



PROOF OF EVIDENCE OF MATTHEW SHELLUM BA(hons) DIPTP MRTPI

SITE: Edwina Mountbatten House, Broadwater Road, Romsey, SO51 8GH

CHURCHILL RETIREMENT LIVING LTD.
CHURCHILL HOUSE
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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: 13th-16th August 2024

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APPENDICES

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1.0 Professional Qualifications and Experience

- 1.1 I am Matthew Shellum BA (hons) DIPTP MRTPI, Planning Director and Head of Appeals at Planning Issues Ltd. where I have held the post for 5 years. I hold a degree (Batchelor of Arts with Honours) in Geography and Planning Studies and a post graduate diploma in Town Planning both from Oxford Brookes University. I am a member of the Royal Town Planning Institute and have been so for over 15 years.
- 1.2 I previously held the post of Principle Planning Associate for The Planning Bureau Ltd. where I was employed since 2001. The Planning Bureau's primary client was McCarthy & Stone Retirement Lifestyles Ltd. who also specialise in the provision of older persons accommodation. I have over 20 years planning experience working with the retirement housing sector. I have obtained in the region of 200 planning consents for retirement housing schemes around the country via local permissions and planning appeals during that time.
- 1.3 Prior to 2001 I held posts with local planning authorities in Hampshire and Wiltshire.
- 1.4 Planning Issues Ltd. provide planning advice to the Appellant on all its development proposals nationwide and have been involved with this appeal site since June 2022 and acted as agent on behalf of the Appellant in submitting and pursuing the planning application that is now subject to this appeal. In the course of my role I would be reviewing circa 50 sites a year for the Appellant at various stages of land acquisition, pre-application planning submission, planning application and planning appeals.
- 1.5 This proof of evidence relates to an appeal made under Section 78 of the Town and Country Planning Act 1990 against Test Valley Borough Council's failure to determine the application subject of this appeal for the demolition of existing structures and redevelopment to form 47 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping.
- 1.6 The evidence which I have prepared and provide for this appeal reference APP/C1760/W/24/3342514 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinion.

2.0 Introduction

- 2.1 The proof of evidence considers the following aspects of the case, and is set out as follows:
- (i) A brief description of the Appeal proposal, site history and planning process;
 - (ii) Relevant Development Plan Policy and Material Planning Considerations;
 - (iii) Consideration of the Council's Statement of Case;
 - (iv) Issues raised by third parties;
 - (v) The factors that weigh in favour of Planning Permission; and
 - (vi) Planning Balance and Conclusion.
- 2.2 This proof is accompanied by a short executive summary setting out the appeal proposal's compliance with the development plan and the material planning benefits of the proposed scheme that weigh in favour of the proposed development.
- 2.3 A Planning Statement (CD1.14), Design and Access Statement (CD1.13), Viability Statement (CD1.19) and a Heritage Statement (CD1.18) were submitted with the application. To avoid duplication of evidence, reference will be made to these documents where appropriate.
- 2.4 My proof specifically considers matters of planning policy and the scheme's compliance with the development plan, planning balance including the material planning benefits of specialist accommodation for older people, and where relevant my experience of working with the retirement housing sector.
- 2.5 The Appellant's case is supported by a proof of evidence from Mr. Rob Jackson, Design Manager, Planning Issues on design, Mr. Dominic Scott, Stantec on urban design and townscape and Mr. Paul White on heritage matters whose evidence I rely upon in reaching a view on the overall planning balance.

3.0 Site History & Planning Process

Appeal Site

- 3.1 The 0.3ha site comprises of the former Edwina Mountbatten House Care Home. The care home use ceased operation in July 2022 and the site buildings have been vacant since that time.
- 3.2 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 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 on Broadwater Road.
- 3.3 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 is a residential terrace which is 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 apartments 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. Within the northwest corner of the site is a double garage. Adjacent to the northeast corner of the site on the junction of Palmerston Street and Broadwater Road is a small electricity substation.
- 3.4 Please see the design and access statement (CD1.13) submitted with the application for further details on the appeal site and its context.

Relevant Planning History

- 3.5 Prior to the submission of the application subject to this appeal there was no relevant planning history on the site. The Appellant also 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.

Planning Process

- 3.6 The application was submitted on 26th June 2023 following pre-application engagement with the Council in February 2023, and Romsey Town Council and the

Council's Design Review Panel in March 2023 (please see Statement of Community Involvement CD1.20). The application was validated on the 7th July 2023.

3.7 The Appellant continued discussions with Council's planning and conservation officers throughout the application process with amended plans submitted on the 23rd November 2023 to address design and heritage points raised by officers. It is considered throughout the pre-application and planning application process the Appellant fully complied with National Planning Policy Framework guidance on engagement and consultation at paragraphs 39-42.

3.8 Given the extent of the Appellant's engagement with Council officers and statutory consultees it was not surprising that the proposal subject of this appeal was recommended for approval at the Southern Area Planning Committee meeting of the 12th March 2024. There was no objection received from the Council's conservation officer and no identification of any heritage harm from the proposed scheme. Furthermore, planning officers identified that the appeal proposal is appropriate and would broadly enhance the character of this site situated adjacent the conservation area and make a positive contribution to sustaining the significance of the surrounding heritage assets. 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 independently and without seeking further heritage expertise resolved to refuse the application for 7 reasons which I summarise below:

- (i) Scale, bulk and design of the proposal would be detrimental to the setting of the Romsey Conservation Area and setting of adjacent heritage assets.**
- (ii) Overbearing impact on 38-48 Palmerston Street & 30 & 36 Palmerston Street to the detriment of the residential amenity of those dwellings.**
- (iii) Absence of a legal agreement to secure the provision of a financial contribution towards affordable housing.**
- (iv) Absence of a legal agreement to secure mitigation measures towards Solent and Southampton Water European Designated Site.**
- (v) Absence of a legal agreement to secure mitigation measures towards the New Forest SPA and Solent and Southampton Water SPA.**
- (vi) Absence of a legal agreement to secure the provision of a financial contribution towards public open space.**
- (vii) Absence of a legal agreement to secure the provision of a financial contribution towards off-site health infrastructure**

- 3.9 In respect to the third reason for refusal the Council have assessed the Appellant's submitted viability assessment using independent external consultants and the parties are agreed on a sum to be paid by financial contribution in lieu of on-site provision of affordable housing. The agreed figure of £164,938 towards affordable housing is set out and agreed by the parties in the Statement of Common Ground
- 3.10 In respect to the fourth reason for refusal the Appellant has discussed with the Council the provision of mitigation and nitrate neutrality. The Appellant has obtained credits from Natural England approved credit provider. The Appellant will provide a completed legal agreement securing the appropriate mitigation measures from the credit provider and as such both parties as set out in the Statement of Common Ground agree that this reason for refusal is addressed and no further evidence is provided on it.
- 3.11 In respect to the fifth reason for refusal in relation to mitigation measures towards the Solent and Southampton Water SPA and the New Forest SPA the reason for refusal is in respect to 'the absence of a legal agreement'. The Appellant agreed during the course of the application to make financial contributions towards mitigation measures for both these SPAs. The Appellant will provide a completed legal agreement securing the financial contributions (New Forest SPA - £61,100 & Solent and Southampton Water SPA - £25,151) and as such both parties as set out in the Statement of Common Ground agree that this reason for refusal is addressed and no further evidence is provided on it.
- 3.12 In respect to the sixth reason for refusal on off-site public open space the Appellant and Council have been discussing the requested contribution in respect to ensuring its compliance with Reg 122 of the Community Infrastructure Regulations. The parties have agreed upon a figure of £55,315 towards informal public open space. The Council are seeking a further figure of £76,916 towards outdoor sports provision. The Appellant has allowed for the Council's request for this contribution within the legal agreement but has a reservation to whether it meets the statutory CIL compliance tests. The requirement and compliance of the obligation is set out in the Council's CIL Compliance Statement I address the Appellant's reservation on this contribution within Section 6. The Proposed S106 agreement includes a 'blue pencil clause' should the Inspector consider the Council's requested obligation does not meet the statutory tests of Reg 122 of the Community Infrastructure Levy Regulations then the equivalent sum would be added to the affordable housing contribution.

- 3.13 In respect to the seventh reason for refusal in regard to off-site health infrastructure the Appellant and Council have been discussing the requested contribution in respect to ensuring its compliance with Reg 122 of the Community Infrastructure Regulations. The parties have agreed upon a figure of £17,062 towards off-site health infrastructure and this obligation is secured through the S106. This contribution is also subject to the 'blue pencil clause' in the S106 agreement.
- 3.14 Having regard to the agreed position reached between the parties and the provided S106 agreement to secure mitigation measures and planning infrastructure contributions it is agreed that reasons 3-7 of the decision notice have been satisfactorily addressed and no further evidence is provided on these issues.
- 3.15 It is considered that the outstanding matters subject of this appeal relate to the first and second reasons for refusal relating to impact on the character and appearance of the Romsey Conservation Area and setting of heritage assets and overbearing impact on 30-36 & 38-48 Palmerston Street. The Council's first reason for refusal does not state which heritage assets other than the Romsey Conservation Area it is they considered to be harm. The Council's statement of case provides no further clarity on the heritage assets alleged to be harmed.

4.0 Development Plan 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. The development plan for the area is the Test Valley Borough Revised Local Plan (2016).
- 4.2 The Council carried out a review of the Revised Local Plan in 2021 once it reached its fifth anniversary. The Council undertook a self-assessment of the Revised Local Plan which was then reviewed by independent consultants. The independent review concluded that the Revised Local Plan continued to provide a sound basis for planning in the Borough and the strategic policies of the plan should retain their current weight. However, the NPPF has been revised since the 2021 review and the Revised Local Plan needs to be read in conjunction with national planning policy and weight given to them based upon the consistency with national planning policy.
- 4.3 I would refer to the Planning Statement (CD 1.14) submitted with the application for a wider review of development plan policy. I below set out briefly those policies considered to be salient to the issues at this appeal.

Test Valley Borough Revised Local Plan (2016)

- 4.4 Paragraph 2.15 of the Local Plan under the section of issues for the Borough identifies the increase in population of the Borough and the requirement for more homes. The paragraph also recognises that the Borough's population is ageing with the 2011 Census data indicating that there were 14,757 people above 70 living in the Borough. The Council identify providing housing to meet the ageing population demographic as a key issue.
- 4.5 Paragraph 2.17 identifies that;
- 'The Council will seek to maximise the contribution from brownfield land. Given the scale of the housing requirement and that the Borough is predominantly rural (with less than 5% being identified as 'built up').'***
- 4.6 **Policy SD1** sets out the presumption in favour of sustainable development which is encapsulated in Paragraph 11 of the NPPF. The policy states that where development accords with the policies in the Revised Local Plan, it will be approved through the correct planning process without delay unless material considerations indicate otherwise. This is highly pertinent given officers considered in recommending the application for approval that there were no breaches of the policies of the Revised Local Plan, and it is considered that an acceptable development has been delayed.

- 4.7 **Policy COM1** sets on the housing requirements for the Borough between 2011-2029 of 10,584 homes.
- 4.8 **Policy COM2** provides a settlement hierarchy to the plan and confirmed that the principle of development and redevelopment will be permitted within identified settlement boundaries provided that it is appropriate to the other policies of the Plan. The appeal site is within the identified settlement boundary for Romsey and the principle of residential redevelopment complies with Policy COM2 if it is appropriate to the other policies of the Revised Local Plan.
- 4.9 **Policy COM7** is the Council's affordable housing policy referenced in the third reason for refusal. The policy seeks to negotiate provision on housing sites of 40% affordable housing provision from proposed schemes resulting in a net gain of 15 or more dwellings. The policy continues that the Council will take into account the size, suitability and economics of provision when negotiating affordable housing provision.
- 4.10 **Policy COM15** on infrastructure advises that development will be permitted provided that appropriate investment has been secured either in the form of works or through financial contributions to mitigate the impact on existing infrastructure. This is the policy basis for seeking infrastructure obligations. The supporting text to the policy references the Council's Infrastructure and Developer Contributions SPD. The policy does not reference any of the statutory tests for planning obligations set out in Reg 122 of the Community Infrastructure Levy Regulations 2010.
- 4.11 **Policy E1** referenced in the first reason for refusal seeks development in the Borough to be of a high quality in terms of design and local distinctiveness. It advises that development should integrate, respect and complement the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles. It also adds that it should not detract from the dominance of important views of key landmark buildings or features and should make efficient use of the land whilst respecting the character of the surrounding area.
- 4.12 **Policy E5** on biodiversity is referenced in the fourth reason for refusal in respect to the absence of mitigation measures towards impacts on the Solent and Southampton Water European Designated Site. The policy permits development that will conserve, restore and or enhance biodiversity. The policy also advises that development will not be permitted where it is likely to result in the loss, deterioration or harm to habitats of biodiversity or geological conservation interest unless one of three criteria apply. These include whether the need for the development outweighs the adverse effect on the relevant biodiversity; there is no other alternative site that would result

in less of no harm to the biodiversity; and measures can be provided to mitigate against the impact of the development on biodiversity.

- 4.13 **Policy E7** requires all new homes to achieve water consumption standard of no more than 110 litres per person per day.
- 4.14 **Policy E9** is referenced in the first reason for refusal in respect to impact on the setting of Romsey Conservation Area and adjacent heritage assets. Policy E9 permits development affecting a heritage asset where it would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking account of its character, appearance and setting; and the significance of the heritage asset has informed the proposal through an assessment proportionate to its importance.
- 4.15 The policy reflects national planning policy set out in Section 16 of the NPPF and in particular Paragraph 208, in that development which will lead to less than substantial harm will need to be weighed against the public benefits of the proposal.
- 4.16 **Policy LHW1** is the Council's policy on the provision of public open space with new housing development. The policy sets out a standard of at least 3 hectares per 1,000 population split between different types of public open space and applied where there is a net increase in the population from the development proposed. The supporting text to the policy expects recreational needs of any development to be met on site except where the site is not of sufficient size to make the policy provision (Paragraph 8.4). The preceding paragraph 8.3 identifies that contributions towards open space provision will be sought from all new housing developments unless they are of a type of housing unlikely to generate demand for such facilities.
- 4.17 **Policy LHW4** is referenced in the second reason for refusal and states that development will be permitted provided that it provides for the privacy and amenity of its occupants and those of neighbouring properties; it provides for private open space in the form of gardens or communal open space to meet the needs of residents; and it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.
- 4.18 **Policy T1** is a transport policy looking to manage movement. Given its age it would need to be read in conjunction with the NPPF and paragraph 115 in particular. Criteria (b) advises that development will be permitted where measures are in place to minimise its impact on the highway. Criteria (d) to the policy would permit development where it does not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network. Criteria (e) seeks provision to support and promote the use of sustainable transport.

- 4.19 **Policy T2** states that development will be required to provide parking in accordance with the standards set out in Local Plan Annex G. The standards reference supported accommodation and a minimum 1 space per unit and visitor parking of 1 space per 5 units. The policy states that variations to the standard needs to be accompanied by evidence.
- 4.20 **Policy CS1** advises that development will be permitted provided that it delivers safe, accessible and liveable environments that the design takes account of the need to reduce the opportunities for crime and anti-social behaviour.

Material Planning Considerations

National Planning Policy Framework (2023)

- 4.21 The Planning Statement (CD-1.14) submitted with the application provides an overview of national planning policy. For ease of reference, I will briefly focus on national planning policy in respect to the outstanding issues for determination at this appeal where it is not contained in other appeal documents, as well as national planning policy in respect to material planning considerations when assessing the planning balance of the proposed scheme.

National Planning Policy Framework (NPPF)

- 4.22 In relation to this Appeal, the following sections of the NPPF are particularly material;
- **Para 7** - *“The purpose of the planning system is to contribute to the achievement of sustainable development.”* This statement puts sustainability at the heart of planning and is the thread that runs through the NPPF.
 - **Para 8** - sets out the component parts that constitute ‘sustainable development’, namely economic, social and environmental.
 - **Para 11** - *‘Plans and decisions should apply a presumption in favour of sustainable development.’* For decision making this means approving development proposals that accord with the development plan without delay.
 - **Para 12** - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan permission should not normally be granted.
 - **Para 57** sets out that planning obligations must only be sought where all the CIL 122(2) tests are met.

- **Para 60** – sets out the planning objective *‘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’*. This is a recognition of the level of need for new housing across the country against the recent dwindling trend of housing supply.
- **Paras 60 and 61** – state that local housing needs assessments should determine the minimum number of homes needed, unless exceptional circumstances justify an alternative approach. This goes further to state that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities...”*
- **Paras 63** – sets out within the context of establishing need, the size, type and tenure for different groups in the community should be assessed and reflected in planning policies. These groups are listed as including older people and it is noteworthy that the latest revision of the NPPF now specifically references those in need of retirement housing.
- **Para 64** - where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.
- **Para 70** - identifies the important role small and medium sized sites can make to meeting the housing requirements of an area. The paragraph identifies that local planning authorities should identify at least 10% of their housing requirement on sites no larger than one hectare. Paragraph 70(d) supports the development of windfall site and states that local planning authorities should ‘give great weight to the benefits of using suitable sites within existing settlements for homes’
- **Para 115** states 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.
- **Para 123** advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- **Para 124(c)** gives substantial weight to the value of reusing suitable brownfield land within settlements for homes.
- **Para 128** advises that planning decisions should support development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change.
- **Para 129** - 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.
- **Para 131** - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places to live and work while making development acceptable to communities.
- **Para 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.
- **Para 139** - Permission should be refused for developments that are not well designed. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.
- **Para 203** advises that in determining applications, local planning authorities should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

- Para 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- Para 212 advises that development proposals that preserve those elements of the setting of heritage assets that make a positive contribution to the asset should be treated favourably.

National Planning Policy Guidance

4.23 The National Planning Policy Guidance (NPPG) was published “online” in March 2014, has been subject to subsequent revisions. It is considered that the following sections are of particular relevance to this appeal:

- (i) Housing for Older and Disabled People
- (ii) Town Centres and Retail

4.24 With respect to the section on ‘Housing for Older and Disabled People’, it was introduced into the PPG as a separate section in July 2019. I consider it to be significant that the Government has deemed it necessary, given the extent of need for these forms of accommodation, to have a dedicated section providing advice for plan makers and decision takers to secure delivery of these specialist forms of accommodation. Whilst the whole section is relevant to the appeal proposal, Paragraph 001 identifying the scale of need is worth reiterating:

‘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 1.6million 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.’ (my emphasis).

4.25 Paragraph 003 advises that for plan-making purposes ‘strategic policy making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.’

4.26 Paragraph 013 states that it is up to the plan-making body whether to allocate sites for specialist housing for older people and this might be appropriate where there is an identified unmet need for specialist housing. The paragraph identifies the location

of housing as a key consideration for older people, factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.

4.27 Paragraph 016 states *'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.'*

4.28 The PPG actively encourages the provision of specialist accommodation for older persons in town centre locations. Paragraph 001 under Town Centres and Retail states;

'Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services. 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.'

Government Consultation - 'Strengthening Planning Policy for Brownfield Development' (February 2024)

4.29 The Government has recently (13th February 2024) released a public consultation entitled *'Strengthening Planning Policy for Brownfield Development'* which is capable of being a material consideration. Paragraph 15 of the consultation document states;

'We propose a change to national planning policy to make clear that when considering planning applications, local planning authorities should give significant weight to the benefits of delivering as many homes as possible, especially where this involves land which is previously developed.'(my emphasis)

4.30 Paragraph 18 of the consultation document proposes changes to Paragraph 129(c) of the Framework to read:

*'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework, **especially where this involves land which is previously developed.** In this context, when considering applications for housing authorities should **give significant weight to the planning benefits of delivering as many homes as possible and** take a flexible approach in applying planning policies or guidance relating to daylight and sunlight **and internal layouts of development** where they would otherwise inhibit making **the most** efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*

Local Material Considerations

4.31 In addition to the development plan the Council have the following supplementary planning documents;

- (i) Infrastructure and Developer Contributions (2023)
- (ii) Affordable Housing (2020)
- (iii) New Forest SPA Mitigation Interim Framework
- (iv) Solent Recreation Mitigation Strategy (2017)
- (v) South of Romsey Town Centre Masterplan (2020)

Infrastructure and Developer Contributions SPD (2023)

4.32 The SPD was adopted in June 2023 and is intended to explain the Council's approach to the use of planning obligations. The SPD is referenced in the third, sixth and seventh reasons for refusal relating to affordable housing, public open space and health care obligations. The SPD is a guide for developers to the areas of public infrastructure that the Council will seek through planning obligations. Section 18 on development viability identifies at Paragraph 18.1 in cases affected by development viability the Council may prioritise certain contributions. It also identifies that there is no flexibility in respect to contributions considered necessary to make the scheme acceptable. Paragraph 18.2 advises that the viability of a scheme would justify a reduction in planning obligations.

Affordable Housing SPD

4.33 The SPD was adopted in 2020 and provides supplemental planning guidance to support Policy COM7, 8 & 9 of the Revised Local Plan. In respect to this appeal section 13 of the document sets out the Council's approach to development viability.

New Forest SPA Mitigation Interim Framework (2014)

4.34 The above document is referenced in the fifth reason for refusal in respect to mitigation requirements for the New Forest and Solent and Southampton Water SPAs. Paragraph 5 of the Framework identifies 5 options for mitigation including the provision of a contribution of £1,300 per dwelling towards off-site mitigation. Paragraph 8 identifies that the contributions would fund projects that have the capacity to reduce disturbance of the species for the which the New Forest SPA is designated.

Solent Recreation Mitigation Strategy (2017)

- 4.35 The above document is referenced in the fifth reason for refusal in respect to mitigation towards the Solent SPAs. The strategy enables a developer to make a financial contribution towards strategic mitigation of recreational pressures on the SPAs. Paragraph 6.1 of the strategy sets out that the strategy seeks the equivalent of £564 per dwelling increased annually in line with the Retail Price Index.

South of Romsey Town Centre Masterplan (2020)

- 4.36 The Masterplan is not a supplementary planning document. It is an informative document which is capable of being a material planning consideration but with limited weight to be attached to it. The Masterplan was adopted in 2020 following extensive public engagement. The document focuses on the regeneration of an area on the south side of the town makes recommendations for the future development of Romsey. The Masterplan is not cited in any of the reasons for refusal. Paragraph 1.2 of the report identifies its purpose to provide a strategic vision and masterplan proposals for the land south of Romsey town centre, ensure key sites coming forward for development contribute to Romsey a healthy and sustainable place, provide guidance for developers and landowners and contribute to the evidence base of the next local plan. Figure 2.2 (Page 10) the context map for the masterplan identifies the study area and shows that the appeal site Edwina Mountbatten House is not within the masterplan area.
- 4.37 Paragraph 2.19 under the site analysis of the area identifies the townscape character as a historic market town with buildings being predominantly two and three-storey and where *'new developments have been proposed, they generally reflect the existing character. It is important that future development continues to respect, complements and enhances the local character of the town.'*

Conclusion

- 4.38 In respect to planning policy and in light of agreement reached on the planning obligation reasons for refusal 3-7, the Council only alleges harm on two grounds citing three policies of the development plan to be breached – Policy E1, E9 and LHW4.
- 4.39 In respect to all other policies of the development plan the proposed scheme is considered to comply with them or the policies are neutral in respect to the proposed scheme.
- 4.40 The Council's case implicitly alleges a breach of Paragraph 208 of the NPPF but does not specifically allege that the proposed scheme is contrary to any other aspect of

national planning policy or guidance, or any supplementary planning documents or any other material planning documents.

5.0 Meeting identified National and Local Housing Needs for Older Persons Accommodation

- 5.1 The proposed development would contribute towards the delivery of specialised older persons accommodation for which there is a need for both nationally and locally. The NPPG introduced a section entitled 'Housing for Older and Disabled People' in 2019. I consider it to be significant that the Government has deemed it necessary given the extent of need and levels of historic and current delivery for these forms of accommodation that it has warranted its own explicit section providing advice for plan makers and decision takers to secure delivery of these specialist forms of accommodation. Its use of the word '*critical*' is telling in the extent of need to secure specialist accommodation for older persons. There is nowhere else in national planning policy where the delivery of a specific housing type is described in such terms.
- 5.2 It should be noted also that the Government saw it fit to make revisions to Paragraph 63 of the NPPF (December 2023) to now specifically require local planning authorities to assess their housing need for retirement housing and reflect that in planning policies. I consider this to be an intended change so that local planning authorities plan for and deliver more retirement housing in light of the identified '*critical*' need.
- 5.3 Paragraph 016 of the PPG states '*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.*'
- 5.4 Paragraph 01 of the PPG on 'Town Centres and Retail' also advises '*residential development in particular can play an important role in ensuring the vitality of the town centres, giving communities easier access to a range of services. 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.*'

Need for Specialist Accommodation for Older Persons in Test Valley and Romsey

- 5.5 Paragraph 5.33 of the Revised Local Plan acknowledges that Test Valley has an increasingly ageing population and that there will be an increased demand for housing specifically designed for older persons. The paragraph concludes that the Council will consider proposals positively if they help meet the Council's Strategy aims.

5.6 The Test Valley Housing Needs Marketing Assessment (2022) indicates that over a 10 year period the older population within the borough is expected to increase by 24.5%, compared to an increase of 19.2% in England. Additionally, the 85+ age group is expected to increase by 64.6% which is almost double the population change in England (38.5%). Population growth in the Borough is projected to be concentrated in older age groups (those aged 65 and over) with this age group accounting for 87% of projected population change (para 22. SHMA).

5.7 A key theme within the SHMA report (2022) is older person housing. The SHMA states that as of 2020, it is estimated that 22% of the population of Test Valley was aged 65 and over, this compares with 22% for the County, 20% regionally and 19% nationally (below).

| Figure 7.1: Older Persons Population, 2020 | | | | |
|---|--------------------|------------------|-------------------|----------------|
| | Test Valley | Hampshire | South East | England |
| Under 65 | 78.1% | 78.1% | 80.3% | 81.5% |
| 65-74 | 11.5% | 11.4% | 10.3% | 9.9% |
| 75-84 | 7.4% | 7.4% | 6.5% | 6.1% |
| 85+ | 3.0% | 3.2% | 2.8% | 2.5% |
| Total | 100.0% | 100.0% | 100.0% | 100.0% |
| Total 65+ | 21.9% | 21.9% | 19.7% | 18.5% |
| Total 75+ | 10.4% | 10.6% | 9.4% | 8.6% |

Source: ONS Mid-Year Population Estimates

5.8 Specifically with regards to Romsey, the SHMA includes housing by population by area highlighting that 25.0% of Romsey’s population is over 65. This is significantly higher than the remainder of the Borough. **The SHMA highlighted that by 2040 there is an estimated need for 1,941 additional dwellings with support or care. With the overall potential housing delivery of 10,820 homes within the emerging plan period, the need would equate to some 21% of all homes needing to be some form of specialist accommodation for older people.**

5.9 The planning application was supported by an Older Persons Housing Needs Assessment undertaken by Three Dragons (CD). The Assessment using established models of assessing older persons housing need suggests a need for 667 new units of sheltered housing (retirement living) for sale in Test Valley.

5.10 Data at ward level for Romsey and surrounding wards in the south of Test Valley, shows the demand is for 185 sale units using the RHG model and 323 sale units using the Contact Consulting model (but it should be noted that there is a surplus of 20-81 units of enhanced sheltered and extra care housing for sale).

- 5.11 The identification of the ageing population of the District is also a key theme in the Council's Housing Strategy (2020-2025) (CD4.3). Theme 3: Meeting the Challenge of an Ageing Population acknowledges the ageing population within the Test Valley Borough. The Council has identified the priority of developing a range of alternative housing options for older persons, actively encouraging downsizing to free up family homes.
- 5.12 Failing to provide sufficient retirement housing and choice to meet local housing needs for older persons has implications for older persons and communities. A lack of specialised housing choice for older persons means that they can become stuck in mainstream properties that are no longer fit for purpose and which can detrimentally affect their health and well-being. It can prevent older persons continuing to take an active role in the community and support their local centres and facilities.

Economic Benefits

- 5.13 The NPPF identifies the planning system as having a key role in building a strong and competitive economy. The provision of specialised accommodation for the elderly would also provide other benefits to the community and local economy as a whole. A significant benefit to the area from the scheme would however be the intended elderly residents themselves. If approved, the development once fully occupied, is likely to accommodate some 60 - 65 residents who, given their age, are likely to use the shopping and other facilities of the nearby local shops on a regular basis.
- 5.14 In 2021 the Homes and Later Living group published the report 'Silver Saviours for the High Street' (**Appendix 1**), which identified;
- (i) Retirement properties create more local economic value and more local jobs than any other type of residential development.
 - (ii) People living in each retirement development of 45 units generate approximately £550,000 of spending per year, £347,000 of which is spent on the local high street. Some £225,000 of this is new spending in the local authority, directly contributing to keeping local shops open.
 - (iii) For just one retirement development, a local authority could expect to see benefits of 85 construction jobs for the duration of the build, as well as six permanent jobs.
- 5.15 It is to be remembered that the figures appear in a 2021 report and would have to be increased to take account of inflation but also the scheme being 47 units. Accordingly, I attach substantial weight to the economic benefits of the proposal.

Social Benefits

- 5.16 Retirement housing gives rise to many social benefits by providing a specialised age friendly environment to meet a specific housing need. The UK has the oldest housing stock in the EU with 38% of our homes dating before 1946 and 21% before 1919. Older homes are 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. Specifically designed housing for older people offers significant opportunities to enable residents to be as independent as possible in a safe and warm environment. It also helps to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs in retirement by providing safety, security and reducing management and maintenance concerns.
- 5.17 Specialist Retirement Living housing offers significant benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities – not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. A recent report 'Happier and Healthier' by Homes for Later Living (2019) (Appendix 2) has found that:
- (i) 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 services of approximately £3,500 per year.
 - (ii) Building 30,000 more retirement dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year.
- (Homes for Later Living September 2019)
- 5.18 The table above breaks down health and social care costs, comparing housing for later living with mainstream housing. (Homes for Later Living September 2019)
- 5.19 There are huge benefits from newfound friends and companions. Around 3.8 million individuals over the age of 65 live alone in the UK, with increasing sense of loneliness and vulnerability. Research has suggested that the impact of loneliness and isolation on mortality is equivalent to smoking 15 cigarettes a day. These people are also much more likely to suffer from depression and to develop dementia.
- 5.20 The recent 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.

Table below: The fiscal impacts of mainstream vs homes for later living housing, by outcome and efficiency

| | Mainstream housing, pp >80yrs | Homes for Later Living housing, pp >80yrs | Difference |
|---|-------------------------------|---|-------------------|
| Adverse health outcomes / cause: | Cost (£) | Cost (£) | Saving (£) |
| Fracture or serious injury / falls | 811 | 300 | (510) |
| Dementia / loneliness | 2,119 | 1,874 | (244) |
| Stroke incapacitation / delayed action | 477 | 343 | (134) |
| Pneumonia, heart attacks, arthritis / cold homes* | 205 | nil | (205) |
| Visits to GP and A&E attendance / (various) | 267 | 195 | (72) |
| Subtotal (prevention) | 3,878 | 2712 | (1,166) |
| Efficiencies: | | | |
| Utilisation of public-funded institutional care** | 1812 | nil | (1,812) |
| Use of public-funded home care services | 984 | 820 | (164) |
| Use of disabled facilities grant money*** | 349 | nil | (349) |
| Subtotal (efficiencies) | 3,144 | 820 | (2,324) |
| Total | 7,022 | 3,512 | (3,490) |

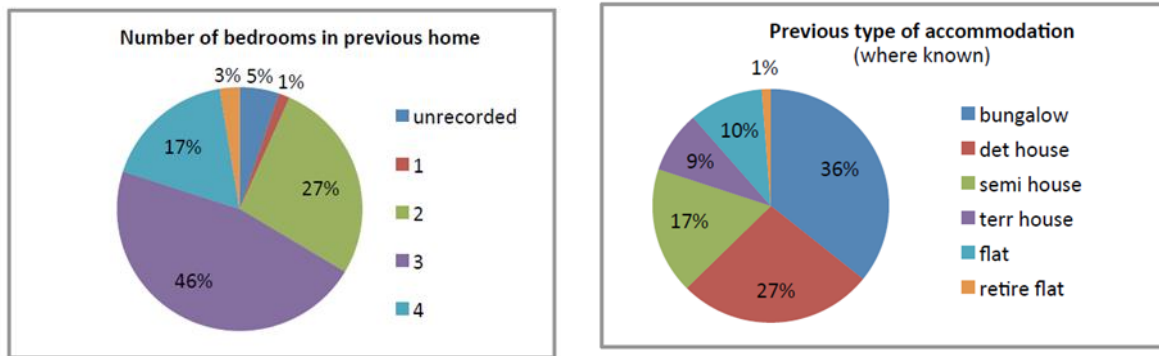
5.21 I attach substantial weight to the social benefits of the proposal.

Release of Under Occupied Housing Stock

5.22 The Government has recently acknowledged that downsizing is key to tackling 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 2020-2021 show under-occupation in England is 38% with around 9.1 million households living in under-occupied homes (i.e. with 2 or more spare bedrooms). 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.

- 5.23 A research project undertaken by Professor Michael Ball from the University of Reading in May 2011 entitled “Housing Markets and Independence in Old Age: Expanding the Opportunities” (**Appendix 3**) reinforces the benefits set out above. The report reaffirms the position that Owner Occupied Retirement Housing (OORH) has a positive impact on local housing markets. Upon moving, most residents free up a substantial family home, with two thirds moving from houses with three or more bedrooms.
- 5.24 The report identifies the following benefits of specialist housing provision based on an analysis of 5,000 sales records of older people who bought retirement housing properties between 2007 and 2010. They show how specialist housing frees up under-utilised family-sized housing in the local area.
- (i) For every 5,000 owner-occupied retirement homes sold, family housing to the value of £1.1 billion is released back onto local housing markets.
 - (ii) For an individual retirement housing scheme of 40 dwellings, this equates to the release of 40 family-sized homes the majority of which are in the local area worth nearly £9 million.
 - (iii) The average value of the individual dwellings released is just under £220,000. Two thirds had three or more bedrooms.
 - (iv) Property vacated is then usually bought by younger people and often used to raise families. In this way, local housing stock is recycled through the generations.
 - (v) Provision of specialist retirement housing has a multiplier effect through the housing chain. For each individual specialist dwelling built, housing for six people is provided; the ‘classic’ family of four in the vacated property, and the couple downsizing into specialist accommodation.
 - (vi) A wider chain of moves is also triggered. As the initial property vacated is likely to be quite substantial, additional moves further down the chain occur. On many occasions, six or more moves can be stimulated.
 - (vii) First time buyers also benefit. It is estimated that within six moves, a first-time buyer is able to enter the housing market.

Figure 5.6: Characteristics of previous homes



5.25 At the launch of the recent task force launched to enhance older people's housing sector, Richard Morton, Chair of the Retirement Housing Group UK said:

"The Retirement Housing Group UK has worked hard to develop constructive proposals that can increase housing supply in this very important but neglected sector of the housing market. We welcome the creation of the Task Force on Older People's Housing and are committed to working with the task force and with Professor Julienne Meyer to develop policies that will increase housing choice for older people. With an ageing population it is essential we increase the supply of suitable and attractive homes for this key section of society, and in turn, then release desperately needed housing for other age groups." (Source: The Planner, 11th April 2023, Appendix 4)

5.26 I consider that substantial weight should be given to the proposed scheme's contribution to meeting an identified critical housing need both nationally and locally.

6.0 Consideration of the Main Issues

6.1 Following the Case Management Conference and further discussions between the parties as set out in the Statements of Common Ground it is considered that the main issues in this case are agreed to be as follows;

- (i) **The effect of the proposal on the setting of Romsey Conservation Area and adjacent heritage assets;**
- (ii) **Whether the proposal would result in an overbearing impact on 38-48 Palmerston Street & 30 & 36 Palmerston Street to the detriment of the residential amenity of those dwellings.**

6.2 The Appellant's other witnesses deal with the principal issues of dispute at this appeal (issues (i) - (ii)) and my evidence considers the development plan and material planning benefits which weigh in favour of the appeal proposal, alongside my experience of retirement living accommodation. Section 6 of my evidence considers those planning issues raised by third parties and Section 7 considers the planning balance and material planning considerations.

6.3 Having regard to the agreement between the parties on the reasons for refusal relating to mitigation measures and planning infrastructure obligations, there remains just 3 policies of the development plan alleged to be breached - Policies E1, E9 and LHW4 of the Test Valley Borough Revised Local Plan (2016).

(i) Impact on the setting of the Romsey Conservation Area and adjacent heritage assets.

6.4 The Council consider that the scale, bulk and massing of the proposal would be detrimental to the setting of the Romsey Conservation Area and the setting of heritage assets with the extent of less than substantial harm alleged not to be outweighed by the public benefits of the proposed scheme. The Council allege that policies E1 and E9 of the Test Valley Borough Revised Local Plan are breached.

6.5 Policy E1 seeks a high quality of development in the Borough and development will be permitted if it is a high-quality design and locally distinctive. The policy has four separate limbs with the first (a) requiring development to respect and complement the character of the area. It does not seek for development to reflect or be the same as the character of the area only that it respects the existing character. Criterion (b) advises not to detract from the dominance of key landmark buildings or features or interrupt important views. The Council's reason for refusal does not identify harm to any specific landmark building or feature although reference is made to a viewpoint where the harm to heritage assets is alleged to be more noticeable from. The third

criterion (c) relates to connectivity and relationships between public and private spaces which is considered not to be part of the Council's concerns. The fourth criterion (d) requires an efficient use of the land whilst respecting the character of the surrounding area. The policy needs to be read in conjunction with national planning policy (NPPF) which postdates the development plan, particular section 11 'making effective use of land' in respect to the final criterion (d) of the policy.

6.6 In respect to the assessment of the proposed scheme against Policy E1 of the development plan and the relevant policy objectives of the NPPF I would defer to the proofs of evidence of Mr. Jackson and Mr. Scott. Having regard to Mr. Jackson's evidence it is my view that the proposed scheme is a high quality that complements the character of the area in respect to layout, appearance, scale, materials and building styles. The proposed scheme makes an efficient use of this vacant brownfield site whilst respecting the character of the area and complies with Policy E1.

6.7 Policy E9 on heritage advises that development will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset, and the significance of the heritage asset has been informed by an assessment proportionate to its importance. The application was submitted with a heritage statement by Ecus Ltd. which identified and assessed the significance of heritage assets that might be considered to be affected by the proposed scheme.

6.8 The policy continues to reflect national planning policy insofar as where development is considered to lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Para 208, NPPF).

6.9 It should be noted that the Council's conservation officer consultation response of the 17th January 2024 states;

'The amendments to the design of the proposed scheme have sufficiently overcome the concerns previously raised that it is now considered the proposed replacement retirement accommodation should not have an adverse impact on the settings of the nearby listed buildings or setting of the conservation area.'

6.10 The officer's report to committee goes further on heritage assets and Paragraph 8.21 states;

'However, it is considered that the approach proposed, informed by the comments of the Conservation Officer, and reflected in the revised proposals, is appropriate and broadly enhance the character of this site situated adjacent the Conservation Area

and make a positive contribution to sustaining the significance of the surrounding heritage assets.'

- 6.11 It should be noted that professional planning officers of the Council did not identify any harm to the setting of the Romsey Conservation Area or the setting of any other heritage asset, indeed their conclusions were that the proposed scheme is appropriate and would broadly enhance the character of this site situated adjacent the conservation area and make a positive contribution to sustaining the significance of the surrounding heritage assets. As no heritage harm was identified by conservation consultees it was not necessary for the local planning authority to carry out a heritage balance set out in national planning policy and development plan policy E9.
- 6.12 In respect to the effect on the setting of heritage assets I would defer to the proof of evidence of Mr. Paul White. Having regard to Mr. White's evidence I agree with his, and indeed the professional views of the Council's planning and conservation officers that the proposed appeal scheme causes no harm to the setting of heritage assets. It is considered that the proposed scheme complies with policy E9 of the development plan and as no heritage harm is caused it is not necessary to carry out a heritage balance exercise.
- 6.13 The application was refused against the professional views of its officers by the planning committee and the reason for refusal alleges that the proposal causes less than substantial harm to unidentified heritage assets as well as the conservation area. Given that professional officers identified no harm and indeed a positive enhancement of the setting of heritage assets it is considered that the Council's allegation of less than substantial harm can only be at a very limited level. The reason for refusal also alleges that the level of less than substantial harm identified is not outweighed by the public benefits of the proposed scheme. However, there is no evidence from the minutes of the planning committee what heritage assets members were considering to be harmed, the level of any identified harm and that the exercise of heritage balance required by policy E9 and paragraph 208 of the NPPF was ever carried out by the committee.
- 6.14 Subsequently, the Council's appointed heritage witness has identified 13 listed buildings and a Registered Park and Gardens as alleged to being harmed as well as the Romsey Conservation Area but I note a number of these listed buildings were not identified previously by the Council and even at the point of exchange the Council's witness has not identified the extent of harm to the significance of those listed buildings but does acknowledge a reduction in harm with distance away from the appeal site.

6.15 The Appellant commissioned an independent review of the character of Romsey town centre and an assessment of the proposed scheme's compliance against that character assessment (please see Mr. Scott's proof of evidence) and confirms that the proposed scheme is compliant with the character of Romsey. It is the Appellant's position that the proposed scheme causes no heritage harm but even if were to cause some less than substantial harm to the setting of heritage assets then it is considered that the public benefits of the proposed scheme far outweigh any heritage harm identified. I identify the public benefits of the proposed scheme and the weight to be attached to them in Section 8 of this proof.

(ii) Overbearing Impact on 30-36 & 38-48 Palmerston Street

6.16 The second reason for refusal alleges a breach of policy LHW4 by virtue of the proposal having an overbearing relationship to no.s 30-36 & 38-48 Palmerston Street. The reason for refusal is precise in respect to just these properties being considered to be affected and also in the alleged harm to residential amenity being caused just by an overbearing relationship from the proposed scheme.

6.17 Policy LHW4 of the revised local plan on amenity advises that development will be permitted provided that it provides for privacy and amenity of its occupants and those of neighbouring properties (criteria a). The reason for refusal does not make any allegation of a loss of privacy to no.s 30-36 & 38-48 Palmerston Street so this part of the criteria is not considered to apply. I would also note that the frontage of these properties alleged to be harmed are back edge of footpath opening on to the public realm (Palmerston Street).

6.18 Criterion (b) to policy LHW4 is in respect to the provision of private open space or communal gardens which is not relevant to the reason for refusal or the allegation of harm.

6.19 Criterion (c) to policy LHW4 is in respect to the loss of levels of daylight and sunlight reaching new and existing properties. Again the reason for refusal makes no allegation that no.s 30-36 & 38-48 Palmerston Street would receive inadequate daylight or sunlight. The reason for refusal is limited in its amenity harm being caused solely by an overbearing relationship.

6.20 I would defer to the verified visual images provided for the scheme and the evidence of Mr. Jackson at Section 5.6 of his proof of evidence. At the proposed ratio of height to street width it cannot be considered that the proposed scheme would result in an overbearing relationship. I consider that the proposed scheme does not result in an overbearing impact on No.s 30-36 & 38-48 Palmerston Street and does not

unacceptably impact on the residential amenities of those properties. It is considered that the proposal complies with Policy LHW4.

(iii) Outdoor Sports Contribution

6.21 The Council are seeking a sum of £76,916 towards outdoor sports facilities based on a calculation from the Council's Infrastructure & Developer Contributions SPD (2023). Requests for planning obligations are required to meet the statutory tests set out in Reg 122 of the Community Infrastructure Levy of:

- (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.

6.22 No details were provided within the officer's report to how the obligation met the statutory tests. The Appellant sought further justification from the Council through e-mail correspondence (Appendix 5 - email 12th June 2024) where at bullet point (iii) the Council have identified that they would direct the financial contribution towards tennis courts located as part of the Romsey Rapids Sports Complex and the bowling green at Memorial Park both within 1km of the appeal site.

6.23 The Council carried out a Public Open Space Audit (CD4.21) in 2018 the purpose of it was to identify existing provision in terms of quantity and quality of public open space within the Borough. Paragraph 1.1 of the document identifies that this provides justification for contributions towards public open space through Policy LHW1 of the Test Valley Revised Local Plan.

6.24 Page 17 provides the audit for Romsey Abbey ward which includes the Memorial Park and identified that the tennis courts and bowling green there are of a very good and good quality respectively. Page 20 provides the audit for Romsey extra ward which includes Romsey rapids Sports complex which identifies that the tennis courts are of a very good quality.

6.25 Given the identified quality of the existing facilities of the tennis courts and bowling greens that the Council have put forward for the contribution the Appellant considers the requested obligation does not meet the test of being '*necessary to make the development acceptable in planning terms.*'

6.26 The Appellant considers that the requested obligation of £76,916 does not meet the tests and would be better directed towards affordable housing provision. Although this matter will be discussed at the S106 roundtable session the Appellant has

included a 'blue pencil' clause to allow the Inspector to determine on this matter but that in itself doesn't result in a reason for withholding permission.

7.0 Third Party Representations

7.1 The application subject of this appeal received 14 representations from third parties during its consultation period with 13 representations of objection and 1 representation of support. The application also received objections from Romsey Town Council and Romsey & District Society. The Romsey & District Society has also provided a written submission in respect to this appeal. A number of the comments received referenced design and heritage considerations that were reflected in the Council's reasons for refusal and are addressed in the evidence of Mr. Jackson and Mr. White. I consider below the following additional comments made by third parties that did not form reasons for refusal by the Council:

(i) Parking Provision

(ii) Impact on Drainage Infrastructure

(iii) Impact from Construction Work

(iv) Pressure on Local Services

(v) Pressure to Fell Trees

7.2 The Romsey & District Society written submission to this appeal dated June 2024 makes a number of comments warranting a response. A number of the comments made relate to the heritage impact of the proposed scheme and those points I leave for the Appellant's other witnesses. My comments relate to matters of planning policy or case law and consideration of the planning benefits and weight to be attached to them.

(i) Romsey & District Society Submission (June 2024) (CD9.1)

7.3 Paragraph 49-53 of the Society's submission references the South of Romsey Town Centre Masterplan and their belief that the appeal site *'should be part of a comprehensive strategy for this important gateway.'* Paragraph 50 of the NPPF is very clear on this point stating;

'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.'

7.4 Paragraphs 55-56 of the Society's submission question the engagement of the Appellant with the local community. This is disputed and is clearly evidenced through the evolution process set out in the Design and Access Statement and the amended plans submitted through the application following further engagement with statutory consultees. The Appellant's have complied with the guidance regarding engagement contained within Paragraphs 39-42 of the NPPF.

- 7.5 Paragraph 70 of the Society's submission states an inconsistency with regard to the scale of the benefits reported between documents. Both planning and design and access statements makes reference to two Homes for Later Living reports which are appended to this proof. The statistics within those reports are based on a typical Retirement Living scheme of 45 dwellings a modest adjustment needs to be made for the proposed scheme's increase in dwellings.
- 7.6 Paragraph 71 of the Society's submission suggest that regard should be had to the benefits of Edwina Mountbatten House before it closed and should be considered in the net impact. I disagree that Edwina Mountbatten House should be considered. The previous care home use of the site closed in July 2022 as it was not economically viable for the trust to continue operating the facility. It was in July 2022, and still is a vacant brownfield site.
- 7.7 The correct approach to the determination of an application where weight is to be given to the planning benefits of the scheme is the assessment of the scheme before the decision maker. The weight to be given to the benefits of the proposed scheme are not diminished by the previous use of the site or any hypothetical alternative uses of the site. The appeal scheme should be judged on its own merits on its compliance with the development plan unless material considerations indicate otherwise. It should not be determined against a possible alternative use of the site as set out in the judgement of the Court of Appeal in R(Mount Cook) v Westminster CC [2003] EWCA Civ 1346 and endorsed more recently by the Court of Appeal in Lisle Mainwaring v Carroll [2017] EWCA Civ 1315.
- 7.8 Lisle Mainwaring v Carroll at Paragraph 15 references the judgement of Mount Cook as follows:

15. There will also be cases where it is contended that a potential alternative future use of, or proposal for, the site on which development is proposed is a material consideration. Here too the law is clear. The leading case is R. (on the application of Mount Cook Land Ltd) v Westminster CC [2003] EWCA Civ 1346; [2004] J.P.L. 470, a decision of this court. With the agreement of Clarke and Jonathan Parker LJJ, Auld LJ set out (at [30] of his judgment) six general propositions, which he accepted as "correct statements of the law and ... a useful reminder and framework when considering issues such as this":

30. "...

(1) in the context of planning control, a person may do what he wants with his land provided his use of it is acceptable in planning terms;

(2) there may be a number of alternative uses from which he could choose, each of which would be acceptable in planning terms;

(3) whether any proposed use is acceptable in planning terms depends on whether it would cause planning harm judged according to relevant planning policies where there are any;

(4) in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative uses on the application site or of the same use on alternative sites are normally irrelevant in planning terms;

(5) where ... an application proposal does not conflict with policy, otherwise involves no planning harm and, as it happens, includes some enhancement, any alternative proposals would normally be irrelevant;

(6) even in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those that are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight.”

- 7.9 Therefore, where a proposed development is acceptable in planning terms, as it is here, the possibility that it could be put to some other alternative acceptable use is not a relevant consideration save in exceptional circumstances and, even then, inchoate or vague schemes will be given little or no weight.
- 7.10 The Society’s suggestion at Paragraph 75 of their submission that other forms of development would result in a similar outcome is contrary to planning case law and should be afforded no weight.
- 7.11 In response to Paragraphs 76-79 of the Society’s submission it is agreed in common ground between the parties that the Council can demonstrate a 5 year housing land supply. However, this is the minimum level of housing the Council should be providing it is not a ceiling. Paragraph 60 of the NPPF sets out the government’s objective of significantly boosting the supply of homes. Paragraph 61 of the NPPF identifies that the outcome of the standard method is an advisory starting point for establishing a housing requirement for an area. Paragraph 5.24 of the Council’s Draft Local Plan 2040 (Regulation 18) identifies the approximate residual housing supply to be 4,560 homes during the plan period to 2040. It identifies at Table 5.3 (Page 73) that current supply delivers over 50% of the housing requirement but further sites will need to be allocated to meet the residual housing requirement. For the Southern Test Valley area which includes the town of Romsey a further 948 dwellings need to be allocated. The

appeal site is identified on the Council's latest brownfield register as a site with identified capacity.

7.12 Paragraph 80-85 of the Society's statement considers older persons housing needs. The Appellant acknowledges that the housing needs for older persons will be varied from adaptations to existing properties, M4(2) and M4(3) dwellings through to accommodation providing increasing levels of care provision. This is acknowledged by the Planning Practice Guidance at Paragraph 3 under 'Housing for Older and Disabled People'. There is no one size fits all and local planning authorities will need to provide a breadth of specialist accommodation for older persons which will include specialist retirement living. I would note that Paragraph 63 of the NPPF was deliberately amended in December 2023 to now include 'retirement housing' as well as housing for care and care homes. Local planning authorities will need to assess the need for such housing and reflect in planning policy. The important thing is that housing delivery provides the variation and housing choice that allows older persons to have options over how they live in later years.

7.13 Paragraph 89 & 90 of the Society's submission suggests that the supply of retirement living accommodation has been significantly underestimated with three sites not restricted to those in need of care. This is incorrect I have reviewed the schemes using the Elderly Accommodation Counsel's website (Appendix 6) and Test Valley Borough Council's planning portal. All three are C2 uses and controlled through legal agreement to restrict occupation to those persons who are suffering from a permanent physical condition or mental illness or disablement such as to be in need of personal care with restrictions on the hours of care provide. The Three Dragons Report is correct in its identification of these being care institutions (C2 use) and are not comparable to the proposed scheme.

| Development | Permission | Description | S106 Clause |
|--|--------------------------------------|--|--|
| Ampfield Meadows, Rowan Way, North Baddesley, SO52 9BH | 17/01615/OUTS Granted 27/09/18 | O/L application for demolition of existing industrial buildings and redevelopment to for a Care Village (C2 use) comprising 2-3 storey care home building containing up to 65 care beds or up to 48 extra care units and a series of 2-2.5 storey buildings containing up to 101 extra care units. | Restricts use to C2 with definition of 'basic care package' of 1.5 hours of personal care per week. Schedule 1 limits occupation to persons who are suffering from a permanent physical condition or mental illness or disablement such as to be in need of personal care. |

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|---|---|---|--|
| Audley Stanbridge Earls, Stanbridge Earls, Romsey, SO51 ODW | 16/02967/FUL Granted 06/10/17 | Redevelopment of the site comprising demolition, extension/alteration and erection of new buildings and conversion of retained buildings to provide a 155 Care community for older persons (Use Class C2) together with associated community facilities | Restricts use to C2 with definition of 'basic care package' of 4 hours of personal care per week. Schedule 1 limits occupation to persons who are suffering from a permanent physical condition or mental illness or disablement such as to be in need of personal care. |
| Grove Lodge, Upton Lane, Nursling | 07/00162/FUL & 14/01899/FUL Granted 30/04/07 05/08/15 | Conversion of Grove Place to continuing care retirement village & Erection of 54 bed care home to provide specialist nursing and dementia care facilities. | S106 restricts conversion of Grove Place to continuing care retirement village. |

- 7.14 In respect to Paragraph 97 of the Society's submission I would refer to Court of Appeal in *Lisle Mainwaring v Carroll* [2017] EWCA Civ 1315 referenced above.
- 7.15 In respect to Paragraph 98 of the Society's submission again the proposal needs to be determined on its own merits and providing a housing choice for older persons provides the opportunity to free-up under occupied housing stock. It should be noted that Paragraph 2.17 of the Local Plan identifies that the Borough is rural with less than 5% of it being built up area. With rural authorities with landscape considerations, restrictions and political pressures on releasing greenfield sites it makes it all the more important to make best use of the existing housing stock to meet local housing needs as well as identified brownfield sites.
- 7.16 Paragraph 114 of the Society's submission identifies that they agree with the planning benefits the Appellant's listed in planning submission and in evidence but apportion a different degree of weight to them. I disagree with the weighting the Society has apportioned, and Section 8 of my proof sets out my weighting and evidence for that conclusion. Even if I were to agree with the Society's level of weighting (modest to all 9 identified benefits) I consider cumulatively that weighting would still be sufficient to outweigh any identified harm.

(i) Parking provision

- 7.17 The application was submitted with a detailed transport assessment produced by highway consultants which considered trip generation, access and parking provision. The transport assessment also included information and surveys of existing Churchill developments in respect to car ownership and use at its developments. The transport assessment was considered by the Council's highways consultee who agreed and considered that the proposed scheme would not cause an unacceptable impact on highway safety and complies with Policies T1 and T2 of the Revised Local Plan.

(ii) Impact on Drainage Infrastructure

- 7.18 The application was submitted with a flood risk assessment which included a detailed surface water drainage arrangement. The drainage strategy includes the provision of sustainable drainage measures in the form of cellular attenuation tank which is a betterment than the existing site in its current condition. The supporting information has been reviewed by the Environment Agency and the Lead Local Flood Authority and subject to conditions raised no objection to the drainage strategy scheme. The proposed development is not considered to result in adverse flood risk and complies with Policy E7 of the Revised Local Plan.

(iii) Impact from Construction Traffic

- 7.19 It is inevitable with any construction site that there will be some degree of disturbance but there are mechanisms to ensure that best practice is put in place to keep this to a minimum. A condition is proposed requiring the submission of an environmental management plan to be submitted and approved by the local planning authority and carried out in accordance with (proposed condition 8).

(iv) Pressure on Local Services

- 7.20 The Council have determined the application in accordance with its adopted Developer Contributions Supplementary Planning Document (June 2023) (CD4.4) and the statutory tests for planning obligations set out in Reg 122 of the Community Infrastructure Regulations 2010. The Appellant has submitted a legal agreement which includes the provision of financial obligations towards infrastructure including public health services and public open space. It is considered that the proposed scheme has addressed additional infrastructure pressures it may create through the planning obligation, and it complies with policy COM15 of the Revised Local Plan.

(v) Pressure to fell Trees

- 7.21 The application was submitted with an arboricultural impact assessment demonstrating that the proposal is outside of the root protection area of proposed

retained trees on site. It is also noted that the existing care home building has not resulted in any pressure to fell trees on the southern boundary, and it lies 4m closer to the trees than the proposed scheme. It is considered that there is no basis to the suggestion that the proposal would result in pressure to fell trees.

8.0 Why Planning Permission should be Granted

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that the appeal application has to be determined in accordance with the development plan unless material planning considerations indicate otherwise.

Material considerations

8.2 In my view, the following are material considerations in the determination of this appeal:

- i. **Provision of residential accommodation;**
- ii. **Meeting identified national and local housing needs for older persons;**
- iii. **Provision of affordable housing;**
- iv. **Redevelopment of previously developed land;**
- v. **Compliance with spatial strategy for redeveloping in sustainable locations;**
- vi. **Efficient and effective use of land;**
- vii. **Economic Benefits of the proposed scheme;**
- viii. **Social Benefits of the proposed scheme;**
- ix. **Environmental Benefits of the proposed scheme including benefits to the adjacent Conservation Area; and,**
- x. **Release of under occupied housing stock.**

Provision of Residential Accommodation

8.3 The proposed development provides 47 units of residential accommodation complying with the development plan's aims and objectives of providing housing during the plan period. The proposal would comply with development plan policies SD1 and COM2 of the Revised Local Plan. It would also comply with national planning policy objectives to significantly boost the supply of homes (Para 60, NPPF). I place substantial weight on the proposed delivery of new homes that accords with development plan and national planning policy.

Meeting identified National and Local Housing Needs for Older Persons Accommodation

8.4 As identified in Section 6 there is an identified unmet need both nationally and locally for Retirement Living accommodation. National Planning Policy Guidance identifies that the need to deliver specialised accommodation for older persons is '*critical*'. Locally independent housing needs assessment has identified a need for 667 new units of sheltered housing (retirement living) for sale in Test Valley. I consider the

provision of specialist accommodation for older persons should be afforded substantial weight.

Provision of Affordable Housing

- 8.5 The proposal will provide an off-site contribution for the provision of affordable housing which complies with policy COM7 of the Revised Local Plan. I consider that moderate weight can be given to the proposed scheme's contribution to meeting a further identified local housing need.

Redevelopment of Previously Developed Land

- 8.6 The proposed development will see the reuse of a vacant brownfield site within the existing built-up area of a key settlement within the borough. Both national and development plan policies promote the redevelopment of previously developed land. Paragraph 124(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements. It should also be noted that the recent revision to the NPPF reaffirmed that commitment to reusing previously developed land with the additional restrictions on the release of land in green belts. The Government has also published a planning consultation on '*Strengthening Planning Policy for Brownfield Development*' emphasising the importance of delivering as many homes as possible on previously developed land¹. I place substantial weight to the compliance with development plan objectives and the NPPF.

Redeveloping in Sustainable Locations

- 8.7 The proposal is for the development of a highly sustainable site within one of the two principle built-up areas of the Borough. The site is adjacent to Romsey town centre with good access to public transport which is an important locational requirement for specialist accommodation for older persons. A signalised crossing is provided approximately 50m west of the site access providing a crossing to Romsey Bus Station and the railway station is circa 800m to the north of the site or a 10 minute walk. Table 2 on page 9 of the transport statement submitted with the application identifies the distance of the site to key local facilities. I place substantial weight on the proposals compliance with policies SD1 and COM2 of the Revised Local Plan and the NPPF.

Effective and Efficient Use of Land

- 8.8 Sustainable land is a finite resource and Paragraph 124 of the NPPF encourages the effective and efficient use of land commensurate with maintaining the character of

¹ Please see Paragraph 15 of the consultation and specifically paragraph 18 proposing the change to Paragraph 129c) of the NPPF.

the area. Paragraph 123 of the NPPF advises that strategic policies *should make as much use as possible of previously developed land* and Paragraph 135 advises that decisions should ensure that development optimises the potential of a site. Paragraph 125 also advises local planning authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers which this site is. I consider that the redevelopment of the site for 47 retirement living dwellings optimises the development potential for the site whilst producing a good quality building which is compatible with the area. Indeed, other forms of residential development of the site are unlikely to provide the same yield of dwellings.

- 8.9 Paragraph 128(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. It should also be noted that the Revised Local Plan identifies the borough as rural with only 5% of the borough being built up land (paragraph 2.17). I place substantial weight on the appeal proposals effective and efficient use of the site.

Economic Benefits

- 8.10 The NPPF places at its heart the presumption in favour of sustainable development. Sustainable development is identified by the NPPF as having three component parts (economic, social and environmental) that need to be read as a whole.
- 8.11 The NPPF identifies the planning system as having a key role in building a strong and competitive economy. The provision of specialised accommodation for the elderly would also provide other benefits to the community and local economy as a whole. A significant benefit to the area from the scheme would however be the intended elderly residents themselves. If approved, the development once fully occupied, is likely to accommodate some 60 - 65 residents who, given their age, are likely to use the shopping and other facilities of the nearby local shops on a regular basis. The economic benefits of the proposed scheme are set out in Section 6.
- 8.12 Accordingly, I attach substantial weight to the economic benefits of the proposal.

Social Benefits

- 8.13 Retirement housing gives rise to many social benefits by providing a specialised age friendly environment to meet a specific housing need. Specifically designed housing for older people offers significant opportunities to enable residents to be as

independent as possible in a safe and warm environment. It also helps to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs in retirement by providing safety, security and reducing management and maintenance concerns.

8.14 Specialist Retirement Living housing offers significant benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities, these are identified in the recent Homes for Later Living Report set out in section 6 of this evidence and within the appendices.

8.15 I attach substantial weight to the social benefits of the proposal.

Environmental Benefits

8.16 The proposal will see the redevelopment of an under-utilised vacant brownfield site in a sustainable location. The scheme would also be designed to energy and water efficiency standards utilising photovoltaic panels for energy generation and restricting water consumption as a resource. The proposal will also include the provision of electric vehicle charging points.

8.17 The proposed redevelopment of the site would enhance the townscape of the area by removal of existing redundant buildings and replacement with a high-quality residential development that respects the residential character of the area.

Release of Under Occupied Housing Stock

8.18 The Government has recently acknowledged that downsizing is key to tackling the national housing crisis. Older persons are more likely than average to under-occupy their property and have multiple spare bedrooms. Section 6.0 of this proof and Appendix 3 identifies the benefits of specialised housing for older persons in respect to its propensity to free up under occupied housing stock that could be better used to meet local housing needs.

8.19 In the 2020-2025 Test Valley Housing Strategy, Theme 3: Meeting the Challenge of an Ageing Population acknowledges the ageing population within the Test Valley Borough. The Council has identified the priority of developing a range of alternative housing options for older persons, actively encouraging downsizing to free up family homes. Paragraph 2.6 on Page 29 of the Strategic Housing Market Assessment identifies that 45.5% of households in Test Valley are under occupied which is higher than the County figure at 41.4% and the national figure of 34.3%. It also identifies that the issue of under-occupation is particularly acute in the Southern Test Valley Rural Area (56.6%). In light of which I place substantial weight on the appeal proposal's ability to free up under occupied housing stock.

Relevant Appeal Decisions

8.20 The weight that should be afforded to these significant benefits has recently been considered in an appeal decision for the Appellant at a site in Fleet, Hampshire (APP/N1730/W/20/3261194) (CD6.1). At Paragraphs 69-71 the Inspector in considering the planning balance and weight to be attached to the benefits of the proposed scheme states;

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 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 (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 (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 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 a local level in HLP32.*

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* (my emphasis).

8.21 I would argue that the same attribution of weight applies here and that the cumulative benefits of the proposed scheme weigh heavily in favour of the appeal being allowed especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG.

8.22 A similar attribution of weight to the planning benefits of a Retirement Living scheme by the Appellant was given by Inspector to its proposed development at The Village, Wigginton (APP/C2741/W/23/331433) from July 2023 (Paragraphs 112-119) (CD6.2) and Former Police Station, London Road, Basingstoke (APP/H1705/W/20/3248204) (CD6.3).

8.23 In respect to the Basingstoke appeal decision this involved a site within a conservation area and setting of heritage assets. The Inspector in allowing the appeal concluded at Paragraph 72 under planning balance,

'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 Balance

8.24 The decision-making process requires a balanced assessment of the scheme against the development plan taken as a whole with consideration given to material planning benefits.

8.25 It is considered that:

(i) The principle of redevelopment of a vacant, sustainable brownfield site in Romsey is acceptable and substantial weight should be afforded to.

(ii) There is an acknowledged unmet local and national need for specialist accommodation for older persons that should be afforded substantial weight and weight should also be afforded to the material benefits that flow from it.

(iii) National and local planning policy actively encourages the increased densification of sustainable brownfield sites which should be afforded substantial weight.

- (iv) The Council do make an allegation of heritage harm, however the Appellant's view is that there is no such harm which was a view shared by professional planning and conservation officers of the Council. Whilst members alleged the scheme resulted in heritage harm of a less than substantial scale they did not identify which assets were considered to be harmed or the extent of the harm identified. Furthermore, this has not been identified in the Council's Statement of Case or its subsequent 'Impact on Heritage Assets' document.
- (v) The proposed scheme is considered to result in no harm to heritage assets such that Paragraph 208 of the NPPF is not engaged. Even if it were considered to cause some element of less than substantial harm that Paragraph 208 is engaged then plainly the public benefits here clearly outweigh that harm.
- (vi) The evidence of Mr. Jackson demonstrates that there is no harm to the residential amenity of the properties opposite on Palmerston Street. The relationship between the proposed development and the existing properties are within acceptable standards and conform to good practice design guidance.

8.26 I do not consider Paragraph 208 of the NPPF is engaged and if it were to be then the public benefits clearly outweigh any identified harm.

8.27 It is clear that there is no conflict with the development plan and planning permission should be approved without delay. Even if there is considered to be some breach of the development plan then the material planning benefits of the proposed scheme would far outweigh the harm. The proposed development complies with Section 38(6) the 2004 Act and S66(i) is met.

9.0 CONCLUSION

- 9.1 The Appeal proposal accords admirably with planning, housing and sustainability aims and objectives of the NPPF and NPPG, and local planning policy, not least in providing residential development for which there is a 'critical' need nationally and locally, and in a sustainable manner.
- 9.2 The proposed development has been considered in the light of Section 38(6) of the 2004 Act with regard to those matters that are relevant and material planning considerations. The appeal proposal complies with the Council's sustainable development objectives for the delivery of new residential development.
- 9.3 The Appellant considers that the appeal proposal is compliant with the development plan when considered as a whole, national planning policy, and provides substantial planning benefits as follows (weight attached in brackets);

| Planning benefit | Weight |
|--|---------------|
| Bring forward 47 units of C3 dwellings | Substantial |
| Delivery of 47 units of specialised accommodation for older persons for which the PPG identifies the need for delivery as ' <i>critical</i> '. | Substantial |
| Provision of a financial contribution of affordable housing | Moderate |
| Redevelopment of vacant previously developed site in a key settlement | Substantial |
| Redevelopment of vacant site in a sustainable location | Substantial |
| Making optimum use of a previously developed site | Moderate |
| Releasing under-occupied housing stock in the local area | Substantial |
| Provide economic benefits by generating jobs, in the construction phase and by residents spending locally | Substantial |
| Social benefits in older persons accommodation including to the national health service | Substantial |
| Environmental benefits from the redevelopment of this site and through the sustainable construction of the proposed development | Substantial |

- 9.4 The Appellant considers that the proposed scheme causes no harm to the setting of the Romsey Conservation Area and adjacent heritage assets. Even if there is considered to be some element of less than substantial harm Paragraph 208 of the NPPF requires the extent of any harm to be weighed against the public benefits of the scheme. I have identified the extensive public benefits of the proposed development in preceding paragraphs and even if harm was found to exist the public benefits of the scheme far outweigh any harm.
- 9.5 I respectfully request that the appeal be allowed.