



EXECUTIVE SUMMARY OF 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  
PARKSIDE  
RINGWOOD  
BH24 3SG

JULY 2024

TOWN & COUNTRY PLANNING ACT 1990

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

SITE AT: EDWINA MOUNTBATTEN HOUSE, BROADWATER ROAD, ROMSEY, SO51 8GH

LPA REF: 23/01700/FULLS

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

PLANNING INQUIRY DATE: 13<sup>th</sup>-16<sup>th</sup> August 2024

## 1.0 **Executive Summary**

1.1 The appeal proposal is for the redevelopment of Edwina Mountbatten House, Broadwater Road, Romsey to form 47 Retirement Living Apartments for older persons.

1.2 I consider having regard to Section 38(6), the appeal proposal is fully in compliance with all the policies of the development plan and all material planning benefits weigh in favour of the grant of planning permission.

1.3 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.

1.4 The proposed scheme was recommended for approval at the Southern Area Planning Committee meeting of the 12<sup>th</sup> 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.**

1.5 In respect to reasons for refusal (iii) - (vii) the Appellant has continued to discuss with the Council and has provided a legal agreement to secure planning infrastructure and mitigation measures towards recreational pressures on special protection areas and nitrate neutrality. The agreed position on these issues is set out in the statement of common ground and no further evidence is provided on these matters.

1.6 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).

1.6 It is considered that the following issues are still outstanding at this appeal:

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

1.7 The Council allege that policies E1 and E9 of the Test Valley Borough Revised Local Plan are breached.

1.8 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.

1.9 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.

1.10 In respect to the Romsey Conservation Area and nearby heritage assets the Council's conservation officer consultation response of the 17<sup>th</sup> 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.'*

1.11 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.'*

- 1.12 Professional planning and conservation 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.
- 1.13 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 (NPPF, Para 208).
- 1.14 Latterly, the Council's appointed 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.
- 1.15 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, listed at paragraph 1.22 far outweigh any heritage harm identified. As such national heritage policy at Paragraph 208 of the NPPF and the duty under S66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are complied with.

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

- 1.16 The second reason for refusal alleges a breach of policy LHW4 by virtue of the proposal having an overbearing relationship to nos 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.

1.17 I 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.

### **Meeting identified National and Local Housing Needs for Older Persons Accommodation**

1.18 National Planning Policy Guidance has identified that '**the need to provide housing for older people is critical.**' and that *where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.*'

1.19 The Appellant submitted an Older Persons Housing Needs Assessment undertaken by Three Dragons (CD1.28). 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.

1.20 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.

1.21 Meeting the challenge of an ageing population is a key theme in the Council's Housing Strategy (2020-2025) (CD4.3). 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.

### Material Planning Benefits

1.22 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. In this case all material planning considerations weigh in favour of granting planning permission.

1.23 It is considered that the following planning benefits all weigh heavily in favour of the proposed scheme:

- The proposal would bring forward 47 units of C3 dwellings in accordance with the spatial strategy of the Local Plan (substantial weight);

- The delivery of 47 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as '*critical*', and the development plan acknowledges the key challenges of accommodating an ageing population (substantial weight);
- Redevelopment of a previously developed site in a key settlement as identified by the development plan (substantial weight);
- The appeal proposal is for the redevelopment of a vacant brownfield site in a sustainable location being on close to a public transport hub and to the town centre with local shops and facilities within walking distance (substantial weight);
- The development would make optimum use of the site (substantial weight);
- There is benefit in releasing under-occupied housing stock in the local area (substantial weight);
- The proposal would provide economic benefits by generating jobs, in the construction phase and by residents spending locally (substantial weight);
- There would be social benefits in older persons accommodation including to the national health service (substantial weight); and
- There would be environmental benefits from the redevelopment of this site and through the sustainable construction of the proposed development (moderate weight).

1.24 The appellant does not consider Paragraph 208 of the NPPF is engaged but if it is and to the extent it is engaged it is my view the public benefits of the proposed scheme outweigh that harm.

1.25 Finally, I consider having regard to Section 38(6), the appeal proposal is fully in compliance with all the policies of the development plan and all material planning benefits weigh in favour of the grant of planning permission.

1.26 I respectfully request that the appeal be allowed.