the benefit that residential development in town centres can have in ensuring vitality and viability, whilst providing clear guidance that: ***'Local authorities may wish to consider locating specialist housing for different groups including older people within town centres of edge of centre locations.'***

4.36 In February 2025, the PPG was updated to provide guidance on paragraph 125(c) and how this should be applied in decision making. The PPG sets out that ***"…decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. When determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken as a whole. As an example, where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 215 (which requires the public benefits of the proposals to be weighed against the less than substantial***

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[8] *Planning Practice Guidance, Paragraph: 001 Reference ID: 63-003-20190626. Available here: https://www.gov.uk/guidance/housing-for-older-and-disabled-people*

[9] *Planning Practice Guidance, Paragraph: 001 Reference ID: 63-006-20190626. Available here: https://www.gov.uk/guidance/housing-for-older-and-disabled-people*

[10] *Planning Practice Guidance, Paragraph: 001 Reference ID: 63-016-20190626. Available here: https://www.gov.uk/guidance/housing-for-older-and-disabled-people*

[11] *Planning Practice Guidance, Paragraph: 001 Reference ID: 2b-001-20190722. Available here: Town centres and retail - GOV.UK (www.gov.uk)*

harm) would still need to be applied. Where relevant, decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies."

PLANNING CONSIDERATIONS

The Proposed Development

5.1 The proposal subject to this application is for the redevelopment of the site to including the demolition of buildings and provide retirement living accommodation for older people comprising 51 retirement apartments, the conversion of the former Gate House Lodge to form 1 no. general open market dwelling and the conversion of the former School House to form 10no. general open market apartments - including communal facilities, access, car parking and landscaping.

5.2 The development will utilise the existing vehicular access off Hemdean Road to serve the conversion elements of the development, namely the School House apartments and Gate house lodge dwelling. A new access will be formed centrally along the eastern boundary to service a new parking court for the retirement living apartments. The retirement development will include a mobility store located on the northern boundary which can provide parking for 8 mobility scooters. A cycle parking area is illustrated adjacent to the proposed converted School House for the general open market apartments.

5.3 The proposed development will include high-quality landscaped amenity space in the form of communal garden areas which will be maintained in perpetuity by the applicant's subsidiary company, 'Churchill Estates Management'. In addition, there will be internal communal areas including the Owner's Lounge and guest suite. The converted Gate House Lodge will have its own private garden space. The converted School House will have communal space to the south of the building.

5.4 The conversion elements of the proposals do not propose any extensions to the buildings. A small extension on the 'first floor' on the School House will be removed along with a shed-like lean-to on the Gate House Lodge. All other works will be limited to the interior of the buildings.

5.5 The proposed retirement apartment building is 3 storeys in height with a 2 storey central link on Hemdean Road. The proposed building is to be constructed of red and white brick with clay and slate effect tiles.

Principal of Development

5.6 Policy CC1 (Presumption in favour of sustainable development) states a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the NPPF. Where appropriate, the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.

5.7 Furthermore, Policy H1 of the emerging Local Plan Partial Update states provision will be made for at least an additional 14,850 homes (averaging 825 homes per annum) in Reading Borough for the period 2023 to 2041.

5.8 The Hemdean House School was an independent day school that closed on 12th July 2024 following financial difficulties. The school has not re-opened since its formal closure. The PlayDays nursery that occupies the Gate House Lodge remains in operation but is temporarily

closed pending an Ofsted investigation. The nursery reviewed purchasing their site but choose not to proceed.

5.9 The nursery company currently lease the building from the owner of the site on an annual lease, this expired in January and they have chosen to only renew until October 2026.

5.10 As part of the marketing of the Hemdean House School site, the applicant is advised that there was no interest from educational uses or community uses. All interest surrounded redevelopment to residential.

5.11 As noted in section 4 above, within the emerging Local Plan Partial Update, the site subject to this application forms a housing allocation policy under CA1 (Site for development in Caversham and Emmer Green) as site 'CA1h'. The policy states 'continued education and community use of the site, or, if no longer required for education, change of use and development for residential'. As stated above, there was no educational or community interest in the site through the marketing process.

5.12 The policy sets out criteria the Council considers should be met through redevelopment of the site. Development should:

- Contribute to providing enhanced bus priority on Vastern Road exiting the northern station interchange;
- Retain those buildings that make the most significant contribution of the character of the surrounding area;
- Avoid adverse effects on important trees including those protected by TPO;
- Ensure appropriate back-to-back separation from existing residential.
- It is also noted that the site could occupy 22-34 dwellings.

5.1 Supporting text notes at 8.3.1 that as well as contributing to meeting the identified needs of the Borough, allocation can help provide physical regeneration of sites which are in some cases vacant or underused.

5.2 The text goes on at 8.3.2 to state where dwelling or floorspace figures are included alongside the allocations, these are intended as a guide, and usually reflect an indicative maximum capacity. They are based on an initial assessment taking into account the characteristics of each site. However, the capacity of sites will ultimately depend on various factors that need to be addressed at application stage, including detailed design and layout.

5.3 Addressing the criteria of the policy, the proposal retains both the non-designated heritage assets on site with their sympathetic conversions, only the modern classroom buildings will be demolished through the redevelopment. In terms of tree's only 2 tree's are proposed to be lost through the development with all others including the woodland at the rear to be retained. The development also proposes the planting of 29 new tree's. In terms of separation distances, a minimum back to back distance of 24 metres is provided which complies with distances contained within policy CC8. This will be discussed further below.

5.4 The site has been vacant for over 18 months with no interest coming forward from educational uses. This development would provide 62 units of accommodation and regenerate the redundant and vacant nature of the site.

5.5 In light of the above, the drive for housing within the NPPF, the lack of 5 year housing land supply and the emerging allocation policy on the site, the principle of residential development is considered to be in accordance with policy objectives the adopted and emerging Local Plans and therefore the principle of the proposals on site are considered acceptable.

Increasing Housing Delivery

5.6 As set out above, there is a significant national drive to increase housing delivery, with the Government targeting 1.5 million homes over the next 5 years. The Written Ministerial Statement that accompanied the publication of the revised NPPF commences by identifying the '*acute and entrenched housing crisis'* and its goals for increasing house building that has led to the changes made in the latest iteration of the NPPF. The Written Ministerial Statement is a material consideration, a copy of which is contained at Appendix A

5.7 The planning system has a clear role in ensuring it delivers homes where they are most needed. As set out in paragraph 124 and 125 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.

5.8 Within the adopted Reading Local Plan Review (2023), the Council have a housing requirement of 883 homes per annum. This figure remains similar within the emerging Local Plan Partial update with a need of 14,850 homes for the period 2023-2041, equating to 825 homes per annum.

5.9 The Council's most recent housing land supply figures are dated to January 2026 within the published Annual Monitoring Report, it specifies the Council are only able to demonstrate a 3.43-year housing land supply for C3 dwellings and 3.55-year supply if including other forms of accommodation.

5.10 Paragraph 73 of the NPPF acknowledges the benefits in terms of housing delivery offered by small and medium sized sites. Paragraph 73 (d) requires local planning authorities to support the development of windfall sites, giving great weight to the benefits of using suitable sites within settlements for homes.

5.11 The proposed development will be delivered within the next five years. Overall, it is considered that increasing housing delivery should be given substantial weight in the planning balance.

5.12 It must therefore be concluded that the LPA, as Reading Borough Council, are unable to demonstrate a five-year housing land supply and the titled balance, as per paragraph 11(d) of the NPPF is engaged.

5.13 The proposed redevelopment of the site providing an additional 62 units of 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.**

Housing Need

5.14 The Office for National Statistics Subnational 2022 based population projections show an increase of 3.5% between 2022 and projections for 2032 with an increase from 175,742 people 181,884. The median age in Reading is projected to rise from 35 years in 2022 to 36 years in 2032.

5.15 Turning to older peoples housing needs, the ONS data states in 2032, 13% of the population in Reading are projected to be aged 65 years or over, up from 11% in 2022 increasing to 13.9% by 2047. This is an increase from 21,448 people aged over 65 increasing to 26,580 people.

5.16 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.

5.17 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.

5.18 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.

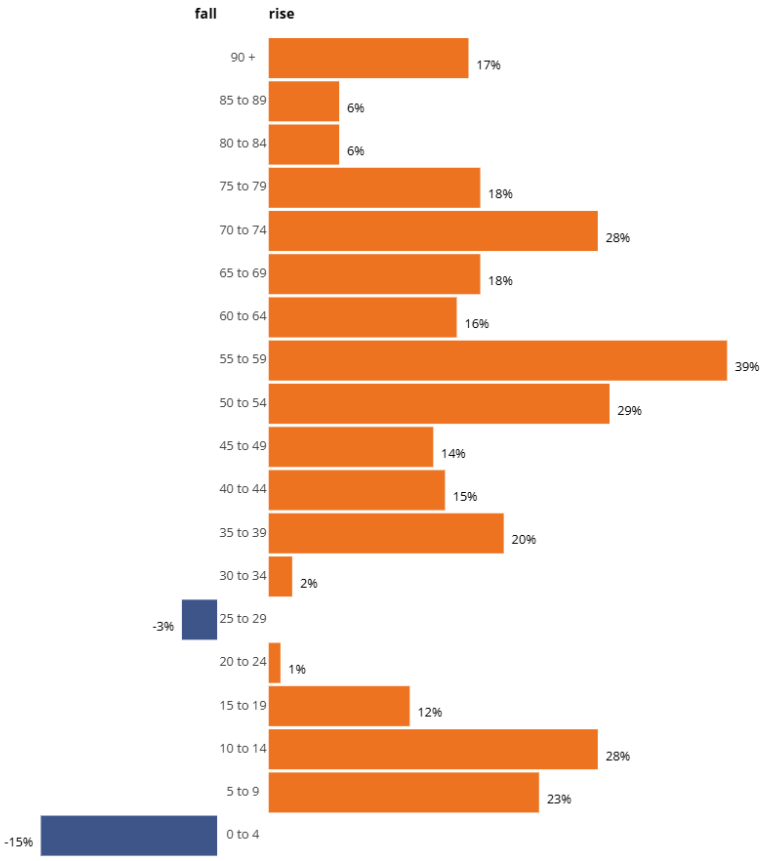
5.19 In addition, the majority of existing retirement housing is within the social rented sector, thus only available for those in need of affordable housing. A large proportion of older people are owner occupiers, and particularly own without a mortgage. They are therefore unable to apply for social rented housing, and in many cases wish to retain equity and so would be looking for a property to buy.

5.20 Local Plan Policy H6 (Accommodation for vulnerable people) states specialist accommodation for vulnerable people will address the identified needs, which are primarily for accommodation that enables occupants to live as independently as possible, particularly for older people.

5.21 As recorded in 2021 Census, the overall Reading population increased by 11.9% from 2011 to 2021 from 155,700 to 174,200 in 2021. This was higher that the South East area as a whole which only increased 7.5%.

5.22 The Census data also shows that nationally 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.

5.23 In Reading, the over 65's equated to 12% of the population. There has been an increase of 17.2% in people aged 65 years and over from the 2011 census to 2021 census.



Population change (%) by age group in Reading, 2011 to 2021

Figure 2 – Population Change by age group

5.24 The latest Housing Needs Assessment for Reading Borough Council is dated July 2024. This states at paragraph 29, that the population projections underlying the Local Housing Need figure for Reading shows a substantial increase in the older population over the period 2023-2041 with an additional 5,513 persons and 3,951 households resident in the local area.

5.25 The report states that over the period 2023-2041, there would be a need to provide an additional 665 specialist older person housing units in Reading (equivalent to an average of 37 dwellings per year). The table below from the Housing Needs Assessment shows that 30% of the need would be for market housing units.

Form of Provision	Existing supply	Baseline rate per 1000 persons aged 75+	Benchmark range per 1000 persons aged 75+	Target rate per 1000 persons aged 75+	Gross need in 2041	Housing need 2020-2041
Market Housing	**941**	**100**	-	**73**	**1,133**	**192**
Housing with Care	175	19	17-18	18	278	103
Housing with Support	766	81	25-33	55	855	89
Affordable Housing	**1,044**	**111**	-	**98**	**1,517**	**473**
Housing with Care	288	31	17.5	24	373	85
Housing with Support	756	80	67	74	1,144	388
TOTAL	**1,985**	**211**	-	**171**	**2,650**	**665**

Figure 3 - Modelled Need for Specialist Older Person Housing in Reading 2023-2041

5.26 In addition to the above, the data published by the Elderly Accommodation Counsel (EAC) identifies 17 retirement living schemes in the 5km of Caversham with only 1 listing having available units and 2 having been constructed in the last 15 years. 10 of the 17 developments are leasehold, 6 social rent and 1 offering both rental and leasehold options. It is worth noting that if the search was expanded to 20km, there remains only 1 development that has availability in the area.

5.27 Given the identified need and lack of current units on the open market , it is evident that there is a need for retirement housing in the locality and the 51 units proposed through this development would aid in meeting this requirement.

Suitable Brownfield Site

5.28 The proposed development will see the reuse of a brownfield site within the existing built-up area. The use of previously developed or brownfield land has been strengthened in the latest revision of the NPPF and the supporting ministerial statement, which sets out:

"Meeting ambitious new targets relies on allocating sufficient land to do so. We have been clear that developers should first look to brownfield, or previously developed, land. That is essential to protect our most valuable countryside and agricultural land. And we have made changes to support that, making the default answer to proposals to build on brownfield 'yes' and expanding the current definition of brownfield land to include hard standing, ahead of further reforms planned for next year on the back of our brownfield passport working paper. Together, these changes will ensure that we make full and efficient use of previously developed land".

5.29 A copy of the ministerial statement is included at Appendix A.

5.30 The Government's planning reform working paper on 'Brownfield Passport: Making the Most of Urban Land'[12] sets out that:

"the Government has been clear that the first port of call for development should be brownfield land. That means making the most of previously developed urban land – brining derelict sites back into use, taking forward small sites which have been overlooked for too long, and seizing suitable opportunities to make better use of existing land and buildings, particularly where intensification supports local centres and brings improved accessibility and connectivity."

5.31 Paragraph 125(c) of the NPPF sets out that decision makers should give substantial weight to the value of using suitable brownfield land within settlements for homes, "***proposals for which should be approved unless substantial harm would be caused***". It is considered that the proposed scheme is compliant with the development plan when taken as a whole. Even if the Council considered an element of harm were identifiable it would not come anywhere close to reaching the threshold of causing '*substantial harm'* required by Paragraph 125(c) to prevent the proposal from being approved.

5.32 This is a highly suitable brownfield site in the town centre. Its redevelopment will reduce the need for development on greenfield sites. Paragraph 125(d) seeks to promote and support the

[12] PLANNING_REFORM_WORKING_PAPER_-_BROWNFIELD_PASSPORT.pdf

development of under-utilised land and buildings, such as car parks, especially if this would help to meet identified needs for housing.

5.33 This undeniably illustrates the push that is being made by central Government for the re-use of brownfield sites. Having regard to Paragraph 125 of the NPPF, substantial weight should be afforded to the use of this brownfield site.

Sustainable Location

5.34 The site is within a highly sustainable location. Residents seek to move into locations close to services and facilities, so they can walk, maintain their independence and give up the use of their car.

5.35 The Local Plan encourages development proposals where sustainable can be achieved at CC1 and CC6. This site will deliver this, enabling residents to give up their cars and walk to the local shops and services that they need.

5.36 Bus stops operated close to the site, which are located approximately 65m south (northbound services) and approximately 140m south (southbound services) of the site, equating to a maximum 2-minute walk. The stop is serviced by bus routes 23/24 berry, 80 and 145C, which provide frequent connections to Caversham and Reading town centre. Reading train station is located approximately 1.3km south of the site within Reading town centre.

5.37 As set out in Chapter 2 of the NPPF, achieving sustainable development is at the heart of the planning system, with a key part of this being to direct development to sustainable locations. This should be given substantial weight in the planning balance.

Efficient Use of Land

5.38 Sustainable land is a finite resource and Paragraph 124 of the NPPF encourages the effective and efficient use of land while safeguarding and improving the environment. It advises that strategic policies should *'make as much use as possible of previously developed land'.* Paragraph 135(e) advises that decisions should ensure that development optimises the potential of a site. Paragraph 129(a) of the NPPF also advises '*that decision makers should have regard to the identified needs of different types of housing and the land available to accommodate it.'* Land which is suitable for retirement living apartments for older persons is limited because of its locational requirements and size of site to accommodate a successful form of development.

5.39 The proposals have been carefully designed to protect the character and amenity of the surrounding area whilst ensuring an efficient use of land. They are in accordance with Policies CC1, CC2 and CC6 of the Local Plan and the NPPF. This should be afforded moderate weight in the planning balance.

Release of Under Occupied Housing Stock

5.40 Providing opportunities for downsizing is important to address the national housing crisis. Older persons are more likely than average to under-occupy their property and have multiple spare bedrooms. The English Housing Survey Findings 2023-2024 show under-occupation in England has increased to 40% with around 9.9 million households living in under-occupied homes (i.e. with 2 or more spare bedrooms). Amongst owner occupiers, this is higher at 56% under occupation. Many older households remain under-occupying large family houses due to the lack of choice in the housing market. A report 'Chain Reaction' (August 2020) finds there

are around 3 million older people in the UK aged 65+ that want to downsize but there is no suitable housing.

5.41 Residents of retirement developments typically move in from large 3 or 4 bedroomed properties in the surrounding area. These are then available for growing families, which in turn releases smaller 1 and 2 bed properties for first time buyers. Benefits are therefore felt throughout the whole housing market.

5.42 Given the national housing crisis, it is important that the existing housing stock is best utilised to meet local housing needs. The proposal will not just meet the housing needs of older people but will provide opportunities throughout the whole housing market, and will provide 11 open market units on site. These wider benefits to the housing market should be afforded substantial weight in the planning balance.

Impact on Health and Social Care

5.43 A significant part of the redevelopment 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.

5.44 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."

5.45 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.

5.46 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.

5.47 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.

5.48 For the proposed 51-unit retirement units, it is estimated this will lead to a fiscal savings of £224,000 from the retirement element of the scheme.

5.49 Social isolation has been identified as an age-related illness. 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.

5.50 Loneliness and depression within the ageing population have been recognised by the World Health Organisation (WHO). The ONS data shows that 8.5% of the population within Reading

often feel lonely. 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.

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

5.52 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.

5.53 Furthermore, the proposed retirement development will not be creating new residents. Evidence from Churchill 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

5.54 The proposals put forward through this application have resulted from a detailed assessment of the local character to understand the site and its wider setting. The Design and Access Statement produced in support of this application evaluates the character and setting of the surrounding area. This section should be read in tandem with the Design and Access Statement.

5.55 The proposed development consists of 3 elements, a 3 storey traditional 'T' shape new building to form 51 retirement apartments, the conversion of the School House to form 10 apartments and the conversion of the Gate House Lodge to form 1 dwelling. The proposals equate to the formation of 62 new homes.

<u>Retirement Apartments</u>

5.56 The new apartment building will be a retirement living development to be occupied by the over 60's.

5.57 The building is proposed at 3 storeys in height constructed of red and white brick, with a mix of slate effect and concrete roof tiles. White UPVC is proposed for the fenestration details.

5.58 The retirement block sits as centrally within the site as is possible to respect the proximity, privacy and gardens of the properties to Knighton Close, and the frontage is aligned with 126-132 Hemdean Road to complete the street scene and urban edge. The retirement block is set back from the former Lodge as to not overly dominate it, and to provide generous gardens and parking areas to all sides of the proposal.

5.59 The proposals take the opportunity to create complete a streetscene that address Hemdean Road and being sited in this location retains the majority of mature trees on the site.

5.60 The main entrance for the apartments is located off the car park on Hemdean Road and is demarcated with a portico finished entrance.

5.61 The proposed development comprises a mix of 1 and 2 bed units, which provides an appropriately dense development for this sustainable location of 70dph. As such, the proposal accords with Policy H2 of the adopted Local Plan which sets out a indicative range of between 30-60 for suburban areas and the submitted Local Plan Update which states suburban areas will provide at least 42 dwellings per hectare, this increases to 100 dwellings per hectare in urban areas, therefore is considered that 70dph is appropriate for this near town centre site.

5.62 Overall, the proposal is considered to create a development with a high-quality design. All site-specific factors have been extensively reviewed and subsequently incorporated into the design to ensure the development sits appropriately within its context. Therefore, the scheme is in accordance with Policies CC2, H2, CC7 and CC8 of the Local Plan, paragraphs 125, 131 and 135 of the NPPF, as well as paragraph 124 of the National Design Guide (2021).

Scale, Height and Mass

5.63 The proposed retirement apartment building shows a 3 storey which is considered appropriate and in keeping with the surrounding townscape.

5.64 The overall scale and mass of the building has been broken up on the Hemdean Road elevation, considered to be the principle elevation, by a roof height looking to create the perception of 2 buildings with a link.

5.65 As detailed within the Design and Access Statement, the design progression has correctly reviewed the context of Hemdean Road to arrive at an appropriate solution.

5.66 The scale is domestic, defined by person-height doors and windows, single-window openings to all rooms, eaves, chimneys, a pitched roof, and general features that are to be found on residential properties in the surrounding area.

5.67 The building has been designed to ensure it does not appear overall dominant in the streetscene. This has been achieved by a varied materials palette and with varying roof heights along Hemdean Road. Furthermore, varied fenestration details also provide visually interesting elevations, so as to not appear anonymous and out of context with the residential area.

Siting and Layout

5.68 The development potential of the site has been assessed which can be found within the supporting Design and Access Statement.

5.69 The proposed building is a ‘T’ shape set on the existing largely flat eastern side, where the topography is at its lowest across the site.

5.70 There is a large quantity of amenity space located around the proposed lodge building, there is a patio terrace coming off of the communal owner’s lounge on the eastern elevation. There is also landscaped gardens with a pergola on the southern extent of the proposed building. All ground floor apartments have their own small patio area with the ground floor a small enclosed hedged amenity space.

5.71 The orientation of the building is considered to provide future occupants private and useable amenity space.

Density and Mix

5.72 The NPPF strongly promotes the efficient use of land, the NPPF has a change on emphasis in terms of the approach and weighting given to previously developed land which was not the same when the previous appeal was determined. Paragraph 125(c) identifies that substantial weight should be given to the value of using suitable brownfield land within settlement for homes, and only in cases of substantial harm should applications be refused.

5.73 This approach has been replicated in the submitted Local Plan Partial Update at policy H2 which looks to increase density from the adopted Local Plan to set minimum dph requirements. Based on the site area, the development as a whole would equate to 70dph. Taking the retirement element separately, the site area for just the proposed retirement building would equate to approximately 0.42hectares, this would equate to a density of 92dph.

5.74 It is considered that the proposed density accords with paragraph 125(c) of the NPPF.

5.75 In addition to the above, all proposed units meet M4(2) standards and Nationally Described Space Standards.

Appearance and Materials

5.76 The proposal has been designed to ensure the building integrates successfully into the pattern of urban form with similar materials and fenestration. On this basis the buildings surrounding the proposals have informed many of the choices of material and this has been achieved through an in-depth review of the surrounding buildings and architectural detailing. As such a sensitively selected palette of materials has been proposed.

5.77 The majority of the elevations are dark red and white brickwork, heads and cills will match with the facing brick. Red brick ribbons below the white brickwork are proposed.

5.78 The roof is generally pitched at 40-degrees with clay-effect concrete and slate-effect concrete roof tiles. Windows will be flush white uPVC casement.

5.79 The architectural detailing reflects the local vernacular, and the colour palette is neutral preventing any visual impacts. The variation in materials and colour palette for architectural detailing provides visual interest. Windows, doors, as well as fascia's and soffits are proposed as white UPVC casement, with rainwater goods consisting of black UPVC.

5.80 The proposed walk-out balconies are proposed as black painted metal. Balconies have been proposed on the rear leg of the development overlooking the amenity space.

5.81 Therefore, it is clear the design has taken reference from the traditional design features and materials found within the surrounding area. As such, it is considered the proposed development will fit seamlessly and appropriately with the surrounding area.

Neighbouring Amenity

5.82 Policy CC8 (Safeguarding of amenity) identifies that new developments will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of privacy and overlooking, access to sunlight and daylight, visual dominance and overbearing effects of a development, harm to outlook and noise and disturbance that are relevant to this setting.

5.83 Furthermore, the policy goes on to set out that a back-to-back distance of 20 metres between dwellings is usually appropriate, although the circumstances on individual sites may enable dwellings to be closer without a detrimental effect on privacy.

5.84 The proposals result in a separation distance of 24.5m from the rear projection leg of the building to the back wall of the properties on Knighton Crescent. There is 24.5m between the rear of 18 Hemdean Rise and the southern side of the rear leg and 31m between the rear leg and 82 Hemdead Road which would all be considered 'back-to-back' relationships. These distances are all at least 20% over the recommended 20m within policy CC8 and therefore considered acceptable.

5.85 In terms of the adjacent relationship with no.126 Hemdean Road, this is a 7.8m separation distance. There are 6 windows proposed on the second and third floors of the building that would face onto no.126. There are 2 kitchen windows proposed and 2 secondary windows servicing the apartments lounges, the final 2 are end of corridor windows. It is considered that given the used of these windows and not being primary windows that the separation of 7.8m is acceptable.

5.86 As such, there is no concern over the impact of shading, overlooking or loss of privacy from the proposed development.

5.87 With the above in mind, it is considered that the development is in accordance with the Local Plan and the NPPF.

Conversions

5.88 The proposed development includes the proposed conversion of former School House to form 10no. 1 bedroomed apartments and the conversion of the Gate House Lodge to form 1no. 2 bedroomed dwelling. These would all be general open market housing and not restricted to retirement living.

5.89 The conversions of the buildings would not require any extensions to the buildings. A small existing extension on the school house building would be removed as would a small lean to structure on the gate house lodge. All other work to facilitate the conversions would be internal to the buildings.

5.90 Both the conversions will utilise the existing access of Hemdean Road to service their parking areas. The Gate House Lodge conversion proposed 2 parking spaces on the opposite side of the access road. The School House Conversion has its own proposed parking court with 10 allocated parking spaces and 1 visitor space.

5.91 In terms of neighbour amenity, there is significant screening between the school house and neighbouring properties to the rear of the rear of the site which is proposed to be retained. The tree cover on the southern elevation towards Hemdean Rise will also be retained. They are at a distance of 12m from the southern boundary and 19m to the properties on the south on Hemdean Rise. This is considered to provide acceptable relationships to neighbours as required under policy CC8.

5.92 In terms of amenity space for the conversions, the Gate House Lodge conversion has its only private garden that wraps around the site. The School House conversion has communal garden space to the south of the building.

Heritage and Archaeological Considerations

Heritage

5.93 A detailed assessment of the site has been undertaken by HAPRO Ltd to understand the sites heritage and archaeological interests.

5.94 Hemdean House School and Gate House Lodge were added to the List of Locally Important Buildings and Structures in 2024. The site is not in a conservation area nor are there any statutory listed buildings within the vicinity of the site.

5.95 The heritage statement notes that the grounds of the site have been subject to much change over the past 165 years most noticeably the construction of Knighton Close to the north of the Site, new school buildings within the grounds and the extensive loss of tree cover. The change to this element of setting will not affect the architectural or historic interests of the buildings which will remain and be appreciated.

5.96 The proposal will result in views that are achieved seasonally toward the school house being obscured from part of Hemdean Road directly outside of the Site. This is considered to result in a low degree of harm to the experience and appreciation of the non-designated heritage asset. However the scheme ensures that key views along the drive between the lodge and school are preserved and to some degree enhanced by the removal of buildings as well as preserving the appreciation of the heritage significance of the school house in longer distance views across the valley from Balmore Walk.

5.97 The scheme takes the opportunity to enhance the immediate setting of the lodge whilst the proposed conversion and appropriate re-use of both of the buildings to residential accommodation presents a heritage benefit, through the long-term management and occupation of the buildings.

5.98 Paragraph 216 of the NPPF states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

5.99 The scheme has been designed to complement the streetscape and not to compete with the prominence and dominance of the school house. As such as on heritage balance, the extent of no harm to heritage significance and the heritage benefits of the scheme balances out the low level of harm identified from obscuring the view from part of Hemdean Road. A full planning balance will be carried out at Section 6.

5.100 As the assessment identified no harm, the proposed redevelopment is considered to accord with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and comply with the NPPF and local planning policy.

Archaeology

5.101 The application is supported by an Archaeological Desk Based Assessment by HAPRO Ltd.

5.102 The report identifies that based upon the distribution of known archaeological remains and the general paucity of archaeological features revealed as part of archaeological investigations around the Site, the archaeological potential of the site is considered to be low.

Amenity Space

5.103 The amenity space proposed in both its extent and design will meet the needs of its user. A Landscaping Strategy Masterplan by ACD Environmental Consultants has been submitted with the application showing the high-quality landscaping proposed.

5.104 In terms of the retirement living development, 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 81-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.

Figure 5 - Images of the amenity space at Existing Churchill Lodge Developments

5.106 The amenity space has been designed to allow movement around the building as well as outdoor seating on the owners lounge patio, owners lounge and landscaped gardens.

5.107 Residents use the space in a fairly limited respect; this involves siting out on the patio and tending to flowerpots which are located immediately outside ground floor apartments or on balconies.

5.108 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.

5.109 In terms of conversions, as noted above the single dwelling will have access to its own private garden and the converted School House will have access to a communal area to the south of the building. Neither element of the development will have access to each others amenity space.

5.110 Given the balance of achieving efficient use of land as set out in Paragraph 125 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.

Open Space

5.111 The proposed development does not result in the loss of any defined open space. The schools grassed area and tarmac sports court is private and associated only with the former use of the school. It has not been publicly used or accessible.

5.112 The site is withing walking distance of open space at Balmore Walk to the east and Christchurch Meadows to the south of the site. However, as discussed above in the Amenity section, occupiers of retirement developments prefer to look our over and use the amenity space provided within the development proposals.

Access and Parking

5.113 This application is supported by a Transport Statement undertaken by Paul Basham Associates.

5.114 The site currently has two points of vehicle access into the site. The existing access will be enhanced and reutilised for the propose proposed conversion elements of the development as well as general visitor parking. This access will service a parking court at the western end of the site comprising of 11 car parking spaces and cycle parking area for the School House conversion. It will also serve a parking area along the access road comprising 12 spaces, 2 of which are for the single dwelling conversion, and the remaining 10 for general visitor parking.

5.115 There will also be a newly formed access off of Hemdean Road that is located centrally along the eastern boundary. This will serve the parking court of the retirement development which holds 16 spaces and a buggy store for 8 mobility scooters.

5.116 Pedestrian access to the retirement apartments is proposed to be via an entrance off of the car park, or a newly formed path and footway on the south of the building, both linking down to the footway on Hemdean Road.

5.117 Parking surveys for existing Churchill sites established that the average demand for on-site parking is 0.28 spaces per unit, with an existing average provision of 0.32 spaces per residential unit across other Churchill sites. Therefore, the provision of 16 spaces for the retirement apartments in this very accessible location is considered to be in line with the known usage across other sites.

5.118 On the basis of the above, the independent surveys undertaken by Churchill 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 closers 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.

5.119 In total, 16 unallocated parking spaces have been provided, this provides a ratio of 0.32 spaces per apartment. This is above the evidenced need of 0.28 from Churchills' parking survey

evidence. Furthermore, each cottage is provided with their own allocated space. In addition, 10 visitor parking spaces for the entire site are proposed. For the retirement apartment, the proposal also includes a secure mobility scooter charging and storage area located within the parking court.

5.120 The Car Parking SPD sets out a residential car parking standard of 1 space per 1/2 bed flat in zone 2, plus 1 space per 10 dwellings for visitors to flats. The site layout shows 10 parking spaces and one visitor space adjacent to the School House at the rear of the site, which would have 10 flats – therefore complying with the parking standards. Additional parking spaces are proposed adjacent to the conversion of the nursery to one cottage.

5.121 Analysis of the net trip generation with the Transport Statement shows that movements through the existing access would reduce, and that overall, the proposed development will result in a net benefit in the operation of the network once the removal of school traffic (which was not all permitted to enter the site) is taken into account.

5.122 In line with the Manual for Streets (MfS) guidance, suitable fire and refuse strategies will be implemented. A fire tender able to get within 18m of the dry riser, in both accesses. A refuse vehicle is also able to manoeuvre in and out of the site to gain access to the Eurobins via the existing access.

5.123 In accordance with the above, the site presents an opportunity to create a sustainable, non-car reliant development. The proposed development is located near to the centrally within Salisbury where there are a host of amenities, including a café, food stores and there are amenities such as a library, church and doctors' surgery – all within minutes' walk of the site. It is therefore concluded the site provides an excellent opportunity to create a sustainable development.

5.124 The local pedestrian routes also benefit from dropped kerbs, tactile paving, wide footpaths, and signalised crossings.

5.125 The closest bus stops to the site are Hemdean Hill on Hemdean Road, which are located approximately 65m south (northbound services) and approximately 140m south (southbound services) of the site, equating to a maximum 2-minute walk. The stop is serviced by bus routes 23/24 berry, 80 and 145C, which provide frequent connections to Caversham and Reading town centre. Reading train station is located approximately 1.3km south of the site within Reading town centre.

5.126 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.

5.127 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.

5.128 It is clear within the NPPF paragraph 116 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.

5.129 It is therefore evident that the proposals do not harm highway safety and accord with policies TR3, TR4 and TR5 of the Local Plan and NPPF.

Refuse and Servicing

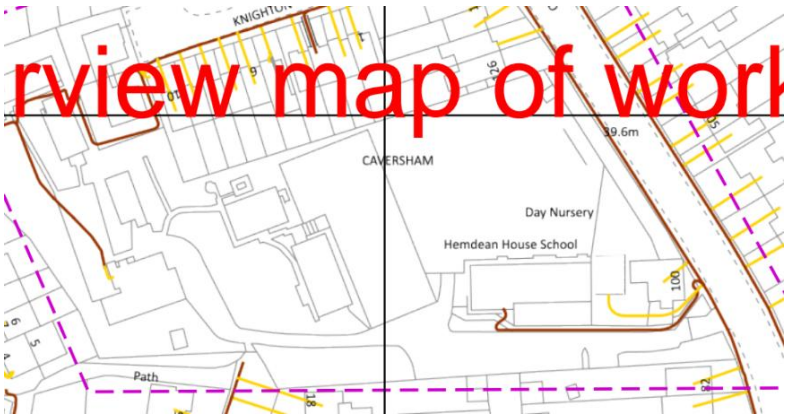
5.130 Refuse collection will be undertaken from within the site with a refuse vehicle being able to enter, turn and exit the site in a forward gear. Collection will take place from the apartments internal refuse store.

5.131 Churchill Living 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.

5.132 In terms of the conversions, the School House has a proposed Refuse store area within the car park. The single dwelling will utilise general household bin collection provision from the Council. The access road will be widened to better enable vehicle access. The road will be widened to 4.5m to enable two way vehicle movement. Fire and refuse vehicles will also use this access road to reach the proposed residential properties at the rear of the site.

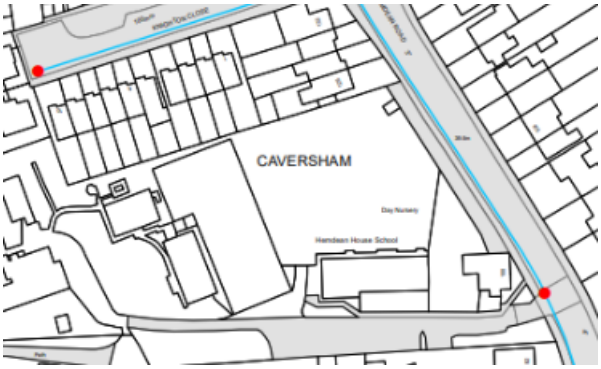
Utilities

5.133 As indicated on the site plan (ref: 10137/CS PA00), a electricity substation is proposed on Hemdean Road. It is anticipated that this will connect to the LV Mains line running along Station Road as shown below in brown:



SSEN Electrical Network Plan

5.134 In terms of water supply, it is anticipated that connection will be made to the main supply running along Hemdean Road.



Thames Water Utilities Map

5.135 In terms of broadband, Hemdean Road has full fibre connection with up to 1600Mbps download speeds available.

Flood Risk and Drainage

5.136 The application is supported by a Flood Risk Assessment and Drainage Strategy undertaken by the Awcock Ward Partnership. This provides full details of the surface and foul water drainage proposals.

5.137 In terms of surface water drainage, Attenuated flows will be discharged at rates not exceeding 5x greenfield discharge rates in line with the National Standard for Sustainable Urban Drainage to an adopted surface water sewer system adjacent to the site. Restriction of flows will be provided by new flow control chambers. All surface water runoff will receive an appropriate level of treatment by means of a 'Downstream Defender'. Exceedance runoff from the building roof and access and parking areas will be directed away from the building and, where possible, held to a shallow depth within the parking areas.

5.138 Foul flows generated by the proposed development will be served either by existing arrangements (southern area subject to agreement with Thames Water), or by a new foul gravity network (northern area) and willdischarge to the existing adopted foul system to the east in Hemdeam Road

5.139 The site falls within flood zone 1 where there is low probability of flooding.

Affordable Housing

5.140 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.

Ecology

<u>Habitat and Protect Species</u>

5.141 This application is supported by an Ecological Report and Bat Surveys undertaken by TetraTech.

<u>Biodiversity Net Gains</u>

5.142 A separate Biodiversity Net Gain report has been undertaken by TetraTech, in accordance with the landscaping plans produced by ACD Environmental.

5.143 The findings of the report concludes that there is a 17.29% increase in biodiversity on site. This has been achieved through an in-depth site review to include net loss mitigation such as suitable native planting, wildflower meadows and new tree planting.

Trees

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

5.145 Tree T3 is part of a row of mature trees along the Hemdean Road boundary, so its loss will be visible from immediately outside the site. However, the adjacent, similar-sized trees on either side will buffer the visual impact of that loss in the approaches from both directions. Tree G6 is a small group of conifers within the site surrounded by existing buildings, and its loss will have no significant visual impact within the site or from any external view. In summary, although the loss of tree T3 will be noticeable in the immediate vicinity, the retained adjacent trees will buffer that loss and have no significant adverse impact on the character of the wider setting

5.146 The development also proposes the planting of 29 new tree's

5.147 All other significant boundary tree cover will remain.

Sustainable Development

5.148 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.

5.149 This application is also supported by an Energy Statement undertaken by Focus Consultants. This report highlights the sustainable nature of the proposed development.

5.150 Churchill schemes 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.

5.151 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.

5.152 Construction of the developments incorporates many energy saving devices, which is assisted by the containment of the apartments in a single block.

5.153 Churchill 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 Living's commitment to the principles of Sustainable Development and for on-site energy generation.

BENEFITS AND PLANNING BALANCE

Economic Considerations

6.1 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.

6.2 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.

6.3 With 51 retirement units proposed, there is estimated to be fiscal savings to the NHS of £224,000 per annum directly from the proposed development, in comparison to mainstream housing. This is significant economic benefit.

6.4 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. The proposal will therefore assist with meeting wider family housing needs.

6.5 Substantial weight should be afforded these economic benefits.

Social Considerations

6.6 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.

6.7 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 Living schemes have expressed huge praise for their Lodge Managers in looking after them.

6.8 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.

6.9 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.

6.10 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.

6.11 The requirement of the NPPF at paragraph 96 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 Living scheme.

6.12 Overall, it is considered that substantial weight should be afforded to these social benefits.

Environmental Considerations

6.13 The proposal will make efficient use of brownfield land thereby reducing the need to use limited land resources for housing.

6.14 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.

6.15 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.

6.16 In efforts to reduce the overall carbon emissions associated with the development and to maximise the energy efficiency, solar gains will be made by implementing PV panels on the roof of the proposed building.

6.17 Substantial weight should be afforded to these environmental benefits.

Planning Balance

6.18 Notwithstanding the fact we consider the proposal to be in accordance with the Development Plan it is necessary to undertake a planning balance.

6.19 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.

6.20 The contribution of 62 units will significantly boost the council's housing land supply and should be weighted accordingly given current 3.55 year supply.

6.21 The NPPF is a clear and up to date expression of government policy and an important material consideration. It makes clear that development plan polices can become out of date. This can occur if there is a failure to provide a 5 year land supply. Where this occurs paragraph 11d is engaged indicating that permission should be granted unless the application of footnote 7 policies provide a strong reason for refusal, or the adverse impacts would significantly and demonstrably outweigh the benefits.

6.22 It is evident there is *'critical'* need for the delivery of older persons housing. 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.

6.23 The planning benefits with the weight to be given for this proposal are set out below:

Planning benefits of the current proposal	Weight to be given
Provision of much needed housing for older people where the need for such accommodation is 'critical'	Substantial weight
Development of previously developed brownfield land.	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 62 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

Relevant Appeal Decisions

6.24 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; a decision allowing for 56 retirement living apartments in Basingstoke and a decision allowing for 45 retirement living apartments in Wigginton.

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

6.25 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.

6.26 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."

6.27 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.

6.28 A copy of the decision is included at Appendix B.

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

6.29 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 if 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."

6.30 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."

6.31 A copy of the decision is included in Appendix C.

Recent Appeal Decision - 11 The Village, Wigginton, York YO32 2PL (APP/C2741/W/23/3314331) (July 2023)

6.32 At a recent appeal in Wigginton (July 2023), for 45 retirement living units, the Inspector concluded:

- The provision of housing against no 5-year land supply attracted significant weight (paragraph 113).
- The provision of older persons housing to the existing unmet and critical need attracts significant weight (paragraph 113).
- The release of underoccupied housing stock attracts significant weight (paragraph 113).
- The site is in a sustainable location which attracts significant weight (paragraph 114).
- The redevelopment of the brownfield part of the site together with the environmental benefits of more suitable landscaping would also enhance the biodiversity and should attract significant weight (paragraph 114).
- Redevelopment of an underutilised site which attracts moderate weight (paragraph 114).
- The economic benefits attract significant weight (paragraph 115).
- The health and social benefits attract significant weight (paragraph 116).

6.33 The Inspector concludes at paragraphs 118 and 119:

"I have found no harm which individually or cumulatively would significantly and demonstrably outweigh the benefits. As such the proposed development benefits from the Framework's presumption in favour of sustainable development and planning permission should be granted.

6.34 A copy of the appeal decision is included in Appendix D.

Recent Appeal Decision – The Gas Works, Christchurch (APP/V1260/W/24/3351431) (March 2025)

6.35 For an appeal in Christchurch (March 2025) for 177 retirement living and open market apartments, the Inspector set out at paragraph 9:

6.36 "*The scheme would occupy a large brownfield site within Christchurch town centre and would have many planning and sustainability benefits. These include the following:*

- *The provision of 177 much needed homes in the aera with a sever housing shortfall and a shortage of available housing land.*
- *The provision of retirement homes for which there is demonstrable need, freeing up larger homes for re-occupation.*
- *The development of a large derelict town centre site, making the best use of brownfield land in a sustainable location and removing the air of dereliction and blight from this part of Bridge Street.*

- *The physical manifestation of an important investment in Christchurch, and the introduction of additional spending power into the town centre.*

6.37 *The significance of these benefits cannot be stressed too strongly. They fully support the objectives of the Framework".*

6.38 Paragraph 25 states *"The removal of a number of protected trees is acceptable to make way for a development which would make better use of the site. The scheme would replace the trees with a more appropriate species for their urban location"*

6.39 A copy of the decision is included in Appendix E.

6.40 Even though all of these appeals are within different contexts, there is consistency in the clear weight given to these planning benefits.

CONCLUSION

7.1 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 11d of the NPPF without delay.

7.2 Given the Councils significant shortfall in housing land supply position, paragraph 11d the tilted balance is engaged. Therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that the proposal would result in no adverse impacts. If, however, any were identified by the Council, they would not be so significant to demonstrably outweighing the identified benefits.

7.3 National Planning Policy has changed since the 2019 and 2020 applications with their being a national housing crisis and identified critical need for older peoples housing. The weight that the government is placing on housing delivery has significantly altered with paragraph 125(c) now cementing that unless there is identified substantial harm, then the redevelopment of previously development land for residential development should be approved.

7.4 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".*

7.5 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.

7.6 The Older People's Housing Taskforce was set up to specifically encourage the delivery of older persons housing. Both nationally and locally there is a drive for 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.

7.7 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.

7.8 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.

7.9 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.

7.10 **The redevelopment of previously developed land.** This will reduce the need for housing development on greenfield sites. The NPPF is clear that decision makers should give

substantial weight to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused (para 125(c)). Substantial weight should be afforded to this benefit.

7.11 **Making efficient use of land.** The proposals have been carefully designed to protect the character and amenity of the surrounding area whilst ensuring an efficient use of land. Paragraph 125 (d) of the NPPF sets out that decisions should support the development of underutilised land and buildings, for example car parks, especially if this would help to meet identified housing needs. This should be afforded moderate weight in the planning balance.

7.12 **The delivery of 62 homes within the next five years.** The NPPF sets out the priority to significantly boost the supply of new homes. The Government has provided a clear manifesto to deliver 1.5 million new homes over the next five years.

7.13 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 £224,000 for this site)
- Increased spending in local shops and services.
- Creation of construction jobs as well as jobs within the local economy.

7.14 These benefits should be afforded substantial weight in the determination of this application.

7.15 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.

7.16 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.

7.17 The **environmental benefits** include:

- Efficient use of brownfield land, reducing the need for greenfield release.
- Very 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_2 emissions.
- Use of low energy lighting with use of daylight and movement sensor controls.
- Use of solar gains through roof-top PV panels.

7.18 These environmental benefits should be afforded substantial weight in the determination of this application.

7.19 There are numerous and significant benefits associated with the application which must be considered within the planning balance. The redevelopment of this will have significant social,

economic and environmental benefits, as well as meeting an un-met housing need which is deemed critical by National Government.

7.20 As such it is considered the scheme accords with the Local Plan and it is clear that there are significant social, economic and environmental benefits of the scheme.

7.21 The Council are currently unable to demonstrate a 5 year land supply and so the presumption in favour of sustainable development is engaged. In accordance with paragraph 11d(ii) there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the development plan taken as a whole. The proposal should be approved without delay.

APPENDIX A

Written Ministerial Statement (December 2025)

Planning Reform: Next Phase

Statement made on 16 December 2025

Statement UIN HCWS1187

Statement made by

Matthew Pennycook

Minister of State for Housing and Planning

Labour

Greenwich and Woolwich

Commons

Statement

England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation.

Our economy, and the public services we all rely on, are suffering too because as well as blighting countless lives, the housing crisis is consuming ever larger amounts of public money in the form of a rapidly rising housing benefit bill and it is hampering economic growth and productivity by reducing labour mobility and undermining the capacity of our great towns and cities to realise their full economic potential.

The monumental scale of the challenge that this government inherited demanded a commensurate response. That is why we committed ourselves, unashamedly, to an incredibly stretching housebuilding target of 1.5 million new safe and decent homes in this Parliament. And it is why we acted quickly and boldly to put in place the foundations of a revamped planning system that will facilitate the delivery of high and sustainable rates of housebuilding in the years ahead.

Within three weeks of taking office, we moved to consult on changes to the National Planning Policy Framework (NPPF), finalising them in December 2024. Amongst the many changes made in that initial revision to the Framework were the restoration and raising of mandatory housing targets; a new Standard Method for assessing housing needs aligned to our 1.5 million new homes target; greater support for social and affordable housing provision; a strengthening of policy relating to brownfield land development; a modernised, strategic approach to Green Belt land designation and release; and enhanced support for key economic sectors and clean energy infrastructure.

In March, we introduced our landmark Planning and Infrastructure Bill. The Bill will speed up and streamline the delivery of new homes and critical infrastructure, supporting delivery not only of the government's 1.5 million new homes target but also our Plan for Change milestone of fast-tracking 150 planning decisions on major economic infrastructure projects by the end of this Parliament. It will also support delivery of the government's Clean Power 2030 target by ensuring that key clean energy projects are built as quickly as possible. As a result of its swift passage, it is due to receive Royal Assent before the House rises on Thursday.

Over recent months, we have carefully considered the extensive feedback we have received to a range of policy propositions from a brownfield passport to reforming site size thresholds in the planning system. As a result, I am today setting out details of the next phase of this government's planning reforms alongside a comprehensive package of support for small and medium-sized housebuilders.

A revised National Planning Policy Framework (NPPF)

We are today publishing a fuller and more definitive overhaul of the NPPF for consultation. It is the culmination of a sustained effort over the first 17 months of this Parliament to revamp our planning system so that it meets housing need in full and unleashes economic growth, and represents the most significant reform to national planning policy since the original NPPF was introduced more than a decade ago.

This wholly restructured Framework maintains and builds on the initial revisions we made in December last year; includes a range of new measures to support key economic sectors; and incorporates new clear and rules-based national policies for both plan and decision-making. These proposals will make the NPPF easier to navigate for communities, local authorities, and developers alike.

As a result of the not insignificant risk and uncertainty that such an approach entailed, we have taken the decision not to proceed with statutory National Development Management Policies (NDMPs) at this stage. Instead, we have chosen to swiftly realise their benefits through agile national policy changes, while leaving open the possibility of a future transition to statutory NDMPs should it be required.

The new decision-making policies in the Framework published today are therefore designed to make development management more certain, consistent and streamlined; to standardise policies that apply across the whole of England; and to reduce duplication and avoid unjustified local deviation from national policy in local plans. To ensure that these changes make an immediate difference, the government is proposing that the new national decision-making policies effectively override conflicting policies in local plans from day one.

As part of this overall change to the Framework, we are also proposing new policies to boost housing supply and unlock economic growth in the years ahead:

1. **A permanent presumption in favour of suitably located development.** We want to make clear what forms of development are acceptable in principle in different locations as part of creating a more rules-based approach to development. For urban land, this approach takes forward parts of our 'brownfield passports' work and builds on the December 2024 Framework update, by making development of suitable land in urban areas acceptable by default. As part of this change, we are also proposing a revised presumption in favour of sustainable development, underpinning the way the new policies direct different forms of development to the most appropriate locations – in effect applying a permanent presumption in favour of suitably located development.
2. **Building homes around stations.** We want to establish 'in principle' support – a "default yes" – for suitable proposals that develop land around rail stations within existing settlements, and around 'well-connected' train stations outside settlements, including on Green Belt land. We are also proposing a minimum density of 40 dwellings per hectare around all stations and 50 dwellings per hectare around 'well-connected' stations – maximising opportunities for sustainable development, making the most of high levels of connectivity, and improving access to jobs and services.
3. **Driving urban and suburban densification.** We want to get the most use out of land in urban and suburban areas, including through the redevelopment of corner and other low-density plots, upward extensions and infill development – including within residential curtilages. These changes will support higher density development in sustainable locations, with good access to services. We are also setting clear expectations that authorities should set minimum densities in well-connected locations, including around train stations and town centres, and support an overall increase in density within settlements.
4. **Securing a diverse mix of homes.** We want to better support the needs of different groups through the planning system. This includes stronger support for rural social and affordable housing and setting clearer expectations for accessible housing to meet the needs of older and disabled people. It also means providing more flexibility on the unit mix of housing for market sale, where local requirements have been met for the mix of affordable homes.
5. **Supporting small and medium sites.** We want to make it easier to bring forward small sites, through clear support for the principle of development in different locations, the policies on building more densely in settlements and strengthened support for mixed tenure development. We are also introducing a category of 'medium development' (see Annex C of this consultation document), linked to a range of policy and regulatory easements, to support a more streamlined and proportionate planning system – including exploring further the potential benefits and drawbacks of enabling developers to discharge social and affordable housing requirements through cash contributions in lieu of direct delivery.
6. **Streamlining local standards.** We want to promote certainty for applicants and speed up local plan production by limiting quantitative standards in development plans to only those specific issues where local variation is justified. We also want to limit duplication of matters which are covered by the Building Regulations – other than where there is the existing ability to use 'optional technical standards'.

7. **Boosting local and regional economies.** We want to encourage economic growth by giving substantial weight to the benefits of supporting business growth, and to particular areas and sectors - including those named in the Industrial Strategy, AI Growth Zones, logistics, town centres and agricultural and rural development. We are also interested in views on whether the town centre sequential test should be removed, in order to allow greater flexibility to respond to changing patterns of demand.
8. **Supporting critical and growth minerals.** We want to ensure that adequate provision is made for their extraction, recognising their economic importance. In parallel, and in view of the government's mission to achieve clean power by 2030, we want to restrict further the extraction of coal.
9. **Embedding a vision-led approach to transport.** We want to further embed the changes made in December 2024, which signalled the importance of moving away from a 'predict and provide' approach to transport planning that can create unattractive environments dominated by cars.
10. **Better addressing climate change.** We want to set out how decisions can take a proactive approach to both mitigation and adaptation in relation to climate change, in a way that links to other relevant policies in the draft Framework.
11. **Conserving and enhancing the natural environment.** We want to make a number of changes, including to reflect Local Nature Recovery Strategies, to recognise landscape character and conserve and enhance existing natural features, to incorporate swift bricks and to provide guidance on sites of local importance for nature.
12. **Taking a more positive approach to the use of heritage assets.** We want a clearer and more positive approach which can better support suitable heritage-related development, replacing the current policies that are difficult to navigate.

The Framework will also support the implementation of reforms I set out in the Written Ministerial Statement of 27 November here to deliver faster and clearer local plans – preserving their place as the cornerstone of the planning system. New plan making policies in the NPPF will support the implementation of the new plan-making system by setting out policy on the role, content, preparation and examination of the plans of different types – including supporting the introduction of Spatial Development Strategies across the whole of England to ensure effective planning across local authority boundaries.

The proposed new NPPF will play an integral role in delivering the new homes and essential infrastructure that the country needs and unlocking sustained economic growth. The consultation is an opportunity for everyone to play their part in shaping a planning system that delivers for local communities and the country as a whole.

Development plans will not be required to follow the revised Framework until the final version is published, in accordance with the transitional arrangements set out within it. However, local planning authorities preparing plans under the new plan-making system should have regard to the draft Framework to help inform the early stages of their production, bearing in mind the Framework's status as a consultation draft.

Support for small and medium-sized housebuilders

In addition to publishing a fuller and more definitive NPPF for consultation, the government is acting to support small and medium-sized housebuilders. As a government we are clear that ramping up housing delivery requires us to diversify the housebuilding market. Integral to such diversification is not merely arresting but reversing the decline of SME developers that has taken place over recent decades. Building on the steps we have taken to better support SME housebuilders access finance and land; we are today announcing a series of policy and regulatory easements to help them thrive and grow.

In May, the government published a working paper seeking views on a new 'medium' threshold for development for sites up to 1 hectare with between 10 and 49 homes – noting that over 80% of such sites are developed by SME builders. Having reflected on the useful feedback we received, we have decided to go further. While the 10–49-unit threshold will apply, we propose to increase to size of sites covered by the new medium category to up to 2.5 hectares – thereby increasing the number of SME housebuilders being supported.

To support development activity on this new category of site we are proposing limiting information requirements to what is necessary and proportionate. We are also setting a clear expectation that local planning authorities allocate 10% of their housing requirement to sites between 1 and 2.5 hectares, in addition to the existing requirement to do so for sites under 1 hectare, to better support different scales of development.

Without compromising building and residents' safety, we are also using the consultation to ask the necessary technical questions to determine whether to exempt this new 'medium' category of development from the Building Safety Levy. And we are exploring further, the potential benefits and drawbacks of enabling developers of 'medium' sites to discharge social and affordable housing requirements through cash contributions in lieu of direct delivery.

Finally, having considered carefully the responses to the consultation undertaken by the Department for Environment, Food and Rural Affairs (Defra) earlier this year, I can confirm that the government will exempt smaller developments up to 0.2 hectares from biodiversity net gain, and introduce a suite of other simplified requirements to improve the implementation of Biodiversity Net Gain (BNG) on small and medium sites that are not exempted. Defra will also consult rapidly on an additional targeted exemption for brownfield residential development, testing the definition of land to which it should apply and a range of site sizes up to 2.5 hectares.

Wider funding and support

To ensure the successful implementation of the changes to national planning policy and regulation that we are announcing today, the government will provide additional funding and support.

We are making £8 million available to local planning authorities to accelerate planning applications for major residential schemes at the post-outline stage. This funding will be targeted at those authorities with high volumes of deliverable applications in this Parliament and those with strong economic growth potential, ensuring resources are directed where they will have the greatest impact.

£3 million of this funding will be allocated to the Greater London Authority (GLA) to provide specific support to London boroughs to bolster their planning departments and enable them to implement the emergency measures announced by the Mayor of London and the Secretary of State on 23 October 2025.

These measures build on the announcements set out in the Budget last month, where the government has committed to spend an extra £48 million to strengthen planning capacity and support the aim to recruit around 1,400 new planning officers this Parliament – substantially exceeding our original commitment to recruit just 300.

We will also provide an extra £5 million to boost the rollout of the Small Sites Aggregator initiative across Bristol, Sheffield and the London Borough of Lewisham, supporting SME builders to deliver much-needed social housing on 60 small brownfield sites that would otherwise remain undeveloped and attracting private investment to build new social rent homes.

Beyond the planning system, this week we will launch an expression of interest for ambitious local planning authorities to work with us to create pattern books of standardised, high-quality house designs – intended to accelerate the delivery of attractive new homes and make use of artificial intelligence and modern methods of construction.

Statement from

Ministry of Housing, Communities and Local Government

Linked statements

This statement has also been made in the House of Lords

Ministry of Housing, Communities and Local Government

Planning Reform: Next Phase

Baroness Taylor of Stevenage
Parliamentary Under Secretary of State
Labour, Life peer

Statement made 16 December 2025

HLWS1183

Lords

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APPENDIX B

Appeal Decision, Fleet, May 2021

The Planning Inspectorate

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

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).[1] 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

[1] 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[2] land at Queen Elizabeth Barracks, Sandy Lane, Church Crookham and provision of a SAMM[3] 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.

[2] Suitable Alternative Natural Greenspace
[3] 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.[4] 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.

[4] 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.[5] 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[6] 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.[7] 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

[5] Paragraphs 128-131 of HLP32
[6] Paragraph 137 of HLP32
[7] 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.[8] 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.[9]

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.

[8] Inset Map 10.1
[9] 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[10] 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.[11] Furthermore, the Council accepted that the relevant UCDS's guidance[12] 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.[13] 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

[10] Paragraph 16
[11] Mr Moorhouse Appendix 1
[12] Appendix 1, page 12
[13] 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.[14] 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

[14] 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'[15] 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[16] but, following the submission of a Shadow Habitats Regulations Assessment,[17] 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.[18] 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.

[15] CD3.6
[16] Mr Moorhouse's Appendix 4
[17] D 2.7
[18] 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[19] 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 SAMM. 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 SAMM contribution of £14,585 to be paid by the owner.

52. I consider that the proposed SANG and SAMM 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 SAMM 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[20] as set out in the s106 Agreement and by making the SAMM payment.[21] 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 SAMM 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.

[19] Taylor Wimpey Developments Limited
[20] Ibid
[21] 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.[22] Regulation 122 of the CIL Regulations, as amended by the 2011 and 2019 Regulations, and paragraph 56 of the NPPF

[22] 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 vison 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[23] 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[24] (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[25] (substantial weight); (ix) there would be social benefits in specialised age friendly housing[26] (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.

[23] Figures 14.8 and 14.10 page 212
[24] NPPF paragraph 118(d) and paragraph 131 of HLP32
[25] NPPF paragraph 80
[26] 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 C

Appeal Decision, Basingstoke, June 2021

The Planning Inspectorate

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: 24th June 2021

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 Pan (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.

APPENDIX D

Appeal Decision, Wiggington – July 2023

The Planning Inspectorate

Appeal Decision

Inquiry held between 23 – 31 May 2023
Site visit made on 1 June 2023

by Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MIoL MCMI MIEnvSci MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2023

Appeal Ref: APP/C2741/W/23/3314331
11 The Village, Wigginton, York YO32 2PL

- 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 Limited against City of York Council.
- The application Ref 22/01315/FULM, is dated 14 June 2022.
- The development proposed was originally described as "Redevelopment of site for 45 Retirement Living apartments for older persons with guest suite, communal facilities, managers office, access, car parking and landscaping."

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and redevelopment of the site to form 45 Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping at 11 The Village, Wigginton, York YO32 2PL in accordance with the terms of the application, Ref 22/01315/FULM, dated 14 June 2022, subject to the conditions contained in the attached Schedule.

Application for costs

2. At the Inquiry an application for costs was made by Churchill Retirement Living Limited against the City of York Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. Two Rule 6 parties opposing the development participated in the Inquiry proceedings, namely Wigginton Parish Council (WPC) and Wigginton Community Group (WCG) which is a group of local residents.

4. At the Case Management Conference (CMC) on 3 April 2023 the main issues were identified, together with how the evidence would be dealt with at the Inquiry and the timings for evidence. As the appeal is against the non-determination of the planning application, the Council's Statement of Case set out its primary reasons for non-determination at the time which related to design, landscape and highway objections and the lack of agreed developer contributions due to the unresolved viability issues. This was supplemented at the CMC by concerns identified regarding the living conditions of future occupiers of the development.

5. In the intervening period following the CMC and the opening of the Inquiry, the Appellant and the Council continued discussions on the appeal, involving the Rule 6 parties as far as possible, to narrow the matters in dispute. Statements of Common Ground (SoCG) were used to document the agreed positions. As such the Council did not pursue their initial concerns relating to landscape and loss of trees within their subsequent evidence. Furthermore, their concerns relating to access arrangements, pedestrian movements and refuse collection and servicing did not remain part of the main issue on highways. The previously unresolved issues relating to the development viability and therefore the financial contributions for infrastructure were resolved in principle and agreed in the Viability SoCG (CD12.03). Consequently, the proposed developer contributions do not form a main issue in this appeal, as was initially envisaged at the time of the CMC.

6. The submitted planning obligation is made by an Agreement between the Appellant, landowners and City of York Council under s106 of the Town and Country Planning Act 1990. It secures financial contributions in relation to an off-site contribution in lieu of on-site affordable housing provision, health services, informal open space, outdoor sports and subsidised travel measures. The s106 Agreement is signed and dated 13 June 2023 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement was also submitted in support of these planning obligations. I have had regard to both of these documents and will return to them later in this decision.

7. The description of development on the application form and set out in the banner heading of this Decision differs to that used by the Council. As such the description was clarified and agreed as part of the main SoCG. The agreed description is more precise, and I therefore have used it throughout the Inquiry and in my formal Decision in paragraph 1.

8. The application was supported by a number of plans, reports and technical information. The main SoCG (CD12.01) set out the agreed list of plans in paragraph 2.8 and accompanying statements and information in paragraph 2.9. At the Inquiry it was confirmed that the Site Plan[1] had been revised in scale to show more context, specifically the properties to the rear of the site. The parties had an opportunity to view and comment such that it was agreed that it would form part of the appeal proposal. I have therefore determined the appeal on this basis.

9. At the Inquiry two revised plans[2] were submitted as part of the Inquiry proceedings. The Appellant confirmed that these two plans should be regarded as new plans to the appeal. These plans do not materially evolve the appeal scheme, they reflect the omission of an existing access gate on the southern boundary, and set out a small number of minor details, for example the location of cycle storage, which car parking spaces would be marked for disabled users, alongside some landscaping details all of which would in any event be addressed by planning conditions for future approval if the appeal were to be allowed. I also note that the Site Plan[3] was explicitly referred to within Table 1 of the agreed Highways SoCG (CD12.02). In addition, reference was also made to the

[1] PL002A Site Plan with Roof Plan (04.07.22)
[2] PL002A Site Plan showing Ground Floor (17.04.23); JBA 22 185 – SK02 Landscape Strategy, Rev D (26.04.23)
[3] PL002A Site Plan showing Ground Floor (17.04.23)

landscaping plan showing access to the footpath via the southern corner of the site in Table 1 of the agreed Highways SoCG.

10. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme are materially altered from the scheme originally submitted and upon which consultation took place. As such, I consider that no-one would be prejudiced by my consideration of these two plans as part of the appeal, taking account of the principles established in the *Wheatcroft* case[4]. Copies of these two plans were available during the Inquiry, as such the main parties and any other interested persons had the opportunity to review them. The plans were referred to and discussed during evidence sessions. I have therefore included these plans in my determination of this appeal.

11. There is no adopted statutory development plan for the City of York, save for the retained Regional Spatial Strategy policies on Green Belt which are not relevant in this case. References have been made to the City of York Draft Local Plan incorporating the fourth set of changes – the Development Control Local Plan 2005 (DCLP) and the emerging Local Plan (eLP). The eLP is progressing towards adoption with the main modifications having recently been consulted upon. Although the DCLP and the eLP do not form part of the statutory development plan for the purposes of s38(6) Planning and Compulsory Purchase Act 2004, they are both capable of being material considerations in determining planning applications in so far as they are consistent with the National Planning Policy Framework. The Haxby and Wigginton Neighbourhood Plan is also in preparation. Although a copy titled 'HWNP Plan Draft v2.4.docx' was submitted as part of the Core Documents, no evidence was available to confirm that this would constitute the published draft plan under the provisions of Regulation 14[5] for consultation. As such it has not yet reached the formal stage where it can begin to carry some weight in the decision-making process.

Main Issues

12. From all that I have read, heard and seen the main issues in this appeal are:

    (i) The effect of the design of the proposed development on the character and appearance of the area;

    (ii) Whether the proposal would provide sufficient on-site car and cycle parking and whether there would be any consequential effects on highway and pedestrian safety; and

    (iii) The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook, enclosure, privacy and overshadowing; and whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to outlook and amenity space.

Reasons

Design and the character and appearance

13. The appeal site is located on the southern side of the road known as The Village. The historic development of many villages, like Wigginton, originally created a linear built form, this linear nature I also saw in Shipton by Beningbrough as part

[4] *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]
[5] The Neighbourhood Planning (General) Regulations 2012 (as amended)

of my site visit and to which I was specifically referred. WPC contend that the historical plot layout comprising large rear gardens could still be inferred from the plans; however, it was accepted that many have since been severed by backland development.

14. Along The Village there are a number of detached, semi-detached and terraced dwellings of different styles and ages interspersed with some more modern properties or properties which have been altered during their lifetime. Clamp bricks is perhaps the most common choice of material within the core of Wigginton. Painted render was present on individual dwellings as well as on Belfry Court which introduces some visual change. Although a substantial proportion of the dwellings are two storeys in height, during my site visit I did see some evidence of the use of roof space. Within the surrounding area of the appeal site there are a number of larger residential developments, which includes care homes, retirement homes, together with some key community buildings and services in the form of the Haxby and Wigginton Health Centre and the Wigginton Recreation Hall.

15. The appeal site is located close to the Parish boundary between Wigginton and Haxby. From the submitted evidence and what I have observed when walking around both settlements there is no clear, defined and marked change in character and appearance when one crosses the parish boundary and walks from Wigginton into Haxby and vice-versa. The two settlements complement each other and have both experienced change to their built form over time. The contiguous nature of the two settlements therefore forms the overall context for the appeal site. I do not consider that Wigginton in isolation provides the starting point against which the appeal scheme should be assessed with regard to character and appearance.

16. The appeal site is a large plot adjacent to the recreation hall and its car park, health centre car park and the grassed open plot of land intended to be used as a community garden in the future. As such from the current built form the appeal site forms a transition from the mixed residential character and appearance to the west and the more functional buildings and adjoining land of non-residential community services and facilities, notwithstanding the intervening bungalow (No 1 The Village) to the east. As such the appeal site forms the eastern end of what has been described by WPC as the historic core of Wigginton. Given its position at the end of a reasonably well-defined block of built development, also referred to as the historic core, an appropriate high-quality design is required.

17. From the range of submitted historical maps it demonstrates that the building line of the southern side of The Village has changed over time. Consequently, the siting of properties is more informal than following an absolute, rigid and formal line. The proposed building would retain the angle of the existing building but step forward thereby creating a step in the perceived building line. A similar step can be seen between nos. 33B and 33 and also nos.21 and 19 which adds interest to the street scene. The visually verified montages[6] (fig 02, view 1) also illustrates this stepped rhythm. Furthermore, the siting of the proposed appeal building would help address the suggested aberration of the building line at the Recreation Hall. As such I do not find that the siting of the proposed building

[6] CD08.04B Appendix B, (Mr Wood, Proof of Evidence)

would be harmful to the informal building line in a village which has already absorbed changes.

18. The appeal site is a large plot in an otherwise built-up area. The footprint of the existing buildings significantly under occupy the site and therefore in order to make best use of land, it is important that any proposal on the appeal site should seek to maximise the efficient use of land. Urban grain studies and plot ratios are a useful mechanism to quantify the assessment of footprint. The plot ratio evidence[7] provided demonstrates that the proposed building would occupy approximately 37% of the site which is within the range of 27%-46% for similar specialist housing schemes in the local area. In this regard I do not share the views of those who regard the proposal as an overdevelopment or one which has been 'shoehorned' into the site.

19. Part of the process to achieve good design is that the building functions well. This is a retirement living complex and the location of the main entrance within the centre of the site was a deliberate design choice for the operation of the building. In this case the main entrance is within the central section of the western elevation. All residents and other visitors will enter the site from The Village in much the same way as a private driveway to the side of other dwellings.

20. There is concern that the appeal scheme does not include an active frontage to The Village. Although Policy D1 of the DCLP makes reference to the need for proposals to create active frontages to public streets, this is not an adopted development plan policy. Policy D1 of the eLP makes similar provisions. The National Design Guide and Building for a Healthy Life refer to active frontages, but they do so as ways of integrating buildings into their surroundings. The importance of active frontages is overstated by objectors. The purpose of an active frontage is to add design interest together with life and vitality to the public realm, in this case, to The Village.

21. There was discussion at the Inquiry as to whether a principal façade addressed The Village. In my judgement the proposal does this including through use of a well-balanced design with 3 projecting gables and fenestration. The two ground floor apartments on this elevation will have access through their own doors into the communal amenity space. Whilst these are not the formal entrance to these apartments or the scheme as a whole as that is not how the scheme has been designed to function, they would still allow some interest and activity on the northern elevation. As I observed on my visits to Wigginton the activity afforded by the other frontages of properties along The Village is in any event limited. In my view the proposed building would be legible and understood by anyone coming to the site and there would be no harm in having the main entrance within the central courtyard.

22. The communal outdoor space in the central courtyard has been designed to be in a location away from the public realm. This is not dissimilar to a typical residential dwelling found on The Village, which have a significant proportion of their outdoor amenity space away from the public highway. I do not share the concern that the design solution with the courtyard means that the appeal proposal 'turns in on itself' thereby having a harmful relationship with the street scene. Reference was made to the Bishopthorpe Road appeal decision[8], however

[7] CD08.05 Appendix 1, footprint coverage analysis plan (Mr Scott, Proof of Evidence)
[8] CD09.02j APP/C2741/W/21/3289470, dated 11 January 2023 and ID09 extract from Design and Access Statement

insufficient information was presented to enable any form of meaningful comparison with the appeal scheme. As requested by the parties I did visit the Bishopthorpe Road site. From the limited information submitted and what I saw on my site visit, I do not consider the site, the context or the nature of the overall proposal, including the layout to be comparable.

23. I find the verified visual montages[9] illustrate very well the proposed building in context from key viewpoints. They confirm my own views that whilst the visual impact of the appeal scheme principally arises from the presence of a large new building as one travels from Haxby into Wigginton along the sweeping nature of the highway, the visual interest is created by the articulation and the use of materials. The eastern elevation has been divided into sections and together with the proposed materials and styles drawn from the local area all serve to reduce the bulk and mass of the building.

24. The appeal scheme is a three-storey building in amongst one and two storey buildings. Some of the two storey buildings have created accommodation in the existing roof space, for example Rosevale Residential Care Home and some individual dwellings along The Village. Within the wider context it is a fact that other three storey buildings are present within both Wigginton and Haxby and as such the appeal proposal would not be introducing the first 3-storey form.

25. Belfry Court has used the plane of the roof slope for the third storey. The appeal proposal employs a similar design technique. For example, with 4 of the 7 windows on the northern elevation facing The Village being dormers in the plane of the roof slope. In this regard the appeal proposal is more clear, legible, and honest that a third floor is present. In this location, at the end of the existing block of residential development in Wigginton, I do not find the height of the building to be unduly harmful or that there should be some 'set down' within the site. I have no concerns regarding the roof design. The evidence demonstrates that the pitch is within the range of similar buildings in the locality and the crown form would not be visible from the street level.

26. I find the proposed design to be an appropriate response to the site and the surrounding context and there would be no material harm arising from the design of the appeal scheme. It provides a clear statement to the end of an existing block of residential development in Wigginton.

27. In conclusion on this first main issue, whilst the design of the proposed development would introduce a change to the character and appearance of the area, in my judgement this would not be harmful. I find the effect of the design of the proposed development on the character and appearance of the area to be acceptable. Accordingly, there would be no conflict with Section 12 of the Framework which looks to achieve well designed places. It can be supported by the characteristics of good design as set out in the National Design Guide. I find no conflict with Policy D1 of the eLP as modified which seeks proposals to adhere to urban grain; density and massing; streets and spaces; building heights and views and character and design standards. Similar requirements are also found in Policy DP3 of the eLP.

[9] CD08.04B Appendix B (Mr Wood, Proof of Evidence)

Car and cycle parking, and highway safety

28. The Framework in paragraph 111 identifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on the highway safety, or the residual cumulative impacts on the road network would be severe. In relation to highway matters there are no concerns expressed that the appeal proposal would not provide safe and suitable access to the appeal site from the highway. Provision of the access and securing removal of dropped kerbs that would no longer be necessary can be secured through planning conditions.

29. The primary concern of the City Council, the Highway Authority and the Rule 6 parties relates to whether sufficient on-site provision would be made for car parking. The Council and Highway Authority also have concerns regarding cycle parking provision.

30. The policy position relating to car parking and cycle parking is not set out in any adopted development plan. Consequently, the main parties disagree on what constitutes the main material planning consideration upon which an appropriate level of parking for both cars and cycles should be based.

31. The appeal scheme proposes a total of 16 car parking spaces and 6 cycle parking spaces. The City Council in its evidence took the starting position that the appeal scheme should provide 23 car parking spaces and 51 cycle parking spaces[10].

32. It is agreed that the appeal proposal meets the definition of 'retirement living or sheltered housing' as set out in the housing for older and disabled people section of Planning Practice Guidance[11] (PPG). The appeal scheme is being promoted on the basis of an age restriction with the main occupier needing to be 65 or over, although another person living as part of the same household could be aged 60 or over. On this basis I am satisfied that the appeal proposal falls within the scope of retirement living or sheltered housing as defined by the PPG.

33. On the issue of car parking, it is agreed by the Appellant and the City Council that Appendix E to the DCLP set out the only published car and cycle parking standards for York. Appendix E draws a distinction between general needs housing and special categories of housing, including sheltered housing. Appendix E goes on to identify that the car parking standards are a maximum[12]. In this regard Appendix E is inconsistent with paragraph 108 of the Framework which states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

34. It is not disputed that in relation to Appendix E the guidance for sheltered housing would be the most relevant, albeit that there is no definition of 'sheltered housing' for the purpose of applying Appendix E. In relation to the category of 'sheltered housing,' the guidance in Appendix E is for the provision of 1 parking space per 4 units and 2 spaces if there is a resident warden and 1

[10] CD09.03, paragraph 3.25 (Ms Vergereau, Proof of Evidence)
[11] PPG - Paragraph: 010 Reference ID-63-010-20190626
[12] CD09.02C, City of York Draft Local Plan Incorporating the 4th set of changes, April 2005, Appendix E, iii) criteria for car parking standard flexibility (no page numbers)

space per two non-residential staff. The City Council accept that applying this guidance would mean that the appeal proposal exceeds the amount of car parking indicated in Appendix E. Notwithstanding the clear reference in Appendix E to the figures cited being maxima, the City Council and the Rule 6 parties nonetheless maintained their position of higher levels of car parking provision being required.

35. Given that the DCLP was not progressed to adoption together with the inconsistency of Appendix E with paragraph 108 of the Framework, I afford the car and cycle parking standards in Appendix E limited weight in my determination of this appeal.

36. It is the Council's position that it is relevant to go on and consider data from the 2011 Census in relation to car ownership. In this regard, it has considered amongst other data, car availability by accommodation type based on households living in a 'flat, maisonette, apartment, caravan or other mobile or temporary structure'. However, the Council's evidence fails to adequately explain the rationale as to how using Census data directly leads to the requested provision of 23 car parking spaces.

37. The 2011 Census data is now dated and in relation to car ownership levels the Council has not utilised the data from the latest Census in 2021. Although, the Council do refer to the 2021 Census data in relation to the mode of transport people use to travel to work. The Council has acknowledged[13] that the 2021 Census data does reflect impacts from the Covid-19 pandemic such as greater levels of homeworking which demonstrates material differences between the 2011 and 2021 Census data.

38. In relation to the matter of car parking I find that the City Council has failed to substantiate its case based on objective and appropriate evidence that specifically justifies its position. The Council has also sought to adopt contradictory positions, for example arguing in the Proof of Evidence[14] that research carried out in 2016 is too old to be suitable for transport analysis when at the same time seeking to base its own position on the Census data from 2011 which is even older.

39. I favour the methodology used by the Appellant in comparing the appeal scheme with Belfry Court in Wigginton and a number of other sites operated by Churchill Retirement Living elsewhere in the country as a means of assessing the likely effects of this age restricted form of accommodation. I find the Belfry Court scheme to be directly comparable given the fact that it is the same type of living accommodation as presented in the appeal scheme and it is within close proximity to the appeal site. The survey[15] evidence demonstrated that the maximum parking demand at Belfry Court was 0.3 spaces per unit. The appeal proposal would provide 0.36 spaces per unit, which on the basis of a direct comparison with the primary survey data at Belfry Court, would indicate that the car parking provision would be sufficient to meet the needs of the appeal scheme.

40. The other Churchill Retirement Living schemes that were surveyed[16] demonstrated the average parking demand to be 0.27 spaces per unit. Whilst

[13] CD09.03, paragraph 3.14 (Ms Vergereau, Proof of Evidence)
[14] CD09.03, paragraph 3.35 (Ms Vergereau, Proof of Evidence)
[15] CD08.07, paragraph 5.19 (Ms Hammonds, Proof of Evidence)
[16] CD08.07, Appendix H, page 13

each of these individual sites will have some minor differences in relation to accessibility to public transport and to local services and facilities, I consider them to be a broadly comparable representative sample of retirement living schemes. This survey data is broadly comparable to the results at Belfry Court, further supporting the contention that the proposed car parking provision in the appeal scheme would be sufficient.

41. A number of concerns have been raised regarding existing on-street parking and how insufficient on-site car parking for the appeal proposal would lead to further on-street parking. The photographs submitted by WCG were confirmed to be representative of the on-street parking that occurs outside Belfry Court and Rosevale Residential Care Home. However, there is no substantive evidence to directly link the on-street parking shown in the submitted photographs to either of these properties. On-street parking will occur for a range of reasons and for different durations, including for example deliveries, tradespersons or contractors and visitors to any of the existing properties along The Village. I noted on my site visit that some properties on The Village did not appear to have their own on-site parking. In itself on-street parking does not necessarily lead to a highway safety issue.

42. The Appellant undertook a parking survey using the established Lambeth parking survey methodology to examine the level of existing on-street parking. The result demonstrated that some on-street parking does occur, however, the level of parking stress only reached a maximum of 24%. As such, even if there were to be some overspill car parking required there is on-street parking capacity available. Furthermore, from what I observed on my accompanied and other unaccompanied visits to Wigginton, some on-street car parking had a traffic calming effect with vehicles slowing down. No recorded evidence of any personal injury accidents has been presented. Even with some on-street car parking there were still a range of opportunities to find a suitable place to cross the road.

43. I do acknowledge that vehicles parked half on and off the pavement does occur in Wigginton. The photographs submitted by WCG illustrate this and I also witnessed this during my visits to Wigginton. Parking in this manner does impede the movement of users of the pavement, particularly older and disabled persons and parents with children. However, this is a general problem of a driver's self-awareness and inconsideration for other highway users and cannot be directly attributed as an anticipated specific impact of the proposed development.

44. I saw limited evidence of the use of specific highway markings to restrict on-street parking as a proportion of the road through Wigginton (Mill Lane and The Village) and none within the immediate vicinity of the appeal site. There are other mechanisms available under relevant legislation to manage specific problems if considered necessary.

45. References to other local housing commitments and proposals in the eLP for Wigginton and Haxby have been made. However, there is no cogent evidence before me to identify that the appeal scheme if permitted either individually or in conjunction with the other proposals would result in residual cumulative impacts on the road network that would be severe in line with paragraph 111 of the Framework.

46. Accordingly, in relation to car parking, I do not find that the car parking aspect of the proposed scheme would have a detrimental impact on highway safety that would indicate that permission should be refused in accordance with paragraph 111 of the Framework.

47. Turning to the issue of cycle parking both the Appellant and the City Council agreed that the relevant guidance is set out in the Department for Transport's Local Transport Note 1/20 (LTN 1/20). The City Council in its evidence refers to two different residential categories in Table 11-1 of LTN 1/20. The first being that one cycle parking space should be provided for each bedroom in residential developments. The second being for the residential category of 'sheltered/elderly housing/nursing homes' which looks at 0.05 cycle parking spaces per residential unit for short stay and 0.05 spaces per bedroom for long stay.

48. The City Council has not set out how applying either of these standards in LTN 1/20 justifies the 51 cycle spaces being requested. Neither does it provide any cogent or substantive evidence to justify its position having regard to any other standards, guidance or relevant material planning considerations. In this regard, I find that the City Council has not substantiated its starting position that cycle parking should be based on 1 space per unit together with an additional 5-6 spaces to cater for staff and visitors to the site. In cross examination the Council's witness agreed that the appeal proposal would meet the relevant provisions set out in LTN 1/20.

49. The Appellant's evidence[17] on the demand for cycle parking across its other 127 sites in England is undeniable and I can therefore entirely see why Inspector Stephens described this same evidence as compelling[18]. The evidence clearly demonstrates that the average demand for cycle parking space is 0.71 per development/0.01755 per individual residential unit.

50. Using the standards in LTN 1/20 it would indicate a need for 6 spaces within the appeal proposal. The revised site plan illustrates the location of the 3 covered cycle stands which would make provision for the parking of 6 cycles. As such, when applying the standards, as well as taking account of the Appellant's evidence of cycle parking I find that would be sufficient provision for any future occupiers or lodge managers of the appeal scheme to have a cycle whilst still promoting the opportunity for sustainable travel in line with paragraphs 110 and 112 of the Framework.

51. In conclusion on this second main issue, I find that the proposed development would not lead to a highway safety concern which would be of such magnitude that permission should be refused. I also conclude that the proposed development would include a reasonable and acceptable level of car and cycle parking having regard to the nature of the development in relation to guidance in Appendix E of the DCLP and LTN 1/20. As such in relation to this second main issue there is no harm to suggest that permission should be refused on this matter. The appeal proposal would provide sufficient on-site car and cycle parking and there would not be an unacceptable consequential effect on the highway and safety. Consequently, there would be no conflict with paragraphs 110 to 112 of the Framework.

[17] CD08.07, Appendix E (Ms Hammonds Proof of Evidence)
[18] CD07.03, Appeal Decision APP/H1705/W/20/3248204, paragraph 44

Living conditions of neighbouring occupiers

52. A range of concerns have been raised regarding the effect of the proposal on the living conditions of existing neighbouring occupiers. In addition, WPC and WCG, along with several local residents, spoke at the Inquiry with their concerns.

53. Copperfields is a dormer bungalow adjoining the southern end of the western boundary of the appeal site. The eastern elevation contains a bedroom window at first floor level and at ground floor there is a kitchen door and window together with an attached glazed conservatory opening onto a well-maintained rear garden.

54. From my site visit I observed that the first-floor bedroom window in Copperfields currently provides views into the open grassed area of the existing residential garden of the appeal site. Consequently, I do not dispute that the presence of the proposed appeal building, and its electricity substation building would change the outlook from this first-floor bedroom window. This would lead to some sense of enclosure being experienced by occupiers within Copperfields and to a lesser extent within the garden and even less when using the raised decking area which is located to the west and the other side of the conservatory.

55. On my site visit I found that the presence of the substantial and dense evergreen conifer hedge at the rear boundary of the appeal site already provides a noticeable sense of enclosure from within the rear gardens of those bungalows on Fletcher Court and St Mary's Close. It is not disputed that the height of the proposed building would be visible above the existing conifer hedge. However, the siting of the appeal building would be set back such that the intervening distance would reduce the effect of enclosure on the occupiers of Fletcher Court and St Mary's Close.

56. The presence of the proposed building would introduce a change in the experience for the users of the rear gardens, particularly those in closest proximity, namely Copperfields, Fletcher Court and St Mary's Close. However, I do not agree that there is harm to such a degree that the rear garden areas would cease to become the private retreat as was put to me by one occupier.

57. The presence of the appeal building would be a new feature in the built environment of Wigginton. As such a sense of enclosure would be felt the most by the occupiers of those properties which are physically closest, but also to a lesser extent those which are located slightly further away. There is no right to a view and views of the sky would still exist even with the appeal proposal. Wigginton is a village that appears to have undergone periodic change over time and the potential for future change always exists. I do not find that unacceptable impacts arising from a sense of enclosure would arise to the occupiers of neighbouring properties.

58. When assessing the potential impact on privacy it is important to be clear that an opportunity to look out over an area does not lead to privacy concerns in the same way that direct views between habitable windows would do. It is therefore common practice for some guidelines to establish acceptable distances between habitable windows. It was agreed at the Inquiry that the only local guidance regarding general separation distances that exists is contained within a draft

SPD on House Extensions and Alterations.[19] Although the Draft SPD is not strictly applicable to new residential development such as the appeal scheme.

59. From the submitted plans, the western elevation contains some habitable windows in the northern portion which would afford future occupiers general views to the west across rear gardens. I do not find this to unusual or unacceptable. No primary habitable windows in the western elevation would provide an opportunity for direct overlooking into habitable windows of existing dwellings to the west.

60. Apartments 24 (first floor) and 41 (second floor) each have a secondary habitable window which could provide a potential opportunity for future occupiers to look towards the bedroom window of Copperfields, particularly as the intervening distance between habitable windows is less than the guideline of 21m as set out in the Draft SPD. The intervening distance according to the Appellant's evidence is 14.6 metres. The Appellant suggested a condition to obscure glaze these two secondary windows could be attached[20]. It was apparent from my site visit, that given the distance between Copperfields and the proposed building, the siting of the proposed windows would lead to some overlooking and loss of privacy to the occupiers of Copperfields. Obscure glazing would be an appropriate measure. However, I am also satisfied that, as a small secondary window, the obscure glazing would not then have a detrimental effect on the living conditions of future occupiers of these two apartments.

61. The potential use of obscure glazing for the 4 windows along the second-floor corridor on the western elevation above the courtyard was discussed at the Inquiry. However, the corridor by its very nature is a functional access route to allow occupiers to get to and from their apartments. Although occupiers could pause whilst moving along the corridor, the nature of the space is that it would not be an area where occupiers would dwell for very long. A condition requiring obscure glazing for these windows would be unnecessary.

62. From the submitted plans, it is apparent that there would be no balconies on the western elevation of the southern portion of the building that would directly face the eastern elevation of Copperfields. The siting of the building would mean that the nearest proposed balconies on the southern elevation would not result in an unacceptable impact on the privacy of existing occupiers of Copperfields.

63. The distances between the habitable windows and balconies to the apartments at first and second floor level on the southern elevation which would face the rear gardens and properties on Fletcher Court and St Mary's Close would exceed the distance guidelines contained in the Draft SPD. There would be four modest sized balconies on the southern elevation at first and second floor level. They look towards the intervening public right of way and beyond that the rear of the properties on Fletcher Court and St Mary's Close. The Draft SPD indicates that balconies can be acceptable where they look towards public or communal space, although in this case the public right of way does have a relatively narrow width.

64. I accept that for the occupiers of Fletcher Court and St Mary's Close there could be a perceptional sense of overlooking. However, taking into account the size of the balconies, the intervening distance and the presence of existing mature vegetation and the ability through the landscaping scheme to secure retention

[19] CD09.02H City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (2012)
[20] CD08.03 paragraph 6.34 (Mr Shellum, Proof of Evidence)

and enhancement of this vegetation, I do not find that overlooking would be to a level which would be unacceptable thereby justifying refusal of permission.

65. Concerns were also raised regarding the effect of the size of the appeal building on levels of sunlight to neighbouring occupiers. The submitted shadow study has been prepared using good practice standards. The sun is at a much higher angle in the sky during the summer months than during the winter. Based on the evidence before me in this regard it has not been demonstrated that the proposal would lead to an unacceptable impact.

66. Reference was also made at the Inquiry to the impact of the headlights from vehicles exiting the site. The position of the vehicle access opposite existing dwellings is not dissimilar to residential properties whose driveways also front onto a highway or a road opposite a property. It is necessary to remember that the appeal proposal is not a commercial or residential institution use whereby vehicle movements may be exiting at a specific time thereby resulting in a sustained short period of potential disturbance from headlights. As such I do not find that there would be any harm in this regard. In relation to concerns regarding building lighting, a lighting scheme for the site could be satisfactorily controlled by a planning condition in the first instance as part of the finer details.

67. The proposed development would represent a change, which would be particularly experienced by the occupiers of those properties living adjacent or within very close proximity to the appeal site. However, the effect of the appeal proposal on the living conditions of existing occupiers with regard to outlook, enclosure, privacy and overshadowing is not unacceptable in my judgement.

Living conditions of future occupiers

68. Concerns were raised regarding whether the appeal proposal would provide acceptable living conditions for future occupiers, specifically in respect of amenity space and outlook. In the absence of any adopted local guidance on either a specific quantum and/or quality criterion; it is a matter of judgement for the decision maker with reference to general principles contained in the Framework (paragraph 130), National Design Guide, Draft SPD[21] and Policy ENV02 of the eLP viewed through the prism of the Framework all of which seek the principle of a high standard of amenity.

69. From the submitted plans and the evidence that I have read and heard, the resident's lounge would be the principal internal communal amenity space together with its associated outdoor amenity area which is well located to create an intimate and sunny area, particularly around midday. There are no indicated restrictions on access for future occupiers to any part of the landscaped areas within the whole site.

70. The external amenity space for future occupiers of the appeal scheme would be a combination of private space and communal space. For those future occupiers seeking some dedicated private space, a proportion of the apartments have modest balconies. The ground floor apartments would have a door which would allow access to the landscaped areas immediately outside of their apartment. The plans do not indicate this would have any specific means of enclosure to restrict the space immediately outside the ground floor apartments. As such all of the overall communal space would be available to all occupiers. It is

[21] CD09.02H City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012)

important to keep in mind, as the Appellant explained, that one of the many reasons why someone would make a lifestyle choice and move into a retirement apartment is that maintenance and upkeep of a property and garden is no longer desirable or practical. As such in my judgement there is sufficient quantum of shared amenity space for future occupiers which would provide "usable private amenity space…and space that is suitable and welcoming to sit out in" in line with paragraphs 9.1 and 9.2 of the Draft SPD.

71. Turning to concerns relating to outlook for future occupiers of the apartments, and in particular the eastern elevation. The Appellant's cross section[22] uses apartment 3, which the Appellant has identified as being the closest one to the eastern boundary and demonstrates that there would be sufficient separation from the boundary to enable skyward views.

72. The landscaping plans submitted set out an overall strategy with constraints and opportunities. Further details could be secured by planning condition, and when implemented, would ensure a high-quality external amenity space to look out onto. In relation to future occupiers, I do not find that the living conditions in this appeal proposal would be unacceptable.

73. The City Council has referred to an appeal[23] in which the Inspector assessed external amenity space and outlook. Whilst I can note the written analysis of the Inspector's decision in that case, the details of this scheme have not been presented to me, so it inevitably limits the ability for me to determine how comparative or otherwise it is to the appeal scheme. In any event each application and appeal should be determined on its own merits which is what I have done.

74. In conclusion to this third main issue, I find that no unacceptable harm would arise to the living conditions of neighbouring occupiers, with particular regard to privacy and overshadowing; and the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to amenity space and outlook. Accordingly, there would be no conflict with paragraph 130 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users. Nor within Policies D1 as modified of the eLP and ENV2 as modified of the eLP.

Other Matters

75. No 11 The Village is a modern interpretation of an agricultural style with 'eclectic fenestration'[24] and replaced what was a large house with double pile roof with well-balanced and traditionally designed fenestration[25]. Whilst the City Council has raised no concerns regarding the demolition and loss of the appeal building, a number of the interested persons who have made representations regard the appeal building as one of local interest.

76. The City Council raised no concerns in relation to heritage. However, heritage formed a substantive part of WPC's case, who commissioned a Historic Appraisal[26] to provide a brief historic character appraisal of the appeal site and

[22] CD08.08A Appendix A (Mr Shellum, Rebuttal Proof of Evidence)
[23] CD09.02i Appeal Decision Reference APP/Z1510/W/17/3188192, dated 23 July 2018
[24] ID.01
[25] CD10.03 Old Tannery Site, Wigginton, Historic Appraisal, Woodhall Planning and Conservation, March 2023, figure 14, page 17
[26] CD10.03 Old Tannery Site, Wigginton, Historic Appraisal, Woodhall Planning and Conservation, March 2023

to provide them with some guidance for planning decision-making on the site and more generally.

77. The existing appeal building and its outbuildings which would be demolished as part of the appeal proposal are not Listed Buildings and Wigginton does not have a Conservation Area. WPC confirmed that it was not part of their case that the appeal proposal would affect any designated heritage assets, including the Haxby Conservation Area or Listed Buildings within Haxby. Consequently, the appeal scheme is not near to or within the setting of designated heritage assets.

78. WPC contend that the appeal building should be considered a non-designated heritage asset (NDHA). The Framework does not define what constitutes a NDHA nor does it prescribe how they should be identified. The PPG indicates that NDHA are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.

79. The PPG[27] indicates that there are a number of processes through which NDHA may be identified, including the local and neighbourhood plan-making processes and Conservation Area Appraisals and reviews. The City Council, as the local plan-making body, have not identified the existing buildings on the appeal site as a NDHA. PPG goes on to say that irrespective of how they are identified, it is important that decisions to identify them as NDHA are based on sound evidence. There is a need for information on NDHA to be accessible to the public, including information on the criteria used for selection. Information on NDHA should be included in the local historic environment record. Whilst the PPG does indicate that planning authorities may identify NDHA as part of the decision-making processes on planning applications, the example provided is following on from archaeological investigations.

80. New evidence was presented by WPC at the Inquiry (ID01, 12 and 22) such that WPC has invited me to identify No 11 The Village as a NDHA. In particular, the brief response from York Civic Trust (ID22) which was tendered on the last day of the Inquiry indicates that they consider the existing appeal building to be a NDHA. However, insufficient evidence has been submitted to the Inquiry to explain the methodology and criteria used by the York Civic Trust in reaching that view. As such it limits the weight that can be attached to their conclusions.

81. In my experience, identifying NDHA assets is a structured process often involving several stages, involving evidence and consultation on both the selection criteria and then how the buildings meet the criteria, before reaching a conclusion. In this case, there has been no specific, detailed and structured assessment of the significance of the existing buildings on site presented to the Inquiry to support the contention by WPC and York Civic Society. Moreover, the expert evidence contained within both the WPC commissioned report and the Ecus report[28] prepared to support the proposal, individually or collectively, do not indicate that the appeal building demonstrates the qualities to be considered as an NHDA. Consequently, on the basis of the evidence presented to me I am unable to reach a conclusion that the existing building on site should be identified as a NDHA.

[27] PPG Paragraph 040 Reference ID: 18a-040-20190723
[28] CD08.03C Appendix 3 (Mr Shellum, Rebuttal Proof of Evidence)

82. Even if the appeal building was a NDHA it would not preclude development. The policy test is set out in paragraph 203 of the Framework and requires a balanced judgement having regard to the scale of any harm or loss to the significance of the heritage asset. Demolition would result in the total loss of the existing building. There is a range of benefits arising from the appeal scheme including: the provision of 45 units of specialist housing for older persons for which there is a critical need, and the proposal would make more effective use of land within a settlement with good accessibility to services and facilities. In addition, future occupiers would have the opportunity to support these services and facilities which is good for the economy and society as well as their own well-being. In conclusion to this particular matter, I therefore find that that benefits arising from the appeal proposal would outweigh the loss of the existing buildings, even if they were considered to be a NDHA.

83. On the matter of drainage and the potential for flooding, the evidence submitted does not indicate anything that would justify withholding permission. No relevant statutory consultee concerns have been expressed. In any event, the requirement for a drainage scheme to manage both surface and foul water can be satisfactorily addressed by a suitably worded planning condition.

84. The appeal site lies approximately 3.1km to the East of the Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest. As such it now lies within the Zone of Influence for the SAC which has been introduced within Policy GI2a of the eLP. The SAC was designated because of the presence of Annex I[29] habitats (North Atlantic wet heaths and European dry heaths). The conservation objectives are to maintain/restore the extent and distribution of the natural habitats, the structure and function and supporting processes on which the habitats rely.

85. The City Council and Natural England have not raised any concerns on this matter. However, The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require the decision maker to consider the likely significant effects and or adverse effects on the integrity of European sites of plans/projects, either alone or in combination with other plans or projects. The City Council, its consultees and the Appellant have not raised any concerns. This responsibility falls to me as the competent authority in the context of this appeal. From the submitted information, the pressures on the SAC arise from recreational use and in particular dog walking with the majority of visitors arriving by car, inappropriate scrub control and air pollution. I am aware that Strensall Common SAC is used extensively by the Ministry of Defence as part of their training estate and as such this may limit public access to certain areas and at certain times.

86. I note that the consolidated main modifications (January 2023) text to Policy GI2a for Strensall Common SAC indicates that *"(b) (ii) proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans for projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity."*

[29] European Council Directive 92/43/EEC, The Conservation of Natural Habitats and of Wild Flora and Fauna.

87. The specific type of housing development being proposed is for age restricted retirement living and is therefore determined in line with what the planning permission would permit. During the Inquiry much was heard about the likely type and nature of the future occupiers of the appeal scheme which was based upon the experience of other sites owned/operated by the Appellant. Given the age restriction of the scheme, evidence presented demonstrating limited parking demand from the appeal scheme which suggests that there would be limited car usage, together with the intervening distance and availability of a range of amenity space within the appeal site itself but also other green space areas within Wigginton and Haxby, any additional visitors to the SAC from the appeal scheme would be negligible. The appeal proposal would have no impact on the scrub control or air pollution threat pressures to the SAC. These specific factors lead me to conclude that either alone, or in combination with other plans or projects, even when applying the precautionary principle, the appeal proposal would not give rise to likely significant effects and or adverse effects on the integrity of the Strensall Common SAC.

88. Prior to the current residential use, the appeal site was historically used as a tannery. Whilst the site has not been formally confirmed as contaminated under Part IIA of the Environmental Protection Act 1990, local concerns have been raised with references made to property searches noting potential for contamination and the use of insurance covenants. Such processes are precautionary and insurance covenants are not unusual for a wide range of matters including any potential for any form of contamination. The application was supported by a Desk Study Appraisal and Ground Investigation Report which explained that from the site investigations undertaken there were some contaminants present within the made ground. Supplementary site investigations and construction guidance were recommended. This matter can be addressed through a suitably worded planning condition.

89. Concerns were raised regarding the effect on biodiversity and wildlife, with particular reference to hedgehogs. The ecological surveys undertaken do not demonstrate that the appeal site accommodates a wide variety of species. In fact the City Council noted that the large coniferous hedge at the southern boundary did not make a positive contribution to biodiversity. The submitted ecological report[30] makes recommendations, including specifically for hedgehogs, which would form the basis of an ecological enhancement plan or equivalent and be satisfactorily secured through a planning condition.

90. A range of concerns were raised regarding the capacity issues within the local health care services. Notwithstanding the Appellant's evidence which suggested financial benefits to the National Health Service which flows from this form of accommodation, a specific financial contribution for the expansion of the Wigginton and Haxby Health Centre has been included within the submitted s106 Agreement, I shall return to this matter later in this decision.

91. The Levelling Up and Regeneration Bill was referred to, however, it is important to remember that this is draft legislation. Participation in the planning process has always been sought and encouraged. WPC and WCG and other interested parties have actively participated in this Inquiry, and I have had full regard to the matters raised alongside all the other representations made including those made by neighbours and other local residents.

[30] CD02.06 Preliminary Ecological Appraisal and Bat Roost Assessment (Report no.14650.R02a), Tyler Grange 1 September 2022

92. The appeal site abuts an area of grass which is intended to become a Whole Life Community Garden in the future and used for social prescribing by the medical practice. I have had full regard to the concerns expressed by the trustees including matters such as overshadowing, overlooking and noise, which could affect the well-being of users of this space in the future. However, the evidence presented to me does not demonstrate that this use formally exists at present. Furthermore, no definitive evidence regarding timescale, funding or delivery mechanism has been offered to provide certainty regarding this use. I am not satisfied that cogent evidence has been demonstrated to show that the appeal proposal would result in harm to the Whole Life Community Garden if it were to be progressed. Even if the proposed use were to be delivered there would be some passive surveillance from occupiers of the appeal development which could be beneficial and would add further interest to their views. Future garden design proposals could incorporate measures to provide specific private areas within the garden if that was deemed necessary.

93. A number of concerns from interested parties were raised about the need for this type of accommodation, particularly in Wigginton and the implications this proposal may have on the demographics. The City Council has an existing identified unmet need for specialist housing for older persons, furthermore it was agreed to be a 'critical' need. The City Council confirmed during the Inquiry that this need was York-wide, no evidence exists at a sub-York level to examine the distribution or otherwise of such types of proposals. Evidence tendered relating to vacancy and retirement living properties for sale is an indication of the market operating rather than market failure.

94. The concerns raised regarding the Appellant's community consultation, liaison with WPC and the incorporation of comments made by local residents prior to the submission of the planning application are not matters within the scope of this appeal.

Planning Obligation

95. A section 106 planning obligation has been submitted. The planning obligation is in the form of an Agreement between the Appellant, landowners and the City of York Council. A CIL Compliance Statement was produced by the City of York Council in relation to the planning obligation. I have had regard to the s106 Agreement and the CIL Compliance Statement taking into account the Community Infrastructure Levy Regulations 2010 (as amended) (CILR) together with the advice contained in the Framework and PPG.

96. The Framework in paragraph 55 indicates that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

97. Regulation 122 of the CILR (as amended) and paragraph 57 of the Framework identify that planning obligations must only be sought where they meet all of the following three tests: (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.

98. The s106 Agreement contains obligations in respect of affordable housing, health services, informal open space, outdoor sports and subsidised travel measures.

There is agreement between the Appellant and the City Council in relation to all matters except for the subsidised travel measures.

99. The s106 Agreement secures a financial contribution of £250,000 to be paid by the landowners to the City Council towards the provision of off-site affordable housing in lieu of on-site provision. Securing a financial contribution toward off-site affordable housing is necessary to meet the requirements of paragraphs 60-67 of the Framework and Policy H10 of the eLP. The financial contribution has been calculated based on the development proposed, the eLP, York's Local Housing Market Assessment and the Viability SoCG. The s106 Agreement requires the affordable housing contribution to be used towards the provision of off-site affordable housing. It is directly related to the development and is fairly and reasonably related in scale and kind.

100. A financial contribution of £46,345 is secured through the s106 Agreement for health services. The CIL Compliance Statement identifies that this money would be used for the provision of additional operational floorspace at the Haxby Medical Practice. In particular, for the refurbishment and repurposing of a vacant pharmacy area within the Practice to accommodate additional consulting rooms. The financial contribution has been calculated on the basis of capital costs and estimated population growth and is detailed in the consultation response from the NHS Humber and Yorkshire Integrated Care Board (ICB)[31]. At the Inquiry the ICB representative confirmed that in their view the financial contribution is still needed.

101. The health services contribution is necessary in the context of paragraphs 92 and 93 of the Framework and Policies HW5 and DM1 of the eLP. Haxby Medical Practice is located in close proximity to the appeal site and is therefore likely to be utilised by future occupiers of the development. Accordingly, it is directly related to the development and is fairly and reasonably related in scale and kind.

102. The s106 Agreement would also secure a contribution of £9,362 to be paid to the City Council towards improvements to Wigginton Pond. It was explained that this money would be put towards bankside repairs, biodiversity enhancement, improved seating and information/interpretation boards. Within the Haxby and Wigginton Ward an assessment[32] shows a shortfall in all typologies of amenity open space. Whilst the contribution would not increase the amount of amenity open space it would nevertheless make an existing area of open space more useable and provide an opportunity, particularly for older residents, to support their general health and well-being. Wigginton Pond is within easy walking distance of the development and is most likely to be utilised by future occupiers of the development. Accordingly, it is fairly and reasonably related in scale and kind and is directly related to the development. It is also necessary having regard to paragraphs 92 and 98 of the Framework and Policy G16 of the eLP.

103. There is an obligation for £13,206 secured in the s106 Agreement as the outdoor sports contribution. In particular, this would be used for improvements at Wigginton Sports and Playing Field Association. The financial contribution is based upon the methodology[33] for commuted sum payments for open space,

[31] CD12.04b
[32] CD05.05
[33] CD05.06

therefore I am satisfied that it is fairly and reasonable related in scale and kind to the development.

104. The Wigginton Sports and Playing Field Association is accessible to the appeal site. Based upon evidence at the Inquiry regarding existing facilities and how the money would be spent to improve those facilities I am satisfied that the financial contribution is necessary and is directly related to the development. In coming to that view, I have considered paragraphs 92, 93 and 98 of the Framework and Policy G16 of the eLP.

105. In relation to the Sustainable Travel Contribution in the s106 Agreement, the City Council is seeking a sum of £9,000 which would be utilised at the value of £200 per dwelling to provide the first occupants either with day bus passes for use on local bus services in York or bicycle/bicycle equipment. The Appellant maintained that this particular obligation would not meet the tests set out in Regulation 122 of the CILR. It nevertheless still formed part of the final legal agreement provided by the Appellant, but it is subject to a clause which would result in it ceasing to have effect in the circumstances that the appeal decision concluded that the obligation was incompatible with the tests in Regulation 122 of the CILR.

106. Evidence[34] was presented regarding the issue of cycle ownership at other Churchill Retirement Living Schemes which identified very limited use of cycles. I find this evidence to be determinative. Having regard to the overall age requirements for occupancy of the development and the lifestyle characteristics of the occupiers based specifically around the concept of retirement, future occupiers are unlikely to be actively working. The Appellant's evidence demonstrated that the average age on entry at a Churchill Retirement Living Scheme is 81 years old[35] which is useful context.

107. Future occupiers of the development will be entitled by virtue of their age to an older person's concessionary bus pass. Whilst there are time restrictions on their use, such restrictions would only be likely to be a form of constraint for work commuting if that was required before 09.30am. Based upon the evidence presented, the Sustainable Transport Contribution fails to meet the tests of being necessary, directly related and fairly and reasonably related in scale and kind to the development.

108. Consequently, I find that the Sustainable Transport Contribution does not comply with Regulation 122(2) of the CILR. Accordingly, I attach no weight to this particular obligation in the section 106 Agreement in determining this planning appeal.

109. All of the other obligations in the s106 Agreement relating to affordable housing; health services; informal open space; and outdoor sports 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, these obligations of the s106 Planning Agreement meet the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision.

[34] CD08.07, Appendix E
[35] CD08.07, Paragraph 5.13

Planning Balance

110. There is no adopted statutory development plan for the City of York, save for the retained Regional Spatial Strategy policies on Green Belt which are not relevant in this case. References have been made to the City of York Draft Local Plan incorporating the fourth set of changes – the Development Control Local Plan 2005 (DCLP) and the emerging Local Plan (eLP) which is progressing towards adoption with the main modifications having recently been consulted upon. Although the DCLP and the eLP do not form part of the statutory development plan for the purposes of s38(6) Planning and Compulsory Purchase Act 2004, they are both capable of being material considerations in determining planning applications in so far as they are consistent with the National Planning Policy Framework. The Haxby and Wigginton Neighbourhood Plan is also in preparation. Although a copy titled 'HWNP Plan Draft v2.4.docx' was submitted as part of the Core Documents, no evidence was available to confirm that this would constitute the published draft plan under the provisions of Regulation 14 for consultation. As such it has not yet reached the formal stage where it can begin to carry some weight in the decision-making process.

111. In the absence of adopted development plan policies, it is an agreed position that decision-making in this case engages the presumption in favour of sustainable development as established in paragraph 11(d)(ii) of the Framework. There are no footnote 7 policies of the Framework in this case which would disengage the presumption.

112. There are a number of benefits of the appeal scheme which were put forward by the Appellant. Considering the discussion at the Inquiry and the relative weight to the suggested benefits, I deal with each of these below explaining the weight I attribute.

113. The appeal is a housing proposal which would provide 45 units, delivered in the short term within an authority area where it is agreed that there is no 5-year housing land supply. This attracts significant weight. Furthermore, it would also provide an early and specific contribution to the existing unmet and critical need for older persons accommodation. This also attracts significant weight. There is a degree of logic and expectation that the scheme would enable the release of potentially under-occupied housing into the wider market. In this case the evidence from the Strategic Housing Market Area Assessment is that some 81.8% of homes within the sub-urban area of York are under-occupied. Whilst it is acknowledged that there is no guarantee that upon release the homes would be more fully occupied, in my view, any opportunity to enable more efficient use and effective occupation level of the overall housing stock should be supported and therefore attracts significant weight.

114. The site is located within the built-up area of Wigginton. It is a sustainable location with a very good public transport network into York. The blue line timetables presented to me in particular demonstrate multiple services throughout the day and late into the evening every day of the week including Sundays, which attracts significant weight. The buildings on the appeal site should be assessed as previously developed (brownfield), the remainder as a residential garden would be regarded as greenfield land. The Framework is clear that substantial weight should be given to the value of using suitable brownfield land (paragraph 120 c). This is accompanied by the need to promote and support the development of under-utilised land and buildings (paragraph 120 d).

The redevelopment of the brownfield part of the site together with the environmental benefits of a more suitable landscaping that would also enhance the biodiversity of the site and immediate area should attract significant weight. I disagree with the City Council and find that this is an underutilised site when taking into account the location and the evolution of the pattern of built development within Wigginton, to which I ascribe moderate weight.

115. The economic benefits of the scheme are suggested as being in relation to construction jobs and the expenditure within local shops and other services and facilities within the local area. Although reference was made during the Inquiry to the suggestion that no-one from Belfry Court had ever purchased a newspaper from the convenience store in Wigginton, this is anecdotal evidence which was not underpinned by any form of survey or similar substantiation. The City Council also sought to cast doubt on the benefit from construction jobs since there was no local labour agreement. In my view, economic benefits would arise from both the construction phase and from the future occupiers which attract significant weight since planning policies and decisions should help to create conditions in which businesses can invest, expand and adapt in line with paragraph 80 of the Framework.

116. The submitted evidence[36] relating to the health and social benefits from specialist retirement living housing scheme is accepted and the findings have not been disputed by any counter evidence or research. As such it attracts significant weight.

117. In terms of the disbenefits or harms of the scheme, there will be some limited impacts on the living conditions of the neighbours, which does weigh against the scheme. The demolition of the existing dwelling with outbuildings would be a loss to the housing stock but would be outweighed by the net gain of accommodation from the more effective use of the site. As such this is a neutral factor in the planning balance. For the reasons set out earlier I do not agree that the existing dwelling constitutes a NDHA.

118. I have found no harm which individually or cumulatively would significantly and demonstrably outweigh the benefits. As such the proposed development benefits from the Framework's presumption in favour of sustainable development and planning permission should be granted.

119. Even if I had reached a contrary conclusion in relation to the suggestion of the appeal building being considered as a NDHA, any harm which might be identified as arising from the appeal proposal would not significantly and demonstrably outweigh the range of benefits that would flow from this proposal.

Planning Conditions

120. As part of the appeal procedure a list of suggested conditions was prepared by the City Council in conjunction with the Appellant. Whilst largely agreed in principle, some disagreements remained in relation to the trigger points and also drainage, dilapidation survey of the highway, and electric vehicle charging points. These were explored during the Inquiry session on planning conditions.

121. I have considered the suggested conditions in light of the discussion at the Inquiry and the advice in both the Framework and the PPG. I have imposed the suggested conditions with some minor changes to ensure they accord with the

[36] CD08.03D Appendix 4 [19-20] (Mr Shellum, Proof of Evidence)

tests set out in national policy, some have been merged in the interests of precision or to avoid duplication. All conditions imposed are reasonable and necessary to make the development acceptable in planning terms. The Appellant provided written agreement to the pre-commencement conditions as discussed. The conditions have been re-ordered to provide clarity regarding the order with which they are to be satisfied to reflect good practice.

122. **Condition 1** sets out the standard time limit within which the development must begin. **Condition 2** is necessary to ensure the development is carried out in accordance with the approved plans.

123. Some aspects of the proposal need to be approved pre-commencement as they directly influence how the development will proceed. **Condition 3** for the Construction Environment Management Plan (CEMP) is necessary in order to minimise the impacts of the demolition and construction operations on local residents, local businesses and those travelling through the area, and to protect the general environment. The separate suggested condition for the method of works has been merged into condition 3 for reasons of precision as to how the demolition and construction activities will operate.

124. I have merged the suggested contamination conditions into a single condition (**condition 4**). It is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment. **Condition 5** is necessary to establish the approach for managing any archaeological interest which may be found on the site prior to construction. Demolition of the existing buildings could be undertaken as no substantive evidence has indicated that the existing buildings themselves contain any significant archaeological interest. **Condition 6** relates to the drainage scheme which is necessary in order to manage water to and from the site and prevent flooding.

125. There are several pre-above ground works which would be the next phase of the development. **Conditions 7 and 8** are necessary to protect the general character and appearance of the area. **Conditions 9 and 10** are necessary to ensure satisfactory access and cycle parking is secured. In condition 10 I have removed reference to cycles as it would be duplication.

126. Biodiversity enhancement is covered by **condition 11** and is necessary to secure net gain. It remains as a condition of its own rather than merge into CEMP since the CEMP is more about the construction environment rather than the natural environment. **Conditions 12 and 13** are necessary to ensure that the means of enclosure and landscaping details are satisfactory.

127. I have amended the suggested condition relating to electric vehicle charging points to remove the requirement to provide them as it would duplicate current Building Regulations. However, to address the City Council's concerns regarding their design and appearance, **condition 14** will require the submission and approval of the details of the appearance of any electric vehicle charging points on the site. This is necessary to protect the character and appearance.

128. I am satisfied that a condition relating to the removal of former vehicular crossings is necessary to improve the pedestrian environment (**condition 15**). **Condition 16** relating to bus stop improvements is required in the interests of

sustainable transport. I am satisfied that the location can be adequately resolved through the discharge of condition process.

129. Given the potential for overlooking from a secondary window to one of the bedrooms in apartments 24 and 41; **Condition 17** is necessary to require some obscured glazing to protect the privacy of the occupiers of Copperfields as the nearest dwelling to the appeal building.

130. Conditions for compliance are set out at the end and are necessary to define the permission. **Condition 18** on preventing clearance works and demolition during the bird breeding season does to an extent duplicate other legislation. No party has disputed the reasonableness of this condition. However, I have removed the suggested requirement to submit for approval the pre-works ecologist survey as this was unduly onerous and not necessary. **Condition 19** relates to lighting to be approved and **condition 20** prescribes the construction working hours. Both are necessary in the interests of protecting the living conditions of existing occupiers.

131. **Condition 21** sets out the age restriction for the occupiers of the scheme which is reasonable for a scheme which is promoted as specialist housing for older persons. There was a suggestion that a lower age threshold should apply. However, that would materially alter the scheme from that upon which consultation has taken place and the actual evidence at the Inquiry has been based. As such I find that the age limit of 65/60 as set out in condition 21 is necessary, reasonable and appropriate in this case.

132. The nature of construction activity and associated vehicle movements does not justify, in my view, the suggested condition for a survey of the highway pre and post works. Such a condition is not necessary in relation to this scale of development and therefore fails the tests in the Framework.

Conclusion

133. The appeal is allowed and planning permission is granted subject to the conditions set out in the attached Schedule.

134. I recognise that this outcome will be disappointing to those opposing the development. However, the views of local people, very important though they are, must be balanced against other considerations. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made, which in the absence of an adopted development plan I have balanced against the provisions of the National Planning Policy Framework and other material considerations. On balance, the evidence in this case leads me to the view that the appeal should succeed.

Rachael A Bust

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (21 in total)

Standard Conditions

Commencement

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Approved Plans

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

Location Plan 50010WG/PL001 (June 2022)
Site Plan showing Roof Plan 50010WG/PL002 Rev A (04.07.2022)
Site Plan showing Ground Floor Plan 50010WG/PL002 Rev A (17.04.23)
Ground Floor Plan 50010WG/PL003 (June 2022)
First Floor Plan 50010WG/PL004 (June 2022)
Second Floor Plan 50010WG/PL005 (June 2022)
Roof Plan 50010WG/PL006 (June 2022)
Elevations 1 – North & East 50010WG/PL007 (June 2022)
Elevations 2 – South & West 50010WG/PL008 (June 2022)
Internal Elevations – North & South 50010WG/PL009 (June 2022)
View from The Village 50010WG/PL0010 (June 2022)
Landscape Constraints & Opportunities JBA 22 185 SK01 Rev A (14.06.2022)
Landscape Strategy Masterplan JBA 22 185 SK02 Rev D (26.04.23)
Tree Protection Plan 22005-2 (undated)

Pre-Commencement Conditions

Construction Environmental Management Plan

3. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following matters:

1. A detailed method of works statement identifying the programming and management of demolition, site clearance, preparation and construction works and to include:
   (a) measures to prevent the egress of mud and other detritus onto the adjacent public highway;
   (b) the routing of construction traffic that will be promoted;
   (c) a scheme for signing the promoted construction traffic routing;
   (d) where contractors will park; and
   (e) where materials will be stored on site.
2. Measures to minimise the creation of noise during works;
3. Measures to minimise the creation of vibration during works;
4. Measures to minimise the creation of dust during the work and a site specific risk assessment of dust impacts in line with guidance provided by IAQM (see http://iaqm.co.uk/guidance/) and a package of mitigations measures commensurate with the risk identified in the assessment.

All works on site shall be undertaken in accordance with the approved CEMP.

Contamination
4. Part 1 (site investigation and risk assessment)
Prior to the commencement of development, notwithstanding any assessment previously provided, an investigation and risk assessment must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be submitted to, and approved in writing by, the Local Planning Authority. The findings report shall include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems and
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced).

Part 2 (remediation scheme)
Subject to the findings in Part 1 of this condition, a detailed remediation to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3 (remediation scheme implementation)
In the event of the requirement for the approved remediation scheme under Part 2 of this condition, the remediation scheme must be carried out in accordance with its terms and a verification report by suitably competent persons that demonstrates the effectiveness of the remediation carried out must be produced and submitted to, and approved in writing by, the Local Planning Authority prior to first occupation.

Part 4 (unexpected contamination)
Any unexpected contamination found at any time when carrying out the approved development must be reported in writing immediately to the Local Planning Authority. Development on the affected part of the site should be suspended until an investigation, risk assessment and remediation scheme is prepared, submitted to, and approved in writing by, the Local Planning Authority. Following completion of

measures identified in the approved remediation scheme a verification report must be prepared, submitted to, and approved in writing by, the Local Planning Authority before development on the affected part of the site is then able to be resumed.

Pre-Commencement except for above ground demolition conditions

Archaeology

5. A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before the development hereby permitted can commence.

   (a) No development, except for above ground demolition, shall take place until a Written Scheme of Investigation (WSI) for a watching brief has been submitted to, and approved in writing by, the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by Local Planning Authority and the Chartered Institute for Archaeologists.

   (b) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the WSI and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

   (c) A copy of a report shall be deposited with the City of York Historic Environment Record to allow public dissemination of results within 3 months of completion of the report.

Drainage

6. Prior to the commencement of development, except for above ground demolition, a drainage scheme to manage both surface and foul water from the development shall be prepared, submitted to, and approved in writing by, the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of the development.

Pre-Above Ground Works Conditions

Materials

7. Prior to the construction of the development hereby permitted beyond foundation level and notwithstanding any proposed materials specified on the approved drawings or in the submitted application form, samples of the external materials to be used for the building hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out using the approved materials.

8. Prior to the commencement of the development hereby permitted beyond foundation level, a sample panel of the brickwork to be used on the building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing

by, the Local Planning Authority. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Bicycles

9. Prior to the commencement of the development hereby permitted beyond foundation level, details of the bicycle parking areas to accommodate 6 bicycles, including their secure means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to first occupation. The bicycle parking area and means of secure enclosure shall be retained thereafter and not used for any other purpose than for the parking of bicycles.

Access

10. Prior to the commencement of development hereby permitted beyond foundation level, details of the site access design shall be submitted to, and approved in writing by, the Local Planning Authority. The building shall not be occupied until the areas shown on the approved plans for access, parking and manoeuvring vehicles have been constructed and laid out in accordance with the approved plans and retained solely for such purposes thereafter.

Biodiversity

11. Prior to construction of the development hereby permitted above foundation level, a biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the plan shall include, but not be limited to, the recommendations set out in the Preliminary Ecological Appraisal (Tyler Grange, 1 September 2022, Report No. 14650_R02a). The approved details shall be implemented prior to first occupation.

Pre-occupation Conditions

Boundary treatment

12. Prior to first occupation of the development hereby permitted details of all means of enclosure to the site boundaries, (including security measures as appropriate), shall be submitted to, and approved in writing by, the Local Planning Authority, and the means of enclosure shall be implemented in accordance with the approved details and be retained thereafter.

Hard and soft landscaping

13. Prior to first occupation of the development hereby permitted a detailed hard and soft landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of first occupation of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Electric vehicle charging points

14. Prior to first occupation of the development hereby permitted details of the appearance of any electric vehicle charging points to be installed shall be submitted to, and be approved in writing by, the Local Planning Authority and

thereafter it shall be implemented in accordance with the approved details and be retained.

Vehicular crossings

15. Prior to first occupation of the development hereby permitted, all vehicular crossings not shown as being retained on the approved plans shall be removed and the kerb and footway reinstated to match adjacent levels.

16. The development hereby permitted shall not come into use until the following highway works, which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works, and the provision of one additional bus stop on The Village to entail one bus pole and Kassel kerbing, have been carried out in accordance with the details which shall have been previously submitted to and approved in writing by, the Local Planning Authority, or arrangements entered into which ensure the same.

Obscure glazing

17. Apartments 24 and 41 shall not be occupied until the bedroom windows on their western elevation have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to, and approved in writing by, the Local Planning Authority before the window are installed and once installed the obscured glazing shall be retained thereafter.

Compliance Conditions

18. No vegetation clearance, tree works or building demolition works shall take place between 1 March and 31 August inclusive in any year, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before the start of works.

19. Prior to the installation of any new lighting, a Lighting Design Plan shall be prepared, submitted to, and approved in writing by, the Local Planning Authority. Lighting shall be installed and implemented in accordance with the approved Lighting Design Plan.

20. All demolition and construction works and ancillary operations, including deliveries to, and despatch from, the site shall be confined to the following hours:

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1300 hours

Not at all on Sundays, Bank Holidays or Public Holidays.

21. Each apartment hereby permitted shall be occupied only by:

(1) a person aged 65 years or older;
(2) persons aged 60 or older who are living as part of a single household with the above person in (1); or
(3) persons aged 60 years or older who were living as part of a single household with the person identified in (1) who has since died.

End of schedule

APPEARANCES

FOR THE APPELLANT:

Neil Cameron, of King's Counsel, instructed by Matthew Shellum MRTPI of Planning Issues

He called:

Nick Wood BA(Hons), DipArch, RIBA, ARB	Design Manager, Planning Issues
Dominic Scott BA(Hons), Dip Landscape Architecture, MLI	Urban Design Director, Stantec
Kim Hammonds BA(Hons), MSc, CTPP	Principal Transport Planner, Paul Basham Associates Limited
Matthew Shellum BA(Hons), DipTP, MRTPI	Planning Director and Head of Appeals, Planning Issues

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson, of Counsel instructed by the solicitor to the City of York Council

He called:

Erik Matthews BSc (Hons), PGDipTP	Development Management Officer, York City Council
Helene Vergereau LLM, PGDip	Traffic and Highway Development Manager, York City Council

Present for the planning obligations session:

Stephanie Porter	Humber and North Yorkshire Integrated Care Board
Paul Ramskill	Community Sports Development Manager, York City Council

FOR WIGGINTON PARISH COUNCIL, RULE 6 PARTY:

Karin de Vries MA	Clerk to Wigginton Parish Council

FOR WIGGINTON COMMUNITY GROUP, RULE 6 PARTY:

Paul Clays

Guy Morgan

Kim Watson

INTERESTED PARTIES:

Councillor John Gates	Local resident and Chairman of Wigginton Parish Council
Granville Heptonstall BA, MA	Wigginton Community Group
Steve Holt	Wigginton Community Group
Linda Pepper	Wigginton Community Group and also on behalf of Michael Richardson

DOCUMENTS SUBMITTED AT THE INQUIRY

ID.01 Front cover and entry 739 from The Buildings of England Yorkshire: The North Riding by Jane Grenville and Nikolaus Pevsner, April 2023.

ID.02 Coloured extract from OS sheet CLVII.NW showing Wigginton, surveyed 1891, published 1895.

ID.03 Appeal Decision APP/L3245/W/22/3303317, 17 New Street, Wem SY4 5AE, dated 31 March 2023.

ID.04 Opening Statement on behalf of the Appellant.

ID.05 Opening Statement on behalf of the Local Planning Authority.

ID.06 Opening Statement on behalf of Wigginton Parish Council.

ID.07 Opening Statement on behalf of the Wigginton Community Group.

ID.08 Granville Heptonstall's statement based upon CD11.25.

ID.09 Revised Site Plan from the Design, Access and Sustainability Statement Addendum, Bishopthorpe Road, Planning application reference 20/02517/FULM.

ID.10 Site Plan of Proposed Retirement Living Development, Crookham Road, Fleet. Appeal decision APP/N1730/W/20/3261194, 14 May 2021.

ID.11 Cllr John Gates' statement.

ID.12 Website extract, York Civic Trust, York's Heritage at Risk, suggestions so far, dated 24.05.2023.

ID.13 Illustration of the extent of Haxby Conservation Area description and map.

ID.14 Letter from Cheshire East Council, dated 15 May 2023 regarding appeal reference APP/R0660/W/23/3317173, 17 & 19 Holly Road South, Wilmslow.

ID.15 Revised s106 planning agreement, dated 25 May 2023.

ID.16 Revised CIL Compliance Statement, dated 25 May 2023.

ID.17 Further Revised CIL Compliance Statement, dated 30 May 2023.

ID.18 Closing Submission on behalf of the Wigginton Community Group.

ID.19 Closing Submission on behalf of Wigginton Parish Council.

ID.20 Closing Submission on behalf of the Local Planning Authority.

ID.21 Closing Submission on behalf of the Appellant.

ID.22 Letter from York Civic Trust to Wigginton Parish Council, dated 31 May 2023.

ID.23 Appellant's written agreement to the suggested and discussed pre-commencement conditions, received 31 May 2023.

Submitted after the end of the Inquiry:

ID.24 Signed and Executed s106 planning obligation, dated 13 June 2023.

APPENDIX E

Appeal Decision, Christchurch – March 2025

Planning Inspectorate

Appeal Decision

Inquiry held from 25 February 2025 to 21 March 2025

Site visit made on 27 February 2025

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/V1260/W/24/3351431
Former Southern Gas Network Site, Bridge Street, Christchurch, Dorset, BH23 1AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Bournemouth Christchurch and Poole Council.
- The application Ref is 8/23/0657/FUL.
- The development proposed is redevelopment to form a multigenerational community comprising 177 open market, affordable and retirement living apartments, 237 square metres of Class E commercial space, communal facilities, access, car parking, landscaping and all associated works.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to form a multigenerational community comprising 177 open market, affordable and retirement living apartments, 237 square metres of Class E commercial space, communal facilities, access, car parking, landscaping and all associated works at the former Southern Gas Network Site, Christchurch, BH23 1AZ in accordance with the terms of the application, Ref 8/23/0657/FUL, and the plans listed in Condition 2, subject to the conditions in the attached schedule.

Applications for costs

2. Applications for awards of costs were made by the Appellant against the Council and vice versa. These are the subject of separate decisions.

The development plan and emerging plan

3. The development plan consists of the Christchurch and East Dorset Core Strategy (2014) and the saved policies of the Christchurch Local Plan (2001). The Core Strategy sets out the planning strategy for Christchurch and East Dorset until 2028. It was formulated long before the current standard method of calculating local housing need was introduced and its provisions do not reflect current housing needs. It is agreed between the parties that there is a maximum of 2.1 years supply of deliverable housing land and a shortfall of at least 10,397 dwellings against a five year supply. This is a severe shortfall, and the plan is clearly out of date. Policy KS4 which seeks to meet housing requirements carries very little weight.

4. The Core Strategy locates the site in Christchurch town centre. Policy CH1, Christchurch Town Centre Vision, identifies the area of the appeal site as suitable for a range of town centre uses and states that development should comply with flood risk policy. It adds that further detail will be set out in a site allocations development plan document. However, such a document has never been produced and the policy itself is out of date in the absence of a plan-led approach towards meeting local housing needs.

5. Little weight is given to Policies HE1 of the Core Strategy and BE5 and BE15 of the Christchurch Local Plan, which relate to conservation areas and listed buildings. They are well out of date and not compatible with the Framework. However, Policy HE2, Design of New Development, is generally compatible with Paragraph 135 of the Framework and remains relevant.

6. The Council has submitted the draft Bournemouth Christchurch and Poole (BCP) Local Plan for examination. The site is the subject of a draft allocation for an estimated 150 homes subject to various criteria, which are discussed later in relation to flood risk, and there are other larger housing allocations nearby.

7. However, while the inquiry was still open, but after the physical sittings had finished, the Inspectors appointed to examine the submitted advised the Council by letter dated February 2025 to withdraw the plan. They concluded that the Council had not complied with the legal Duty to Cooperate as required by s33A of the 2004 Act and that this failure could not be remedied during the examination process. The comments of the parties to this appeal on this subject have been taken into account in this decision. Whilst the formal withdrawal of the submitted plan has not taken place at the time of writing, the plan can be given very little weight, although its evidence base is material to this appeal.

8. In the circumstances the scheme has primarily been assessed against national planning policy in the National Planning Policy Framework (the Framework) and against Planning Practice Guidance (PPG).

The benefits of the scheme

9. The scheme would occupy a large brownfield site within Christchurch town centre and would have many planning and sustainability benefits. These include the following.

   - The provision of 177 much needed homes in an area with a severe housing shortfall and a shortage of available housing land.
   - The provision of retirement homes for which there is a demonstrable need, freeing up larger homes for re-occupation.
   - The development of a large derelict town centre site, making the best use of brownfield land in a sustainable location and removing the air of dereliction and blight from this part of Bridge Street.
   - The physical manifestation of an important investment in Christchurch, and the introduction of additional spending power into the town centre.
   - The repair and re-use the Boiler House and Pump Room.

10. The significance of these benefits cannot be stressed too strongly. They fully support the objectives of the Framework.

Main Issues

11. The main issues in this case are:

    1. The effect of the scheme's design and scale on the character of the area, the settings of heritage assets and protected trees.

    2. Flood risk and drainage.

12. The Council raised a further objection relating to the lack of 3 bed homes in the scheme. Core Strategy Policy LN1 seeks a mix of homes. However, the retirement living aspect of the scheme would be likely to release larger under-occupied homes on to the market, so in practical terms there would be no conflict with the objectives of Policy LN1. This is not a main issue.

Reasons

Issue 1: The effect of the scheme's design and scale on the character of the area, the settings of heritage assets and protected trees

13. The site lies outside the Christchurch Central Conservation Area on the southern side of Bridge Street. The northern side of the street opposite the site falls within the conservation area and is mostly lined with 2 and 3 storey buildings with pitched roofs on narrow plots, although there are some gaps. Victoria Bridge to the west of the site is Grade I listed and there are Grade II listed buildings at 38, 40a, 40, 48 and 50 Bridge Street and non-designated heritage assets at 42, 44 and 46 Bridge Street. These are mostly domestic-scale buildings of the 18th and 19th Centuries. Beyond the conservation area boundary, also on the northern side of the road, are further non-designated heritage assets at 52, 54, 56 and 74-78 Bridge Street. Despite its fragmented nature, Bridge Street derives character from the modest scale and traditional forms of development along its northern side.

14. Seen from Bridge Street and in views from Victoria Bridge, the proposed development would read as three main storeys above a ground floor plinth, with a further set back storey at roof level. The scheme would be rather taller than the buildings opposite and would display a regularity of rhythm and a consistency of roofline that is not found nearby. The main three storey element would consist of a series of bays in white brick, with buff brick detailing, recessed elements and glass balconies. The colour and arched brick detail are loose references to the light rendering and arched window heads of some nearby buildings, but the bays, roof forms, grain, scale and materials of the scheme would not reflect the traditional building forms on the northern side of Bridge Street. These aspects were raised as concerns by Historic England in its objection to the planning application by letter dated 24 October 2023.

15. The contrast between the appeal scheme and the historic development on the northern side of Bridge Street would be very evident. But development on the southern side of Bridge Street has not followed the same path as that on the northern side. The appeal site was a former gasworks containing substantial gas holders. These were highlighted within the 2005 Conservation Area Appraisal as an unattractive intrusion into the townscape. They have been demolished, and the appeal site is now an extensive, unattractive piece of derelict industrial land that

detracts from the character and appearance of the locality. The derelict Boiler and Pump Room building, a non-designated heritage asset, is the only remaining feature of note on the site, but that too has a detrimental effect on its surroundings because of its condition. The area to the south of Bridge Street is less sensitive in respect of height, bulk and form than the northern side. It contains the modern three storey freestanding former Council Offices which the Council has been marketing with the potential for an additional two floors, and there are other large footplate buildings in this area as well as extensive areas of car parking.

16. The activities that were carried on south of Bridge Street, and the buildings and structures that were placed there over time, have always been fundamentally different in scale and use, and in their relationship to the street, from those on the northern side. The resulting one-sidedness of Bridge Street at this point is recognised in the Conservation Area Appraisal. The heritage assets have their own integrity and special interest derived from their relationship to the historic thoroughfare leading eastwards from Victoria Bridge. They have historically existed in the context of radically different structures opposite. The bridge itself has its own integrity as a listed building, its importance being derived from its intrinsic design and character and its position on the old road from Christchurch. It follows that, although substantial parts of the appeal site would be seen from Victoria Bridge, Christchurch Central Conservation Area and the listed buildings facing Bridge Street, the site is not within their functional or historic setting.

17. The site is, of course, within their visual setting, and it is appreciated that the Council and Historic England might prefer development on the site to follow more closely the scale, grain and form of development of the buildings on the northern side of the road. A design approach of this sort might, if feasible, create a comfortable continuum of small-scale fine grained development on both sides of Bridge Street, rather than the contrasting appearance of the appeal scheme. But this is not the only valid design solution. It would not be derived from a historic development pattern; it would create something that did not exist in the past. It would not recognise the distinction in the evolution of the two sides of the road. Given the character and historic evolution of the southern side of Bridge Street, there is no compelling reason why the development should follow the form that exists opposite on Bridge Street and no special reason why it should not have a contrasting form and scale. The scheme, though different, would not be so out of scale, incongruous or unattractive as to harm the significance of the heritage assets on Bridge Street.

18. There are other design parameters and constraints that exert a strong influence over the development of the appeal site, including the need to protect the scheme against flood risk and to make the best use of this town centre site in an area of housing shortfall. Some additional height is to be expected for these reasons. The need to allow for the flow of flood water, the provision of a flood resistant undercroft and the necessity of uniform floor levels for ease of access have resulted in a less fine-grained form of development. The absence of an active ground floor frontage to Bridge Street except at the point of entrance is unavoidable because of the need for a raised ground floor, a likely requirement for any development in Flood Zone 3a. The design is an appropriate response to the site and has been evolved through consultation and design review. It makes efficient use of the land and it handles the issue of flood risk effectively.

19. The scheme would get rid of an unattractive derelict site in Christchurch town centre which is a visual blight and would remain so for an indefinite period if the Council's approach to flood risk were to prevail (see Issue 2). It would renovate and bring back into use the Boiler House and Pump Room and turn it into an attractive feature in the street. It would thus considerably improve the visual settings of the Christchurch Central Conservation Area, the listed buildings and the non-designated heritage assets.

20. Modern materials would be acceptable in the openings of the Boiler House and Pump Room for thermal efficiency and ease of maintenance. The Council criticised the location of the entrance to the main part of the development, but it would emphasise and make good use of the junction between the Boiler House and the new buildings.

21. The scheme would result in the removal of protected trees from the Bridge Street frontage and part of the eastern side of the site. Despite heavy pollarding, they contribute moderately to the street scene. But they were planted to hide views of the gas holders, which no longer exist, and the scheme proposes, appropriately, to plant new trees in positions which would enable development to make better use of the site. The new trees would help to soften the Bridge Street frontage and the western elevation and would be a more suitable species for their urban environment. Future tree maintenance is not of concern given the long term control exercised over the site by the operator.

22. Finally, the scheme would not have any effect on the significance of Purewell Conservation Area, which lies too far to the east for its setting to be affected.

Conclusion on Issue 1

23. The massing, height, design, grain, form and scale of the development would not harm the character of the locality. In this regard the scheme would not conflict with paragraph 135 of the Framework, or with Policy HE2 of the Core Strategy which seeks high quality design which reflects local distinctiveness and is compatible with its surroundings.

24. The scheme would not harm the significance of the designated and non-designated heritage assets and would significantly improve their settings. It would accord with the objectives of Chapter 16 of the Framework.

25. The removal of a number of protected trees is acceptable to make way for a development which would make better use of the site. The scheme would replace the trees with a more appropriate species for their urban location.

Issue 2: Flood risk and drainage

Background

26. The Christchurch Bay and Harbour Flood and Coastal Erosion Risk Management Strategy (the FCERM) has jointly been produced by Bournemouth, Christchurch and Poole Council (BCP) and New Forest District Council. The option development and appraisal for the FCERM was undertaken against a spatial framework comprising 6 Strategy Management Zones (SMZs) and 18 smaller Option Development Units (ODUs). The site falls within SMZ 2 (Christchurch Harbour) and within ODU 9 (Stanpit).

27. ODU 9 is defended from flooding. The Lower Avon Flood Defence Scheme was officially opened on 25 September 1998. The scheme is maintained by the Environment Agency; further south the riverbank is maintained by BCP Council. The scheme was designed to provide protection against design flood levels of 1 in 100 years (1%) for the period up to 2043 and it has proven an effective flood defence. There is no current need for its refurbishment according to the FCERM strategy implementation programme. The defences are described in the strategy as having potential need for intervention in the period 2045-2049.

28. For these reasons the site has been for many years considered to fall within Flood Zone 3a and is shown as such in the Christchurch Borough Council Strategic Flood Risk Assessment (SFRA) which comprised both SFRA Level 1 and SFRA Level 2 (September 2019). However, a new BCP Council SFRA Level 1, produced by the Lead Local Flood Authority and endorsed by the Environment Agency, was published in May 2024 as part of the evidence base for the emerging plan which the examining Inspectors are now advising the Council to withdraw.

29. The SFRA was high level only. It reviewed available hydraulic models, climate change scenarios and the policy framework. It showed a larger proportion of Christchurch, including the appeal site, to be within Flood Zone 3b, functional flood plain.

30. The Environment Agency released new hydraulic modelling in November 2024 which provides a detailed reassessment of the fluvial and tidal flood risk across the Christchurch area and includes future climate change scenarios. The SFRA has not yet been updated with that modelling, but it has been taken into account in this decision.

31. Functional flood plain is defined in accordance with the PPG as (among other things) land which would naturally flood with an annual probability of 1 in 30 years (3.3%) or greater with any existing flood risk management infrastructure operating effectively. At present, no part of the site would naturally flood in a 1 in 30 year (3.3%) event with the existing defences in place.

32. The projections of the 2024 Environment Agency modelling, including future climate change scenarios, indicate that with the existing defences the site and its locality would not be affected by the projected 1 in 30 year (3.3%) annual probability fluvial event in the 2040 epoch. However, the site would be affected by 2070 onwards. For tidal flooding, the projections indicate that the site would not be affected in the 2040 and 2070 epochs, but when the projected 2120 scenario is modelled the site and wider area would fall within the 1 in 30 (3.3%) annual probability tidal floodplain. Modelling suggests that there would be potential for more frequent flooding by the end of the 100 year “design life” of the development.

33. There is an outstanding objection to the scheme from the Environment Agency, and an Environment Agency representative gave evidence at the inquiry in respect of flood risk on behalf of the Council.

The relevant flood zone

34. Policy P10 of the emerging local plan, which has failed the legal Dury to Cooperate test, sought to make development of the appeal site subject to certain preconditions which cannot be met at present. These were based on the contents of the 2024 SFRA Level 1. They include the following.

- A funding strategy in place for flood defence maintenance and improvement. The Council is committed to one, but it has not been produced.
- An updated SFRA Level 2 containing an affirmation that the site can be considered to fall outside “future Flood Zone 3b”. This too has not been produced by the Council.
- A financial contribution from the scheme towards flood risk infrastructure. This has not been sought by the Council.

35. The ability to meet these preconditions is clearly outside the control of the Appellant. Yet the Council considers that, unless they are met, the site and its locality should be considered “future Flood Zone 3b” which, by PPG definition, is functional floodplain through which flood water would be allowed to flow unimpeded and where only water-compatible development should be permitted. The Council describe this as a knockout blow to the appeal scheme. This leaves the Appellant in a helpless position and would sterilise a large, highly sustainable town centre brownfield site, regardless of the demonstrable ability to make the development safe for its lifetime (see below). The position of the Council is not adequately justified for many reasons.

36. Firstly, by PPG definition the site currently falls within Flood Zone 3a and will continue to do so for many years as it is protected by a modern flood defence scheme. It is not functional flood plain according to the definition in Table 1 of in PPG “Flood Risk and Coastal Change” where water from rivers or the sea must flow or be stored in times of flood, nor is there any proactive plan to make it so. It plainly does not have that character; it is part of a built up urban area. Whilst it is necessary to take into account future climate change scenarios, there is no explicit policy in the Framework or in PPG that supports the superimposition of a “future Flood Zone 3b” policy over a highly populated defended area that will clearly meet the definition of Flood Zone 3a for many years even if its defences are not raised. The Environment Agency witness who gave evidence on behalf of the Council agreed that the site did not meet the normal definition of Flood Zone 3b.

37. Secondly, the 2024 SFRA on which the Council bases its negative approach to the appeal scheme is not a development plan document, it is a Level 1 background document produced as part of the evidence base for the emerging local plan. The PPG states that a SFRA is a study to assess the risk to flooding now and in the future, taking account of climate change, and it is used to inform the sustainability appraisal of the plan and inform the allocation of land. Published national advice from the Environment Agency states that an SFRA will help various parties consider flood risk when making planning decisions about the design and location of any development. Thus whilst the SFRA is a material consideration, it is not itself a planning policy document and should not be regarded as such. It is not examined and does not carry the weight of the development plan. As regards planning policy, the examination into the emerging local plan did not even get as far as considering the policy for the appeal site or the soundness of the flood-related criteria in the policy before the plan was found legally unsound. There is no detailed SFRA Level 2 at present.

38. Thirdly, the PPG makes it clear that the identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. The definition of this area as “future Flood Zone 3b”, would not

adequately take into account local circumstances. It would affect a substantial part of the town of Christchurch, including part of the town centre, and its homes, businesses and heritage assets. This is a large community currently defended by a modern flood defence scheme, where it is reasonable for people to expect to continue living and working and undertake new development. Indeed, it is noteworthy that whilst resisting development on the appeal site, the Council itself has been actively marketing its former offices adjacent to the appeal site as a development opportunity. The consequences of a “future Flood Zone 3b” definition for the area would be so serious that they would require a public and political decision based on the thorough and open evaluation of options following proper public consultation, at a level of examination and scrutiny very much higher that of the Level 1 SFRA.

39. Fourthly, if the site were defined as “future Flood Zone 3b”, it would prevent its regeneration. It would mean that, despite the appeal scheme being designed so that habitable accommodation would remain unaffected by extreme flooding events and the development would be safe from flooding for its lifetime (see below), this important town centre brownfield site would remain vacant and a blight on its surroundings. It would be unable to assist in meeting the serious housing shortfall in the district. The designation of this site as “future Flood Zone 3b” would be an unnecessary impediment to the achievement of several important national planning objectives set out in the Framework.

40. Fifthly, the pessimistic funding scenario described at the inquiry by the Council is unjustified. Whilst there are inevitable uncertainties around funding from central government, CIL and from development opportunities, the Council has resolved to develop a funding strategy to plan, identify and secure contributions before any scheme is required. The FCERM’s preferred approach for ODU 9 is to construct new raised defences from epoch 2 and raise defences incrementally over time, described as the National Leading option. This recognises the social benefit from providing improved flood defences for this area and is aligned with the outcome of the public consultation described in section 5.3 of the FCERM strategy. The FCERM recognises that where flood risk improvement schemes are not recommended to occur for several years, this provides time to source funding contributions. This is the case for the appeal site.

41. Finally, the FCERM Strategy (3.3.4 to 3.3.6) highlights the uncertainties around the magnitude of future climate change and sea level rise and the availability of funding for FCERM projects in the future and states that is imperative that the long term plan should be flexible.

42. For all the above reasons, it is inappropriate for the Council to take such an inflexible approach and treat the site and a substantial part of its environs as “future Flood Zone 3b” – in other words functional flood plain in which only water-compatible development is acceptable. For the purposes of this appeal the site should be regarded as falling within Flood Zone 3a. There is ample time for funding to be raised for the upgrading of the flood defences. The appropriate policy for Flood Zone 3a, as set out in the Framework and in the PPG, should be applied in this case. This requires the application of the sequential approach and, if that is passed, the exception test.

The sequential test

43. The Appellant's Flood Risk Sequential Test Report, based on the policy and guidance in the Framework and PPG, considered a range of sites in areas of lower flood risk using the Council's list of five-year housing land supply sites and the Brownfield Land Register Part 1. It identified 7 sites which had the potential to accommodate a net increase of 40 or more dwellings, but none had the ability to accommodate the full 177 dwellings proposed in the scheme. The Council responded with a list of sites which it considered were potentially sequentially preferable, but it is clear from the submitted evidence that several would be too far from the town centre to support retirement living development; some are unavailable either because they are subject to active development proposals or because they would be unlikely to come forward within the next 5 years; and some would be too small to sustain a viable retirement living development. The Appellant's sequential test and rebuttal evidence are thorough and convincing.

44. As regards development format and the potential for disaggregation, the scheme would be a multi-generational housing development in which age restricted apartments and market apartments would be provided close together, with shared external areas and open space to provide opportunities for the generations to mix. Such development is supported by the Older People's Housing Taskforce Report. The size of the development makes this a viable and realisable proposition. For the purposes of the sequential approach, the proposal should be regarded as an integrated development concept which should not be regarded as suitable for disaggregation.

45. For the above reasons the sequential test is met. This conclusion is based on the evidence presented at the inquiry into this appeal and is not dependent on whether the Council at the local plan examination had considered that the site met the sequential test.

The exception test

46. The Framework states that to pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall.

47. The sustainability benefits are described in paragraph 8 of this decision. They are very important indeed, and considerably outweigh the flood risk.

48. As regards the safety of the development for its lifetime: the Appellant has produced a Flood Risk Assessment, a Safe Access Technical Note, a Flood Risk Management Plan and a Flood Resilience Technical Note. The latter follows the standards in the Code of Practice for Property Flood Resilience.

49. The design 1 in 200 (0.5%) annual probability 2120 tidal flood level is 2.99m AOD and the equivalent design 1 in 100 (1%) annual probability fluvial event is 2.69m AOD. Under the worst climate change sensitivity test the equivalent tidal flood level is 3.49m AOD.

50. All homes on the lowest floor would be a minimum of 4.0m AOD. There would therefore be a minimum of 1m freeboard above the highest central tidal prediction

and 0.5m against the worst sensitivity test scenario. Thus even if a 1 in 200 year tidal flood event were to take place towards the end of the lifetime of the development, under the worst case sensitivity test climate change scenario, in circumstances where the flood defences had not been raised, no residential unit would be flooded.

51. As regards safe access and escape, in the absence of raised defences certain flood events could affect the lowest level of the site and surroundings, with the potential for more frequent events later in the lifetime of the development. However, Environment Agency flood forecasting would provide early warning of flood alerts, and these would be received and acted upon by the nominated Flood Warden in accordance with the Flood Risk Management Plan. Fluvial flood events would have about 10 days' notice, whilst tidal flood events would be predictable in advance. There would therefore be sufficient time for occupants to be evacuated before a flood and for preparations to be made. The Flood Warden would ensure that all apartments were evacuated, secured and that services would be turned off and isolated. The provision of a detailed emergency plan is the subject of a condition.

52. The Council provided illustrations of difficult evacuations during flood events, but those were evacuations of individuals from properties which bear little relation to the kind of development proposed in the appeal scheme. In the appeal proposal, flood events have been planned for, an adequate and convincing emergency plan has been produced and resilience would be built into the scheme. The Appellant would retain and operate the development in the long term and would be able to exercise adequate control over any evacuation, with compliance underwritten through the lease terms. Safe access routes would be secured through the emergency plan and residual risk would be safely managed.

53. The lower floor of the proposed buildings would be designed to allow flood water to flow through and would not contain residential accommodation. However, they would include undercroft parking, fire escape stair cores, refuse and storage areas, the main entrance and the owners' lounge. There would also be commercial uses within the refurbished Pump and Boiler House. The buildings, materials and structures would be designed at their lower levels to resist flood events, foul drainage runs would have non-return valves and there would be no service penetrations below 2.99m AOD plus 350mm freeboard. There would be temporary flood gates to the parking area. The building would also contain design features to allow for rapid recovery including recoverable floor and wall finishes, closed cell insulation, raised services and resilient storage facilities and appliances. Post flood recovery would be undertaken in accordance with the recognised methodology. The conversion of the Pump House and Boiler Room, into a commercial building would enable the existing damaged structure to be made more resilient and it would not be occupied by vulnerable users.

54. As for the potential maintenance burden on the drainage system in the event of frequent flooding, there is no convincing evidence to suggest that the attenuation tanks could not be designed into the layout of this large site to ensure their effectiveness and secure them against flotation, or that the landscaped areas could not be designed to accommodate water in the event of tidal locking. The risk of siltation, damage and pump failure would be mitigated because the operator would retain the site freehold and would have a strong long term interest in upholding standards of maintenance and flood resilience on the site, as has been the case in the many developments it has previously undertaken. Conditions are attached

requiring the submission of a detailed surface water management scheme and details of management and maintenance arrangements.

55. The scheme would satisfy the exception test and would be safe for its lifetime taking into account the vulnerability of its users.

Conclusion on Issue 2

56. The appropriate flood risk designation for the site is Flood Zone 3a. The proposal meets the sequential test and the exception test for the reasons given above. The evidence provides full confidence that the site would be adequately protected against flood risk, that it would remain safe for its users throughout its lifetime, and that it would be drained and adequately maintained even if the flood defences were not raised. In respect of flood risk protection, resilience against climate change and the provision of adequate drainage, the scheme would meet the objectives of the Framework and the PPG.

57. Policy P10 of the emerging plan carries little weight because of the legal failure of the local plan at examination. The relevant development plan policy for this site in respect of flood risk therefore remains Policy ME6 of the Christchurch and East Dorset Local Plan Core Strategy (2014) which seeks appropriate flood resistance and resilience measures in areas of flood risk as a means of future proofing against the effects of climate change. The appeal scheme would meet those requirements.

58. The scheme would be acceptable in respect of all matters of flood risk and drainage.

Conditions

59. Necessary conditions are attached which seek details of materials, landscaping, and landscape management, arboriculture and tree protection, construction management, surface water management and maintenance, the investigation and remediation of site contamination, phosphorus mitigation, evacuation and emergency plans, highway works, noise attenuation, biodiversity enhancement, groundwater infiltration and piling, security measures, and the recording of the Pump House and Boiler Room. Where appropriate I have removed excessive prescription and duplication from the parties' suggested conditions.

60. It is reasonable to require the recording of the Pump House and Boiler Room, even though it would not be demolished, as it is a non-designated heritage asset and the only surviving remnant of the site's historic use, and it would be subject to various alterations.

61. A condition relating to the New Forest SAMM contribution is not necessary because there is a clause in the s106 agreement which deals with the matter. The amount of contribution specified in the s106 agreement is derived from a 2023 per-dwelling BCP figure, and although the Council has sought to question its current validity, it has not presented any alternative figure. The specific figure in the s106 agreement provides greater certainty as to the financial burden on the developer than would a condition. The obligation is clear in requiring payment to New Forest District Council.

62. Regarding phosphate mitigation, a more prescriptive condition setting out the number of phosphate credits is not appropriate, but in the interests of realism, the

calculation should be based on an average occupancy rate that reflects the operator's real life experience.

63. Conditions relating to the minimisation of noise to external spaces, construction traffic air quality and the provision of 245 cycle parking spaces are unnecessary for the development to go ahead and have not been included.

Planning obligation

64. The s106 agreement dated 12 March 2025 includes a range of obligations. Those that are necessary cover SANG and SAMM contributions, a NHS contribution, a travel plan, TRO contribution 1, and highway works. The New Forest SAMM contribution has been discussed above.

65. The travel plan clause includes a requirement to include a travel voucher for each market dwelling. This is unnecessary as the site is in a highly accessible location in the town centre. This requirement should have no effect.

66. The scheme does not include affordable housing owing to viability issues on this constrained site. The clause in the s106 obligation which raises the possibility of affordable housing and car club contributions following viability review is disputed by the Appellant. Viability review is referred to in the Council's affordable housing SPD, but there is no reference to it in the development plan and thus no basis in the statutory planning framework to seek it. The clauses in the s106 agreement which relate to viability review, and the related requirements concerning affordable housing, car club and TRO contribution 2 should not therefore have effect.

Conclusion

67. The development would be different in form and scale from the fine grained traditional buildings on the northern side of Bridge Street, but owing to the separate evolution of the two sides of the road and the different design parameters and constraints that affect the site, it is not necessary to adopt a design that reflects the characteristics of the northern side. The scheme would not harm the character of the locality and would visually benefit the area, It would not conflict with paragraph 135 of the Framework, or Policy HE2 of the Core Strategy.

68. The scheme would not harm the significance of the nearby designated and non-designated heritage assets and would significantly improve their visual settings. It would accord with the objectives of Chapter 16 of the Framework.

69. The removal of a number of protected trees is acceptable because it would enable better use to be made of the site. The scheme would replace the trees with a more appropriate species for their urban location.

70. On all reasonable grounds, and by PPG definition, the site should be regarded as falling within Flood Zone 3a. The scheme passes both the sequential and the exception tests as set out in the Framework and the PPG. The development would be safe against flooding for its lifetime and would provide for adequate drainage.

71. The development plan is out of date and, in the light of my assessment above, there are no policies in the Framework protecting assets of particular importance, including heritage and flood risk, that provide a strong reason for refusing the development.

72. The development would make full use of a large derelict brownfield site in the town centre of Christchurch. It would assist in addressing the significant need for new homes in the area and the serious shortfall in housing land supply. It would also address the need for retirement living accommodation and would help to free up larger under-occupied homes. The development would assist with the regeneration of the area and would boost the town centre by direct investment and through the additional spending power of the future residents. Theses many benefits provide an overwhelming reason for planning permission to be granted.

73. I have considered all the other matters raised, but they do not alter the balance of my conclusions.

74. For all the reasons discussed, this appeal is allowed and planning permission granted.

Jonathan Bore

INSPECTOR

CONDITIONS

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

2. The development shall be carried out in accordance with the following plans:

10112CA - PA200	Location Plan as Existing
10112CA – PA201	Masterplan and Site Plan
10112CA – PA202	Masterplan and Roof Plan
10112CA – PA250	Site Sections A-A & B-B
10112CA – PA251	Site Sections C-C & D-D
10112CA – PA252	Site Sections E-E & F-F
10112CA – PA300	Northern Retirement Living Block Lower Ground Floor Plan
10112CA – PA301	Northern Retirement Living Block Ground Floor Plan
10112CA – PA302	Northern Retirement Living Block First Floor Plan
10112CA – PA303	Northern Retirement Living Block Second Floor Plan
10112CA – PA304	Northern Retirement Living Block Third Floor Plan
10112CA – PA305	Northern Retirement Living Block Roof Plan
10112CA - PA310	Northern Retirement Living Block North and West Elevations
10112CA – PA311	Northern Retirement Living Block South and East Elevations
10112CA – PA312	Northern Retirement Living Block Internal Elevations
10112CA - PA313	Northern Retirement Living Block Gable Elevations
10112CA – PA400	Western Block Lower Ground Floor Plan
10112CA – PA401	Western Block Ground Floor Plan
10112CA – PA402	Western Block First Floor Plan
10112CA – PA403	Western Block Second Floor Plan
10112CA – PA404	Western Block Third Floor Plan
10112CA – PA405	Western Block Roof Plan
10112CA – PA410	Western Block West and South Elevation
10112CA – PA411	Western Block East and North Elevations
10112CA – PA500	Eastern Block Lower Ground Floor Plan
10112CA – PA501	Eastern Block Ground Floor Plan
10112CA – PA502	Eastern Block First Floor Plan
10112CA – PA503	Eastern Block Second Floor Plan
10112CA – PA504	Eastern Block Third Floor Plan
10112CA – PA505	Eastern Block Roof Plan
10112CA – PA510	Eastern Block West and South Elevations
10112CA – PA511	Eastern Block East and North Elevations
10112CA – PA600	Boiler and Pump House Building Existing Floor Plans
10112CA - PA601	Boiler and Pump House Building Existing North and West Elevations
10112CA – PA602	Boiler and Pump House Building Existing South and East Elevations
10112CA – PA603	Boiler and Pump House Building Proposed Floor Plans
10112CA – PA604	Boiler and Pump House Building Proposed North and West Elevations
10112CA – PA605	Boiler and Pump House Building Proposed South and East Elevations
10112CA – PA700	Mostyns Factory Outlet Existing Roof Plan and Elevations
22-215	La Mamma's and Boiler and Pump House Measured Building Survey and Elevations
20142-5	Tree Protection Plan

3. Details and samples of the materials to be used on the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development above ground level. The development shall be carried out in accordance with the approved details and samples.

4. Details and samples of materials to be used for the refurbishment and conversion of the Boiler and Pump House Building shall be submitted to and approved in writing by the local planning authority prior to any works being carried out on the building. The development shall be carried out in accordance with the approved details and samples.

5. Prior to the commencement of any above ground works hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of similar size and species.

6. Prior to occupation of the development hereby permitted, a landscape management plan shall be submitted to and approved in writing by the local planning authority, setting out management responsibilities and maintenance schedules for all landscaped areas. The landscaped areas shall be maintained throughout the lifetime of the development in accordance with the approved landscape management plan.

7. The development hereby permitted shall be carried out in accordance with the approved arboricultural impact assessment and method statement by Barrells (13 July 2023) and the approved tree protection plan (20142-5).

8. No development shall take place, including any works of demolition and site clearance, unless a demolition and construction management plan has been submitted to, and approved in writing by, the local planning authority. The construction and demolition phases of the development will be carried out fully in accordance with the approved demolition and construction management plan.

9. No development, excluding demolition, shall take place until a detailed scheme (including floatation calculations) for managing surface water, based upon the hydrological and hydrogeological context of the development, which accords with 332510537/101/012 P01 & 332510537/101/013 P01 and which discharges runoff to the southern watercourse at a rate not exceeding 2l/s, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is first occupied.

10. Detailed management and maintenance arrangements for the surface water scheme, which takes into account tidal and fluvial inundation of the site and any subsequent remediation, shall be submitted to and approved in writing by the local planning authority, before any residential occupation of the site. Thereafter,

the drainage system shall be managed and maintained in accordance with the approved details.

11. Prior to the commencement of any work in association with the development hereby approved, including site preparation works, a detailed intrusive investigation and report prepared by a suitably qualified and competent person in accordance with the Environment Agency 'Land Contamination Risk Management' guidance shall be submitted to and approved in writing by the local planning authority. The report shall comprise an assessment of the risks from contamination to all relevant receptors. If the risk assessment identifies any unacceptable risks and/or establishes the presence of a significant pollutant linkage, a remediation strategy/plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be implemented as approved. The local planning authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on site.

12. The presence of any previously unencountered contamination that becomes evident during the development of the site or remedial works shall be reported to the local planning authority in writing within one week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the local planning authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the local planning authority prior to recommencement works in the affected area. The approved details shall be implemented as approved.

13. Following completion of remediation works but prior to any part of the permitted development being occupied, a verification report which demonstrates the effectiveness of the completed remediation works, and any requirement for longer-term monitoring of contaminant linkages, maintenance, and arrangements for contingency action, shall be submitted to and approved in writing by the local planning authority.

14. No part of the development hereby permitted shall be commenced unless proposals for the mitigation (including any offsetting arrangements) of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), have first been submitted to and approved in writing by the local planning authority. Such proposals shall provide:

    (a) for mitigation which achieves a phosphorous neutral impact from the development for the duration of its lifetime; and

    (b) details of arrangements for the ongoing monitoring, management and maintenance of all identified mitigation such as is necessary to ensure that a phosphorous neutral impact will at all times be secured.

    No part of the development shall be occupied unless all mitigation identified in the approved details has been provided in accordance with the approved details. Monitoring, management and maintenance thereafter shall be carried out in accordance with the approved details.

15. Before the commencement of development, a flood warning, evacuation and emergency strategy shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be put in place prior to the first occupation of the development and shall be maintained throughout its lifetime unless the local planning authority gives written consent to any variation.

16. Prior to the commencement of any work above eaves level, plans and particulars showing the stopping up of the existing Bridge Street vehicular access layout, together with details of levels, sections, drainage and street lighting of the proposed footway widening to the Bridge Street frontage and the proposed works to bring Stony Lane South up to public highway adoptable standards shall be submitted to and approved in writing by the local planning authority. The approved works shall be fully completed prior to the first occupation of any residential unit and the Bridge Street widened footway area shall be available for public use at all times thereafter.

17. Noise attenuation shall be carried out in accordance with section 6 of the Howell Acoustics Noise Assessment (Project no. HA259, dated 21 July 2023). All works which form part of the scheme so approved shall be completed prior to the first occupation of the northern block and shall be permanently retained unless the local planning authority gives written consent to any variation.

18. All plant, machinery and equipment, including air conditioning units and any air handling plant in relation to the commercial unit shall be attenuated to achieve a Rating Level (BS4142:2014) of 5dB below the background noise level determined at the nearest noise sensitive receptor, when the plant is intended to operate.

19. Prior to the occupation of the development, details of biodiversity enhancements, to include bird boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping, shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved and permanently retained.

20. No infiltration of surface water drainage into the ground shall take place other than in accordance with details submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

21. Piling using penetrative methods shall not be carried out other than in accordance with details submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

22. Prior to the first occupation of the development, security measures at the southern entrance gate, car parking access control and surveillance of communal areas, designed to Secured by Design Standards, shall be installed in accordance with details submitted to and approved by the local planning authority and the measures shall be permanently maintained thereafter unless the local planning authority gives written consent to any variation.

23. Prior to any work being carried out to the Boiler and Pump House, the building shall be recorded in accordance with the Historic England publication 'Understanding Historic Buildings: A Guide to Good Recording Practice' and the record shall be deposited with the local planning authority prior to the first occupation of the building.

24. Each dwelling within the Retirement Living development hereby permitted shall be occupied only by a person aged 60 years or over; a person aged 55 years of older living as part of a single household with the above person in (i); or a person aged 55 years or older who was living as part of a single household with the person identified in (i) who has since died.

APPEARANCES

FOR THE APPELLANT:

Sasha White KC and Edward Arash Abedian of Counsel of Landmark Chambers, instructed by Mr S Goodwill, Managing Director, Planning Issues.

He called:

Amy Hensler BEng (Hons), MSc, C.WEM, MCIWEM. CEnv, Director of Flood Risk at Stantec UK Limited (Flooding)

Catherine Ritson BL(Hons), CMLI, Technical Director, SLR Consulting Limited (Landscape)

Rob Jackson Barch March RIBA ARB, Design Director, Planning Issues (Design)

Paul White BA(Hons) MPhil MCIfA PIEMA, Strategy Director & Interim Practice Area Lead Historical Environment, Cura Terrae (formerly Ecus Ltd) (Heritage)

Chris Allder MSc HNDArb FArborA MICFor RCArborA, Associate Director and Consultant, Barrell Tree Consultancy (Trees)

Matthew Shellum Ba(Hons) DIPTP MRTPI, Head of Appeals, Planning Issues Ltd. (Planning)

FOR THE LOCAL PLANNING AUTHORITY:

Annabel Graham-Paul of Counsel, instructed by Robert Firth, Senior Solicitor, Bournemouth, Christchurch and Poole (BCP) Council

She called:

Alan Frampton, BSc (Hons) MSc C.Wem MCIWEM, Strategy, Policy and Environment Manager, South West Flood and Coastal (SWFaC) hosted at BCP Council

Michael Holm, BSc (Hons) Flood and Coastal Risk Management Advisor, Environment Agency

Christopher Osborne, GMICE, MSc, MPHYS, Inland Flood Risk Manager, South West Flood & Coastal (SWFaC) hosted at BCP Council

Catherine Miles, BSc (Hons), MSc, PG Dip UD, MRTPI, Urban Design and Heritage Manager, BCP Council

Ruth Povey, BSc (Hons), MA, MA, IHBC, MRTPI Senior Planning Officer (Heritage), BCP Council

Bea Ridley, ND (Arboriculture), Lantra Professional Tree Inspection Course, Arboricultural Association membership, Senior Arboricultural and Landscape Officer, BCP Council

Christopher Whitehouse, BSc (Hons) MRICS, Managing Director, NextPhase

DOCUMENTS

Core documents

CD1.1 to CD1.73: Original application submission

CD2.1 to CD2.4: Additional/Amended Plans/Reports submitted after validation

CD3.1 to CD3.3: Development Plan

CD4.1 to CD4.21: Inquiry Documents

CD5.1 to CD5.51: Other relevant documents

CD6.1 to CD6.15: Emerging BCP Local Plan

CD7.1 to CD7.18: Consultee Responses on Planning Application

CD8.1 to CD8.3: Additional Responses following Appeal Notification

CD9.1 to CD9.23: Proofs of Evidence - LPA

CD10.1 to CD10.8: Proofs of Evidence - Appellant

CD11.1 to CD11.3: Case Laws and Appeals

CD12.1 to CD12.7: Rebuttals - LPA

CD13.1 to CD13.3: Rebuttals - Appellant