



AGREED STATEMENT OF COMMON GROUND

**Edwina Mountbatten House, Broadwater Road, Romsey,
SO51 8GH**

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

JULY 2024

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL RETIREMENT LIVING LTD AGAINST TEST VALLEY BOROUGH COUNCIL'S REFUSAL OF AN APPLICATION FOR REDEVELOPMENT TO FORM 47 RETIREMENT LIVING APARTMENTS FOR OLDER PERSONS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING.

SITE AT: EDWINA MOUNTBATTEN HOUSE, BROADWATER ROAD, ROMSEY, SO51 8GH
LPA REF: 23/01700/FULLS

PLANNING INSPECTORATE REF: APP/C1760/W/24/3342514

PLANNING INQUIRY DATE: 13-16 & 20 AUGUST 2024

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1.0 INTRODUCTION

- 1.1 This Statement of Common Ground has been prepared by the Appellant but produced jointly by the Council and the Appellant. The purpose of the Statement will be to set out as much of the agreed factual information about the proposal as is possible.

2.0 APPEAL PROPOSAL

Appeal Site Description

- 2.1 The 0.3ha site comprises of the former Edwina Mountbatten House Care Home. The care home ceased operation in July 2022 and the site buildings have been vacant since that time.
- 2.2 The site sits on the corner of Broadwater Road and Palmerston Street in Romsey. The former care home building continuously follows the perimeter of the site providing an area of parking and amenity space within a quadrant in the middle of the site. The building is predominantly single storey with the exception of the northern elevation on to Broadwater Road which is a mix of both single and two storeys in height. The building is of brick construction with a clay tile pitched roof with clay tile hanging to the first-floor elevation of the two storey elevation facing Broadwater Road.
- 2.3 To the west of the site is the Council's Crossfield Hall and public car park. There is a notable brick boundary wall between the sites. To the east on Palmerston Street are nos 30-36, a residential terrace of two storey and basement properties and nos 38-52, a residential terrace of two storeys, both sets of terraces are listed. The site sits approximately 1.5m above the level of Palmerston Street. Opposite the site on Broadwater Road is a listed property on the corner currently a Prezzo restaurant and a more contemporary development of offices at two and half storeys. To the south of the site is the river and beyond the A27 which is screened from the site by some mature trees and vegetation. The site sits outside of but adjacent to the Romsey Conservation Area.
- 2.4 Within the northwest corner of the site is a brick-built single storey double garage. Adjacent to the northeast corner of the site on the junction of Palmerston Street and Broadwater Road is a small electricity substation.

Description of Development

- 2.5 The scheme the subject of this appeal is for the redevelopment of the site to form 47 no. Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping.

Application subject of this Appeal

- 2.6 The Appellant submitted a pre-application advice request on the 1st February 2023. A written response was received from the case officer on the 18th April 2023. The Appellant also attended the Design Review Panel meeting of the 7th March 2023 arranged by the Council. The Appellant also presented to Romsey Town Council on the 7th March 2023.
- 2.7 The application was submitted on 26th June 2023 and was validated on the 7th July 2023.

Relevant Planning History

- 2.8 Prior to the submission of the application subject to this appeal there was no relevant planning history on the site. The Appellant submitted an application to determine if prior approval is required for the proposed demolition of the care home (24/00202/DEMS). The Council by decision notice of the 26th February 2024 determined that prior approval for demolition of the existing building is not required.
- 2.9 The application received an officer recommendation for approval and was determined at the Southern Area Planning Committee meeting of the 12th March 2024. Notwithstanding the professional advice of planning officers that the proposed scheme complies with the provisions of the development plan when taken as a whole, members resolved to refuse the application 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.

Determined Drawings

2.9 The Council determined the application against the following plans and documents:

Details	Plan Number
Site Location Plan	10123RS - PA00
Site Layout Plan	10123RS - PA01 Rev B
Ground Floor Plan	10123RS - PA02 Rev B
First Floor Plan	10123RS - PA03 Rev B
Second Floor Plan	10123RS - PA04 Rev B
Roof Plan	10123RS - PA05 Rev B
Palmerston Street Elevation	10123RS - PA06 Rev B
Broadwater Road Elevation	10123RS - PA07 Rev B
Bypass Road Elevation	10123RS - PA08 Rev B
Crosfield Hall Elevation	10123RS - PA09 Rev B
Courtyard Elevation	10123RS - PA10 Rev B
Lean to Refuse Store	10123RS - PA11
Proposed Railings	10123RS - PA12
Roof details	10123RS - PA13
Glazing Bars	10123RS - PA14
Garage & Sub Station	10123RS-SK14

- 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 Ecus Consultants;
- Archaeological Desk Based Assessment by Ecus Consultants;
- Ecological Appraisal and Biodiversity Net Gain Assessment by Tetra Tech;
- Bat Report by Tetra Tech;
- Nutrient Balancing Assessment by TetraTech;
- Flood Risk and Drainage Assessment by Civil Engineering Practice;
- Housing Needs Assessment by ThreeDragons;
- Ground Investigation Report by Crossfields Consulting;

- Noise Impact Assessment by 24Acoustics;
- Air Quality Assessment by Air Quality Consultants;
- Landscaping Strategy (JBA 23-010-SK02C) by James Blake Associates;
- Statement of Community Engagement by Devcomm;
- Transport Statement by Paul Basham Associates Ltd; and
- Tree Protection Plan, Arboricultural Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Care.
- Site Survey (Plan ref 22-210)
- Existing elevations (Plan ref EL02 & 03)
- Existing floor plans (Plan ref FPO2 & 03)
- Daylight & Sunlight Assessment

RELEVANT POLICY GUIDANCE

2.10 It is agreed that the following are the relevant policy/guidance considerations in respect of this Appeal:

National Planning Policy

The National Planning Policy Framework (NPPF) (2023)

2.11 The following sections are considered to be relevant to this appeal;

Section 2 - Achieving Sustainable Development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting Sustainable Transport

Section 11 - Making Effective use of Land

Section 12 - Achieving well-designed and beautiful places

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG) 2019

It is considered that the following sections are relevant to this appeal;

- Effective Use of Land
- Design
- Historic Environment
- Housing for Older and Disabled People
- Planning Obligations
- Viability

National Design Guide (Sept 2019)

National Model Design Code 2021

Development Plan Policy

Test Valley Borough Revised Local Plan (2016)

- SD1 – Presumption in Favour of Sustainable Development
- COM1 – Housing Provision
- COM2 – Settlement Hierarchy
- COM7 – Affordable Housing
- COM14 – Community Services and Facilities
- COM15 – Infrastructure
- 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
- LHW1 – Public Open Space
- LHW4 – Amenity
- T1 – Managing Movement
- T2 – Parking Standard

Material Planning Considerations

In addition to the above the Council have the following supplementary planning documents;

- Infrastructure and Developer Contributions
- Affordable Housing
- Romsey Town Design Statement

- Romsey Conservation Area Appraisal

2.12 In addition to the above the Government has published a consultation document 'Strengthening planning policy for Brownfield development' in February 2024 which is capable of being a material planning consideration.

THIRD PARTY REPRESENTATIONS

2.13 A total of 14 third party representations were received during the course of the application subject of the appeal of which 13 were objections and 1 representation of support. The appeal has attracted 4 additional third party representations including 1 from the Romsey & District Society.

ISSUES TO BE ADDRESSED WITH THE APPEAL SCHEME

2.14 Following receipt of the decision notice it is considered that the following are the main issues for the appeal (I summarise):

- (i) **Whether or not by virtue of the scale, mass and design of the proposed development would there be harm to the significance of the Romsey Conservation Area and setting of adjacent heritage assets.**
- (ii) **If there is found to be any less than substantial harm to the significance of designated heritage assets and would the extent of any such harm be outweighed by the public benefits arising from the development.**
- (iii) **Whether the proposal would result in an unacceptable degree of harm to the residential amenities of 30-36 & 38-48 Palmerston Street by virtue of an overbearing impact.**
- (iv) **Whether having regard to development viability the level of proposed affordable housing contribution complies with Policy COM7.**
- (v) **Whether there is a mechanism to secure off site mitigation to address the impact on the Solent and Southampton Water European Designated Site from the proposed development.**
- (vi) **Whether there is a mechanism to secure mitigation measures to address recreational pressure on the New Forest SPA and the Solent and Southampton Water SPA.**
- (vii) **Whether the Council's requests for public open space and off-site health care infrastructure meet the Reg 122 test for planning obligations.**

CONDITIONS

- 2.15 Should the Inspector be minded to allow this Appeal it would be appropriate to consider necessary conditions. A list of suggested conditions is attached at Appendix 1. The Appellant has provided written confirmation of acceptance of any pre-commencement conditions in accordance with footnote 23 of Paragraph 56 of the NPPF (Appendix 2).

AGREED ISSUES

- 3.0 The issues set out below are those that are considered can be agreed between the parties.

Principle of Development

1. There is no objection to the residential redevelopment of the appeal site and it complies with policies SD1, COM1 and COM2.
2. There is no objection to the redevelopment of the former care home for specialist accommodation for older persons.

Specialist Older Persons Accommodation

1. National Planning Policy Guidance (June 2019) identifies that the need to provide housing for older people is 'critical', and that 'Plan-making authorities should set out 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.
2. National Planning Policy Guidance identifies at Paragraph 16 under housing for older and disabled people that '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.
3. It is agreed that the development plan is over 5 years old and does not include any policies for the provision of Retirement Living accommodation or any site allocations for the provision of specialist accommodation for older persons.
4. The Council's Strategic Housing Market Assessment (2022) identifies that 25% of the population of Romsey is over 65.
5. The Three Dragons Assessment of private sector older persons housing in the borough using the Retirement Housing Group's model identifies a need of between 667-982 new units of retirement living accommodation for sale.

Heritage

1. It is agreed that the appeal site was removed from the Romsey Conservation Area in 2020 because the existing care home building is of no heritage value and does not reflect the historic character of the area.
2. It is agreed that the current appeal site has a neutral impact on the setting of the adjacent Conservation Area and identified heritage assets.
3. It is agreed that whilst the Council's conservation officer identified no harm to any identified heritage assets the Planning Committee considered there to be less than substantial harm to the significance of the Romsey Conservation Area and adjacent heritage assets.
4. The Council have identified that in addition to the Romsey Conservation Area they consider that 'less than substantial harm' is caused to the following heritage assets set out in Paragraph 1.6 of the Council's document 'Impact on Heritage Assets' (June 2024). Of those assets listed in Paragraph 1.6 the parties have subsequently agreed that the appeal proposal would not cause harm to Fox Mills, 23a and 23b Palmerston Street, and 64 Palmerston Street.

Residential Amenity

1. It is agreed that the proposed scheme does not cause any unacceptable overlooking or loss of light to any adjacent residential property.
2. It is agreed that the Council's concern relate to the resultant sense of enclosure and the perception of overbearing from the proposed development for residents of 30-36 Palmerston Street & 38-48 Palmerston Street.

Affordable Housing

1. It is agreed that policy COM7 of the Revised Local Plan allows for the consideration of the economics of provision in the extent of affordable housing to be provided.
2. It is agreed that exceptional circumstances exist that would make the provision of on-site affordable housing unfeasible, and an off-site financial contribution is acceptable in this case.

3. It is agreed that the third reason for refusal has been addressed by the proposed legal agreement securing the off-site financial sum of £164,707 towards affordable housing.

New Forest and Solent and Southampton Water SPA's

1. It is agreed that the reasons for refusal relating to impact on both the New Forest and Southampton Water SPAs are addressed through the legal agreement securing off-site mitigation measures of £61,100 towards the New Forest SPA and £25,151 towards the Solent and Southampton Water SPA.

Infrastructure Planning Obligations

1. It is agreed that the Council consider the sixth reason for refusal in respect to public open space has been addressed by the proposed legal agreement and the financial contribution of £55,315 towards informal public open space and £76,916 towards outdoor sports facilities and the proposal complies with policy LHW1 of the Revised Local Plan 2016. The Appellant is concerned whether the Council's request for the outdoor sports facilities contribution meets the statutory Reg 122 test of the Community Infrastructure Levy 2010.
2. It is agreed that the seventh reason for refusal in respect to off-site public health infrastructure has been addressed by the proposed legal agreement and the financial contribution of £17,062. The proposal complies with policy COM15 of the Revised Local Plan 2016.


Other Issues

1. It is agreed that the proposed scheme causes no harm to the existing trees being retained on site.
2. The proposed scheme provides sufficient parking provision to meet the needs of the development and does not result in any unacceptable impact on highway safety.
3. It is agreed that the first reason for refusal concerns the impact of the proposal on the setting of heritage assets as addressed in Paragraph 9.1 of the Pre-CMC note and amended by Paragraph 8 of the CMC Note.
4. It is agreed that Ampfield Gardens, Audley - Standbridge Earls, and Grove Place are C2 residential care institutions controlled by legal agreement and are not comparable to the proposed C3 Retirement Living apartments.

Material Planning Benefits

5. The parties agree the following planning benefits for the purposes of this appeal only:

Policies
Provision of 47 residential units (Compliance with Policies SD1, COM1, COM2 & Para 60 NPPF)
Provision of 47 units of specialised accommodation for older people (Compliance with Policies SD1 & COM2, Paras 61 & 63 NPPF & PPG)
Maximum viable level of Financial Contribution to the provision of affordable housing (Compliance with Policy COM7 of the Local Plan Part 1)
Redevelopment of Previously Developed land (Compliance with Policies, Para 124(c) NPPF)
Redeveloping in a Sustainable Location and securing a sustainable future for the site (Compliance with Policies & Para 8 NPPF)
Making effective and efficient use of land (Complies with Policy SD1 of the Revised Local Plan, & Para 123 & 129 NPPF, and Government's consultation document on brownfield land)
Economic benefits to the Local Community (Compliance with Para 81 of the NPPF)
Social and Health Benefits to the local Community and health infrastructure (Compliance with Paras 92, 93 NPPF.)
Environmental benefits
Freeing up under occupied housing stock

Signed..... 

Mr. Matthew Shellum on behalf of Churchill Retirement Living Ltd.

Date...16/07/24.....

Signed: P Goodman

Mr. P. Goodman on behalf of Test Valley Borough Council.

Date: 16/07/24