

**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: EDWINA MOUNTBATTEN HOUSE, BROADWATER ROAD, ROMSEY,
SO51 8GH**

PINS REF: APP/C1760/W/24/3342514

OPENING STATEMENT OF THE COUNCIL

INTRODUCTION

1. This is a case which concerns the redevelopment of a site for retirement living accommodation, comprising 47 apartments, including communal facilities, access, car parking and landscaping on the Site of Edwina Mountbatten House, Broadwater Road, Romsey, SO51 8GH (“**the Site**”) and (“**the Proposed Development**”).
2. This proposal was supported by professional officers of Test Valley Borough Council (“**the Council**”). However, given that the Proposed Development failed to adequately protect the setting of the conservation area or the significance of the listed buildings within it; and because the Proposed Development was found to be overbearing to neighbouring occupiers and did not provide an adequate Legal Agreement, the members of the Southern Planning Committee resolved to refuse planning permission, resulting in the issuing of seven reasons for refusal (“**RFRs**”).
3. It is now common ground that the RFRs relating to the failure to provide a legal agreement can overcome (i) the provision of affordable housing, (ii) the impacts on the Southampton Water European Designated Site, (iii) the impacts on the New Forest Special Protection Area (“**SPA**”) and Solent and Southampton Water SPA; (iv) a contribution towards offsite public open space provision; and (v) off-site health

infrastructure. To the extent necessary, the Council will address the Inspector on where the differences between the parties remain on those main matters.

4. The evidence in this inquiry will therefore focus on RfRs 1 and 2, notably:
 - (i) By virtue of the scale, bulk, and design of the proposal, the development would be detrimental to the special architectural and historic importance of the setting of the Romsey Conservation Area and the setting of heritage assets. This harm is compounded further when the proposal is viewed from the roundabout junction of the A27 and Palmerston Street. It is acknowledged that the development would result in less than substantial harm to the significance of these designated heritage assets and the conservation area. However, the public benefits arising from the development would not outweigh this real and identified harm. As such, the proposal is considered to be contrary to Policies E1 and E9 of the Test Valley Borough Revised Local Plan (2016).
 - (ii) The Proposed Development by virtue of the size, scale, mass, and proximity to dwellings on Palmerston Street, will result in a sense of enclosure and overbearing impact on 38-48 Palmerston Street & 30-36 Palmerston Street to the detriment of the residential amenities of these dwellings, contrary to policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

MAIN MATTERS

(i) Impacts on the conservation area and heritage assets.

5. The Council will call evidence from Mr Rob Burns and Mr Nick Wright, who address urban design and heritage conservation matters, respectively.
6. Romsey is a quaint market town peppered with heritage assets and washed over with a substantial conservation area. This conservation area abuts the boundary of the Site (on the other side of Palmerston Street and Broadwater Road).

7. There is also a plethora of heritage assets whose significance is affected by the Proposed Development, which sits within their setting. These include:
- a. 19-21 Palmerston Street (Old Manor House);
 - b. 11-17 Palmerston Street;
 - c. Piers to north and south and gateway north of 9 Palmerston Street;
 - d. Palmerston Street (Park House);
 - e. Railings to 5 and 7 Palmerston Street;
 - f. 1 Palmerston Street;
 - g. 51-55 The Hundred;
 - h. 38-52 Palmerston Street;
 - i. 30-36 Palmerston Street;
 - j. 6-18 Palmerston Street;
 - k. Palmerston Street;
 - l. Red Lodge;
 - m. Broadlands Registered Park and Garden (“RPG”);
 - n. Romsey Conservation Area.
8. Mr Burns’ evidence sets out how the Site retains a character which is reminiscent of the rural character of Romsey, containing a dense tree line to the south of the site, which marks the location of the Tadburn Stream. This means that the existing gateway is a low-key entry point into the town and a gentle introduction to the built qualities of Romsey.¹ Edwina Mountbatten House (“EMH”) allows the trees and landscaping to remain dominant. Importantly, when viewed from within the conservation area to the north along Palmerston Street, the treeline of the Tadburn Stream presents a strong naturalistic boundary feature.
9. The proposal fails to acknowledge the specific context of the site and its landscape setting, which is quite different to the remainder of the town and the conservation area. Instead, it seeks to transpose a heavy degree of built form at the cost of the landscape

¹ See Burns Summary §1.1.15.

setting, and neither works with the character of the site nor its role in the setting of the conservation area and the series of listed buildings along Palmerston Street.²

10. The Proposal is said to be “*context-led*”, but the Council maintains that it is not.
11. First, the scale and bulk are overbearing in nature. The ridge height of EMH is some 7m above the footway, whilst the Proposed Development is 12.043m above. That can be compared with the diminutive terrace (38-48) opposite the Site on Palmerston Street, which has a ridge height of 6.72m. This means that the proposal is 5.28m higher than the terrace. The impact of that height imbalance is compounded because of the 1.7m finished floor level (“**FFL**”), which is higher than Palmerston Street, where that stark, disproportionate development on one side of the street scene is most acutely felt.
12. Second, Mr Jackson and Mr Scott use ratios to explain how this will “*frame*” the street in an appropriate way. However, as Mr Burns will explain, those ratios do not accord with what would be deemed appropriate in the Urban Design Compendium and Manual for Streets, as an appropriate height/width ratio across the street is not sustained through the Proposed Development.
13. Third, the design response is also inappropriate. It comprises repetitive window dimensions and styles and overscaled dormers which occupy much of the volume of the roof. The proposal goes on to propose materials which are alien to the conservation area, including false chimneys in an unspecified material and uPVC windows. The design is a “*pick and mix*” approach and is a formulaic “*Churchill product*” rather than an attempt at a bespoke design which picks up on the cues and concepts of both the Site and the conservation area. The Design and Access Statement (“**DAS**”) fails to show how the elements are truly locally distinctive or represent typical characteristics drawn from the relevant parts of the conservation area.
14. Mr Wright will explain how all of these features give rise to harm to the conservation area. That is derived from the fact that the significance of the heritage assets has neither been properly assessed nor properly understood, as is required both by the NPPF and

² See Burns Summary §1.16.

the various Historic England Guidance documents.³ Notwithstanding this, it is quite incorrect to claim that the significance of the listed buildings is best understood by standing directly opposite them. This appears to be derived from an incorrect assumption that what is set out in the list description (a description made standing directly opposite the buildings) is a list of significant features rather than simply a description to enable the building's identification.

15. The importance of views and the role that the buildings of Palmerston Street play in the entry to and exit from the historic core is not sufficiently taken into account in consideration of significance. The Old Manor House has a high level of significance as a well-preserved timber-framed building of the 16/17th centuries; however, a large part of its significance comes from its marking the historic end of development on the west side of Palmerston Street. Because of the low profile of EMH, it remains a landmark building, marking the transition from a semi-rural edge to the core of the historic settlement. The Proposed Development damages this significance by reducing the prominence of the building.
16. The semi-rural edge of the town is an element in key views that include other listed buildings and structures on Palmerston Street and comprises an element of the significance of all of those buildings. The appeal proposals would be harmful to this significance. A large part of the significance of the listed building 38-52 Palmerston Street derives from its situation at the 'ragged edge' of the developed town: humble workers' houses, built in the early 19th century opposite land that would not be developed for another 150 years. While EMH is sympathetic to this historic association, the much taller Proposed Development would not be seriously damaging the buildings' significance.
17. The change in character between the upper and lower parts of Palmerston Street is significant, with the more open character at the south end of the street marking the historic transition from town to countryside. The 'petering out' of the historic buildings at the south end of the street is a key element of its character.

³ The Setting of Heritage Assets (Good Practice Advice Planning Note 3)

18. EMH responds meaningfully to the significance of the site and to the setting of the nearby listed buildings by being built to a single-storey on the east side, with a ridge height essentially the same as that of the listed buildings opposite. It made use of suitable brick, well laid, and a clay tile roof typical of the area. The building has a neutral impact on the setting of the adjacent designated heritage assets. In addition, the low height of EMH preserves the significant visual connection between Palmerston Street and the trees of the Tadburn stream at the south end. These trees form an important element in views south down the street and form the backdrop to the Old Manor House in that view. This significant element of the setting of the heritage assets would be largely obscured by the Appeal Scheme.
19. Given the scale, bulk, and design of the proposal, the development would be detrimental to the special architectural and historic importance of the setting of the Romsey Conservation Area and the setting of heritage assets. This would be compounded when one views the scheme from the A27 and Palmerston Street, on the entranceway into the Town's historic core as marked by the Lodge. The result is that the Proposed Development would conflict with Policies E1 and E9.

(ii) Living conditions

20. Enjoyment should be for all people/users and not just for the occupiers of the proposed development (§67 in Section B2. Appropriate Building Types and Forms, which highlights Components for Good Design in the National Design Guide). The perception of overlooking is likely to be different for the residents of 38-48 Palmerston Street & 30-36 Palmerston Street compared to pedestrians travelling northwards along Palmerston Street to reach a destination.
21. Mr Burns and Mrs Webb set out how the increase in the height of the Proposed Development results in a much greater variation to the existing EMH. This level of variation would have an overly dominant influence over Nos 38-48 Palmerston Street & Nos 30-36 Palmerston Street and result in a streetscape where one side dominates the other and is therefore overbearing. This has a knock-on impact on the living conditions, and the Proposed Development would, therefore, fail to satisfy a fundamental element of good design – see §131 of the NPPF.

(iii) **The Planning Balance**

22. The Proposed Development offers minimal environmental benefits above or beyond what is expected from the Objectives and Spatial Strategy as set out in the Romsey Local Plan. The Proposed Development is considered to conflict with the up-to-date development plan (policies E1, E9 and LHW4), and there are no material considerations, in this case, to indicate the development plan should not be followed as set out in paragraph 11.3 of Mrs Webb's proof (paragraph 12 of NPPF).
23. The Proposed Development would lead to less than substantial harm to the significance of the nearby designated heritage assets through impacts on the setting. A 'medium' level of less than substantial harm (Old Manor House and Romsey Conservation Area). A 'moderate to very low' level of less than substantial harm (Group 1 comprising 12 separate assets) and a 'very low' level of less than substantial harm (Red Lodge and Broadlands RPG) have been identified, and an appropriate harm level is afforded in the planning balance.
24. §205 of the NPPF states that "great weight" should be given to the "conservation" of the "designated heritage assets"; whilst the weight to be afforded to the "conservation" of the heritage asset in each individual case is a matter of planning judgement, "considerable importance and weight" should be given. This is then attributed harm in the planning balance. Mrs Webb has gone on to consider the public benefits of the scheme and has balanced those against the "*less than substantial*" heritage harm: §208 NPPF.
25. The public benefits include the provision of 47 specialised accommodation for older people, the provision of affordable housing, the redevelopment of previously developed land and the economic benefits from the proposal, the social and health benefits to the local community, and the release of the under-occupied housing stock. These are all issues which Mrs Webb grapples with and to which she attributes appropriate levels of weight. However, these simply do not outweigh the harm to each of the heritage assets affected, the harm to the conservation area, and the living conditions of 30-36 Palmerston Street & 38-48 Palmerston Street.

26. There remains substantial conflict with the Romsey Local Plan policies E1, E9, LHW 4 (which remain up to date), and therefore conflict with the Development Plan as a whole. There are no material considerations which indicate that planning permission should be granted.

CONCLUSION

27. For the reasons set out above, the Council will, in due course, invite the Inspector to refuse permission and dismiss the appeal.

**Sioned Davies
No5 Chambers**

12 August 2024

SCHEDULE OF APPEARANCES FOR THE COUNCIL

Sioned Davies, Counsel, No5 Chambers, instructed by Karen Dunn, Head of Legal and Democratic Services, Test Valley Borough Council

Calling:

Rob Burns BA (Hons) Archaeology MCD (Urban Design), Director Place & Context Ltd

Nick Wright BA (Hons) MSc, Senior Heritage Consultant, Donald Insall Associates

Alexandra Webb BSc (Joint Hons) MSc MRTPI, Associate at Southern Planning Practice