

PLANNING STATEMENT

**2,4,6,8 Toynbee Road and 2,3,4,5 Romsey Close, Eastleigh,
SO50 9DP**

Redevelopment for retirement living accommodation for older people comprising 83 retirement apartments including communal facilities, access, car parking and landscaping

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TOWN PLANNING AND ARCHITECTURE

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Rev:	DRAFT	FINAL
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EXECUTIVE SUMMARY

- i. This Planning Statement has been prepared in support of a detailed planning application for the proposed retirement living development at 2,4,6,8 Toynbee Road and 2,3,4,5 Romsey Close, Eastleigh (the Site). The application proposes the erection of 83 retirement living apartments, together with access, parking and landscaping.
- ii. The UK faces a rapidly growing and ageing population. The Government aims to 'significantly boost the supply of housing'. The PPG is unequivocal in its message that "the need to provide housing for older people is critical".
- iii. The recently released Census 2021 data shows that on Census Day in 2021 there were more people than ever aged 65 years and over in England, with more than one in six people (18.4%) being over the age of 65.
- iv. Eastleigh Local Plan identifies that in the plan period, the population of the Borough will change with an estimated increase of 24% in the number of people aged 65 and over living in the Borough and an increase of 5% of people over 85 or over. This will lead to an increasing number of older people requiring accommodation, estimated to increase by 24%. Subsequently, there is significant need within the area.
- v. The site is located within the highly sustainable location of Eastleigh. The site falls just outside of the town centre, just a short walk to local amenities.
- vi. The proposal is on an underutilised site. The NPPF strongly promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively, in particular paragraph para 120d. Therefore, substantial weight should be given to delivering this development and making efficient use of an underutilised site.
- vii. Maximising the use of this previously developed land will help to reduce the need for greenfield development elsewhere in accordance with the NPPF.
- viii. The site currently comprises 8 residential properties. The principle of residential redevelopment for a retirement living scheme is therefore considered acceptable for this site.
- ix. The site falls within the Eastleigh Urban Renaissance Quarter, specifically the Residential, Office and Community Area. Policy E4 of the Local Plan advises that the Council will encourage well-designed, people-intensive development within these areas.
- x. Toynbee Road is evolving, and a large amount of redevelopment has taken place in recent years, specifically the recently developed block of flats at Canada Court, and the redevelopment of the former police station site now Alston Care Home located south of the site.
- xi. The scheme has been designed to reflect the evolving character and scale of the surrounding area whilst making efficient use of this sustainable site. Substantial weight should be afforded to the efficient use of land as required by para 124 of the NPPF.

- xii. The provision of retirement housing releases under-occupied family homes back into the housing market. This should be afforded significant weight in the determination of the application. In November 2021, the then Housing Minister, Christopher Pincher sought to encourage older people to downsize, highlighting that there were over 3 million people unable to downsize due to lack of suitable housing. The Government is currently looking at ways to remove barriers to the development of the later living sector.
- xiii. It is estimated that the proposed development will open up approximately 166 existing homes within the housing market. The proposal will therefore assist with meeting wider family housing needs.
- xiv. Overall, the proposal will provide redevelopment of a brownfield site in a sustainable location. It will provide much needed housing for older people, providing social and economic benefits and freeing up family housing elsewhere in the market. It will deliver sustainable development in accordance with policies within the Development Plan and the NPPF.
- xv. There are numerous economic, social and environmental benefits associated with the application. These should respectively be afforded substantial, substantial and moderate weight in the determination of the application.
- xvi. The scheme is considered to meet the requirements of the development plan when read as a whole. In accordance with paragraph 11c of the NPPF, proposals which accord with the development plan should be approved without delay.

INTRODUCTION

- 1.1 This Planning Statement has been prepared by Planning Issues Limited, on behalf of Churchill Retirement Living, in support of a detailed planning application for 2,4,6,8 Toynbee Road and 2,3,4,5 Romsey Close, Eastleigh.
- 1.2 The planning application seeks permission to redevelop the site for 83 Retirement Living Apartments, including communal facilities, access, car parking and landscaping.
- 1.3 This statement accompanies a detailed planning application. It should be read in conjunction with the following supporting documents which accompany the application.
 - Design and Access Statement by Planning Issues Ltd;
 - Planning Statement by Planning Issues;
 - Affordable Housing and Viability Appraisal by Planning Issues Ltd;
 - Archaeological Desk Based Assessment by Landgage Heritage;
 - Ecological Appraisal by Tyler Grange
 - Flood Risk and Drainage Assessment by Awcockward Partnership;
 - Ground Investigation Report by Crossfield Consulting;
 - Desk Study Appraisal by Crossfield Consulting;
 - Nutrient Balancing Assessment by Tetra Tech;
 - Air Quality Assessment by Air Quality Consultants;
 - Landscaping Strategy by James Blake Associates;
 - Sustainability Appraisal by FOCUS;
 - Statement of Community Engagement by DevComm;
 - Transport Statement by Paul Basham's Associates Ltd; and
 - Tree Protection Plan, Arboricultural Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Care.
- 1.4 The application includes the following plans:
 - Site Location plan - 22/SW051/PLOC
 - Site Plan - 22/SW051/P01
 - Ground Floor Plan - 22/SW051/P02
 - First Floor Plan - 22/SW051/P03
 - Second Floor Plan - 22/SW051/P04
 - Third Floor Plan - 22/SW051/P05
 - Roof Plan - 22/SW051/P06
 - Elevation Sheet 1 - 22/SW051/P07
 - Elevation Sheet 2 - 22/SW051/P08
 - Elevation Sheet 3 - 22/SW051/P09

- Context Elevations Sheet 1 - 22/SW051/P10
- Context Elevation Sheet 2 - 22/SW051/P11

1.5 This statement briefly explains the concept of retirement living; the national and local planning policy; an analysis of the scheme against the policy context and wider material considerations.

OLDER PEOPLE'S HOUSING

- 2.1 On 26th June 2019 the Planning Practice Guidance was updated to include '*Housing for older and disabled people*' to assist Councils in preparing planning policies on housing for older and disabled people. The Guidance sets out that providing housing for older people is 'critical'¹.
- 2.2 It is well documented that the UK faces an ageing population. The recently released Census 2021 data shows that on Census Day 2021 there were more people than ever aged 65 years and over in England, with more than one in six people (18.4%) being over the age of 65.
- 2.3 The recent House of Lords Built Environment Committee Report sets out that this ageing population must be reflected in the types of new homes built, particularly as there will be an increase in older people living alone (January 2022).
- 2.4 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-making.
- 2.5 The Applicant has specialised in the provision of purpose-built apartments for older people since 1998 and has provided development proposals throughout England and Wales.
- 2.6 The accommodation proposed is specifically designed to meet the needs of independent retired people and provides self-contained apartments for sale. A key aspect of the design is that the units are in a single block. This is essential for control over access, with safety and security being a key concern for individuals as they age. It also provides much greater benefits for social interaction. This is enhanced with the communal space, in particular the owners lounge, coffee bar and garden.
- 2.7 The type of housing proposed is defined as retirement living or sheltered housing within the PPG. It sets out:
- "Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager."*
- 2.8 Without a range of housing options for older people, they are left with no choice but to stay in their own home, which can become unsuitable as people age, with lots of steps, or maintenance requirements. This puts additional pressure on social care services to deliver additional care at home, before people move in to high dependency care homes.
- 2.9 Providing opportunities for people to downsize in to suitable and adaptable accommodation, with support on hand should they need it, meets the Government's agenda of encouraging much greater independence in old age, and reduces the pressure on social care services.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 63-001-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

2.10 The communal facilities proposed are:

- A lodge manager employed by a Management Company to provide assistance and security for the owners of the apartments;
- A video entry system which is linked to the owners' television in their apartments;
- An owners' lounge is provided for use by all residents and their guests within the building;
- Communal lifts are provided for use by residents and visitors;
- A communal toilet for use by residents and visitors;
- A communal landscaped garden area;
- A guest suite for use of relatives of property owners who wish to stay overnight;
- A communal car parking area for use by residents who have a car (unallocated);
- An area for mobility scooters and bicycles to be sorted and charged; and
- A communal refuse store.

2.11 The apartments are sold by the Applicant with a lease containing an age restriction which ensures that only people of 60 years and over with a spouse or partner of at least 55, can live in the development. It is suggested that this is secured by the following condition.

"Each of the apartments hereby permitted shall be occupied only by:

- *Persons aged 60 or over; or*
- *A spouse/or partner (who is themselves over 55 years older) living as part of a single household with such a person or persons; or*
- *Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over has since died; or*
- *Any other individual expressly agreed in writing by the Local Planning Authority."*

2.12 Notwithstanding the age restriction, the average age of purchaser of the apartments are 78 years old, with the average age of all occupiers being late 80s. Typically 70% of apartments are single occupancy, often occupied by a widow. The decision to purchase this type of development is predominantly needs based, with residents forced to move as their existing property is no longer suitable or they can no longer access the shops or services they need.

2.13 A recent report '**Too Little, Too Late?**' sets out that downsizing is key to tackling the national housing crisis. It acknowledges that under occupation is greatest among the elderly population but current housing stock in the UK limits their options. If more family homes are freed up by downsizing, the benefits would be felt across the housing market, with families being able to 'upsize' and smaller homes becoming available for first time buyers. This is further supported by a report '**Chain Reaction**' (August 2020) which finds:

- Circa 3 million older people in the UK aged 65+ want to downsize.
- If those that wanted to were able to do so, this would free up nearly 2 million spare bedrooms, predominantly in three bedroom homes with gardens, ideally suited for young families with children.

- The chain impact would be a major boost for first time buyers with roughly 2 in every 3 retirement properties built releasing homes suitable for first time buyers.

- 2.14 Speaking to the House of Lords Built Environment Committee on 2nd November 2021, Housing Minister, Christopher Pincher said he wants to encourage older people in large homes to downsize and make way for first time buyers. He stated that four in ten homes were too big for their owners and that Michael Gove, the Communities Secretary was looking at ways to “identify and remove the barriers to development of the later living sector”. He reiterated the 3 million people that can’t downsize due to the lack of suitable housing. He noted that in the early 1990s something like 31% of properties were under-occupied, now that percentage is 38%.
- 2.15 A report by Knight Frank acknowledges that whilst there is an increase in the number of older people’s housing units being developed, this rate is still dwarfed by the rapidly ageing population. By 2037, population projections suggest that one in four of us will be over 65. Thus even while delivery of older people’s housing may increase, in real terms the numbers of older people housing units per 1,000 individuals is expected to drop. Thus a **step change in new delivery** is required if the imbalance between need and supply is to be addressed.
- 2.16 In addition, the majority of existing retirement housing is within the social rented sector, thus only available for those in need of affordable housing. A large proportion of older people are owner occupiers, and particularly own without a mortgage. They are therefore unable to apply for social rented housing, and in many cases wish to retain equity and so would be looking for a property to buy.
- 2.17 The ‘**Happier and Healthier**’ Report (2019) clearly sets out that this type of retirement living accommodation will save the NHS on average £3,500 per person per annum compared to mainstream housing.
- 2.18 In recent evidence within a report ‘**Silver Saviours of the High Street**’ has shown the significant economic benefits that retirement living developments can have on local high streets. The residents are ‘basket shoppers’, often walking into town on a daily basis to get the shopping they need. They will also utilise the high street during the week, when it’s typically at its quietest. Through downsizing residents often have more disposable income and more time to use local facilities.

THE SITE AND PLANNING HISTORY

The Site

- 3.1 The site is a broadly rectangular shaped plot of land, 0.41 hectares in size, and is located in the centre of Eastleigh around 800m west of the river Itchen. The site is located within the urban edge of Eastleigh which is the main town within the Borough.
- 3.2 To the north of the site is further residential properties, primarily 2 stories with new build 3 storeys located further north, to the west is The Crescent Primary School and to the south west is the existing Churchill Retirement Living development Charlotte Lodge. Immediately to the south is the recently built flatted development Canada Court.
- 3.3 New housing is needed to serve Eastleigh's growing population. A total of 14,580 dwellings are required to meet needs in Eastleigh Borough in the period 2016-36.
- 3.4 The site is located within close proximity to a range of shops and facilities in the town centre.
- 3.5 The site is located in an area of change, Toynbee Road and Leigh Road has seen large footprint buildings introduced to this part of Eastleigh, in particular larger apartment buildings.
- 3.6 The site currently comprises 8 residential dwellings. Storey heights in the area are a combination of 2-4 storeys. The character of the area comprises of a mix of housing types and larger apartment buildings, including the redevelopment of the Former Police Station site which now forms Alston Care Home.

Planning History

- 3.7 There is no relevant planning history on the site. However directly adjacent to the south of the site at property 1 Romsey Close, there is a planning application (Application Ref: F/21/91985) currently running for the erection of a three-storey block of 1no. three-bedroom, 4no. two-bedroom and 2no. one-bedroom flats with associated parking and landscaping following demolition of existing dwelling and garage. The application has not been determined.

Pre-application

- 3.8 A pre-application submission was made to the Council on the 27th January 2023 by Planning Issues on behalf of Churchill Retirement Living, for the redevelopment of the Station Works site & land to the rear of the Railway Tavern for retirement housing.
- 3.9 A written response was received by the Council on the 02nd March 2023 (planning reference Q/23/94608).
- 3.10 The pre-app acknowledged that the principle of retirement development on this was considered acceptable.
- 3.11 The summary of discussions and comments are noted below:
- Concerns relating to scale and mass of the building.
 - Concerns relating to storey heights.

- Concerns relating to standard apartment types.
- Architectural design to be improved.
- Parking provision should be increased.
- Query relating to acquired land outside of the ownership of the properties.
- Concerns relating to loss of trees.
- Access from Romsey Close rather than Toynbee Road.

3.12 Further commentary in relation to each of the points raised above is given within the accompanying Design and Access Statement at Section 3 as well as in section 5 of this Planning Statement.

Pre-Application Community Engagement

- 3.13 Churchill Retirement Living always look to carry out public consultations with the local community as part of their design process and to present their proposals to the local public.
- 3.14 With regards to this proposal an online public consultation was held between 17th January 2023 and 24th January 2023 on a dedicated website, where plans were available to view, together with an interactive feedback form. A copy of the information boards are appended to the Statement of Community Involvement.
- 3.15 Letters were issued on 12th January and were sent to circa. 274 residential and business addresses in close proximity to the site in Eastleigh Central Ward in advance on the live consultation.
- 3.16 The public consultation website was viewed 1592 times by 92 individuals. The interactive feedback form received 9 responses, suggesting the majority of local resident either had no concerns, were silently supportive or were apathetic towards the proposals.
- 3.17 The feedback shows the majority of respondents did not believe the benefits of retirement living, including increased spending at local businesses, and savings for the NHS were not an important consideration.
- 3.18 One resident was extremely complimentary of the proposals, including the design and said it fit in extremely well with the surroundings considering the development currently taking place in the area.
- 3.19 However, some respondents do not support the concept of retirement living on the site, or the design of the current proposals.
- 3.20 The most frequently raised points in the freeform sections, were concerns regarding a lack of parking on site, and the impact the proposals may have on the already busy Toynbee Road and the loss of family homes locally.
- 3.21 Planning Issues on behalf for Churchill Retirement Living attended the Eastleigh Town Council meeting on 02nd February 2023 and delivered a presentation to members on the proposals providing details on the public consultation, details about Churchill Retirement Living and the concept of Retirement Living and information relating to the site and proposed scheme. Following the presentation, a Q and A session where members could ask questions regarding the proposals was undertaken.

- 3.22 Having undertaken early engagement with key and relevant politicians, Churchill Retirement Living were advised to engage with Guy Riddoch, Local Area Manager (Eastleigh), to register attendance at an upcoming Eastleigh Local Area Committee (ELAC hereafter) meeting, in order to present the proposals to all committee members. A meeting was scheduled for 21 March 2023, which 2 representatives from Churchill Retirement Living attended.
- 3.23 The ELAC meeting was attended by 2 representatives from Planning Issues. The meeting consisted of a presentation and Q and A session where members could ask questions they had surrounding the proposals or the concept of retirement living generally.
- 3.24 Engagement with the Crescent Primary School and Hamberley Care Homes was undertaken in the form of email and telephone calls. Meetings were offered to both community stakeholders and the line of communication with these consultees remained open.
- 3.25 Further discussion on the pre-application community engagement can be found within the support Statement of Community Engagement submitted with this application.

PLANNING POLICY FRAMEWORK

- 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.
- 4.2 The development plan for Eastleigh Borough Council is the Eastleigh Borough Local Plan Review (2016-2036) which was adopted on 25th April 2022.

The Development Plan

- 4.3 The relevant policies from the Eastleigh Borough Local Plan include:
- Policy S1 – Delivering Sustainable Development
 - Policy S2 – Approach to new development
 - Policy S3 – Location of new housing
 - Policy S8 – Historic Environment
 - Policy S9, Green infrastructure
 - Policy S11 – Transport Infrastructure
 - Policy DM1 – General criteria for new development
 - Policy DM2 – Environmentally sustainable development
 - Policy DM3 – Adaptation to Climate Change
 - Policy DM6 – Sustainable surface water management and watercourse management
 - Policy DM8 – Pollution
 - Policy DM11 – Nature conservation
 - Policy DM13 – General development criteria – transport
 - Policy DM14 – Parking
 - Policy DM23 – Residential development in urban areas
 - Policy DM24 – Creating a mix of housing
 - Policy DM25 – Delivering Older peoples housing
 - Policy DM28 – Delivering affordable housing
 - Policy DM29 – Dwellings with higher access standards
 - Policy DM30 – Internal space standards for residential development
 - Policy DM38 – Funding infrastructure
 - Policy E4 – Urban Renaissance Quarter, Eastleigh

Other Material Considerations

National Planning Policy Framework (2021)

- 4.4 The overriding message in the NPPF is one of sustainable development. The relevant paragraphs from the NPPF are included in Appendix A and analysed in Section 5.
- 4.5 The NPPF now includes the mitigation of climate change within the definition of sustainable development. Making effective use of land in urban areas is explicitly stated as helping to meet this aim. Paragraph 120c of the NPPF requires decision makers to “*give substantial weight to the value of using suitable brownfield land within settlements for homes*”.

Planning Practice Guidance

- 4.6 The Planning Practice Guidance (PPG) is a material consideration when taking decisions on planning applications. The PPG provides guidance on how policies in the Framework should be implemented.
- 4.7 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001² states:
- “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 1.6 million people aged 85 and over, **by mid-2041 this is projected to double to 3.2 million.** Offering older people a better choice in 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 early stages of plan-making through to decision-taking” (emphasis added).
- 4.8 Paragraph 003 recognises that “the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.” This a range of provision needs to be planned for.
- 4.9 Paragraph 006 sets out “plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.” Therefore, recognising that housing for older people has its own requirements and cannot be successfully considered against criteria for general family housing.
- 4.10 Paragraph 016 sets out that “Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people”. It goes on to clearly state “**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**” (emphasis added).

² Planning Practice Guidance, Paragraph: 001 Reference ID: 63-001-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

National Design Guidance

- 4.11 The National Design Guide is a material consideration when taking decisions on planning applications. The Design Guide provides guidance on how policies in the Framework should be implemented, as well as demonstrating what good design means in practice.
- 4.12 Paragraph 124 sets out that “Good design promotes quality of life for the occupants and users of the buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability.”

Supplementary Planning Documents

- 4.13 There are relevant SPD's in relation to the proposal as noted below:
- Trees and Development Supplementary Planning Document (2021)
 - Accommodation for Older People and those in need of care SPD
 - Environmentally Sustainable Development SPD
 - Parking Standards SPD
 - Quality Places SPD

PLANNING CONSIDERATIONS

Principal of Development

- 5.1 The development plan for Eastleigh Borough Council is the Eastleigh Borough Local Plan Review (2016-2036) which was adopted on 25th April 2022.
- 5.2 The site lies within the urban edge of Eastleigh where the basic principle of development is acceptable.
- 5.3 Policy DM1 requires new development to have no unacceptable impact upon the amenities of new and existing residents; the character and appearance of urban areas, the countryside and the coast, make efficient use of the site, as well as taking account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. In addition to these requirements, DM1 also requires development to include appropriate landscaping for external spaces, together with ensuring development proposals incorporate provision for people with disabilities and create accessible communities that cater for all.
- 5.4 The site falls within the Eastleigh Urban Renaissance Quarter (E4) and the Residential, Office and Community Areas (E4 (1a)), Policy E4 states that the Council will encourage well-designed, people-intensive development subject to a number of specific criteria. Policy E4 (1a) states development of predominantly 3 storeys will be permitted and development higher than 3 storeys will be appropriate in certain circumstances where development reflects local distinctiveness and would contribute towards a positive relationship with the surrounding area.”.
- 5.5 Policy DM25 states the Council will support the provision of accommodation suitable for the needs of older people.
- 5.6 The NPPF is clear that decision makers should give substantial weight to the value of using suitable brownfield land within settlements (para 120c). In addition **paragraph 123 sets out that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs.**
- 5.7 The site is a partly brownfield site, in a highly sustainable location. Both of these factors should be given substantial weight in the determination of the application.
- 5.8 The site is considered a sustainable location for further housing development, supported by the Development Plan and in particular Eastleigh Urban Renaissance Quarter policy E4. The proposed development will contribute to the housing needs of Eastleigh by delivering the much needed retirement housing for older people. As such, the proposed development is in accordance with the policies in the Development Plan set out above and the principle of redevelopment of this site should be considered acceptable.

Increasing Housing Delivery

- 5.9 There is a significant national drive to increase housing delivery. Para 60 of the NPPF is clear, the Government intends to **significantly boost the supply of new homes**. There is an intention to deliver 300,000 new homes a year.

5.10 The House of Lords Built Environment Committee Report (January 2022) sets out:

“The challenges facing the housing market have been well documented; too many people are living in expensive, unsuitable and poor quality homes. TO address these complex challenges in the long term, it is necessary to increase housing supply now. The Government has set an ambitious target for 300,000 new homes per year (net additions) and one million new homes by 2024. We heard that even this target may not be enough to address future trends. We welcome this focus on housing supply but are concerned that it will not be met if the barriers to building new homes are not addressed”.

5.11 The planning system has a clear role in ensuring it delivers homes where they are most needed. As set out in para 119 of the NPPF this means making as much use as possible of previously developed land.

5.12 Eastleigh is a high growth area and the demand for housing is high. Policy S2 sets out a total of 14,580 dwellings are required to meet needs in Eastleigh Borough in the period 2016-36.

5.13 The proposed development will be delivered within the next five years, which will assist the Council in delivering housing and should be given substantial weight in the planning balance.

Housing Land Supply

5.14 The Councils Five Year Housing Land Supply (November 2021) highlights the LPA can demonstrate a 5.9 year housing land supply.

5.15 However, in the recent appeal decision (Appeal Ref: APP/W1715/W/22/3292580) dated 20th December 2022, the inspector found the Council's supply of deliverable sites is 4.7 years. Thus, there is an overriding housing need in the Borough and the tilted balance applies, meaning the application should be approved unless the impacts significantly and demonstrably outweigh the benefits. ***Given the Council do not have a five year housing land supply, paragraph 11(d) of the NPPF is engaged.***

5.16 The site is sustainably located, under-utilised sites such as the application site are essential in bringing forward windfall sites and contributing to Eastleigh Borough's housing delivery targets.

5.17 Paragraph 69 of the NPPF acknowledges the benefits in terms of delivery offered by small and medium sized sites and encourages authorities to give **great weight to the benefits of using suitable sites within settlements for homes.**

5.18 The proposed development of older people's housing, which will be delivered within the next five years, it will significantly assist the Council in meeting its housing targets and should be given substantial weight when considering the planning balance.

Older People's Housing Need

5.19 It is well documented that the UK faces an ageing population. One in four people will be over 65 by 2050, increasing from 19% in 2019. In 2018, there were 1.6 million people aged 85 years and over; by mid-2043 this is projected to almost double to 3 million.

5.20 The Homes for Later Living Report notes the need to deliver **30,000 retirement and extra care houses a year** in the UK to keep pace with demand (September 2019).

5.21 Currently in the UK, we build around 8,000 retirement properties a year. This is despite the PPG setting out that the need to provide housing for older people is ‘critical’. This is distinctly below the level of demand and need.

5.22 The PPG is clear: “where there is an identified unmet need for specialist housing, local authorities should take a positive approve to schemes that propose to address this need.”

5.23 The Eastleigh Borough Demography background paper (June 2018) identifies that Data from HCC Research and Intelligence (Autumn 2012) which states that over the period 1981-2011 the number of people aged 65 and over almost doubled. The proportion of the population who were aged 65 and over also increased from 12.2% in 1981 to 16.6% in 2011. The number of people aged 85 and over also increased, with the number more than tripling over the period 1981 to 2011.

5.24 The Demography background paper states the old age support ratio shows the increasing number of retirement aged people in relation to the number of working age. The old age support ratio shows the increasing number of retirement aged people compared to children.

5.25 More recently, as recorded in the 2021 Census, there are more people than ever aged 65 years and over in England. Subsequently, more than one in six people were aged 65 years and over on Census Day in 2021.

5.26 Overall, in England, there has been an increase of 20.1% in people aged 65 years and over. The evident ageing population within England has been depicted in Figure 1 shown over the page.

5.27 In **Eastleigh there has been an increase of 28.2% in people aged 65 years and over in 10 years** between 2011 and 2021 Censuses (shown in Figure 2). This is significantly higher than the national average increase of 20.1%.

5.28 The provision of older persons housing is supported in the Council’s development plan. Policy DM25 (Delivering Older peoples

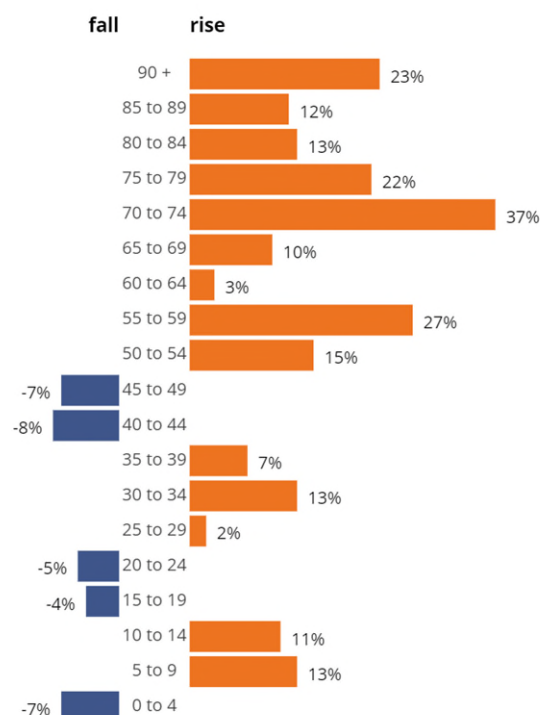


Figure 1: Population Change (%) by age group in England, 2011 to 2021 (Source: ONS)

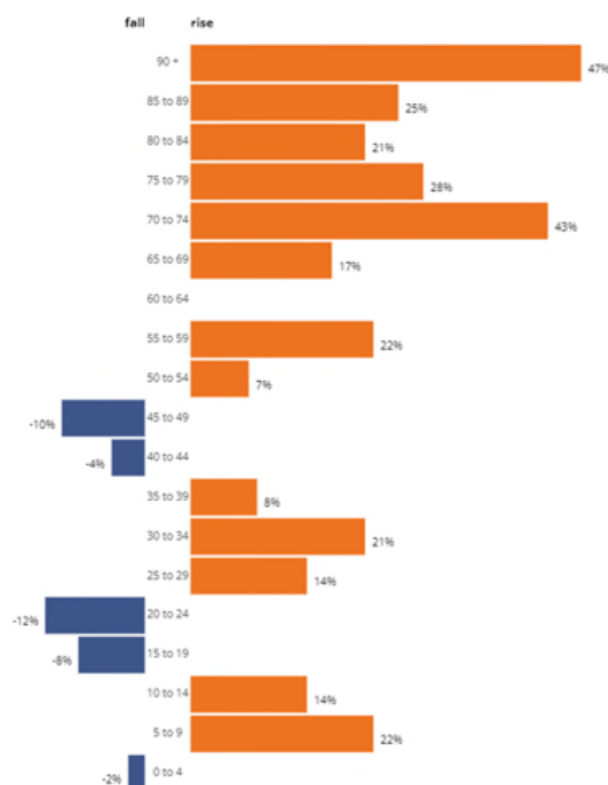


Figure 2: Population Change (%) by age group in Eastleigh, 2011 to 2021 (Source: ONS)

housing) states new development should seek to respond to the requirements of an ageing population by increasing the supply of specialist housing and accessible housing. The Council will support the provision of accommodation suitable for the needs of older people.

- 5.29 In addition to the above, the Local Plan states “in the next twenty years the population of Eastleigh Borough will change with an estimated increase of 24% in the number of people aged 65 and over living in the Borough and an increase of 5% of people over 85. This will lead to an increasing number of older people requiring accommodation, estimated to increase by 24%.”
- 5.30 The South Hampshire Strategic Housing Market Assessment (SHMA) report (published in 2014) indicates at a particular driver of housing need over the period to 2036 will be a growing population of older persons. The number of people aged 65 and above expected to increase by 63,000 (21%) from 2011 to 2021 along with further strong increases post-2021. However, as previously noted, within the 2021 Census Data, this number has risen significantly.
- 5.31 Furthermore, the SHMA states we can also expect some older households to consider downsizing, particularly in the market sector to release equity within their homes and potentially reduce the costs associated with maintaining a home.
- 5.32 The SHMA identifies that in 2011, 67.9% of older people aged 64 to 74 and 71.7% of older people aged 75 to 84 were owner-occupied with no mortgage within the Partnership for Urban South Hampshire (PUSH) area (of which Eastleigh is located).

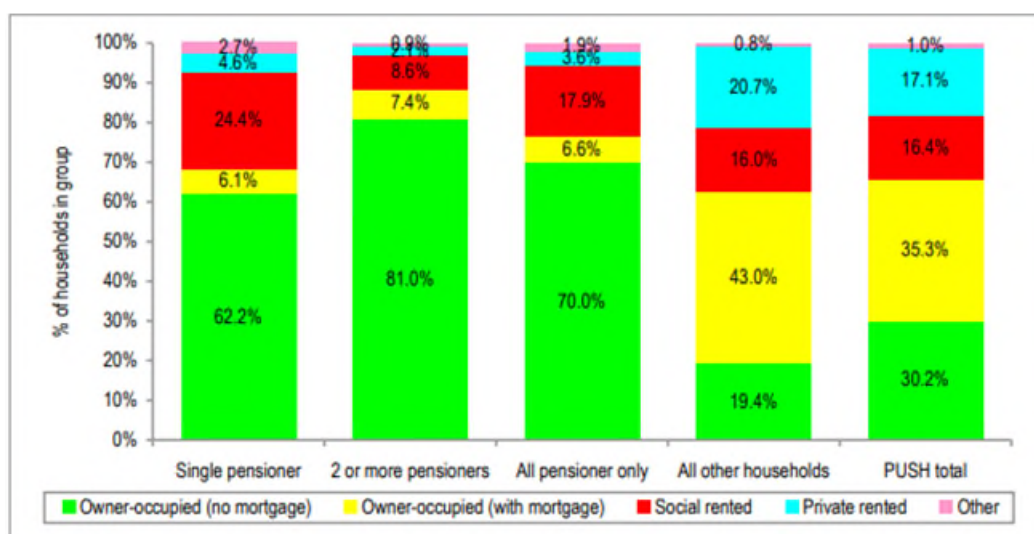


Figure 3: Tenure by Age of Household Reference Persons – PUSH – (2011 Census)

- 5.33 Within the SHMA report it is also acknowledged that there are significant levels of under-occupancy rates within older persons households. It is identified that older person households are more likely to under-occupy their housing than other households.

5.34 It has also been recognised that there is a notable need for housing with support in the market sector within the PUSH area. Subsequently the data suggests a current (2012) requirement for 4,103 units with an additional 14,789 expected to be needed over the period to 2030. This is a total of 18,893 dwellings for sheltered, extra care and residential care housing. A broad summary of the outputs for the PUSH are shown in the table below.

5.35 The proposal seeks to provide housing to assist older people to live as independent lives as

	Current need	Additional need (to 2030)	Total need
Sheltered – affordable	-697	4,465	3,768
Sheltered – market	804	3,176	3,980
Extra care – affordable	1,620	1,278	2,898
Extra care – market	52	46	98
Registered care	2,325	5,824	8,148
TOTAL	4,103	14,789	18,893

Figure 4: Estimated Need for Shelter Housing (Source: Housing LIN)

possible. The Government's reform of Health and Social Care is underpinned by the principle of people living in their own home as long as possible. Thus, providing specially designed housing is important in helping to address this.

Indicator	Period	Eastleigh			England				
		Recent Trend	Count	Value	Value	Worst/ Lowest	Range	Best/ Highest	
Falls & Fractures									
Emergency hospital admissions due to falls in people aged 65 and over New data	2021/22	—	705	2,477	2,100	3,272		1,012	
Emergency hospital admissions due to falls in people aged 65 to 79 New data	2021/22	—	205	1,065	993	1,674		491	
Emergency hospital admissions due to falls in people aged 80 plus New data	2021/22	—	495	6,573	5,311	8,251		2,523	
Hip fractures in people aged 65 and over New data	2021/22	—	130	463	551	829		125	
Hip fractures in people aged 65 to 79 New data	2021/22	—	45	220	236	424		89	
Hip fractures in people aged 80 and over New data	2021/22	—	90	1,168	1,466	2,002		229	

Figure 5: Productive Healthy Ageing Profile (Source: Public Health Data)

5.36 People often chose to move into retirement living accommodation after a significant life event, such as a fall or death of a partner. The government data on productive healthy ageing identifies in Eastleigh the number of emergency hospital admissions due to falls in people aged 65 and over is 2,018 per 100,000 this is within the 25th-75th percentile in England. (data set shown below).

5.37 The consequence of falls can have a significant impact on health and social care services. It can lead to the need for regular care at home or even admission to a residential care home if the house is no longer suitable. Options such as the proposed retirement living scheme offers a specially designed environment, with level access throughout the enable older people to live safe and independent lives.

5.38 The PPG is clear: “where there is an identified unmet need for specialist housing, local authorities should take a positive approve to schemes that propose to address this need.”

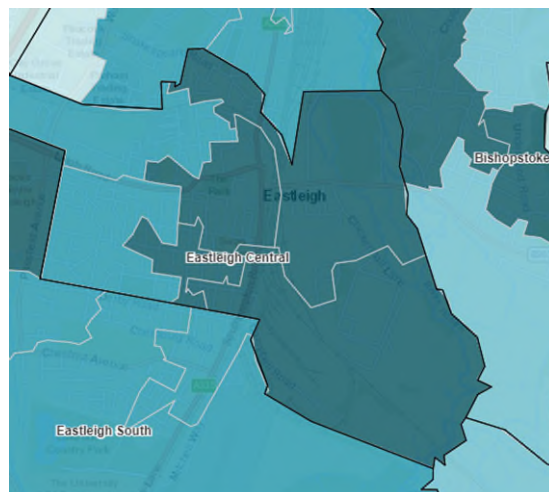
5.39 Paragraph 001 of the PPG on Housing for Older and Disabled People is unequivocal in its message that “*the need to provide housing for older people is critical*”. In this context, the benefits of the scheme in delivering older people's housing against the identified needs must be given substantial weight in the determination of this application.

Impact on Health and Social Care

5.40 There is evidence showing that providing purpose built retirement accommodation reduces the impact on the NHS. The **Happier and Healthier Report** (2019) clearly sets out that this type of retirement living accommodation will save the NHS on average £3,500 per person per annum compared to mainstream housing.

5.41 For the proposed 83-unit scheme, it is estimated this will lead to a fiscal savings of £290,500.

5.42 Social isolation has been identified as an age-related illness. The Office for National Statistics Census data 2021 recognises that in Eastleigh, 12.6% of older people aged over 66 are living alone.



5.43 As shown in figure 6, the site is located within an area at medium – very high risk of loneliness.

Figure 2: Risk of Loneliness in People Over 65, England 2016 (Source: Age UK)

5.44 In accordance with the above, the 'Campaign to End Loneliness' estimates the potential national costs of loneliness to health and care services, for a cohort of people aged over 65, to be in excess of £1,700 per person over a 10 year period.

5.45 Depression remains the most common mental health need for older people. There is clear evidence that retirement living accommodation significantly reduces loneliness and social isolation. Residents live in accommodation with like-minded individuals. There are social gatherings in the communal lounge, ranging from coffee mornings to fish and chip suppers, to Bridge clubs. There are film nights and formal garden parties. In addition, there are daily informal interactions and residents chat to neighbours in the communal areas or the lodge manager on their way in and out of the building.

5.46 Loneliness and depression within the ageing population has been recognised by the World Health Organisation. The WHO have acknowledged that focusing on improving the wider determinants of health that affect an older person can lead to improvements in mental health and life expectancy. Within this, supportive housing and the provision of security and freedom has been recognised as important factors to help prevent these issues.

5.47 Furthermore, the proposed development will not be creating new residents. Evidence from Churchill Retirement Living's existing schemes is that at least 50% of residents come from a 5 mile radius around the site. These residents will already be within the local health service and will not place any increased pressure on the local facilities.

Design Considerations

5.48 A detailed assessment of the local character has been undertaken to greater understand the site and its wider setting. The Design and Access Statement has also been produced to evaluate the character and setting of the surrounding area. This section should be read in tandem to the Design and Access Statement.

5.49 The proposed development takes on a contemporary approach to design and consists of a 3 storey building with a 4 storey set back. This will give an appropriate scale and mass onto Toynbee Road and Romsey Close whilst increasing the quantum of development.

- 5.50 The building provides a flatted roof to be in keeping with the contemporary design of the surrounding area to the south, but simultaneously respecting the residential dwellings further north along Toynbee Road.
- 5.51 Although a singular building, the building has been broken up by a balconies, set backs and architectural detailing to reflect the local mixed character of dwelling houses and apartment buildings.
- 5.52 In terms of materials, the scheme has been designed to reflect the local vernacular. A sensitively selected palette of materials has been used to ensure the building fits in with the character of the area, including a mix of red and grey brick, grey windows, Aluminium cladding, grey handrails and roof trim, and grey balconies.
- 5.53 The proposal provides a mix of 1 and 2 bed apartments, which provides high density development in a sustainable location close to the town centre in accordance with Policy E4 and paragraph 124 of the NPPF.
- 5.54 Overall, the proposal is considered to create a high-quality place that responds appropriately to the site and surrounding context. The scheme is considered to comply with Policy S1, S2, DM1 and E4 and paragraphs 124, 130 and 134 of the NPPF, as well as paragraph 124 of the National Design Guide (2021).

Scale, Height and Mass

- 5.55 The scale of the building is 3 storeys with a setback fourth storey.
- 5.56 To the south of the site is a recently built block of flats at Canada Court, and the redevelopment of the former police station site comprises a contemporary style 3 and 4 storey, flat roofed apartment block. Larger footprint developments are not uncommon in the area, Charlotte Lodge a previous 3- 5 storey retirement scheme the applicant delivered in 2015 is located south east to the site.
- 5.57 The building follows the Toynbee Road frontage and thus provides a strong but not overpowering presence within the local street scene. The building also follows Romsey Close. The 'H' shaped block therefore seamlessly addresses both road frontages of the site.
- 5.58 The massing has been broken up by a varied design and material palette and the addition of balconies and setbacks to the frontages. The top floor is set back and provides a contrasting grey cladding material, grey brick detailing is introduced at all floor levels and surrounding window, subsequently, this prevents the introduction of a bland and visually uninteresting development.
- 5.59 The site falls within the Eastleigh Urban Renaissance Quarter (E4) and the Residential, Office and Community Areas (E4 (1a)), Policy E4 states that the Council will encourage well-designed, people-intensive development. Policy E4 (1a) states development of predominantly 3 storeys will be permitted and development higher than 3 storeys will be appropriate in certain circumstances where development reflects local distinctiveness. Considering the requirements of Policy E4, apartment buildings of four storeys are evident in the immediate area, Eastleigh Police Station redevelopment site, Alston Care Home in the immediate area to the south of the site and Charlotte Lodge to the east of the site are both 4 storeys in height, the height of the proposed development is therefore considered acceptable. For more contextual detail, please refer to the accompanying Design and Access Statement at sections 2 and 4.

Siting and Layout

- 5.60 The development potential of the site was assessed with a number of configurations reviewed which can be found at Section 4 of the supporting Design and Access Statement.
- 5.61 This proposal takes on a larger footprint than the former dwellings that occupy the site, however, this has been considered a positive introduction given the critical need for older persons housing and the NPPF encouragement of efficient use of land and an appropriate response to the character of the area and address's the mixed evolving character of Toynbee Road. In addition, it is necessary for the proposal to be a single footprint building to successfully operate as a Retirement Living scheme in terms of allowing secure access to all communal facilities. For more detail, please refer to section 1 of the Design and Access Statement.
- 5.62 The building provides an 'H' shaped footprint, to follow the streetscene and provide an appropriate response to both Toynbee Road and Romsey Close. The orientation is considered to be positive and respectful of the adjacent dwellings and apartment blocks, the building is sited comfortably within the site, subsequently this proposal will provide a development of visual interest which will utilise this brownfield site efficiently.
- 5.63 Juliet and walk-out balconies have been included to allow for additional private amenity space. There is also the provision of an outdoor terraced area for the use of some apartments on the top floor.
- 5.64 The proposal seeks to respond to the changing contemporary nature of this part of Eastleigh within the urban renaissance quarter.

Neighbouring Amenity

- 5.65 The site is generally surrounded by residential uses; this includes semi-detached dwellings to the north and the flatted development Canada Court to the south, the opposite the site is the Crescent Primary School, and to the east is the 4 storey block of retirement flats Charlotte Lodge (an existing Churchill Retirement Living block) built in 2015. No 1 Romsey close is currently awaiting planning permission for a flatted development.
- 5.66 The scale of the proposed building will be larger in scale than the neighbouring dwellings to the north and the Primary School, and inevitably greater than the current vacant site. However, the proposed building has been located along Toynbee Road and Romsey Close where this part of Eastleigh is currently evolving in Character, this part of the Urban Renaissance quarter has seen a steady flow of contemporary apartment buildings increase which has changed the nature of this area from lower density residential properties to flatted and apartment buildings, some of which providing care and retirement apartments for older people in Eastleigh, this change of character along Toynbee Road subsequently reduces the impact the proposed development will have on surrounding amenity.
- 5.67 The development would not result in any adverse impact in terms direct overlooking or loss of privacy to neighbouring dwellings, in addition, the proposals comply with the aims of the Quality Places SPD, where 22m minimum distances between first floor habitable room windows (20m minimum when both new build) are advised.
- 5.68 Therefore, the development proposal has taken surrounding neighbouring amenity in consideration and is in accordance with Policy DM1 of the Local Plan.

Density and Mix

- 5.69 Policy DM1 recognises housing development is required to make efficient use of land and maximise opportunities to increase density, in particular Policy E4 encourages larger buildings within the Urban Renaissance Quarter.
- 5.70 The NPPF strongly promotes the efficient use of unused land; paragraph 120(d) supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. The site lies within the Urban Renaissance Quarter, specifically the Residential, Office and Community Area where Policy E4 promotes regeneration and advises that the Council will encourage well-designed, people-intensive development within these areas. Furthermore, Policy E4 goes on to state that development of predominantly 3 storeys will be permitted and development higher than 3 storeys will be appropriate.
- 5.71 The mix has been specifically designed to meet the needs of the end user, based on evidence Churchill have gathered from their developments nationwide. On average 70% of purchasers are widows and so the mix of units together with the balance of the communal space is what meets the needs of future residents.
- 5.72 It is considered that the proposed development makes an appropriate balance between making an efficient use of land, whilst respecting the local character and context.
- 5.73 The proposal provides a mix of 1 and 2 bed apartments; which provides high density development in a sustainable location close to the town centre in accordance with Policy DM23, DM24 and E4 of the Local Plan, and paragraphs 120 & 124 of the NPPF.

Appearance and Materials

- 5.74 The building provides a largely contemporary approach to design. The building itself has had regard to the adjacent newly built Canada Court and Alston House Care Home to the south, incorporating a flat roof design.
- 5.75 The elevations have been broken up with the introduction of setbacks and balconies to reduce the appearance and massing of the apartment building. This architectural detailing can also be seen in built Canada Court and Alston House Care Home situated to the south of the proposed site.
- 5.76 A sensitively selected palette of materials has been used – this includes a red and grey brick, aluminium cladding, grey metal balustrade handrails, grey metal roof trim, grey windows and grey metal railed balconies. Brick detailing has also been incorporated into the design to present visually interesting elevations. The palette of materials has been chosen to reflect the surrounding developments.
- 5.77 Furthermore, a setback low pitch single membrane flat roof with overhanging eaves has been proposed on the roof. This alleviates the buildings appearance in height and is a key part of its design.

Internal Space Standards

- 5.78 Within the adopted Local Plan there is policy requirement for internal space standards, the proposal meets M4(2) standards.

5.79 Policy DM29 requires that development should meet higher national access standards, in particular the policy at section 2 states *100% of all specialist housing for older people and adults with disabilities meet the Part M4(3) standard (Wheelchair user dwellings).*

5.80 Policy DM29 is inconsistent with National Policy.

5.81 Paragraph 001 of the Planning Practice Guidance (PPG) Housing for Older and Disabled people states:

“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..... 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.”

Paragraph: 001 Reference ID: 63-001-20190626

5.82 Whilst we recognise the Council are taking active steps to increase the delivery of specialist housing for older people, it is noted however that the accessibility standards for specialist older person's housing are higher than those for 'general needs' housing, with the policy advising all units must be M4(3).

5.83 Footnote 49 of the Framework clearly sets out that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties.

5.84 Paragraph 002 (Reference ID: 56-002-20160519) of the PPG reiterates that local planning authorities have the option to set additional technical requirements for accessibility and adaptability however, they will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans.

5.85 The supporting text for this policy advises that:

“There is a lack of housing suitable for people with mobility issues and for wheelchair users across the country including in Eastleigh Borough. In order to deliver more suitable housing in the Borough, the Council is applying higher Building Regulations access standards as justified in the background paper. This will require a proportion of new development to be designed to allow adaptation of dwellings to meet changing needs of occupants over time, Part M4(2), or to be either easily adaptable or suitable on completion for disabled people including wheelchair users, Part M4(3). The proposed approach sets a target of 80% of properties to meet the Part M4(2) standards. For developments of 40 dwellings or more, part of this provision should be at the higher Part M4(3) access standard. This requirement applies to all tenures. In accordance with the Planning Practice Guidance, for affordable and social housing where the local authority is responsible for allocating or nominating a person to live in the dwelling, homes are required to meet the wheelchair accessible dwelling standard M4(3)(2)(b). Homes meeting this standard are suitable for wheelchair users on completion. Other new homes are required to meet the wheelchair adaptable standard M4(3)(2)(a). These homes can be easily adapted so they are suitable for a wheelchair user to live in in the future. Policy DM29 sets a target for 80% of dwellings on each site to meet higher access standards. Part M4(2) and M4(3) standards both require step

free access. For some schemes with flats above the ground floor, the inclusion of a lift to provide suitable access may make the scheme unviable. There may also be site specific reasons why a scheme cannot achieve step free access across the whole site. Where this can be demonstrated to the satisfaction of the Borough Council, the lower access standards in Part M4(1) would apply to these units and parts of the site”.

- 5.86 The Accessible Housing and Internal Space Standards Topic Paper (June 2018) does not provide evidence of the need for older person’s housing or the wheelchair accessibility housing.
- 5.87 Whilst it is recognised that there may be the need to provide some homes to the higher access standard in order to provide choice within the market there is no evidence indicating that 100% new homes for older people should be built to this standard. Paragraph 007 (Reference ID: 56-007-20150327) of PPG requires local authorities to demonstrate the need for the optional technical standards to be applied to new homes. This evidence should include the likely future need for housing for older and disabled people, the accessibility and adaptability of existing stock, the different needs across tenure and the overall impact on viability. However, the only evidence provided by the Council is in paragraph 3.2 and 3.3 of the Accessible Housing and Internal Space Standards Topic Paper (June 2018). These paragraphs outline that there is an ageing population and that by the end of the plan period it is expected that 80% of all new homes are likely to feature at least one occupant over 65, however there is no evidence provided demonstrating occupants over 65 will be disabled people and that does not mean all those households will be in a new home.
- 5.88 It is the applicants view that an ageing population is insufficient justification for 100% of specialist older person’s housing to be built to M4(3), in addition, the presumption that just because an individual is ageing or over the age of 65, they will require a wheelchair, is inappropriate generalisation.
- 5.89 Churchill Retirement Living have been building retirement living apartments since 1994 and have accrued significant expertise in building specialist housing that enables older people to live independently. Recent research into existing Churchill Retirement Living developments has resoundingly demonstrated that there is no need for the apartment to meet M4(3) requirements with less than 1% of occupiers using a wheelchair.
- 5.90 People with long term mobility disabilities would be in a different setting and as such would not occupy an independent living retirement development. Given the lack of demand for the requirement for M4(3) in this form of accommodation it would simply be a cost to the development and ultimately an increased purchase cost whilst serving no identified need.
- 5.91 Building to M4 (2) provides sufficient and adaptability for all current users and future users and is very much in keeping with the product of providing an independent retirement living lifestyle for those aged 60 and over.
- 5.92 Additionally, Paragraph 009 (Reference ID: 56-009-20150327) of the PPG sets out that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
- 5.93 There is no policy requirement or control that the LPA can impose over market private apartments that could mandate that they must be sold to a wheelchair user. The Council should therefore not apply the higher level Part M4(3) to open market homes.

5.94 In addition to the above, the appeal decision at Stanford Hill, Lymington (APP/B1740/W/20/3265937), the inspector sets out a view on Optional Technical Standards and in particular a Local Plan Policy requirement for 100% of specialist older person's accommodation to be built to M4(3) dwellings, with the Appeal Inspector concluding:

I am mindful also that the design of the appeal scheme seeks to achieve the M4(2) Optional Building Regulations standard for accessible and adaptable dwellings – albeit that without a condition specifying this, I accept that the Council could not enforce this standard. In any event, the proposed development would cater for a range of occupants, and not only those with impaired mobility. Consequently, I am not persuaded that a requirement for the higher optional standards to be deployed in all of the proposed dwellings would be either reasonable or necessary in this case.

5.95 It is clear from this decision that, despite having an adopted policy, the inspector considered the provision of M4(2) sufficient to cater for a range of occupants and that this technical breach of this policy was not so significant to outweigh the very significant benefits of the scheme.

5.96 The proposal seeks to achieve the M4(2) Optional Building Regulations standard for accessible and adaptable dwellings, where the Council can enforce this standard with a condition specifying this. In any event, the proposed development would cater for a range of occupants, and not only those with impaired mobility. Consequently, the requirement for the higher optional standards to be deployed in all of the proposed dwellings would be neither reasonable or necessary in this case.

5.97 Whilst the proposals do not meet all the requirements of Policy DM29, it is considered that policy DM29 is inconsistent with national planning policy guidance on the imposition of policies requiring wheelchair accessible homes. The development meets Part M4(2) standard which is considered appropriate for this type of development ensuring that they adaptable in the event of changes to the occupant's circumstances.

Archaeology

5.98 The Heritage Assessment by Landgage has identified the potential for the site to have the presence of prehistoric and Post-Medieval remains, with a low potential for other periods.

5.99 This assessment also found that due to the limited level of archaeological investigation in the vicinity of the study site, it is not possible to discount the potential for the presence of Roman buried remains.

5.100 The report suggests that the previous development within the site would have resulted in some impact on any buried remains within the study site, however some remains of interest may have survived this outside of areas for foundations and any landscaping. As such any remains which survive are likely to be fragmentary but may not be completely removed.

5.101 The identified potential archaeology within the study site is likely to be of local significance, due to the previous development within the study site.

5.102 The construction of the proposed development and associated drainage and other utilities within the study site would involve the mechanical excavation of foundations and trenches, which would result in widespread impacts where these are planned. The depth of these impacts would be likely to be between 500mm and 1m deep. It is therefore possible that the construction of the new building would severely truncate or entirely remove any archaeological remains which may be present within its footprint.

- 5.103 The remainder of the study site would be occupied by carparking areas and landscaping with lower below ground impacts, which would have a lower impact on any potentially buried remains.
- 5.104 The loss of any archaeological remains of local significance can be adequately mitigated by a programme of archaeological works, which would identify whether any remains are present, and would excavate and record them prior to any impacts by the proposed development. This would realise the research potential of any buried remains and would provide information on the past use of the study site. As such these works would provide a small public benefit.
- 5.105 On the basis of the above, it is clear that the impact of the proposed development on the archaeological potential of the study site could be adequately mitigated, and the development made acceptable in terms of archaeological impacts. It therefore accords with the requirements in paragraph 202/203 of the NPPF and policy Strategic Policy 8 of the Eastleigh local plan.

Amenity Space

- 5.106 The amenity space proposed in both its extent and design will meet the needs of its user. A Landscaping Strategy has been submitted with the application showing the high quality landscaping proposed.
- 5.107 The applicant has considerable experience in delivering retirement developments nationwide and as such this has provided a clear understanding of the use and need of amenity space.
- 5.108 The quality of amenity space is important to residents. Typical purchasers are 78 year old widows and it is considered high quality amenity space is far more important than quantity. Residents wish to have a pleasant outlook, with high quality planting. This is valued far more than large areas of green space.
- 5.109 Residents use the space in a fairly limited respect; this involves sitting out on the patio and tending to flowerpots which are located immediately outside ground floor apartments or on balconies.
- 5.110 Further to the external amenity space, there is the internal communal lounge and coffee bar. This is a highly valued social space, where residents meet for coffee or to play card games and is useable all year round. Film nights, book clubs, wine and cheese evenings, fish and chip suppers, as well as summer garden parties are organised for the residents. Residents value this internal amenity space far more than large grassed areas and it is usable all year round.
- 5.111 A high quality landscaping scheme will surround the development. The existing boundary wall is to be retained, with the provision of high hoop-topped railings. This has been used to provide a seamless separation of public and private space.
- 5.112 The proposal includes an internal Owners Lounge and external amenity space equating to circa 1290m². In addition to this, 30 apartments also include walk-out balconies of varying sizes giving a combined area of 146m². In total, 8 top floor apartments also provide 160 m² of outdoor terrace space, this would come to an additional private amenity space of 306m². Given that this development is for retirement housing where the average purchaser is a 79 year old, the quantity is not so important as the quality of the space and therefore the reduced level of space is considered to be acceptable.

- 5.113 A choice of different aspect amenity areas, including private and communal areas, a mix of shaded and sunlight areas of outdoor amenity, and, indoor and outdoor amenity space is something potential purchaser's and residents value. Many residents actively prefer shaded areas of outdoor amenity therefore, it is important to provide options to residents in terms of amenity space.
- 5.114 Given the balance of achieving efficient use of land as set out in Paragraph 124 of the NPPF combined with the clear understanding of the needs of the residents and the emphasis on high quality landscaping it is strongly considered that the level of amenity space is acceptable.

Access and Parking

- 5.115 This application is supported by a Transport Statement undertaken by Paul Basham Associates Ltd.
- 5.116 The site will be accessed via a new access formed on Toynbee Road at the north western point of the site.
- 5.117 In total, 30 unallocated parking spaces have been provided, for the site, this is a ratio of 0.36 spaces per apartment.
- 5.118 Surveys undertaken by Churchill Retirement Living shows a demand for 0.28 spaces per apartment. Residents often move into a retirement development to be situated closer to local shops and services therefore, reliance upon cars is significantly reduced. As the development age, a pattern has emerged that residents usually given up their cars within 6 months as they no longer need it.
- 5.119 Based on the research noted above, the average parking demand at existing sites is 0.28 spaces per apartment, equating to 24 spaces to be required to serve the development. Therefore, the provision of 30 spaces is considered sufficient to accommodate all parking demand on site.
- 5.120 Pedestrian access to the site will also be provided along both Toynbee Road and Romsey Close linking to nearby amenities.
- 5.121 In addition, there is excellent pedestrian infrastructure along both Leigh Road and Romsey Road with continuous and lit footways. The footways provided are appropriately equipped with dropped kerbs, road markings and tactile paving; all of which are features help to create a safe and suitable walking environment.
- 5.122 The proposal also includes a mobility scooter charging and storage area located to the southeast of the site, with a footpath measuring 1m wide connecting onto Romsey Close to provide access.
- 5.123 In accordance with the above, the site presents an opportunity to create a sustainable, non-car reliant development. The Town Centre hosts a range of amenities most notably a Sainsbury's supermarket and Eastleigh Bus Station. These facilities have all been considered to be within walking distance of the site.
- 5.124 The nearest bus stop to the site is located 130m east (2-minute walk) along Romsey Road, supporting eastbound services only. The closest westbound stop is located on Leigh Road approximately 350m southwest of the site (5-minute walk) and is composed of sheltered seating with a flag, printed timetable and a raised kerb.

- 5.125 The closest railway station to the site is Eastleigh railway station which is situated 600m east (8-minute walk) from the site.
- 5.126 The NPPF strongly promotes sustainable transport. Developers should not be expected to provide more parking than required unless there are clear and compelling justifications, taking into consideration the accessibility, type, mix and use of the development.
- 5.127 It has been recognised a fire tender is able to turn into the site and get within 45m of all the proposed apartments via Station Road in accordance with Building Regulations. A fire tender is also able to access the site via Romsey Close.
- 5.128 Overall, within the Transport Statement, it is demonstrated that safe and suitable access to the site is achievable, and the proposed development would not result in a severe impact on the operation or safety of the local road network.
- 5.129 It is clear within the NPPF paragraph 111 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.

Flood Risk and Drainage

- 5.130 The application is supported by a Flooding and Drainage Technical Note undertaken by AWP.
- 5.131 The she proposed development is located within Flood Zone 1 and is not known to be susceptible to flooding from pluvial, groundwater, infrastructure or artificial sources.
- 5.132 The proposed development has been assessed in line with the National Planning Policy Framework, to allow the planning application to be progressed and to show that the development can be undertaken in an acceptable manner from a flood risk perspective.
- 5.133 To ensure the development is safe throughout its lifetime, the surface water strategy accounts for runoff in up to the 1 in 100-year return period.
- 5.134 The strategy also safeguards against climate change (45%), providing betterment over existing conditions, where the rate and volume of runoff would continue to increase due to climate change.
- 5.135 The existing ground conditions are not suitable for the implementation of infiltration drainage, and the site is not near a watercourse. Instead, surface water runoff will be attenuated on-site and discharged to the adopted surface water sewer in Toynbee Road at a peak rate ranging from 3.8-5.1 l/s. This provides up to 90% betterment compared to the existing site runoff rates.
- 5.136 Runoff from the site will be intercepted by a new private network and will drain to a new cellular attenuation tank. Flows from the tank will pass through a flow control chamber prior to discharging to the proposed point of connection on the adopted surface water sewer.
- 5.137 Beyond the 100-year critical storm, exceedance runoff will be directed away from the building and towards any residual areas of open space or parking, where aboveground storage can be utilised. Beyond the capacity of the site exceedance flows would discharge from the site as per existing conditions, albeit at a reduced frequency and extent.

- 5.138 Foul flows generated by the proposed development will be served by a new private gravity network, with connectivity to the SW foul sewer network inside the eastern boundary of the site.
- 5.139 The existing adopted foul sewer which enters the site from the rear of No.1 Romsey Close will be diverted inside the southern boundary of the site. All redundant adopted drainage within the site will be abandoned.
- 5.140 As the development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment, it is recommended that the Local Planning Authority confirm they have no objections to the proposed development.
- 5.141 With the exception of the foul sewer diversion, all proposed on-site drainage will remain private and will be designed in accordance with Building Regulations Part H and CIRIA C753 and will become the responsibility of the appointed management company.
- 5.142 As the development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment, it is recommended that the Local Planning Authority confirm they have no objections to the proposed development.
- 5.143 Overall, the drainage report concludes the development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment.
- 5.144 It is considered the proposal is in accordance with Local Plan Policies DM3 and DM6 and the NPPF.

Refuse

- 5.145 This application is supported by a Transport Statement undertaken by Paul Basham Associates Ltd, where refuse is discussed.
- 5.146 Refuse collection is proposed to take place on-street via Toynbee Road, with the refuse store situated to the southwest of the proposed building and within 10m of the carriageway to accommodate the standard Eurobin carry distance. This will be a continuation of the existing refuse collection arrangement for the existing residential dwellings along Toynbee Road.
- 5.147 The development proposal has a communal ground floor internal refuse store. Within the refuse room, small bags of household waste and recycling material from each individual flat can be decanted into larger shared bins, clearly designated for specific waste storage.
- 5.148 Churchill have developed a detailed understanding of the typical waste requirements based on experience of their existing lodges. The majority of flats are single occupancy. The owners are daily basket shoppers with a low carbon footprint who generate small amounts of waste. The proposed refuse room is therefore suitable to meet the required needs.
- 5.149 The room has external doors opening onto an external pathway. The lodge manager is responsible for monitoring the refuse and moving the bins out of the refuse store on the relevant collection day and for moving them back inside shortly after being emptied by the refuse collectors.

Air Quality

- 5.150 This application is supported by an Air Quality Assessment report undertaken by Air Quality Consultants.
- 5.151 The proposed development is close to an Air Quality Management Area (AQMA) declared by Eastleigh Borough Council (EBC) for exceedances of the annual mean nitrogen dioxide (NO₂) objective.
- 5.152 The assessment has considered the impacts of the proposed development on local air quality with respect to emissions from road traffic generated by the completed and occupied development. It has also identified the air quality conditions that future occupants will experience. The assessment has been based on measurements made during 2019 and assumes these are representative of air quality conditions at the time the development is occupied. This assumption is considered worst-case as it is generally expected that NO₂, PM₁₀ and PM_{2.5} concentrations will decline in future years.
- 5.153 The assessment demonstrates that the incremental changes to traffic flows on the local road network are below the relevant EPUK/IAQM screening thresholds, and therefore the effects of road traffic on local air quality will be insignificant.
- 5.154 The assessment has also demonstrated that pollutant concentrations will be well below the objectives at the proposed development, and therefore that future users will experience acceptable air quality.
- 5.155 The overall operational air quality effects of the proposed development are judged to be ‘not significant’.
- 5.156 Taking into account these conclusions, it is judged that the proposed development is consistent with Paragraph 185 of the NPPF, being appropriate for its location both in terms of its effects on the local air quality environment and the air quality conditions for future residents. It is also consistent with Paragraph 186, as it will not affect compliance with relevant limit values or national objectives.
- 5.157 The proposed development is also consistent with Policy DM8 of EBC’s Local Plan as it will not result in an “*unacceptable environment impact*”, nor will the occupants of the proposed development be adversely affected by existing air pollution.

Affordable Housing

- 5.158 Policy DM28 (Delivering Affordable Housing) requires 35% of housing provided on all new housing developments over certain thresholds. The policy allows for the consideration of financial viability. Given that the existing use value of the site is already residential and therefore relatively high, it is clear that an assessment of financial viability is appropriate. The application is therefore accompanied by a detailed assessment of Affordable Housing and Financial Viability.
- 5.159 The Eastleigh Affordable Housing SPD was adopted in 2009. It states that in relation to commuted sums, these may be accepted only where it has been demonstrated that on site provision has been shown not to be possible will a financial contribution be considered as an alternative. There is an argument that based upon assessed need, the affordable housing target should be revised for this proposal and early engagement with officers would be welcomed.

- 5.160 The SPD states that any contribution will be calculated on the basis of the developer making a contribution of clean serviced land at nil cost. It will have regard to the relative value with either a nil or reduced level of affordable provision compared with the scheme with full affordable provision. All financial contributions will be index linked.
- 5.161 The Local Plan review included the preparation of evidence base including plan wide viability and housing needs analysis. In terms of the plan wide viability study, this was undertaken in 2018 and 2019 and specifically tests the viability of housing for older people. It concludes (based upon generic low benchmark land values) that in the lower value areas (where Eastleigh sits), viability may be challenging. It is clear that this constrained viability position would be amplified were existing residential land values assumed.
- 5.162 In line with normal practice, we would encourage the local planning authority to review the contents of the Affordable Housing and Viability Statement as early as possible in the determination of the application. The applicant will commit to cover the reasonable costs associated with this process.

Ecology

- 5.163 This application is supported by an Ecological Report undertaken by Tyler Grange.
- 5.164 The site is not covered by any statutory or non-statutory protection although a number of such sites are present within the local area. The closest statutory designed site to the site is the River Itchen SAC and SSSI, located approximately 750m east of the site.
- 5.165 Due to the distance between the site and the River Itchen SAC and SSSI, there is the potential for impacts, such as run off during the construction phase of the development. As a result, standard construction safeguards will take place, such as those in relation to noise, vibration, dust and contaminated run-off, with further detail to be provided within a Construction Environmental Mitigation Plan (CEMP). These measures will ensure no impacts occur to any adjacent habitats, protected sites in the study area or other off-site receptors.
- 5.166 In addition, the site falls within the Solent catchment area, an area that is vulnerable to an increase in nitrates. As such, any new development that may result in an increase in nitrates would be required to pay a habitats mitigation contribution as part of Eastleigh Borough Council's Nutrient Neutrality Offset Scheme to offset any increase in nitrates as a result of the development. With the adoption payments (£3,000 per credit offset, equivalent to 1 kg of nitrates per year) in place, there will be no impacts as a result of the development.
- 5.167 The application is supported by a Nutrient Balancing Assessment undertaken by Tetra Tech.
- 5.168 The habitats within the site largely comprise buildings and hardstanding with vegetated gardens, consisting of amenity grassland, with ephemeral/perennial successional species, introduced shrub and small areas of scrub vegetation around the margins. Three scattered trees are located within the site boundary Overall, the habitats on site are considered to be of no more than site importance.
- 5.169 The properties of numbers 2, 6 and 8 Toynbee Road were considered to offer moderate suitability for roosting bats, and number 4 Toynbee Road and 2-5 Romsey Close were considered to offer low suitability for roosting bats due to a number of visible external potential roosting features.
- 5.170 As such, surveys for roosting bats have been instructed and are underway as required during the active season (May to September inclusive) to determine if any of the buildings on site

are being used by roosting bats. All of the trees within the site boundary were considered to offer negligible potential for roosting bats, and no other suitable roosting features were identified on site.

- 5.171 New native hedgerow, tree and shrub planting along with wildflower margins will maximise opportunities for wildlife and help the site to achieve a biodiversity net gain. The new habitat created on site will be managed to maximise opportunities for wildlife. To create additional ecological enhancements at the site the provision of bird and bat boxes is also recommended to improve opportunities for UK and local priority species.
- 5.172 In light of the above, the proposal seeks to provide a better quality of habitats on site. With the implementation of suitable mitigation and enhancement measures, the proposed development would be in conformity with Local Plan Policy DM11 and relevant legislation.
- 5.173 Overall, from an ecological perspective, no features of significant ecological importance have been identified. Additionally, mitigation measures can be controlled by a reasonable worded CEMP condition, to protect fauna species which may occur on the site during development, as a precautionary approach. The strategy could be controlled by appropriately worded planning condition.

Trees

- 5.174 This application is supported by an Arboricultural Impact Appraisal and Method Statement undertaken by Barrell Tree Care.
- 5.175 There are no Tree Preservation Orders on the site.
- 5.176 Several trees are proposed to be removed to allow for development. These are all low-quality trees with very little potential to contribute to local character because of their poor condition and small size. They are insignificant in the wider setting and their loss will have no detrimental impact on local character. In addition, several shrubs within the existing gardens will also be removed.
- 5.177 Other than pruning for normal maintenance, no trees will be pruned because of this development and so there will be no impact on local character for that reason.
- 5.178 The impact of encroachment into RPAs that will be managed by special precautions, is as follows:
- Trees: T23 and T26
- There will be encroachment into the RPAs of these trees in the form of new no-dig surfacing. We have carefully reviewed the levels in these areas, and it would be feasible to install custom designed no-dig specification surfacing without causing any significant disturbance to the RPA. The details can be agreed as part of a planning condition.
- 5.179 In summary, if the guidance set out in SGN 7 Excavating in RPAs and SGN 9 Installing/upgrading surfacing in RPAs is observed, the proposed works can be implemented without any long-term detrimental impact on tree health, and therefore local character.
- 5.180 To supplement retained trees and enhance local character, a landscape strategy has been submitted in support of this planning application and specifies a comprehensive new tree planting scheme. There is space for tree planting and a landscaping scheme will be feasible in response to an appropriate condition.

- 5.181 For the reasons set out above, it has been concluded that the proposed development would not cause an unacceptable or adverse impact on the character and appearance of the area from a tree perspective and there will be no adverse impacts on retained trees once the development is completed and occupied.

Sustainable Development

- 5.182 This application is supported by an Energy and Sustainability Statement undertaken by FOCUS.
- 5.183 Policy DM2 sets out the carbon emission requirements for new developments. Policy DM3 states all development should be designed to adapt to the predicted climate change impacts for the Borough.
- 5.184 The Council also require a Sustainable Energy Statement to support any application.
- 5.185 In efforts to reduce the overall carbon emissions associated with the development and to maximise the energy efficiency, Churchill Retirement Living has a robust 'fabric first' approach to the build specification.
- 5.186 This has been achieved through building fabric improvements with an uplift on the minimum requirements of ADL1, and also specification of efficient mechanical and electrical services.
- 5.187 The scheme currently proposes to utilise a good thermal envelope to minimise heat loss, with U-Values proposed that are significant improvements against the Limiting Part L1A 2022 U-Values. This will drive energy efficiency in the building, as will the specification of efficient mechanical and electrical services.
- 5.188 The majority of apartments have sizable windows to South East, South or West orientations, which will allow for significant solar gain, and therefore will lessen space heating requirements for the end user.
- 5.189 The site proposes to install EV Charging points to 100% of site-wide car parking spaces.
- 5.190 Furthermore, renewable energy generation is incorporated into the scheme through the application of roof mount Solar Photovoltaic (PV) panels, which Churchill are now implementing into all of their schemes.
- 5.191 It has been noted in the Sustainability Report that The Target Carbon Emissions (TER) of the development to be 49,648.95 kg/CO2/yr. The Predicted Carbon Emissions (DER) are demonstrated to be a substantial improvement against this amount, currently modelled to achieve 28,444.82 kg/CO2/yr. Overall, this is a 21,204.13 kg/CO2/yr reduction in Carbon Emissions, approximately 42.71% reduction against the notional amount, a significant improvement over the 19% requirement.
- 5.192 For the scheme to meet the water efficiency standard of 110/litres/person/day, water saving sanitary-ware and flow restrictors will be provisioned throughout the development. Therefore, with the measurements in place, Churchill's retirement living standards provide a high level of internal water efficiency, equating to less than 105/litres/person/day. Therefore, the development is in accordance with Level 3 Code for Sustainable Homes.
- 5.193 Therefore, given the above and further detailed within the sustainability report, the proposal is in accordance with Local Plan Policies DM2, DM3 and DM4, and the NPPF.

Economic Considerations

- 5.194 The proposal will deliver economic benefits to Eastleigh. In terms of jobs, the infographic, set out in Appendix B recognises the proposed retirement living development will create:
- 146 construction jobs;
 - 177 supply chain jobs during the construction period;
 - 6 direct jobs (supporting the retirement living development);
 - 5 supported jobs (from increased expenditure in local area);
- 5.195 In recent evidence within a report '**Silver Saviours of the High Street**' has shown the significant economic benefits that retirement living developments can have on local high streets. The residents are 'basket shoppers', often walking into town on a daily basis to get the shopping they need. They will also utilise the high street during the week, when it's typically at its quietest. Through downsizing residents often have more disposable income and more time to use local facilities.
- 5.196 There is significant evidence linking poor health with unsuitable living conditions. As set out above, 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 service of approximately £3,500 per year (**Homes for Later Living September 2019**). Residents generally remain in better health, both physically and mentally, in comparison to being in unsuitable accommodation and for many being isolated. Doctors, nurses, and care workers can visit several occupiers at once.
- 5.197 With 83 units proposed, there is estimated to be fiscal savings to the NHS of £346,500 per annum directly from the proposed development, in comparison to mainstream housing. This is significant economic benefit.
- 5.198 Retirement housing releases under-occupied family housing and plays a very important role in recycling of housing stock in general. There is a 'knock-on' effect in terms of the whole housing chain enabling more effective use of existing housing. In the absence of choice, older people will stay put in properties that are often unsuitable for them until such a time as they need expensive residential care. It is estimated that the proposed development will open up approximately 84 existing homes within the housing market through a chain reaction. The proposal will therefore assist with meeting wider family housing needs.
- 5.199 Substantial weight should be afforded these economic benefits.

Social Considerations

- 5.200 Specifically designed housing for older people enables residents to be as independent as possible in a safe and warm environment. Older homes are typically 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. Retirement housing help to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs by providing safety, security and reducing management and maintenance concerns.
- 5.201 There are huge benefits from new found friends and companions. Loneliness is linked with damaging health impacts such as heart disease, strokes, depression and Alzheimer's. Loneliness and isolation have become even more apparent in older generations through the

lockdowns faced during the COVID 19 pandemic. However residents within existing Churchill Retirement Living schemes have expressed huge praise for their Lodge Managers in looking after them.

- 5.202 Churchill developments offer a formal coffee morning as well as a number of informal coffee gatherings. Residents often organise bridge clubs and weekly film nights in the communal lounge. There are also group trips into the town centre for coffee and shopping. Even just to say hello to neighbours in the corridor or a quick conversation with the Lodge Manager can significantly help. Churchill also organise a number of events each year such as summer parties, cheese and wine nights, and musical nights.
- 5.203 Residents can walk to local shops and services, or use their mobility scooter, giving them independence if they are no longer able or wish to drive. This is important as people age, reducing reliance on formal social care or help from family and friends.
- 5.204 The **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.
- 5.205 The requirement of the NPPF at paragraph 92 to achieve healthy, safe and inclusive places are a fundamental part of the scheme proposed. These are key benefits that residents are looking for when they seek to move to a Churchill Retirement Living scheme.
- 5.206 Overall it is considered that substantial weight should be afforded to these social benefits.

Environmental Considerations

- 5.207 The proposal will make efficient use of brownfield land thereby reducing the need to use limited land resources for housing.
- 5.208 The site is in a highly sustainable location. Shops and services can easily be accessed on foot thereby reducing the need for travel by means which consume energy and create emissions. Providing shared facilities for a large number of residents in a single building makes more efficient use of material and energy resources. The proposal will be constructed with an energy efficient fabric and building services specification.
- 5.209 Moderate weight should be afforded to these environmental benefits.

Planning Balance

- 5.210 Notwithstanding the fact we consider the proposal to be in accordance with the Development Plan it is necessary to undertake a planning balance.
- 5.211 As set out above, Section 38(6) of the Planning and Compulsory Purchase Act sets out that planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is not considered to be in conflict with any policies within the development plan.
- 5.212 The application should therefore be approved unless material consideration indicates otherwise. It is considered that the material considerations weigh heavily in favour of the grant of permission.

5.213 It is evident there is '*critical*' need for the delivery of older persons housing and a significant pressing need within the administrative boundary of Eastleigh. Therefore, this planning application will contribute towards delivering these much needed homes. That contribution can be considered as a substantial benefit which weighs strongly in favour of this planning application.

5.214 The planning benefits with the weight to be given for this proposal are set out below:

Planning benefits of the current proposal	Weight to be given
Provision of much needed housing for older people where the need for such accommodation is 'critical'	Substantial weight
Development of previously developed land, which is currently vacant and underused	Substantial weight
Development in a sustainable location, town centre location within immediate proximity to local services and facilities	Substantial weight
Efficient use of land	Substantial weight
Provision of 83 market dwellings	Substantial weight
Freeing up under occupied local housing stock	Substantial weight
Economic benefits of the proposed scheme through job creation and increased spending in the local area	Substantial weight
Social benefits of the proposed scheme, reducing social isolation and benefits to health and social care systems	Substantial weight
Environmental benefits of the proposed scheme including the delivery of ecological enhancements	Moderate weight

5.215 Recent appeal decisions have been noted below that effectively present the planning benefits of specialised accommodation for older persons, this includes a decision allowing for 31 retirement living apartments in Fleet, Hampshire and a decision allowing for 56 retirement living apartments in Basingstoke.

Appeal Decision Former Fleet Police Station, 13 Cookham Road, Fleet (APP/N1730/W/20/3261194) (May 2021)

5.216 The weight to be attached to the planning benefits of specialised accommodation for older persons was considered at a site in Fleet, Hampshire, by the Planning Inspectorate. The appeal was allowed for 31 retirement apartments by Churchill Retirement Living.

5.217 In weighing up the planning balance the Inspector set out at para 70:

"The following benefits would arise: (i) much needed housing for older people... 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 appellants payment 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 operation 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 weight heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at nation level in the NPPF and PPG and at a local level.”

5.218 The Inspector goes on to state in para 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 come 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 the appeal should be allowed.

5.219 A copy of the decision is included at Appendix C.

Appeal Decision Basingstoke Police Station, London Road, Basingstoke RG21 4AD (APP/H1705/W/20/3248204) (June 2021)

5.220 This appeal decision in Basingstoke was allowed for 56 retirement apartments. In considering the planning balance, the Inspector sets out:

“The proposal would provide much needed housing for older people. In this respect, I note from evidence that there is a shortfall within the Borough for the provision of this type of accommodation and that there are no specific allocations for such development. Therefore, the Council is reliant on windfalls for their delivery. Such provision of specialist housing also allows for the release of under-occupied housing stock... In light of the advice contained within Para 59 of the Framework to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements, it is appropriate to give significant weight to these benefits.

The proposal would involve the re-development of previously developed land, which is located within close proximity to the town centre and all the associated services and facilities that this has, thereby making the site sustainable in this respect. It is therefore appropriate to attach substantial weight to these benefits.

The proposal would provide economic benefits through generation of jobs, during both construction, but also once the development has been completed. Further benefits would also be delivered through increased spending by residents locally. Given the scale of the development proposed, it is appropriate to attach substantial weight to these benefits.

Further benefits would also be delivered through the optimum use of the site for new development, along with some environmental improvements through the reduction in hardstanding within the site. It is appropriate to afford these benefits moderate weight.”

5.221 The Inspector goes on to conclude:

“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.”

5.222 A copy of the decision is included in Appendix D.

5.223 Overall the scheme is considered to meet the requirements of the development plan when read as a whole. Paragraph 11(c) of the NPPF provides that proposals which accord with the development plan should be approved without delay.

CONCLUSION

- 6.1 The UK faces a rapidly growing and ageing population. The Government aims to **'significantly boost the supply of housing'** The PPG is *unequivocal in its message that "the need to provide housing for older people is critical"*.
- 6.2 The PPG is clear: "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." **Substantial weight should be given to the proposal considering the high levels of specialist housing needs.**
- 6.3 The site is in a highly sustainable location. It offers opportunities for the future residents to walk to a range of services and facilities in the town centre. This is particularly important as people age, with many having to give up driving. **Substantial weight should be given to delivering development in a high quality sustainable location.**
- 6.4 The scheme has been designed to reflect the character and scale of the surrounding area and whilst at the same time seeking to make the most efficient use of this sustainable site. **Substantial weight should be afforded to the efficient use of the land.**
- 6.5 The provision of retirement housing releases under occupied family homes back into the housing market. This in turn enables moves throughout the whole housing market, benefiting everyone including first time buyers. **Freeing up under occupied local housing stock should be afforded substantial weight in the determination of this application.**
- 6.6 The economic benefits associated with the application include:
- Savings to the NHS and social care services of £3,500 per person per year in retirement living accommodation.
 - Increased spending in local shops and services.
 - Creation of construction jobs as well as jobs within the local economy.
- 6.7 These benefits should be afforded substantial weight in the determination of this application.
- 6.8 The social benefits of the proposed development include:
- Encouraging independence in later life with suitably designed housing. Reducing reliance on residential and nursing care.
 - Providing safety and security and reducing management and maintenance concerns.
 - Companionship, reducing loneliness and social isolation and the associated health impacts.
 - Entertainment and social gatherings.
- 6.9 These social benefits are vital for mental health and quality of life as people age. **They should be afforded substantial weight in the determination of this application.**
- 6.10 The environmental benefits include:
- Efficient use of an under-utilised site in an identified regeneration area, reducing the need for greenfield release.

- Close proximity to shops and facilities encouraging the residents to walk.
- Shared facilities for residents in a single building makes efficient use of energy and resources.
- Reduction of CO₂ emissions.
- Use of low energy lighting with use of daylight and movement sensor controls.

6.11 These environmental benefits should be afforded moderate weight in the determination of this application.

6.12 There are numerous and significant benefits associated with the application which must be considered within the planning balance.

6.13 As such it is considered the scheme accords with the Development Plan and it is clear that there are significant social, economic and environmental benefits of the scheme. Accordingly, the scheme should be granted permission, as per 11(c) of the NPPF without delay.

APPENDIX A

National Planning Policy Framework (NPPF) 2021

Appendix A – National Planning Policy Framework Extracts

Paragraph 7 of the NPPF sets out that “*The purpose of the planning system is to contribute to the achievement of sustainable development*”. The delivery of sustainable development runs through the NPPF. The three dimensions to sustainable development are economic, social and environmental objectives (paragraph 8).

The revised NPPF at paragraph 11 states that for plans and decisions should apply a presumption in favour of sustainable development which for decision making this means:

- “c) *Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework

Paragraph 47 identifies that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless longer period has been agreed by the applicant in writing.

The Government’s policy, as set out in the revised NPPF, is to boost significantly, the supply of housing. Paragraph 60 reads:

*“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.”*

The revised NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, and type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including older people.

Paragraph 69 of the revised NPPF acknowledges that small and medium sized sites and make an important contribution to meeting housing requirement of an area and are often built-out relatively quickly. To promote the development of good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 86 identifies Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- f) *Recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*

Paragraph 92 advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 focuses on decisions making an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 Planning Policies and decisions should:

(c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure.

The Government recognises at Paragraph 124 that planning policies and decisions should support development that makes efficient use of land, taking into account:

- “a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.”*

Paragraph 130 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.”*

Paragraph 134 sets out that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 185 sets out *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*

Paragraph 186 states *Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*

APPENDIX B

Eastleigh – Infographic Data

Romsey Close and Toynbee Road, Eastleigh, Hampshire

The proposed development at Romsey Close and Toynbee Road will stimulate economic growth, assist meeting Eastleigh's housing requirements and add to the authority's revenues.

The proposal



83
Retirement Units

Construction benefits



£14.6m
Construction value
(total construction cost)



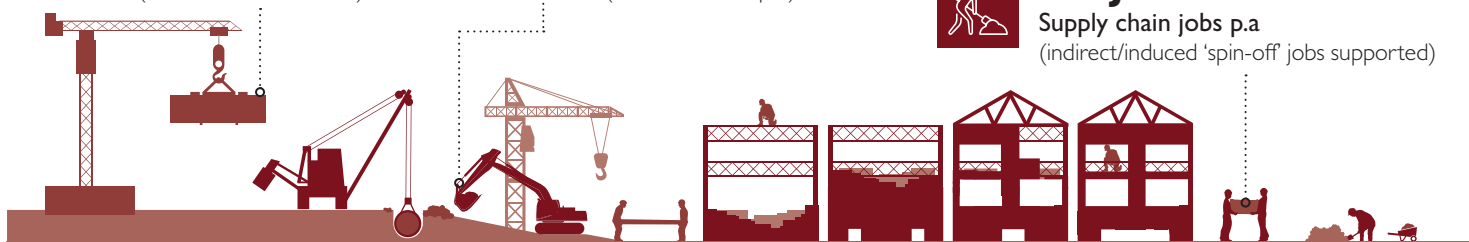
£26.6m GVA
Economic output
(additional GVA p.a.)



146 Jobs
Construction jobs p.a.
(1.6 years build period)



177 Jobs
Supply chain jobs p.a.
(indirect/induced 'spin-off' jobs supported)



Operational and expenditure benefits



6 Jobs
Direct jobs
(additional jobs supported by the new retirement development)



£643,000
Resident expenditure
(within local shops and services p.a.)



5 Jobs
Supported jobs
(from increased expenditure in local area)



£239,000
Economic output
(additional GVA p.a.)



Wider benefits



166
Potential existing homes
(released for other buyers)



£378,000
Fiscal savings contribution
p.a. (to the NHS)



APPENDIX C

Appeal Decision, Fleet, May 2021

Appeal Decision

Inquiry Held on 16-18 March 2021

Site visit made on 19 March 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/N1730/W/20/3261194

Former Fleet Police Station, 13 Crookham Road, Fleet GU51 5QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against Hart District Council.
 - The application Ref 19/02659/FUL, is dated 15 November 2019.
 - The development proposed is demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping at the former Fleet Police Station, 13 Crookham Road, Fleet GU51 5QQ in accordance with the terms of the application, Ref 19/02659/FUL, dated 15 November 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The appeal was lodged against the non-determination of the planning application. The application was reported to the Council's Planning Committee on 11 November 2020 to inform the Planning Committee of the submission of the non-determination planning appeal and to establish what the decision of the Planning Committee would have been had it determined the application. The Planning Committee resolved that it would have refused the application for the following three reasons which are contained in the Planning Statement of Common Ground (SoCG).¹ In summary these are: (i) the proposed development would not provide an adequate level of affordable housing; (ii) the proposed development would not achieve a high-quality design or positively contribute to the overall appearance of the area; and (iii) the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the Special Protection Area.
3. The application was supported by a number of plans, reports, and technical information. A full list of the plans on which the appeal is to be determined is

¹ Paragraph 2.9

set out at paragraph 2.11 of the Planning SoCG which was agreed by the main parties. The application was also submitted with supporting statements and information which is set out at paragraph 2.12 of the Planning SoCG. The proposal was supported by a Design and Access Statement (DAS), a Planning Statement, information on Greenfield Runoff Rates, a Transport Statement, an Ecological Desk Study, a Shadow Habitats Regulation Assessment, a Ground Investigation Report, an Affordable Housing Viability Statement, a Statement of Community Involvement, a Thames Basin Heath Statement, a Sustainability and Energy Statement and a Planning Statement Addendum.

4. I held a Case Management Conference (CMC) on 11 January 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry and timings. In the weeks following the CMC both main parties continued discussions on the appeal to ensure that matters of dispute were clear and that all matters of agreement (non-disputed matters) were documented in either Statements of Common Ground or in draft Planning Conditions such that time on these matters was minimised at the Inquiry. It follows that there are two Statements of Common Ground in this case:
 - Planning Statement of Common Ground – 26/01/21
 - Viability Statement of Common Ground – 26/01/21.
5. At the Inquiry a Planning Obligation was submitted. The Planning Obligation is made by an Agreement between the Appellant, HSBC UK Bank Plc and Hart District Council under s106 of the TCPA 1990. The Planning Obligation secures the following: (i) an off-site financial contribution in lieu of on-site affordable housing provision of £500,000; (ii) provision of SANG² land at Queen Elizabeth Barracks, Sandy Lane, Church Crookham and provision of a SAMM³ payment of £14,585. The s106 Agreement is signed and dated 10 May 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.
6. In relation to putative RfR1 (affordable housing), it is clear that agreement has now been reached in relation to an off-site financial contribution towards affordable housing that is secured through a s106 Agreement. Therefore, it is agreed that having regard to development viability, the appeal proposal would provide an adequate level of affordable housing provision. This matter is no longer in dispute and did not form part of the Council's or the Appellant's evidence.

Main Issues

7. In the light of the above I consider the main issues are:
 - (i) *The effect of the design of the proposed development on the character and appearance of the area; and*
 - (ii) *The effect of the proposed development on the Thames Basin Heaths Special Protection Area.*

² Suitable Alternative Natural Greenspace

³ Strategic Access Management and Monitoring

Reasons

The Appeal Site

8. The appeal site is an L shaped plot of land of approximately 0.29ha. The site slopes down from Crookham Road to the back of the site. The site is currently vacant being formerly a police station. The police station building (now demolished) was constructed in red brick and was located centrally within the site. On the south boundary is a single storey garage block. A tarmac surfaced car park associated with the police station use occupies the north west part of the site with access gained from Crookham Road. A secondary vehicular access is located to the south east from St James Road. The police station building was two storeys in height with a part pitched and part flat roof. An underground fuel tank is recorded on site.
9. To the south west of the site is Walton Close which incorporates three residential properties, separating the site from Walton Close is a brick wall. To the north west is Crookham Road and on the opposite side of the road is Grace Gardens and Fraynes Croft, both incorporate residential properties. To the north east is St James Road and on the opposite side are residential properties which were built in approximately 2010. To the south east is the access road to the Fleet Bowls Club clubhouse and residential dwellings to the rear. The properties in the immediate area range from single storey to three stories in height with the majority being of a brick construction. The site is not within a conservation area.

Description of Development

10. The description of development of the appeal is:

"Demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping."

11. The proposed apartments would consist of 19 x one-bedroom apartments and 12 x two-bedroom apartments. These would be supported by communal facilities including a one bedroom guest suite, lobby, residents' lounge, and rear garden. The proposal would fall within Use Class C3 (Dwelling Houses).
12. The submitted Planning Statement (para. 2.10) states:

"The developments consist of 1- and 2-bedroom apartments and are sold by the Applicant with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development."
13. The development would have a lodge manager who would be on call during normal working hours and would have an office. There is no warden living on site and no specialist medical support would be provided.
14. The scheme would consist of a single three storey building fronting Crookham Road. The main entrance to the building would be to the west and would also provide access to a car park for 20 vehicles. Vehicular access would be from Crookham Road as per the arrangement for the former police station.

Planning Policy

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The parties are agreed that the statutory development plan includes the following documents: (i) The South East Plan (SEP) Saved Policy NRM6; the Hart Local Plan (Replacement) 1996-2006 Saved Policies (HLP06); (iii) the Hart Local Plan (Strategy and Sites) 2032 (HLP32) and the Fleet Neighbourhood Plan (FNP) 2019. The parties are agreed that the policies relevant to this appeal are in these documents and they are listed at paragraphs 3.5-3.8 on page 11 of the Planning SoCG.
16. The development plan identifies the appeal site to be within the Fleet Settlement boundary and approximately 50m south west of the Fleet Town Centre boundary. For the purposes of FNP Policy 10A, the appeal site is identified as being within the Fleet Town Centre Character Area.
17. It is common ground in this case that the development plan is up-to-date. The relevant policies are also agreed and are set out in the Planning SoCG. I shall assess which policies are supportive, neutral or in conflict with the proposed development and the weighting that can be attached to various policies. Then I shall assess taking the plan as a whole, whether or not the appeal scheme complies with the development plan. Then in the light of compliance or breach whether there are material considerations which would outweigh that determination in accordance with the development plan.
18. Both parties are agreed that relevant policy and guidance is contained in the following documents:
 - Building for a Healthy Life (2020)
 - Government's Technical Housing Standards - Nationally Described Space Standard (2015)
 - Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment 2014 -2032 (2016)
 - Hart District Council Urban Characterisation and Density Study (2010)
 - Hart District Council Parking Provision Interim Guidance (2008)
 - Hart District Council Five Year Housing Land Supply from 1 April 2020 (September 2020)
 - Thames Basin Heaths Special Protection Area Delivery Framework (2009)
 - Hart Council Community Infrastructure Policy (August 2014)
 - Whole Plan and CIL Viability Study December (2016)
19. There is no dispute that the proposal complies with the vision and objectives of the plan in that it gives priority to the redevelopment of previously developed land and that it provides more accommodation for the elderly.⁴ There is also agreement that the proposal complies with the following key policies. Firstly, it is agreed that Policy SD1, which deals with sustainable development, is not breached by the proposal. Policy SD1 is the overarching policy in the plan and must be given significant weight.

⁴ HLP32 page 32

20. Secondly, there is no dispute that Policy SS1, which sets out the spatial strategy and the distribution of growth, is supportive of the development. The appeal scheme is located in the most sustainable settlement in Hart and is on previously developed land. I note that in meeting the housing requirement of the District, criteria (b) identifies permitting further development within the defined settlement boundaries where this proposal is located. Compliance with Policy SS1 must therefore be given significant weight.
21. Thirdly, both sides accept that Policy H1 (a-c) supports the proposal. The appeal scheme would provide an appropriate mix of dwelling types and sizes having regard to the evidence in the SHMA about housing needs and the size, location and characteristics of the surroundings; it would also provide homes that are accessible and adaptable and it would provide homes that would be made for specialist accommodation having regard to the SHMA.⁵ Collectively the proposal complies with Policy H1 and should be given significant weight.
22. Fourthly, Policy H2 is met by the s106 contributions. There is an accepted significant need for further affordable housing in Hart⁶ and the policy compliance should be given significant weight. Fifthly, Policy H4 is also supportive of the proposal seeking the provision of specialist accommodation for older persons on sites within settlement boundaries.⁷ Significant weight should be given to this policy. Sixthly, the parties agree that the proposal complies with Policy H6 in meeting nationally described internal space standards. Again, significant weight should be given to this policy compliance.

First Issue - the effect of the design of the proposed development on the character and appearance of the area

23. The appeal scheme proposes a three storey L shaped building with the long frontages to Crookham Road (north west) and Walton Close (south west). A communal amenity garden would be provided to the rear of the building on the east part of the site and a car park to the south, accessed from Crookham Road. The main access to the building would be from the access road to the south west. The proposed building would feature a pitched roof, gables, dormer windows and balconies. The predominant elevation material would be red brick, light cream render and brick accents are also proposed. The roof would consist of grey tiling.
24. The Council maintains that the proposed development would result in a poor design response through its failure to integrate and interact successfully with Crookham Road and St James Close; that the proposed elevations lack detail and quality; and that the scheme fails to respond positively to urban design policies and guidance. It is argued that the proposal would not meet the requirements of Policy NBE9 of HLP32, Policy GEN1 of HLP06 or Policy 10 or 10A of the FNP. It is contended that these design policies are highly significant and sufficient in themselves to justify dismissing the appeal. Reference is

⁵ Paragraphs 128-131 of HLP32

⁶ Paragraph 137 of HLP32

⁷ Paragraph 156 of HLP32

made to the Government's increasing emphasis on the need for high quality design and placemaking which is evident from the NPPF, the Planning Practice Guidance, the National Design Guide and Building for a Healthy Life.

25. There was some discussion at the Inquiry about the status of the site and whether it is located within Fleet Town Centre. From the documents that are before me, I consider that the appeal site is not within the Fleet Town Centre for the purposes of the HLP32.⁸ However, it is within the Fleet Town Centre Neighbourhood Area for the purposes of the FNP and to which the Urban Characterisation and Density Study (UCDS) and Townscape Analysis Map apply. Although both the HLP32 and the FNP form part of the statutory development plan any conflict in policy must be resolved in favour of the policy which is contained in the last document to become part of the development plan.⁹
26. Both sides agree that the UCDS is a material consideration and it identifies the site to be in Area D: Fleet Road of the Fleet Town Centre Neighbourhood Area. A number of locally listed and positive buildings are identified in the sub area on the Townscape Analysis Map. The UCDS identifies Area D as sensitive to change and identifies a number of characteristics that apply. Policy 10A of the FNP makes clear that proposals will be supported where they have appropriate regard to the design characteristics for the relevant land use in that character area.
27. Although the Council opened its case on the basis that the massing and appearance of the proposed development was in dispute between the parties, no material evidence was led by the Council on that point. The Council confirmed that the points of particular concern in relation to the design of the scheme were the lack of active frontages and local character.
28. As a preliminary point, I note that the site has been vacant for about six years but nowhere has the Council sought to impose a site specific design solution through the development plan nor has it set down a list of requirements for this site or the general area. Instead the Council relies on alleged conflict with Policies NBE9 of HLP32, GEN1 of HLP06 and Policies 10 and 10A of the FNP all of which are generic in nature.
29. With regard to Policy NBE9 of HLP32 the proposal is alleged to conflict with criteria (b) and (g) because of the lack of active elevation. However, there are 10 criteria in the policy and only two are said to be breached. Therefore, even on the Council's case 8 of the criteria are effectively complied with so that overall, the policy is complied with taking the policy as a whole. Secondly, neither criteria (b) or (g) expressly mention active frontage. The Council accepted that neither criteria in the policy mentioned active elevation.

⁸ Inset Map 10.1

⁹ Section 38(5) of the PCPA 2004 refers. The HLP32 was the last document to become part of the development plan being adopted in April 2020

30. The Council argued that the aims of Policy NBE9 (b) and (g) cannot be met without active elevation. However, I consider the language in HLP32 is clear where the Council considers active frontages are necessary, such as in Policy ED5 and in the area in the Fleet Town Centre in Inset Map 10.1. I cannot accept that criteria (b) and (g) do actually deal with active frontages. Criteria (b) relates to the contribution of the building to public spaces and also access routes and public rights of way. It cannot be inferred that active frontages are implicit in that and the NPPF¹⁰ states that policies must be clearly written and unambiguous. Exactly the same points can be made about criteria (g). This is all about crime and preventing anti-social behaviour. It cannot be inferred that active frontages are implicit here.
31. With regard to Policy GEN1 of HLP06, criteria (i), the Council accepted that this policy is generic in nature and has no express requirement for active elevation here. Moreover, there are numerous criteria in this policy and only one is alleged to be breached. With regard to Policies 10 and 10A of the FNP, I note that this policy was described by the examiner in 2019 as a generic design policy.¹¹ Furthermore, the Council accepted that the relevant UCDS's guidance¹² for new developments in Area D of the Fleet Town Centre was limited to developments being of two or three storeys and that there were various opportunities for public realm and traffic management opportunities.
32. Overall, it is clear to me that there is no express requirement for active frontages in any of these policies. The development plan simply does not require active frontages on the appeal site.
33. Additionally, the importance of active frontages is overstated by the Council. None of the documents cited in support of the pre-eminence of active frontages affords active frontages the weight given to them by Dr Kruczkowski.¹³ Where the NPPF, the National Design Guide and Building for a Healthy Life do mention active frontages, they do so as ways of integrating buildings into their surroundings. This is recognised in the guidance that Dr Kruczkowski, cited at paragraph 2.3 of the Rebuttal PoE: the purpose of an active frontage is to add interest, life, and vitality to the public realm. In my view the proposed design does this, and the proposed development would be fully occupied on a full time basis by 31 occupants at least who would be resident and using the high street on a daily basis. There are no requirements or grading standards in the NPPF or otherwise for appropriate or inappropriate active frontages and, as I saw on my site visit, the activity afforded by the other frontages in the area is limited.
34. Turning to the alleged impact of the proposed development, I note that the proposed building would be set back about 5m from Crookham Road and about 1m below the level of Crookham Road. The Council's principal criticism

¹⁰ Paragraph 16

¹¹ Mr Moorhouse Appendix 1

¹² Appendix 1, page 12

¹³ Dr Kruczkowski's POE paragraph 2.53-2.54

with the proposed development is that its principal façade does not face Crookham Road because the front door does not face Crookham Road, meaning that the frontage to the building could only ever achieve a "Grade D" standard for active frontages. I disagree.

35. It is wrong to say the principal elevation in the building would not be on Crookham Road. The principal elevation is defined by the massing of the proposed development and the location of the main road, which means that the development's principal façade would be the elevation facing Crookham Road. As Mr Jackson confirmed the building would be easily legible and understood by anyone coming to the site and there would be no harm in having the main entrance to the side of the building.
36. The appeal scheme would offer a high degree of social interaction between residents of the development and those walking by it. Some 39 openings face Crookham Road over a frontage of 54 metres. The openings on the building increase the interface of the building with the public realm given that five of the ground floor flats have doors, leading onto patios, which would be used by residents. A further six of the first and second floor flats have Juliette balconies with fully opening doors. The Council's approach highlights a lack of understanding of how to design a scheme which works for the provision of accommodation for older persons. The design which the Council appears to want would not be architecturally workable given the need for a level access to the building and level access internally.
37. In addition, the suggestion that the building could be level with Crookham Road is impractical because of the need for a platform lift and this would decrease the level of interaction with the public realm, as ground floor residents would be level with a busy road so less likely to use or sit on the six patios at the front of the building. Dr Kruczkowski's evidence in chief was that "an active frontage is not made active by having doors". The level of usage by a front door on Crookham Road would be limited in any event. The location of the car park at the rear means that even if there were a front door on the Crookham Road elevation of the building, it would not be regularly used. This is illustrated by the properties in St James' Close. In my view there would be no material harm arising from the design of the appeal scheme.
38. I now turn to the alleged harm to local character. It was very difficult to discern from the Council's evidence what the actual current character of the locality is. There is the guidance in the UCDS's Area D: Fleet Road of the Fleet Town Centre Neighbourhood Area and the locally distinctive character of the site which the Council identified as coming from the Townscape Analysis Map. However, it is clear that not all of the characteristics that apply to the Area D character area are relevant to the appeal site.¹⁴ Indeed, almost none of the characteristics of this area can be seen from the site or are relevant to the immediate surroundings. There is no retail adjacent, there is no Edwardian

¹⁴ UCDS Appendix 1 page 10 Area D: Fleet Road

character, there are no locally listed buildings within view, there is no common building line and there is no view of a 1960's shopping centre. The only points of relevance are that buildings are two-three storeys and that there is a negative building on the proposed site where sensitive development would be welcomed.

39. In my view the local character is highly varied and different with no dominant style, typology, massing, building line, footprint, scale, use or material. The scale and height of the site context is two to three storeys. The site context is mixed and includes detached houses, terraced houses, semi-detached houses, bungalows, and large flatted developments as well as commercial properties. It is obviously wrong to look at character based on a plan alone, which should actually be determined by the context of the site. The appearance of buildings and building materials used in the site context is also mixed. Plainly the site is in a location where the urban transitions into the suburban. In the context of the site, the scheme proposed by the Appellant offers high quality design, which is cohesive with Crookham Road and its surroundings. I cannot agree with the Council that the measured, polite, and benign elevations of this building would be so materially harmful to the existing character as to justify refusal on design grounds.
40. Where Dr Kruczkowski did identify buildings, which made 'positive contributions', that is all he did. He did not identify any characteristics which make them positive, for example in his description of Royal Parade. Dr Kruczkowski failed to identify any local characteristics from the Townscape Analysis Map which the proposal does not comply with save for that the character is about relationships with the street. That is, effectively, a repeat of the Council's case on active frontages which I have already dealt with above.
41. The proposed design would enliven the Crookham Road street scene. The proposed amenity space would be set down and back from the road which would allow some privacy and separation from traffic but would also allow some interaction between the public realm and residents. The boundary treatment is set at a height to allow passing pedestrians visual connection with residents at the front of the building. The setting down of the building is key to dealing with the sloping site levels of about 2m across the site, making the building accessible to all at a single level. The most appropriate location for practical entry to the building is at the south west elevation as designed, where it could be seen from both Crookham Road and the car park and can provide level access to the building.
42. The appeal scheme provides a high quality design. The context analysis within the DAS has identified this site as a transition site between the more urban grain development to the north and the suburban development to the south. The building would be set down into the site, to both create a level access to all points and reduce the height of the building to neighbouring dwellings. The proposal has similar eaves heights to St James Close. The roof would be stepped to break down into elements thereby reducing the overall mass.

Dormers would further visually break up the roof mass. The height, scale and mass are all appropriate for this site and its context. Gables with limited articulation are a feature of the immediate context. The DAS covers a detailed analysis of the materials and features of buildings in the local context. The proposed design therefore positively responds to all aspects of paragraph 127 of the NPPF and is high quality.

43. Drawing all of these threads together I conclude on the first issue that the proposed development is a high quality design which would positively contribute to the overall character and appearance of the area. The proposal would accord with aforementioned development plan policies NBE9 of HLP 32, GEN1 of HLP 06 and Policy 10 and 10A of FNP and with other relevant policy and guidance including that contained in the NPPF.

Second Issue - Effect on Thames Basin Heaths SPA

Assessment of likely significant effects

44. The appeal site is located in proximity to the Thames Basin Heaths Special Protection Area (TBHSPA). It is within the 5 kms SPA Buffer Zone but outside of the 400m 'inner exclusion' zone identified within SEP Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17. The TBHSPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar, and Dartford warbler. The area is protected in the UK under the provisions set out in the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'). These bird species are particularly subject to disturbance from walkers, dog walkers and cat predation because they nest on or near the ground.
45. The conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Habitats Regulations, by maintaining or restoring the extent and distribution of the habitats of the qualifying features; the structure and function of the habitats of the qualifying features; the supporting processes on which the habitats of the qualifying features rely; the population of each of the qualifying features, and, the distribution of the qualifying features within the site. I have had regard to these objectives in undertaking my duties in accordance with the Habitats Regulations.
46. The characteristics of the proposed development coupled with its proximity to the SPA present an increased risk of disturbance to its qualifying features. Natural England (NE) has indicated that it believes that within 5km of the SPA, additional residential development in combination will have significant effects on the Bourley and Long Valley SSSI, which forms part of the TBHSPA. Thus, without mitigation any such proposal is contrary to Habitats Regulations 63 and 64. Mitigation measures in the form of SANG and SAMM contributions are required to be secured to avoid impacts from residents who may recreate upon the SPA. NE also considers that without appropriate mitigation the

proposed development could have an adverse effect on the integrity of the Basingstoke Canal SSI. In order to mitigate these impacts and make the development acceptable foul drainage must be connected to the public sewer.

47. Collectively, SEP Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17 require adequate measures to avoid or mitigate any potential adverse effects on the SPA. The application proposes 31 net additional dwellings (Class C3 use) within the 400m – 5km TBHSPA 'zone of influence'. As such, adequate measures in accordance with the Habitats Regulations and the above development plan policies are required. The Habitats Regulations require the Competent Authority to consider the potential impact that a development may have on a European Protected Site (TBHSPA).
48. The Thames Basin Heaths Joint Strategic Partnership has agreed a 'Thames Basin Heaths Special Protection Area Delivery Framework'¹⁵ to enable the delivery of housing in the vicinity of the TBHSPA without development having a significant effect on the TBHSPA as a whole. The delivery framework is based on avoidance measures and the policy indicates that these measures can take the form of areas of open space (SANG). The delivery framework also states developments can provide SANG or that Local Authorities collect developer contributions towards mitigation measures. This includes the provision of SANG land and joint contributions to the funding of SAMM of the effects of mitigation measures across the TBHSPA.
49. At the application stage, NE originally objected to the proposed development¹⁶ but, following the submission of a Shadow Habitats Regulations Assessment,¹⁷ advised that as long as the Applicant was complying with the requirements of Hart's Avoidance and Mitigation Strategy for the TBHSPA (through a legal agreement securing SANG and SAMM), NE had no objection on the grounds of the impact of the development on the TBHSPA.¹⁸ No such legal agreement was in place at the time the appeal was submitted. As a consequence, the Inspector is now the Competent Authority for the appeal scheme, and it is necessary for me to undertake an Appropriate Assessment (AA).

Appropriate Assessment

50. This AA is necessary to comply with Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017. It is accepted by the parties that the characteristics of the proposed development coupled with the proximity to the SPA present a likely significant effect in-combination to its qualifying features. The parties also agree that an appropriate Avoidance Strategy which involves the provision of SANG and a financial contribution towards the SPA wide SAMM project would be necessary and sufficient to address the impacts from the proposed development.

¹⁵ CD3.6

¹⁶ Mr Moorhouse's Appendix 4

¹⁷ D 2.7

¹⁸ Mr Moorhouse's Appendix 5

51. Following submission of the appeal, the Appellant has provided a s106 Agreement, with a Deed of Covenant appended, relating to the acquisition of SANG land from a third party¹⁹ at Queen Elizabeth Barracks, Sandy Lane, Church Crookham (Naishes Wood SANG). The s106 Agreement secures the appropriate amount of SANG land as mitigation for the appeal scheme and it also secures a financial contribution to the Council for SAMM. The assumed contribution for the SANG land is £186,600 plus VAT based on an assumed 0.43 ha of SANG Land and 31 units. The s106 Agreement also secures a SAMM contribution of £14,585 to be paid by the owner.
52. I consider that the proposed SANG and SAMM mitigation is likely to be effective as the SANG land was specifically designed to persuade visitors away from the SPA. It is reasonable to conclude that SANG is effective as mitigation and dwellings consented within 5kms of the Thames Basin Heaths SPA with accompanying SANG are not likely to result in an increased number of visitors to the SPA. I also consider the amount of SANG proposed in this case is more than adequate to mitigate for the expected contribution of the proposal to the combined visitor pressure impact on the integrity of the SPA and the SAMM contributions are appropriate to secure management and maintenance of the land in perpetuity.
53. The parties are agreed that the Inspector as Competent Authority can and should in this case find that development proposals would accord with the Habitats Regulations on the basis that the Appellant has secured access to the Naishes Wood SANG by entering into a Deed of Covenant with a third party²⁰ as set out in the s106 Agreement and by making the SAMM payment.²¹ The Council considers that at 17 March 2021 there exists sufficient capacity at Naishes Wood SANG to mitigate any harm from the appeal proposals. In this case I found that the appeal scheme is otherwise acceptable by reference to other issues and therefore it is appropriate to consult NE accordingly.
54. On 29 March 2021 a consultation with NE was undertaken in accordance with the Habitats Regulations. The response from NE confirms its opinion that the proposed SAMM mitigation secured by the s106 Agreement is acceptable. NE also confirms that the amount of SANG land proposed and secured by the s106 Agreement and the Deed of Covenant, is acceptable to address the anticipated effects of the development. This response is consistent with NE's earlier consultation response provided for the appeal, in which it is stated that its objection would be removed if a SANG solution was found. Moreover, the SANG in question has already been opened to the public and is operational. I consider this provides absolute certainty that the SANG mitigation would be secured long before occupation.
55. Having had regard to the views of NE and taking into account that I have found all other matters to be acceptable I am content that with the necessary and sufficient measures secured the proposed development would not adversely affect the integrity of the European Site and its relevant features.

¹⁹ Taylor Wimpey Developments Limited

²⁰ Ibid

²¹ Document 4

56. I am also satisfied on the following matters. Firstly, there is an identified and, prepared SANG at Naishes Wood where access for mitigation purposes will be permitted if permission is to be granted by the Inspector. Secondly, there are no technical impediments to the use of the SANG land. Thirdly, the Council has signed the s106 Agreement. Fourthly, the Appellant is able and willing to pay the amount that is required under the SAMM and SANG arrangements. Finally, there is no evidence to suggest that the capacity which exists at Naishes Wood, is likely to vanish before the transaction is completed and therefore the SANG provision would ensure that the proposal would not give rise to adverse effects to the integrity of the SPA.
57. The Appellant has also confirmed that foul drainage would be connected to the main sewer and has agreed to a condition to ensure that wastewater capacity will be provided to accommodate the additional flows from the development.
58. For all of these reasons therefore I am satisfied that the mitigation described above would be appropriately secured and that it would be sufficient to prevent harmful effects on the integrity and interest features of the TBHSPA so there would be no conflict with the Habitats Regulations. Moreover, there would be no conflict with SEP Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17. On the second issue I conclude there would be no justification to withhold permission.

Other Matters

59. Both parties accept that the proposed development would not result in a material loss of amenity to neighbouring residential occupiers and would meet the requirements of Policy GEN1(ii) of HLP06 and the NPPF paragraph 127(f) in this regard. The quantum of the proposed parking provision at a ratio of 0.65 is appropriate in this instance and would accord with HLP32 Policy INF3d) and FNP Policy 19. Matters relating to ecology and surface drainage can be secured by conditions. There was one objection from a neighbouring occupier on the grounds of noise and disturbance through construction and questioning the need for specialised accommodation for older persons. With regard to noise and disturbance this is a matter that can be dealt with by a planning condition. I have already dealt with the identified need for specialised accommodation for older persons earlier in this decision.

Planning Obligation

60. At the Inquiry, a s106 Planning Obligation was submitted by way of Agreement. The Planning Obligation is made by an Agreement between the Appellant, HSBC Bank PLC, and Hart District Council. A CIL Compliance Statement was submitted with the Planning Obligation. I have considered the Planning Obligation in the light of the CIL Regulations 2010, as amended, the advice in the NPPF and the PPG.
61. Local Planning Authorities should only consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.²² Regulation 122 of the CIL Regulations, as amended by the 2011 and 2019 Regulations, and paragraph 56 of the NPPF

²² NPPF paragraph 54

make clear that Planning Obligations should only be sought where they meet all of the following three tests: (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.

62. The s106 Agreement secures a financial contribution of £500,000 to be paid by the owners towards the provision of off-site affordable housing. Securing a financial contribution towards off-site affordable housing is necessary to meet the requirements of HLP32 Policy H2. It is directly related to the development and fairly and reasonably related in scale and kind. The financial contribution has been calculated based on the application site, development proposed and viability. The s106 Agreement requires the total affordable housing contribution to be used towards the provision of off-site affordable housing.
63. The s106 Agreement secures a SAMM contribution of £14,585 to be paid by the owners. The owner also confirms that the requisite amount of SANG on the SANG land has been secured by entering into a SANG Agreement. SEP Saved Policy NRM6, HLP32 Policies NBE3 and NBE4 and FNP Policy 17 require adequate measures to avoid or mitigate any potential adverse effects on the TBHSPA. The Conservation of Habitats and Species Regulations 2017 (as amended) require the 'Competent Authority' to consider the potential impact that a development may have on the TBHSPA. Mitigation of the likely significant effect of the development on the TBHSPA is therefore necessary and directly related to the development of 31 Class C3 residential units.
64. The SAMM contribution is fairly and reasonably related in scale and kind to the development. It is based on the tariffs published by NE and agreed by the Hart District Council Cabinet on 01.10.2020 relating to dwelling size and occupancy. The Appellant has secured SANG from a third party and the associated SANG Agreement is appended to the s106 Agreement. The assumed contribution for the SANG land is £186,600 plus VAT. The SANG is fairly and reasonably related in scale and kind to the development. It secures an area of SANG (0.43 hectares) based on occupancy rates of the scheme.
65. In my view, all of the obligations in the Planning Obligation are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision.

Planning Balance

66. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material planning considerations indicate otherwise. I have identified the relevant policies in this case which are listed at paragraphs 3.5-3.8 of the Planning SoCG. There is no dispute between the parties that the development plan is up-to-date.
67. In all the circumstances of this case I find there is no conflict with any of the development plan policies. I conclude that the appeal proposal accords with the development plan when read as a whole. Paragraph 11c of the NPPF

provides that proposals which accord with an up-to-date development plan should be approved without delay. There is clear evidence before me with regard to the suitability of the site. All the material considerations weigh in favour of the grant of permission.

68. The appeal site is located within the Fleet Settlement boundary. There is no dispute that the proposal complies with the vision and objectives of the plan in that it gives priority to the redevelopment of previously developed land and that it promotes more accommodation for the elderly. It is agreed that the proposal complies with 6 of the key policies in the development plan: HLP32: Policy SD1, Policy SS1, Policy H1 (a-c), Policy H2, Policy H4 and Policy H6. In my view, compliance with these policies can be given very significant weight. The proposal accords with other relevant development plan policies which can be given additional weight. The only conflict which the Council identified with the development plan policies is in respect of design and in particular HLP32: Policy NBE9, HLP06: GEN1 and FNP: Policy 10 and 10A. I have concluded that there would be no breach of any of these policies. The proposed development is a high quality design and accords with the design expectations of the development plan and paragraph 130 of the NPPF which makes clear that design should not be a reason for rejecting the development. There would be no harm arising from the Council's criticism about the frontage of the proposed development or the alleged harm to local character.
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 SHMA²³ 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 stock²⁴ (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 locally²⁵ (substantial weight); (ix) there would be social benefits in specialised age friendly housing²⁶ (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 local level in HLP32.

²³ Figures 14.8 and 14.10 page 212

²⁴ NPPF paragraph 118(d) and paragraph 131 of HLP32

²⁵ NPPF paragraph 80

²⁶ Appeal Decision APP/G5180/W/16/3155059 POE Mr Shellum Appendix 4 paragraph 25

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.

Planning Conditions

72. A list of suggested conditions was submitted by the Council at the end of the Inquiry (Doc3). I have considered these draft conditions in the light of the advice in paragraphs 54 and 55 of the NPPF and the Government's PPG on the Use of Planning Conditions. The Appellant has agreed to all of the suggested conditions except for Condition 13 which relates to Car Park Management. The Appellant has also agreed in writing to Pre-commencement Condition 3.
73. Condition 1 is the standard timescale condition. Condition 2 is necessary to ensure that the development is carried out in accordance with the approved plans. Condition 3 is required to protect the amenity of nearby residents. Condition 4 is necessary to ensure appropriate surface water drainage provision. Condition 5 is necessary to ensure safe living conditions for future residents. Condition 6 and Condition 7 are required to ensure that the external appearance of the building is satisfactory. Condition 8 is necessary to ensure that adequate refuse storage is provided. Condition 9 is required to reduce the emission of greenhouse gases.
74. Condition 10 is necessary to deliver a net gain in biodiversity. Condition 11 and Condition 12 are required to prevent on-site and off-site flood risk from increasing from the proposed drainage system. Suggested Condition 13 on Car Park Management is not agreed. In my view Condition 13 is unnecessary and unenforceable. It would also introduce no flexibility in the use of the parking spaces for the development which is unsustainable and counter intuitive to the reason the Council has given for the condition. I have deleted this suggested condition.
75. Condition 14 is required to ensure that the development is carried out in accordance with the application and delivers age restricted housing. Condition 15 is required to ensure that the external appearance of the building is satisfactory. Condition 16 is necessary to ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking. Condition 17 is necessary to ensure that all new homes within the development meet the water efficiency standard of 110 litres/person/day. Condition 18 is required to protect the amenity of nearby residents.

Conclusion

76. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-17)

Standard Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Approved Drawings

- 2) The development hereby approved shall be carried out in accordance with the following plans:

Location Plan 10103FL PA00
Proposed Site Plan 10103FL PA01 Rev A
Proposed Ground Floor Plan 10103FL PA02
Proposed First Floor Plan 10103FL PA03
Proposed Second Floor Plan 10103FL PA04
Proposed Roof Plan 10103FL PA05 Rev A
Proposed Elevation A - Crookham Rd Elevation 10103FL PA06
Proposed Elevation B - Walton Cl 10103FL PA07
Proposed Elevation C - St James Rd 10103FL PA08
Proposed Elevation D - St James Cl 10103FL PA09
Indicative PV Layout C526-Fleet-Mech
Soft Landscape Strategy 12773_TG_P01 Rev B
Preliminary Drainage Layout PDL-101 Rev A
Proposed Lighting Plan 10103FL- SK001
Parking Swept Path Analysis ATR-101 Rev A

Pre-commencement Conditions

Demolition and Construction Management Plan

- 3) No development shall commence until a demolition and construction management plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:
 1. A programme of demolition and construction works;
 2. Methods and phasing for demolition and construction works;
 3. Locations of temporary site buildings, compounds, construction material and plant storage areas;
 4. Parking of vehicles of site operatives and visitors;
 5. Loading and unloading of plant and materials;
 6. Demolition and construction traffic management;
 7. Wheel washing facilities;
 8. Measures to control the emission of dust and dirt during construction; and
 9. A scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall take place in accordance with the approved demolition and construction management plan.

Detailed Surface Water Drainage Strategy

- 4) Excluding demolition, no development shall take place until a detailed surface water drainage strategy based on the principles within drawing no. Preliminary Drainage Layout PDL-101 Rev A has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include:
1. A technical summary highlighting any changes to the design from that within the approved preliminary drainage layout;
 2. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;
 3. Detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including discharge location. The results should include design and simulation criteria, network design and results tables, manholes schedules tables and summary of critical results by maximum level during the 1 in 1, 1 in 30, 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the submitted drainage layout;
 4. Evidence that urban creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
 5. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall take place and retained in accordance with the approved detailed surface water drainage strategy.

Contamination Strategy

- 5) Excluding demolition, no development shall take place until a detailed decontamination strategy in relation to the underground fuel tank on the site has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved detailed decontamination strategy.

Pre-above Ground Works Conditions

Materials

- 6) No above ground construction shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Hard Landscaping

- 7) No above ground works shall take place until full details of hard landscaping have been submitted to, and approved in writing by, the Local Planning Authority.

Hard landscaping details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure, hard surfacing materials, and lighting features. The approved hard landscaping details shall be implemented prior to occupation of any of the dwellings hereby permitted and retained thereafter.

Refuse Storage and Management

- 8) No above ground works shall take place until full details of refuse storage and management have been submitted to, and approved in writing, by the Local Planning Authority. Refuse details shall include bin store locations, design details, provision for 4 x 1,100 litre bins for waste and recycling and route(s) to and from the properties for collections. The development shall take place in accordance with the approved refuse storage and management details and retained thereafter.

Photovoltaic Panels

- 9) No above ground works shall take place until full details of the proposed photovoltaic panels have been submitted to, and approved in writing, by the Local Planning Authority. The development shall take place in accordance with the approved photovoltaic panel details and retained thereafter.

Ecology (Swift Bricks)

- 10) No above ground works shall take place until details of the quantity and location of swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved swift brick details and retained thereafter.

Pre-occupation Conditions

Surface Water Drainage System Maintenance

- 11) No dwellings shall be occupied until details for the maintenance of the surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

1. Maintenance schedules for each drainage feature type and ownership; and
2. Details of protection measures.

The development shall take place in accordance with the approved surface water drainage system maintenance details and retained thereafter.

Wastewater

- 12) No dwellings shall be occupied until one of the following has been submitted to, and approved in writing by, the Local Planning Authority:

1. Confirmation that wastewater capacity exists off site to serve the development; or
2. A housing and infrastructure phasing plan agreed with Thames Water; or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

The development shall take place in accordance with the approved details and retained thereafter.

Compliance Conditions

Age Restriction

13) The age restricted dwellings hereby permitted shall be occupied only by:

1. Persons of 60 years or over.
2. Persons of 55 years or over living as part of a single household who is a spouse or partner of a persons of 60 years or over.

Soft Landscaping

14) Soft landscape shall take place in accordance with drawing no. Soft Landscape Strategy 12773_TG_P01 Rev B. Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during a period of five years following occupation shall be replaced and/or shall receive remedial action as required by the authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Parking Provision and Retention

15) The development shall not be occupied until the approved parking for mobility scooters, cycles and vehicles has been provided in accordance with drawing no. Proposed Site Plan 10103FL PA01 Rev A. The parking shall be maintained at all times to allow them to be used as such.

Sustainable Water Use

16) All new homes within the development must meet the water efficiency standard of 110 litres/person/day and retained thereafter.

Construction Hours

17) No development, working on the site or delivery of materials shall take place at the site except between 0730 hours to 1800 hours weekdays or 0800 to 1300 hours Saturdays. No development, working on the site or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Saira Kabir Sheikh QC

Instructed by Hart DC

She called:

Dr. Stefan Kruczkowski BA (Hons)
DipTP, PhD, RPUD, FHEA

Director, Urban Design Doctor Ltd

Mr Rob Moorhouse BSc, MSc, MRTPI

Principal Planning Officer, Hart DC

FOR THE APPELLANT:

Mr Sasha White QC
Ms Evie Barden of Counsel

Both instructed by Stuart Goodwill,
Planning Issues Ltd

They called

Robert Jackson BArch, MArch, RIBA

Design Director, Planning Issues Ltd

Matthew Shellum BA (Hons), Dip TP

Head of Appeals, Planning Issues Ltd

DOCUMENTS SUBMITTED AT THE INQUIRY:

1. Opening Statement on behalf of the Appellant
2. Opening Statement on behalf of the Council
3. Draft Planning Conditions as at 17.03.2021 submitted by the Council
4. Executed Section 106 Planning Obligation dated 10 May 2021
5. Hart DC Community Infrastructure Levy Compliance Statement
6. Appellant's note confirming acceptance of Pre-commencement Condition 3 submitted by Mr Shellum
7. Closing submissions on behalf of the Council
8. Closing submissions on behalf of the Appellant

APPENDIX D

Appeal Decision, Basingstoke, June 2021



Appeal Decision

Hearing Held on 27 April 2021 and 18 May 2021

Site visit made on 29 April 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

Appeal Ref: APP/H1705/W/20/3248204

Former Basingstoke Police Station, London Road, Basingstoke RG21 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/01822/FUL, dated 28 June 2019, was refused by notice dated 27 February 2020.
 - The development proposed is demolition of existing buildings and erection of 56 No retirement apartments, guest apartment, communal facilities, vehicular access, car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 56 No retirement apartments, guest apartment, communal facilities, vehicular access, car parking and landscaping on land at Former Basingstoke Police Station, London Road, Basingstoke RG21 4AD, in accordance with planning application Ref 19/01822/FUL, dated 28 June 2019, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Churchill Retirement Living against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.
4. The appellant has included revised plans and information as part of their appeal. Whilst not before the Council at the time of their decision, they were submitted at the outset of the appeal, therefore parties have had the opportunity to comment. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.

5. The proposal is supported by a planning obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. I have had regard to it in reaching my decision. As agreed between the parties, a completed version was submitted shortly after the hearing closed.
6. The appeal hearing was conducted as a Virtual Hearing.

Main issues

7. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area, in particular, whether the siting, layout, design, scale, bulk and appearance of the development would appear as an incongruous form of development having regard to the pattern and character of the surroundings;
 - Whether the proposal would preserve or enhance the character or appearance of the Basingstoke Town Conservation Area and whether it would preserve the setting of the White Hart Public House, a Grade II listed building;
 - Whether the proposed development makes adequate provision for safe and secure cycle parking;
 - Whether the proposed development makes adequate provision for the storage of refuse and recycling; and
 - Whether the proposal makes adequate provision for local infrastructure, in particular the provision of affordable housing and open space provision.

Reasons

Character and appearance

8. The appeal site lies to the east of Basingstoke Town Centre, on the northern side of London Road. The site comprises the vacant former police station and associated surface car parking and ancillary outbuildings, which are located to the rear. Fronting onto London Road, the existing building is predominantly single storey across the frontage, with a taller, 4-storey central section, which extends back into the site. The building is set back from London Road, where there are a number of trees, grassed areas, along with a number of former car parking spaces between it and the footway.
9. The surrounding area comprises a mix of modern and historic developments. Due to the uses of a number of surrounding buildings, the area forms the core of civic activity within the town, with uses including Council Offices, Registry Office and Basingstoke Magistrates' Court. Immediately to the east is Lauriston Court, which is a 3-4 storey residential block, that extends back, away from the road. Further to the east, the area is predominantly residential and is more sub-urban in character, with dwellings comprising a mix of detached and semi-detached properties.
10. A particular characteristic of the area is that all the buildings are distinct and individual, sitting within their own plots with space around them. However, whilst the buildings on the northern side of London Road are set back behind landscaping, those on the southern side are positioned close to the carriageway edge. As a result, the northern side has a verdant character.

11. The appeal site lies within Basingstoke Town Conservation Area (BTCA), and there are a number of nearby listed buildings, including The White Hart Public House, Goldings and Eastlands, all of which are Grade II.
12. Policy EM1 of the Basingstoke and Deane Local Plan (BDLP) states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area concerned and must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.
13. Policy EM10 of the BDLP states that proposals will be required to respect the local environment, contribute to the streetscene and be visually attractive. Policy EM10 advocates a high quality and robust design-led approach to new development. In particular, the policy requires that development must 'positively contribute to the appearance and use of streets' (criteria 1b), 'respond to the local context' (criteria 1c), contribute 'to a sense of place' (criteria 2a) and have 'due regard to' the density, scale, layout and appearance of the surrounding area (criteria 2c).
14. In contrast to the existing main building, the proposed four storey development would extend across the full width of the plot and, due to its height, would be of considerably greater scale, bulk and mass. The building would be positioned closer to London Road, which, in combination with its additional size, would increase the presence and visual prominence of development on the site. Although in this respect, I note that it would be in line with the adjoining Lauriston Court development. Furthermore, a reasonable amount of open and undeveloped space would be provided to the front and around the sides of the building, albeit less than that around the existing police station.
15. In my view the local character of the area is varied, with no particular style of building, footprint, scale, building line or materials being particularly prevalent. Building heights are also varied, however given the rise in levels towards the towns centre, due to their position in relation to London Road, those on the southern side appear more prominent.
16. As a result, whilst the building would be larger than the existing development on the site, it would still appear as its own building, which due to the detailing of the elevations and the use of contrasting materials, would ensure that it would retain an identity of its own. In this respect, whilst being modern in design and appearance, the proposal would be similar in its overall pattern and characteristics to surrounding developments.
17. Furthermore, when travelling along London Road, towards the appeal site and beyond, the nature and character of surrounding development changes from a more suburban feel, to a more dense, urban environment. This provides a sense of arrival within the town centre. The overall scale and design of the building would be in keeping with this change in character and would help to support and maintain that sense of arrival and a perception of entry into the town centre.
18. At the hearing, there was considerable debate with regard to the existing plane trees which are located to the front of the site. It was put to me by the Council that the existing trees represent important features within the BTCA and the street scene and, as a result, form a key element of the open and verdant

character of the northern side of London Street. Having visited the site, I would concur with this view.

19. From the evidence, it is clear that these trees would be retained, although some works would be required to them to enable the development to take place. However, due to their relationship with the proposed building, they would result in some shading to a number of the dwellings which would front onto London Road. This, in the Council's view, would result in substantial pressure for these trees to be removed in the future. In response, it was put to me by the appellant that, unlike traditional open market housing, residents of retirement living apartments often seek properties with views of trees and therefore it was their intention to retain and manage them.
20. I accept that due to the relationship of the building with the trees, it would result in some shadowing to a number of the dwellings located to the front of the building. However, on the basis of the evidence before me, I am satisfied that sufficient measures would be in place to ensure the long-term retention and management of these trees.
21. Pulling all these elements together, I conclude on this main issue that the proposal would deliver a quality design, which, in combination with the retention of the existing landscaped front of the site, would not materially harm the character and appearance of the area.
22. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, accords with Policies EM1 and EM10 of BDLP, the Design and Sustainability Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework).

Designated Heritage Assets

Basingstoke Town Conservation Area

23. The BTCA covers the historic core of Basingstoke and is divided into five Character Areas, with the appeal site falling into Character Area Three, Goldings and Parkland. The Basingstoke Town Conservation Area Appraisal and Management Plan Supplementary Planning Document 2015 (CAA) defines the area as being dominated by the formality of the 18th century fronted house and the relationship with its former parkland.
24. The predominant character is defined by existing development, principally large civic and administrative buildings, which are located at the western end of London Road. These buildings are prominent within the streetscape and contrast in scale to the two-storey former historic residential buildings of Goldings and Eastlands. On the northern side, the buildings are set back from the road, but are positioned along the pavement edge on the southern side. Buildings are varied in appearance, therefore there is no particular architectural style which dominates the Character Area.
25. Section 72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 identifies the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reflected in Policy EM11 of the BDLP, which establishes that proposals must conserve or enhance the quality of the borough's heritage assets, which includes Conservation Areas. EM11 states that proposals will be permitted

where they demonstrate an understanding of the character and setting of Conservation Areas and respect historic interest and local character and ensure the use of appropriate materials, design and detailing.

26. In contrast to the existing building on site, the proposed development would be of a greater height and scale and would therefore be more prominent within the street scene. Furthermore, with the replacement of the single storey aspects of the existing building with a four-storey development, the building would have a greater visual presence. That said, the increase in prominence and visual presence of development on the site does not, in my view, automatically translate into a form of development which would harm the BTCA.
27. The Council were of the view that the development of the site required a building to exhibit a 'Pavilion' style, so as to respond to surrounding developments. However, on this matter, I agree with the appellant that using the accepted interpretation of the term, none of the surrounding buildings could be described to fully meet this style. To my mind, the reference to Pavilion in this context relates more to the provision of, and a sense of space around the building, allowing it to be fully appreciated, rather than a building which is also ornate and unique in its architectural detailing.
28. In this respect, whilst the building would be positioned closer to London Road, it would be set within a landscaped context, with retained trees along the site frontage and space provided both either side and within the site. The footprint of the building would also respect the overall shape and pattern of the existing police station, with a frontage and a central core extending into the site. As such, the proposal would respect the existing grain and character of the BTCA.
29. Whilst being four-storeys in height, due to the surrounding topography, the ridgeline of the proposed building would be lower than Eastlands and would be of a comparable height to the buildings on the opposite side of London Road. Furthermore, whilst being set further forward, the front of the building would mirror that of the adjoining Lauriston Court. This, along with the retention of the existing trees and associated landscaping, would maintain a substantial element of the verdant character of the northern side of London Road. As a result, the proposed building would be in keeping with surrounding development and would not appear overly dominant within the street scene.
30. With regards to the existing building, there were differing views from the parties in terms of its quality and the overall contribution it makes to the BTCA. In my opinion, the existing building, due to its distinctive design and appearance, is, at best, a noteworthy feature within the BTCA, with its former use being reflective of the 'civic' nature of surrounding land uses. However, overall, I find that the existing building makes no positive contribution to the BTCA. Neither do I consider, nor find evidence to support, the Council's submission that the existing building serves as a 'bookend' to the BTCA.
31. Drawing these aspects together, the proposal would not harm the architectural interest of the BTCA. It would remove a building that, whilst not harmful to the BTCA, in my view makes no positive contribution to it, and would replace it with a building that would be in keeping with its surroundings, with its design and siting complementing surrounding buildings. Furthermore, whilst it would be more prominent due to its scale, it would not appear as a dominant form of development. Existing trees along the frontage would be retained, along with

an element of landscaped frontage. As such, the proposal would preserve the overall character and appearance of the BTCA.

32. I have had regard to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I conclude that the appeal scheme would not harm and would preserve the character and appearance of the BTCA and therefore accords with Policy EM11 of the BDLP, Section 4 and 7 of the SPD and Section 16 of the Framework.

White Hart Public House

33. The White Hart Public House is a Grade II listed building and is located on the opposite side of London Road. The building dates to the eighteenth century with a nineteenth century addition to the east. From the evidence, the building served as an important public house and inn on one of the main routes into the historic core of Basingstoke. The heritage significance of the building is therefore defined by both its age and its architectural detailing, along with its historical importance as a roadside inn. To some degree however, the overall significance of the building has been reduced over the years by surrounding modern development.
34. I have already concluded that the existing police station makes no positive contribution to the BTCA and, for the same reasons, I conclude that it makes no contribution to the setting of the White Hart Public House. That said, the presence of the existing trees and the verdant frontage of the appeal site, do however make some contribution to the appreciation of the listed building, in particular when viewing the building along London Road in both directions. In this respect, the retention of the majority of the trees, and the potential for additional landscaping in this area, would preserve the overall setting of the listed building in this respect.
35. Views of the building along London Road would still be retained, allowing the former historic role and function of the building to be appreciated, although these would be seen within the context of the new development on the appeal site. The prominence of the White Hart Public House would therefore not be harmed by the proposal.
36. In respect to the overall design of the proposed building, whilst being modern, it would reflect and respond to surrounding local character and architectural detailing, which is characteristic of this part of the streetscape. As a result, it would not harm the setting of the listed building when seen from surrounding viewpoints.
37. Whilst the proposal would result in the provision of a new building that would be of a greater scale than the existing Police Station, given the separation distance between it and the listed building, I do not find that the ability to appreciate the listed building would be altered, to such a degree, as to harm the significance of the building. Furthermore, given the separation provided by London Road, and the fact that the proposal would retain a substantial element of the existing landscaped frontage, this would be sufficient to ensure that the proposal would not be overbearing to the listed building.

38. As a consequence, whilst the proposed building would be taller and located closer to the listed building than the existing development on site, I find that the overall historic significance of the listed building would not be harmed.
39. I have had regard to my duty under S66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the listed building. Accordingly, I conclude that the appeal scheme would preserve the setting of the White Hart Public House and would not harm its significance. Therefore, the proposal accords with Policy EM11 of the BDLP, Section 4 and 7 of the SPD and Section 16 of the Framework.
40. In summary, I conclude that the proposal would cause no harm to the designated heritage assets.

Cycle parking provision

41. The Parking Supplementary Planning Document July 2018 (PSPD), sets out the Council's standards with regards to the level of cycle parking provision necessary within new developments. Where cycle parking is provided the PSPD requires it to be secure and covered, conveniently located adjacent to entrances/exits to buildings, enjoy good natural observation, be easily accessible from roads and/or cycle routes and be well lit. In terms of the level of cycle parking to be provided, the PSPD does not set out specific requirements in relation to cycle parking for retirement housing, but instead, requires provision to be determined on a case by case basis.
42. Through the submission of the updated plan, the appeal proposal would make provision for six cycle stands, which would be located in a covered shelter at the end of the refuse/recycling building. In total this would provide sufficient space for 12 cycles.
43. In support of the level of provision, evidence was presented to me by the appellant, including levels of use from other similar developments, to support the case that due to the nature of the development and the age of the intended occupants, the total level of cycle use would be low, and would be mainly related to staff use, rather than residents. At the hearing, the Council maintained a position that the level of provision was insufficient.
44. Having reviewed the evidence, I find the survey data and the case put forward by the appellant to be compelling and, in this instance, provides strong justification to support the overall proposed level of provision on site. Furthermore, I note that the nature of the provision would meet the requirements set out in the PSPD. Therefore, given the nature and type of the development proposed, I consider that the proposal would make adequate provision for cycle parking to meet the needs of both residents and staff.
45. For the above reasons, I therefore conclude that the proposed development would make adequate provision for safe and secure cycle parking and, in this respect, accords with Policies CN9 and EM10 of the BDLP, the PSPD and Section 9 of The Framework.

Waste and recycling provision

46. The Design and Sustainability Supplementary Planning Document July 2018 (DSSPD), sets out the Council's requirements with regard to a range of

development standards, including the provision of adequate waste and recycling facilities.

47. Using the DSSPD, based on the size of the scheme, the Council considers that the proposed development would require the provision of 18 x 1100 litre containers for waste and recycling and 9 x 240 litre glass recycling containers.
48. Through the provision of the amended plan, the proposal would provide 12 x 1100 litre and 9 x 240 litre glass recycling containers, to be within a bin store located adjacent to the site entrance.
49. At the Hearing, the view of the Council was that, despite the amended plan, the level of provision was still well below the required level and, as a result further additional bins would be required in the future, which, due to the limited size of the bin store, would have to be provided externally. In the view of the Council, this would represent visual harm to the area. On the other hand, evidence was presented by the appellant in the form of data from other similar developments to show that, whilst the overall provision was less than the Council's DSSPD, the level of bins to be provided on site, accorded with their experience of the waste and recycling that arose from other similar developments.
50. I agree with the Council that, given the location of the site, the proliferation of external bins would harm the character and appearance of the area. However, given the evidence provided by the appellant, it is clear that, due to the nature of the development proposed, the level of waste from the proposed use would be less than that which would be generated from a general needs housing development of a similar scale.
51. On this basis, I am therefore satisfied that due to the nature of the development, the amount, level and location of the bin stores provided as part of the scheme are sufficient to meet the overall needs that would arise from the development.
52. For the above reasons, I therefore conclude that the proposed development would make adequate provision for the storage of refuse and recycling and, in this respect, accords with Policies CN9 and EM10 of the BDLP, the DSSPD and the Framework.

Provision of Infrastructure

53. The appeal is supported by a Planning Obligation in the form of a Unilateral Undertaking, which sets out contributions to be provided for both open space and affordable housing.
54. At the Hearing, the parties were in agreement with regards to the total level of contributions that the development could make to ensure it remained viable. However, there was disagreement with regards to the split of these contributions, with the Council seeking a considerable proportion of the monies to be spent on improvements to nearby open space.
55. To address this, the appellant, through the Unilateral Undertaking provided two options for the contributions as set out in Schedules A and B of the Undertaking. Schedule A included their preferred level of contribution, with the focus being on affordable housing. Whereas schedule B, reflected the Council's position.

56. Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations make it clear that Planning Obligations should only be sought where they meet all of the identified tests, namely (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
57. It was agreed between the parties that an open space contribution would meet tests (a) and (b). However, in the view of the appellant, the level sought for open space was not fairly and reasonably related in scale and kind.
58. In justifying their figure, the Council referred to their adopted standards and clarified that the sum was based on identified need across the Borough for open space provision. Furthermore, in calculating the requirement, they did not consider that the on-site provision was suitable and therefore required the total of provision to be provided off-site.
59. On the other hand, it was put to me by the appellant that, due to the type of housing proposed, the open space requirements of the proposal would be different to that which would be expected from general open market housing. In their experience, residents would make more use of internal spaces in the form of the residents' lounge and use the communal gardens in a different way.
60. Turning to the proportion of contributions, I am not convinced by the case put forward by the Council with regard to the need for a substantial element of the contribution to be used towards open space provision within the area. Whilst I do not doubt that future residents of the proposed development would indeed wish to access nearby open spaces, in particular War Memorial Park, given the nature of the proposed use, I would envisage this to be limited to more general visits for walking or sitting, rather than any more specific purpose. I also consider that some acknowledgment has to be made of the on-site provision. Whilst this may not be extensive, it would, no doubt, meet the needs of particular residents, who may not wish, or even be able to access local parks.
61. On this basis, I do not find that the level of contribution for open space sought by the Council to be fairly and reasonably related in scale and kind. Furthermore, in terms of affordable housing, my attention was drawn to the significant needs across all types of housing across the Borough, with the appellant describing the shortfall as acute. From the evidence, I would concur with this position. In light of this position, it would therefore appear fair and reasonable to require the substantial element of the contributions to be made towards the provision of affordable housing.
62. For the above reasons, I therefore conclude that the proposal, through Schedule A of the Unilateral Undertaking, would make adequate provision for local infrastructure, in particular the provision of affordable housing and open space provision and, in this respect, accords with Policies CN1, CN4, CN6 and EM5 of the BDLP, the Planning Obligations for Infrastructure Supplementary Planning Document and the Framework.

Planning Balance

63. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.

64. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole or where specific policies in the NPPF, indicate that development should be restricted. Furthermore, I have found no conflict with the Framework in respect of heritage issues. As a result, I find that the tilted balance as identified in Paragraph 11d of the Framework is engaged in this case.
65. I have found that the proposed development would not harm the character and appearance of the area and accords with the relevant policies in the development plan and the Framework. There would be no harm arising from the proposal to nearby designated heritage assets, with the proposal preserving the character of the BTCA and the setting of the nearby listed White Hart Public House. Furthermore, I have concluded that the proposal provides adequate cycle parking, refuse storage and policy compliant levels of contributions to both affordable housing and public open space. These weigh heavily in favour of the proposal.
66. A number of benefits were also put to me by the appellant. The Council did not take issue with these benefits, but, in their view, considered that they did not attract sufficient weight to overcome the harm they considered would be caused by the conflict with the development plan and the Framework.
67. The proposal would provide much needed housing for older people. In this respect, I note from the evidence that there is a shortfall within the Borough for the provision of this type of accommodation and that there are no specific allocations for such development. Therefore, the Council is reliant on windfalls for their delivery. Such provision of specialist housing also allows for the release of under-occupied housing stock. Furthermore, the proposal would make a substantial contribution to the provision of affordable housing within the Borough. In light of the advice contained within Paragraph 59 of the Framework to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements, it is appropriate to give significant weight to these benefits.
68. The proposal would involve the re-development of previously developed land, which is located within close proximity to the town centre and all the associated services and facilities that this has, thereby making the site sustainable in this respect. It is therefore appropriate to attach substantial weight to these benefits.
69. The proposal would provide economic benefits through the generation of jobs, during both the construction, but also once the development has been completed. Further benefits would also be delivered through increased spending by residents locally. Given the scale of the development proposed, it is appropriate to attach substantial weight to these benefits.
70. Further benefits would also be delivered through the optimum use of the site for new development, along with some environmental improvements through the reduction in hardstanding within the site. It is appropriate to afford these benefits moderate weight.
71. In summary, I have found no conflict with any of the relevant development plan policies and therefore conclude that the appeal proposal accords with the

development plan. As the Council are unable to demonstrate a 5-year land supply, Paragraph 11d of the Framework provides that applications should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

72. 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 Conditions

73. At the hearing, a number of minor changes to the conditions were suggested, to ensure that the correct plan references were included within the conditions. As such, and in light of my conclusion in the Preliminary Matters section of this decision, I have made the requisite amendments in the interests of clarity and precision.
74. The suggested conditions have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
75. To ensure the external appearance of the building it is necessary to require the submission of details of proposed materials and finishes. For the same reason, it is appropriate to attach a condition requiring the details of all hard and paved surfaces to be approved.
76. To protect the character and appearance of the area, it is appropriate to attach a condition requiring the submission of a landscaping scheme, along with a management plan for its continued maintenance.
77. To ensure bio-diversity enhancement is delivered, it is necessary to attach a condition requiring the submission of a habitat enhancement scheme. For the same reasons, it is necessary to require the submission of details of any proposed external lighting.
78. To protect the living conditions of surrounding residents it is necessary to require the submission of a noise assessment, along with restrictions on noise levels to be generated from construction activities. For the same reason, it is necessary to attach a condition to ensure no piling methods are used in the construction and to require the submission a measured site survey.
79. To ensure that risks from contaminated land to the future users of the site and adjoining land are minimised, it is necessary to require the submission of a desk top study and that a verification report to show that any risks have be mitigated.

80. In the interests of highway safety, it is necessary to require the provision of adequate visibility splays. For the same reason, it is appropriate to require the access to be constructed from suitable material and to ensure that the car parking is laid out and available prior to the use of the site
81. In the interests of local residents, businesses and also in the interest of highway safety, it is necessary to attach a condition requiring the submission of a Construction and Environmental Method Statement.
82. Considering the presence of existing trees on the site, it is necessary to attach a condition requiring the submission of tree protection measures. For the same reason, it is necessary to require the submission of details of all existing and proposed utilities.
83. To prevent the risk of flooding, it is necessary to attach a condition requiring the submission of a surface water drainage strategy.
84. Given the nature of the development, it is necessary to attach a condition to restrict the occupancy of the dwellings.

Conclusion

85. For the above reasons, the appeal is allowed, subject to the conditions as set out in the attached schedule.

Adrian Hunter

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Neil Cameron QC	Landmark Chambers
Robert Jackson	Planning Issues Ltd
Matthew Shellum	Planning Issues Ltd
James MacKay	Alder King
Paul White	Ecus Ltd

FOR THE LOCAL PLANNING AUTHORITY

Nicola Williams	Basingstoke and Deane Borough Council
John Dawson	Basingstoke and Deane Borough Council
Daniel Ayre	Basingstoke and Deane Borough Council
Terry Martin	Basingstoke and Deane Borough Council
Tom Roworth	Basingstoke and Deane Borough Council
Sooh Boocock	Basingstoke and Deane Borough Council
Parminder Dosanjh	Aspinall Verdi
Matthew Olive	Aspinall Verdi

Schedule of Conditions

1. The development hereby permitted shall be commenced within three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (drawing 10101BS PA100 Rev A); Proposed site plan (drawing 10101BS PA101 Rev D); Ground floor plan (drawing 10101BS PA102 Rev B); First floor plan (drawing 10101BS PA103 Rev A); Second floor plan (drawing 10101BS PA104 Rev A); Third floor plan (drawing 10101BS PA105 Rev A); Proposed elevation 1 (drawing 10101BS PA107 Rev A); Proposed elevation 2 (drawing 10101BS PA108 Rev A); Proposed elevation 3 (drawing 10101BS PA109 Rev A); Proposed elevation 4-6 (drawing 10101BS PA110 Rev B); Proposed roof plan (drawing 10101BS PA106 Rev A); Proposed elevations of outbuilding (drawing 10101BS PA111 Rev A).
3. Notwithstanding the approved plans, no development above ground floor slab level shall commence until details of materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include samples, including on-site sample panels as applicable. These requirements include the provision of information relating to:
 - the size, texture, colour and source of bricks including specials;
 - the bonding and coursing of brickwork;
 - the material, texture and colour of any tiles/slates;
 - mortar mixes;
 - the material, texture and colour of any other materials such as cladding, string courses, coping and balustrades; and
 - Windows and doors.

The development shall be carried out and thereafter maintained in accordance with the details so approved.

4. Notwithstanding the details submitted, no development above ground slab level shall occur until the following drawings have been submitted to and approved in writing by the Local Planning Authority:
 - Scaled drawings at a scale of 1:10 including string courses, window cills and headers, the depth of window reveals, windows and doors and parapet.

The development shall be carried out in accordance with the approved details and retained thereafter.

5. No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme

- detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development takes place above ground floor slab level. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
6. No development shall take place above ground floor slab level of the building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscape management and maintenance detailing, as a minimum, an implementation timetable for all landscaping works and a landscape management programme, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The development shall be carried out in accordance with the approved details.
 7. No development above ground floor slab level shall take place on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.
 8. No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences/hedges shall be erected before the building hereby approved is commenced and shall subsequently be maintained. Any hedging, trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.
 9. No development shall take place until details of the habitat enhancement scheme have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
 10. Details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out and thereafter maintained in accordance with the details so approved.
 11. No development above ground floor slab level should take place until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment should, if found necessary, provide a noise mitigation scheme for protecting the proposed dwellings from neighbouring commercial land uses. Should a scheme of noise mitigation be required no dwelling should be occupied until a post completion noise survey has been carried out by a suitably qualified acoustic consultant and a report has been submitted to, and approved in writing by the Local Planning Authority.

12. The rating level of sound emitted from any fixed plant associated with the development shall not exceed background sound levels between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall be no greater than 5dB below the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

13. No works pursuant to this permission, including demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

A desk top study carried out by a competent person documenting all potential sources of contamination on the site in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011

And

With the exception of the demolition of existing buildings and removal of existing hardstanding no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the Council's Environmental Health team and in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and include if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

14. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 13(b) that any remediation scheme required and approved under the provisions of condition 13(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

- as built drawings of the implemented scheme;
- photographs of the remediation works in progress; and
- Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 16(b), unless otherwise agreed in writing by the Local Planning Authority.

15. Prior to construction of development commencing visibility splays of 2.4m. x 43m. shall be provided at the entrance. These splays shall have all obstructions removed between 1m and 2m. above the level of the adjacent carriageway and shall be maintained thereafter.
16. Prior to occupation the works to the access including the first 6m measured from the nearside edge of carriageway shall be surfaced in a non-migratory material. This area shall be maintained in this condition thereafter.
17. No development or other operations (including demolition, site preparation or groundworks) shall commence on site until a Construction and Environmental Method Statement that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting and shall be adhered to throughout the construction period. The Statement shall include for:
- Means of direct access (temporary or permanent) to the site from the adjoining maintainable public highway;
 - The parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of construction works (including ground works) pursuant to the development hereby approved);
 - Loading and unloading of plant and materials away from the maintainable public highway;
 - Storage of plant and materials used in constructing the development away from the maintainable public highway;

- Wheel washing facilities or an explanation why they are not necessary;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling and disposing of waste resulting from construction work and the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (06.30 to 09.30) and PM peak (16.00 to 18.30) periods;
 - The routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary;
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - Arrangements for liaison with the Council's Environmental Protection Team;
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works; and
 - Procedures for emergency deviation of the agreed working hours;
18. The building shall not be occupied until the proposed car parking facilities have been laid out in accordance with the approved site plan. The car parking provided shall thereafter be kept available at all times for the intended use.
19. Notwithstanding the arboricultural information already provided within the Barrell Tree Consultancy arboricultural assessment & method statement, ref: 17356-AA4-PB, 04/07/19., no development or other operations (including demolition, site preparation or groundworks) shall commence on site, until a revised scheme of tree protection has been submitted to and approved in writing by Local Planning Authority. In addition to other trees on the site, the revised scheme shall include the retention and maintenance of the 4 London plane trees to the front of the site. The scheme of protection shall include temporary fencing, ground protection, supervision and special engineering solutions designed to ensure the successful retention of trees. The development shall proceed in accordance with the approved tree protection scheme.
20. No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction

works shall commence on site until a plan showing the location of all existing and proposed utility services has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage. No development or other operations shall take place other than in complete accordance with the utility services plan.

21. No development shall take place until a detailed surface water drainage strategy has been provided to the Lead Local Flood Authority, containing the following elements:
 - Any proposals for such systems must be supported by an assessment of the risks to controlled waters.
 - Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015. The development shall be carried out in accordance with the approved details.
22. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
23. No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and thereafter maintained in accordance with the approved details.
24. Each dwelling hereby permitted shall be occupied only by;
 - (i) A person aged 60 years or over;
 - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
 - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.