



**STATEMENT OF CASE** for Test Valley Borough Council

Edwina Mountbatten House Broadwater Road Romsey Hampshire SO51 8GH

Planning Inspectorate Ref: APP/C1760/W/24/3342514

Local Planning Authority Reference: 23/01700/FULLS

June 2024

# TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Churchill Retirement Living

Redevelopment for retirement living accommodation comprising 47 retirement apartments including communal facilities, access, car parking and landscaping

---

Edwina Mountbatten House Broadwater Road Romsey Hampshire SO51 8GH

---

Planning Inspectorate Ref: APP/C1760/W/24/3342514

Local Planning Authority Ref: 23/01700/FULLS

---

Statement by the Borough Council

## 1.0 INTRODUCTION

1.1 The Local Planning Authority registered the planning application which is the subject of this appeal on the 07<sup>th</sup> July 2023.

1.2 The application was described as follows:

*Redevelopment for retirement living accommodation comprising 47 retirement apartments including communal facilities, access, car parking and landscaping.*

1.3 The application was considered by the Council's Southern Area Planning Committee on 12<sup>th</sup> March 2024. At that meeting the Committee resolved to refuse planning permission for the following reasons:

1. By virtue of the scale, bulk, and design of the proposal the development would be detrimental to the special architectural and historic importance of the setting of the Romsey Conservation Area and the setting of heritage assets. This harm is compounded further when the proposal is viewed from the roundabout junction of the A27 and Palmerston Street. It is acknowledged that the development would result in less than substantial harm to the significance of these designated heritage assets and the conservation area. However, the public benefits arising from the

development would not outweigh this real and identified harm. As such, the proposal is considered to be contrary to Policies E1 and E9 of the Test Valley Borough Revised Local Plan (2016).

2. The proposed development by virtue of the size, scale, mass, and proximity to dwellings on Palmerston Street will result in a sense of enclosure and overbearing impact on 38-48 Palmerston Street & 30-36 Palmerston Street to the detriment of the residential amenities of these dwellings, contrary to policy LHW4 of the Test Valley Borough Revised Local Plan (2016).
3. In the absence of a legal agreement to secure the provision of and financial contribution towards affordable housing, the proposal is contrary to policy COM7 of the Test Valley Borough Revised Local Plan (2016) and the Infrastructure and Developer Contributions Supplementary Planning Document.
4. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of securing mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).
5. The application site lies within close proximity to the New Forest SPA and Solent and Southampton Water SPA which are designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework' and Solent Recreation Mitigation Strategy (2017). As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2017 (as amended).
6. In the absence of a legal agreement to secure the provision of a financial contribution towards off-site public open space provision, the proposed development fails to provide sufficient public open space required to

serve the needs of the future population. The proposal would therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to policy LHW1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.

7. In the absence of a legal agreement to secure the provision of a financial contribution towards off-site health infrastructure, the proposed development fails to provide sufficient infrastructure required to serve the needs of the future population. The proposal would therefore result in unnecessary additional burden being placed on existing public health facilities affecting the function and quality of these facilities, to the overall detriment of the area and users of the National Health Service. The proposal is contrary to policy COM15 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.

- 1.4 This statement outlines the case which Test Valley Borough Council as the Local Planning Authority (LPA) will be making at the forthcoming Public Inquiry.

## 2.0 **SITE LOCATION AND DESCRIPTION**

- 2.1 The application site is situated to the south/west of Broadwater Road and to the north of the bypass. The former care home is a broadly pentagonal shaped building with access from Broadwater Road.
- 2.2 The application site is bordered to the north and East by the Romsey Conservation Areas. Palmerston Street to the east is fronted by a run of terrace properties to the eastern side of the highway, many of which are listed. Similarly, properties on both sides of Palmerston Street to the north of the site are listed.
- 2.3 The site is bordered to the west by the Crossfield Hall and associated car park, and to the north by Broadwater Road and the Side/rear of the listed Manor House and a short run of commercial properties further west.
- 2.4 The site is bordered to the south by a stream and the bypass road beyond.

## 2.0 **HISTORY**

- 3.1 24/00202/DEMS - Application to determine if prior approval is required for proposed demolition of single storey former care home. Prior Approval Not Required 26.02.2024.
- 3.2 23/01496/ADVS - Display of Advertisement text on site hoarding. Pending consideration.

- 3.3 23/01497/FULLS - Erection of site hoarding (Retrospective). Permission 20.12.2023.
- 3.4 21/02714/FULLS - Temporary siting of prefabricated jack-leg office building for the storage of papers, materials and equipment associated with the operation of the care home for a period of 3 years. Permission 26.10.2021.
- 3.5 19/02805/FULLS - Replace Conservatory with sunroom, reposition gates with brickwork piers. Permission 09.01.2020.
- 3.6 17/02802/FULLS - Temporary siting of prefabricated jack-leg office building for the storage of papers, materials and equipment associated with the operation of the care home for a period of 3 years. Permission 23.01.2018.
- 3.7 TVS.07353 - Erection of conservatory to side of property. 29.04.1994.

#### 4.0 **POLICY**

##### 4.1 Government Guidance

National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Planning (Listed Buildings and Conservation Areas) Act 1990

##### 4.2 Test Valley Borough Revised Local Plan (2016) (RLP)

COM2 (Settlement Hierarchy)  
 LE5 (Land at Bargain Farm, Nursling)  
 LE10 (Retention of employment Land and Strategic Employment Sites),  
 LE17 (Employment sites in the countryside)  
 T1 (Managing Movement),  
 T2 (Parking Standards)  
 T3 (Park and Ride at Bargain Farm, Nursling)  
 E1 (High quality development in the Borough)  
 E2 (Protect, conserve, and enhance the landscape character of the Borough), E5 (Biodiversity)  
 E7 (Water Management)  
 E8 (Pollution)  
 E9 (Heritage)  
 LHW4 (Amenity)

##### 4.3 Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions  
 New Forest SPA Mitigation- Interim Framework  
 Solent Recreation Mitigation Strategy  
 Affordable Housing

#### 5.0 **THE CASE FOR THE LOCAL PLANNING AUTHORITY**

The Local Planning Authority will produce evidence to substantiate the reasons

for refusal. The main issue in respect of each reason is set out below together with a description of the Council's case.

**5.1 Reason for refusal 1 – Heritage**

The Council will provide contextual information with regard to the setting of the appeal site, thereby allowing for the understanding of the sensitivity of the setting of the Romsey Conservation Area and to the importance of the listed buildings in close proximity to the site.

- 5.2 It will be confirmed that the development will harm the setting of the heritage assets. The harm caused would be less than substantial and is not outweighed by the public benefit. The case will confirm the proposal's non-compliance with Test Valley Borough Revised Local Plan (TVBRLP) Policy E9. Reference will also be made to section 16 of the NPPF, as well as section 16(2) and 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 and BS7913 (Conservation of Historic Buildings) and Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) - The Setting of Heritage Assets.

**5.3 Reason for refusal 2 – Amenity**

It will be confirmed that the development will harm the amenity of the neighbouring properties of 38-48 Palmerston Street & 30-36 Palmerston Street by way of overbearing impact resulting from the scale and proximity of the development. The case will confirm the proposal's non-compliance with Test Valley Borough Revised Local Plan Policy LHW4.

**5.4 Reason for refusal 3 – Affordable Housing**

The provision of affordable housing on site would normally be required by TVBRLP Policy COM7 and the Council's Affordable Housing SPD. The Council's position remains that in this case a financial contribution is an acceptable alternative for the reasons set out in the Officers recommendation to committee. The full financial contribution based on the requirements of Policy COM7, and the SPD would have been £1,028,244.

- 5.5 The applicant's initial report on Affordable Housing & Viability concluded that no financial headroom exists for S106 payments. The Council has secured specialist viability advice to assist in determining the application. Following initial advice on behalf of the Council a subsequent viability statement was submitted by the applicant. In summary this concluded that a contribution of £113k could be provided. Review of the revised information by the Council's advisors concluded that an amount of £314k could be provided as an affordable housing contribution.

- 5.6 As is set out in the appellant's statement of case the applicant agreed to the provision of the £314k contribution (in addition to the public open space contribution discussed below in relation to reason for refusal 6).

5.7 It is understood that the appellant viewed this agreement as a commercially expedient rather than an agreement with the Councils viability advice. As a result, this matter remains in dispute.

5.8 The Council will continue to discuss this matter with its advisors and the appellant in order to try and reach an agreed position.

**5.9 Reason for refusal 4 - Solent and Southampton Water European Designated Site**

In support of the proposed development the applicant has submitted an offsite mitigation strategy. The proposed strategy comprises the removal of off-site land from future agricultural production. During the course of the application Natural England provided advice agreeing the quantum of nitrate impact that needs to be mitigated but queried the use of the proposed mitigation land (a pig farm), which is understood to be a site allocated in the New Forest District Local Plan for employment use.

5.1 The appellant has advised that they have no intention of bringing the site forward  
0 for the allocated use and that the site remains available for nitrate mitigation. The Council has accepted this position but at the time of the applications consideration at committee a revised Habitats Regulation Assessment had not been approved by Natural England.

5.1 The Council will continue to discuss this matter with the appellant in order to  
1 reach an agreed position. The nitrates solution will need to form part of any legal agreement.

**5.1 Reason for refusal 5 - New Forest SPA and the Solent and Southampton  
2 Water SPA (Recreational Pressures)**

As is identified in the appellants statement the need for contributions in accordance with the adopted New Forest SPA Mitigation - Interim Framework and Solent Recreation Mitigation Strategy (2017) is not in dispute. The calculation methods are set out in the guidance.

5.1 Contributions in accordance with the Solent Recreation Mitigation Strategy  
3 (2017) are increased on 1 April each year in line with the Retail Price Index. The latest figures for financial contributions are set out by Bird Aware Solent. The relevant contributions from 1st April 2024 are as follows:

- 1 bedroom property £465
- 2-bedroom property £671

5.1 The reason for refusal can be overcome by an agreed legal agreement  
4 obligation.

**5.1 Reason for refusal 6 (Public Open Space) & 7 (Health Infrastructure)  
5**

The Council will provide details of the requirement in accordance with its Infrastructure and Developer Contributions Supplementary Planning Document (SPD) and Reg 122 of the Community Infrastructure Levy Regulations 2010.

- 5.1 The Council will continue to discuss this matter with the NHS Hampshire,  
6 Southampton, and Isle of Wight Integrated Care Board (ICB) and the appellant in order to try and reach an agreed position.

## 6.0 CORE DOCUMENTS

List of Documents referred to in this Statement which will form part of the updated Core Document List:

- 6.1
- National Planning Policy Framework (NPPF)
  - Test Valley Borough Revised Local Plan (2016) (RLP)
  - TVBC Infrastructure and Developer Contributions SPD
  - TVBC Affordable Housing SPD
  - Planning (Listed Building and Conservation Area) Act 1990
  - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) - The Setting of Heritage Assets
  - Community Infrastructure Levy Regulations (2010) as amended
  - Relevant case law
  - Relevant planning and appeal decisions
- 6.2 The Local Planning Authority reserves the right to add to the list above and to refer to other relevant documents as appropriate, including those specified in or need to respond to the Appellant's Statement of Case.

## 7.0 CONDITIONS

Conditions were proposed as part of the Officers recommendation to committee and are set out below. It is considered that those conditions remain relevant. The Council will seek to confirm agreement with the applicant.

1. **The development hereby permitted shall be begun within three years from the date of this permission.**  
**Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**  
**10123RS-PA00**  
**10123RS-PA01 REV B**  
**10123RS-PA02 REV B**  
**10123RS-PA03 REV B**  
**10123RS-PA04 REV B**  
**10123RS-PA05 REV B**



10123RS-PA06 REV B  
10123RS-PA07 REV B  
10123RS-PA08 REV B  
10123RS-PA09 REV B  
10123RS-PA10 REV B  
10123RS - PA11  
10123RS - PA12  
10123RS-PA13 REV B  
10123RS-PA14 REV B  
JBA 23-010-SK02 C

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
4. The development hereby permitted shall not be occupied until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.  
Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.  
The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
5. The development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has

been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.  
Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

6. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.  
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1
7. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.  
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.
8. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise, dust and spoil during the demolition, site preparation and construction phases of development. The Environmental Management Plan shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. Work shall be undertaken in accordance with the approved Environmental Management Plan.  
Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.
9. Prior to the first use of the new bin store a management plan shall be submitted detailing the private refuse collection measures, including the size of any refuse vehicle, the plan shall also detail the measures which the applicant will put in place and retain to

minimise noise and odour impacts as a result of the use of this area. No waste collections shall be made outside of the hours of 07:30 to 18.00 Monday to Friday unless otherwise agreed in writing by the local planning authority. Refuse collection shall be undertaken in accordance with the approved plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

10. Each unit of accommodation hereby permitted shall be occupied only by:

- persons of 60 years or older or
- persons living as part of a single household with such a person or persons; or
- persons who were living as part of a single household with such a person or persons who have since died.

Reason: The units of the residential accommodation, parking provision, outdoor amenity space, education provision and affordable housing provision have been designed for occupation by persons who satisfy the above criteria and are unsuitable for family housing and to ensure accordance with Test Valley Borough Revised Local Plan (2016) policies COM7, COM14, COM15, LHW1, LHW4, T1 & T2.

11. No development shall take place in relation to the substation until a revised arboricultural assessment has been submitted to detailing the protection of the adjacent Hornbeam during installation works. Development shall be undertaken in accordance with the approved details. The development of the main building hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural impact appraisal and method statement (ref 22191-AIA3-DC, 9th May 2023) and its associated tree protection plan ref 22191-4.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

12. Development shall proceed in accordance with the measures set out in the Ecological Appraisal ref 784-B043706 (Tetra Tech, May 23) and Biodiversity Net Gain Assessment (Tetra Tech, May 23) Thereafter, enhancement features shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.

Reason: to enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.

13. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries

received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

14. No fixed plant or machinery serving the completed development which may be audible beyond the site boundary shall be installed on site without prior written consent from the local planning authority. In seeking sign off of this condition the applicant is advised to provide details of the proposed plant, its location, any mitigation proposed and if mitigation includes use of a barrier a relevant cross section.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

15. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

16. The development shall be carried out in accordance with the submitted flood risk assessment (Titled: Proposed Residential Development at Edwina Mountbatten House, Romsey and produced by the Civil Engineering Practice, Proj.No. 23763 and dated June 2023) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 16.70 metres above Ordnance Datum (AOD), as specified in section 5.4.8 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

17. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 18. Prior to the installation of any decorative features (timberwork and brickwork) details shall be submitted to and approved in writing by the local planning authority. In addition, details of the name sign for the building, and for the re-siting of any plaques etc from the existing building shall be submitted. Development shall be undertaken in accordance with the approved details.  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area and setting of the Romsey Conservation Area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 and E9.**
- 19. Full details of all new windows, rooflights and doors (to include scale drawings 1:20/1:50 including sections and face-on drawings) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The windows and doors shall be installed in accordance with the approved details.  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area and setting of the Romsey Conservation Area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 and E9.**
- 20. Details of the siting and design of any proposed Guttering and rainwater goods, and external meter boxes/ducting/flues/vents/aerials/ meter boxes, and any other externally visible services shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The installation of the meter boxes/metal ducting/flues shall be in accordance with the approved details.  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area and setting of the Romsey Conservation Area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 and E9.**