

PLANNING STATEMENT

68 & 70 Keymer Road, Hassocks, West Sussex BN6 8QP

Redevelopment for retirement living accommodation for older people comprising 41 retirement apartments including communal facilities, access, car parking and landscaping.

planning*issues*
TOWN PLANNING AND ARCHITECTURE

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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 68 & 70 Keymer Road, Hassocks (the site). The application proposes the erection of 41 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 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.
- iv. There is a clear need for older persons housing in the Mid-Sussex district. As per the 2021 Census Data there has been an increase of 24.5% in people aged 65 years and over between 2011 and 2021. Most notably, people aged between 70 to 74 has more than doubled during the time period, showing an exponential increase in older persons.
- v. Based on this ageing population, the Mid-Sussex Strategic Housing Market Assessment (2021) identifies the projected need for suitable older persons housing. This has been calculated and identifies for housing with support (sheltered housing), there is a shortfall of 816 units up to 2038, 801 of these units are required in the open market sector. This would suggest there is currently a significant shortfall in suitable housing.
- vi. 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.*" When considering the planning balance, substantial weight should be given to the proposal considering the high levels of specialist housing need identified.
- vii. The proposal is on a brownfield site. In accordance with the NPPF (para 120c) substantial weight should be given to the value of using suitable brownfield land within settlements for homes.
- viii. The site is in a highly sustainable location. It offers opportunities for the future residents to walk to local shops and services in Hassocks village centre. Substantial weight should be given to delivering development in a highly sustainable location.
- ix. The principle of development is considered acceptable. This is a brownfield site, in a very sustainable location, and the proposal complies with Policy DP4, DP6, DP30 of the District Plan, Policy 14 of the Hassocks Neighbourhood Plan and Policy SA39 of the Site Allocations Development Document.
- x. The scheme has been carefully designed to reflect the character and scale of the surrounding area whilst making efficient use of this sustainable brownfield site. Substantial weight should be afforded to the efficient use of land as required by paragraph 124 of the NPPF.

- xi. There are numerous economic, social and environmental benefits associated with the application. These should respectively be afforded substantial and moderate weight respect to environmental benefits in the determination of this application.
- xii. 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.

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 at 68 & 70 Keymer Road, Hassocks.
- 1.2 The planning application seeks permission to redevelop the site for 41 Retirement Living Apartments, including communal facilities, access, car parking and landscaping. The mix comprises 27no. one bedroom apartments and 14no. two bedroom apartments.
- 1.3 This statement accompanies a detailed planning application. It should be read in conjunction with the following supporting documents which accompany the application:
- Planning Statement by Planning Issues;
 - Affordable Housing and Viability Appraisal by Planning Issues Ltd;
 - Design and Access Statement by Churchill Retirement Living;
 - Archaeological Desk Based Assessment by Ecus Consultants;
 - Ecological Appraisal; Biodiversity Net Gain Assessment and Bat Survey Report by Tetra Tech;
 - Flood Risk and Drainage Assessment by Awcock Ward Partnership;
 - Landscaping Strategy by James Blake Associates;
 - Statement of Community Engagement by DevComm;
 - Transport Statement by Paul Basham Associates Ltd;
 - Tree Protection Plan, Arboricultural Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Care;
 - Air Quality Assessment by Air Quality Consultants Ltd; and
 - Energy Statement by FOCUS Consultants.
- 1.4 The application includes the following plans:
- 2009HK_PL001 Rev P1 - Site Location Plan
 - 2009HK_PL002 Rev P1 - Site Plan
 - 2009HK_PL003 Rev P1 - Ground Floor Plan
 - 2009HK_PL004 Rev P1 - First Floor Plan
 - 2009HK_PL005 Rev P1 - Second Floor Plan
 - 2009HK_PL006 Rev P1 - Roof Plan
 - 2009HK_PL007 Rev P1 - Elevations AA
 - 2009HK_PL008 Rev P1 - Elevations BB & CC
 - 2009HK_PL009 Rev P1 - Elevations DD
 - 2009HK_PL010 Rev P1 - Site Levels and Distances Plan

- 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 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 The 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). The Government's aspirations are set out in the Adult Social Reform White Paper published in December 2021. They seek provision of a greater range of specialist housing for older people with the aim of increasing choice and allowing people to live independently while having better access to care and support.
- 2.5 Recognising the issues being faced, the Government has recently set up a task force to help improve the housing options for older people. The task force will work across housing, health and care sectors with the aim of driving an increase in the volume and range of housing options for older people.
- 2.6 Previous Housing Minister Rachel Maclean has recently stated "*Making sure older people can access the right homes that meet their needs in later life is a government priority. And by unlocking more housing for older people, we can also have a hugely beneficial impact on their health and wellbeing*"².
- 2.7 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.
- 2.8 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.
- 2.9 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.

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 *Government unveils taskforce chair to boost older people's housing - GOV.UK (www.gov.uk)*

2.10 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.”

2.11 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.

2.12 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.

2.13 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.

2.14 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.”*

2.15 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 70s. 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.

2.16 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.

- 2.17 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%.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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 0.45ha site comprises of two detached residential homes and associated gardens.
- 3.2 The site is located along Keymer Road, a primary artery to the east of the Hassocks village centre. The surrounding area is predominately residential, and located opposite Adastra Hall which is used as a local community centre and village hall, as well as Adastra Park.
- 3.3 The site is located just east of the Hassocks main centre, with a host of services and amenities, as well as the Hassocks railway station. As such, the site is located in a very sustainable location.

Planning History

- 3.4 The planning history across the two sites is limited to tree pruning applications relating to number 79 Keymer Road.

Community Engagement

- 3.5 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.
- 3.6 An online public consultation was held between 24th November to the 3rd December 2023 on a dedicated website, where plans were available to view, together with an interactive feedback form. A copy of the information boards is appended to the Statement of Community Involvement.
- 3.7 Letters were issued on 22nd November 2023 to circa. 213 residential and commercial addresses bordering and within close proximity to the site.
- 3.8 In addition, a press release was issued on 24th November 2023, and was published by the Sussex World on the same day.
- 3.9 The project website received 976 views from 340 people from during the event. Of those people who visited the website, only 17.6% of visitors left feedback.
- 3.10 Ten feedback forms were received during the public consultation. Feedback acknowledged that the proposed development would provide significant benefits to the local economy and reduce pressures on NHS services.
- 3.11 The need for older persons housing was also recognised during the consultation by a number of respondents, as well as one response identifying the development of older persons housing would be a great opportunity in returning to Hassocks to live.
- 3.12 Overall, the feedback was generally positive, with any queries raised throughout being responded to within the SCI.

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.

Development Plan

- 4.2 The development plan for Mid Sussex District Council consists of the Mid-Sussex District Plan 2014-2031 (adopted in 2018), the Site Allocations Development Plan Document (adopted in June 2022), as well as the Hassocks Neighbourhood Plan (adopted in July 2020). Mid-Sussex District Council are also in the process of adopting an updated Mid-Sussex District Plan Review 2021-2039.
- 4.3 The planning policies from the Mid-Sussex District Plan 2014-2031 relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:
- DP3 - Village and Neighbourhood Centre Development
 - DP4 - Housing
 - DP6 - Settlement Hierarchy
 - DP26 - Character and Design
 - DP27 - Dwelling Space Standards
 - DP28 - Accessibility
 - DP30 - Housing Mix
 - DP31 - Affordable Housing
 - DP37 - Trees, Woodland, and Hedgerows
 - DP38 - Biodiversity
 - DP39 - Sustainable Design and Construction
 - DP41 - Flood Risk and Drainage
 - DP42 - Water Infrastructure and the Water Environment
- 4.4 The planning policies from the Hassocks Neighbourhood Plan relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:
- Policy 4 - Managing Surface Water
 - Policy 5 - Enabling Zero Carbon
 - Policy 8 - Air Quality Management
 - Policy 9 - Character and Design
 - Policy 14- Residential Development Within and Adjoining the Built-Up Area Boundary of Hassocks
 - Aim 4 - Housing Mix
 - Policy 17 - Affordable Housing
- 4.5 The planning policies from the Site Allocation Development Plan Document relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:
- SA39 - Specialist Accommodation for Older People and Care Homes
- 4.6 There are also a number of Supplementary Planning Documents which have been reviewed to inform this application:
- Affordable Housing SPD (2018)

- Mid-Sussex Design Guide SPD (2020)
- Development Infrastructure and Contributions SPD (2018)

4.7 As set out above, Mid-Sussex District Council is preparing to adopt a new Mid-Sussex District Plan. In November 2023, the Council published a Regulation 19 consultation draft. The District Review Plan's expected adopted is 2024.

4.8 Given the Review Plan is at Regulation 19 phase and is yet to be formally submitted to the Planning Inspectorate for examination, minimal weight can be awarded to the relevant policies and as such have not been considered for this application.

4.9 Therefore, for the purposes of this application, the Mid-Sussex District Plan 2014-2031, Site Allocation Development Plan Document and the Hassocks Neighbourhood Plan have been reviewed.

National Planning Policy Framework

4.10 National Planning Policy Framework was updated on 5th September 2023 and sets out the government's planning policies for England and how these are expected to be applied. The latest version of the NPPF replaces the previous National Planning Policy Framework published in March 2012, and revised in July 2018, February 2019 and July 2021.

4.11 Paragraph 8 of the revised NPPF highlights three dimensions to sustainable development being economic, social, and environmental objectives.

4.12 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:*
 - i. 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*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*

4.13 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.

4.14 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."*

- 4.15 The 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.
- 4.16 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.
- 4.17 Paragraph 86(f) of the NPPF sets out 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 recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 4.18 The NPPF identifies at Paragraph 120 that 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.
- 4.19 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.*
- 4.20 The NPPF places a strong emphasis of achieving well-designed places at Paragraph 130 advising that new developments should ensure that they:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodation and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

4.21 The overriding message in the NPPF is one of sustainable development.

Planning Practice Guidance

4.22 The Planning Practice Guidance (PPG) is a material consideration when taking decisions on planning applications. The PPG provides guidance on how policies in the NPPF should be implemented.

4.23 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001³ 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 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” (emphasis added).

4.24 Paragraph 003⁴ 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.*” Thus a range of provision needs to be planned for.

4.25 Paragraph 006⁵ 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.

4.26 Paragraph: 016⁶ 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,**

³Planning Practice Guidance, Paragraph: 001 Reference ID: 63-001-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

⁴ Planning Practice Guidance, Paragraph: 001 Reference ID: 63-003-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

⁵ Planning Practice Guidance, Paragraph: 001 Reference ID: 63-006-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

⁶ Planning Practice Guidance, Paragraph: 001 Reference ID: 63-016-20190626. Available here: <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

local authorities should take a positive approach to schemes that propose to address this need” (emphasis added).

Draft Consultation National Planning Policy Framework

- 4.27 The Government have published a consultation document on proposed reforms to the national planning policy with accompanying proposed revision on the NPPF on the 22nd December 2022. At the current time the consultation period for the revised NPPF document has closed. The revised NPPF may be published prior to the determination of this application in which case the development plan policies will need to have regard to their consistency with revised national planning policy. At the current time some weight can be given to the emerging NPPF, but regard will need to be had to public comments received on the consultation document and those elements of national policy proposing to be amended or retained unchanged as the case may be.

PLANNING CONSIDERATIONS

The Proposed Development

- 5.1 The proposal subject to this application is for the redevelopment of the site to form 41 retirement living apartments. The site is located within the settlement boundary of Hassocks.
- 5.2 The development will create a new vehicular access off Keymer Road, leading into a parking court that contains 15 parking spaces. A scooter mobility store is located on the western aspect of the parking court, catering for 6 scooters and has direct access onto the parking court and pedestrian pathway from Keymer Road.
- 5.3 The proposed development will include a high-quality landscaped amenity space in the form of communal garden area which will be maintained in perpetuity by the applicant's sister company, 'Churchill Estates Management'. In addition, there will be internal communal areas including the Owner's Lounge and guest suite.
- 5.4 The proposed development is 2-2.5 storeys in height, constructed of red and painted brick and a linking element detailed in grey render, with two contrasting roof tiles, as well as UPVC windows and doors.

Principal of Development

- 5.5 The Development Plan of the Council consists of the Mid-Sussex District Plan 2014-2031, adopted in 2018, the Site Allocations Development Plan Document, adopted in 2022 and the Hassocks Neighbourhood Plan, adopted in 2020.
- 5.6 Hassocks is identified as a Village Centre, alongside Crawley Down, Cuckfield, Hustpierpoint and Lindfield. These centres meet the needs of their own communities and neighbouring small villages and countryside areas. Policy DP4 identifies across these area, 3,005 homes are required over the plan period, including 838 from 2017 onwards within Village Centres.
- 5.7 The site falls within the settlement boundary and built-up area boundary of Hassocks. Policy DP6 (Settlement Hierarchy) identifies that infilling and redevelopment of sites within defined built-up area boundaries will be supported on the basis the proposal is of an appropriate nature and scale to the character and function of the settlement.
- 5.8 Policy 14 of the Hassocks Neighbourhood Plan also supports residential development on unidentified sites within the built-up areas of Hassocks, where the proposal responds positively to the character and function of the area.
- 5.9 Through a detailed design analysis, the proposal is considered to comply with the criteria of Policy DP26 (Character and Design), and ensures that the proposal positively sits within its surroundings.
- 5.10 As previously noted, the site is currently occupied by two large detached residential properties, set within spacious grounds. Therefore residential, Use Class C3, is already an established use.
- 5.11 In addition to the above, the redevelopment of this site will be for older persons housing. The adopted District Plan (Policy DP30) and Hassocks Neighbourhood Plan (Aim 4 - Housing Mix) support this type of development, subsequently ensuring there is a deliverable supply of suitable housing for older people.

- 5.12 Therefore, the principle of redevelopment to form older persons housing (Use Class C3) on this site has been considered appropriate and as such accords with Policy DP6, DP25 and DP30 of the District Plan, as well as Policy 14 and Aim 4 of the Hassocks Neighbourhood.

Housing Delivery

- 5.13 There is a significant national drive to increase housing delivery. Paragraph 61 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. The Government has made planning reform a priority, to speed up and plan for the homes we need.
- 5.14 The planning system has a clear role in ensuring it delivers homes where they are most needed. As set out in paragraph 119 of the NPPF this means making as much use as possible of previously developed land. The Government is championing the take up of brownfield land by encouraging the remediation of degraded or contaminated spaces, promoting the development of under-utilised land and opening up opportunities to build upward.
- 5.15 Within the adopted District Plan 2014-2031, Mid Sussex have a housing provision target of 16,390 dwellings to be delivered between 2014-2031. The Category 2 Settlements (Copythorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield) are expected to deliver 3,005-dwellings over the plan period. Of these, 882 dwellings are expected to be targeted to Hassocks.
- 5.16 Brownfield sites such as the application site are essential in bringing forward sustainable housing in Hassocks and this proposal will aid towards the housing provision.
- 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 and at paragraph 120(c) that substantial weight should be given to the value of using suitable brownfield land within settlements for homes.
- 5.18 As identified in the Council's Housing Land Supply Statement (June 2021), Mid Sussex was able to demonstrate a 5.34-year supply of land.
- 5.19 However, as identified within a recent appeal decision (3319542) dated 5th October 2023, the Council claimed a deliverable supply of 5.04-years, which was identified within the Statement of Common Ground in July 2023. This was agreed by the Planning Inspector.
- 5.20 In terms of the Housing Delivery Test (2021), Mid-Sussex achieved 124% of their requirement, having completed 2,793-dwellings against their 2,261-dwelling requirement.
- 5.21 Notwithstanding the 5.04-year housing land supply calculation, the proposed development of older persons housing, which will be delivered within the next five years, will **significantly assist the Council in meeting its housing targets and should be given substantial weight when considering the planning balance.**

Older People Housing Need

- 5.22 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'.

- 5.23 It is well documented that the UK faces an ageing population. Life expectancy is greater than it used to be and as set out above by 2032 the number of people in the UK aged over 80 is set to increase from 3.2 million to five million (ONS mid 2018 population estimates). The House of Lords Built Environment Committee Report (January 2022) requires new homes to be built that reflect our ageing population, particularly as there will be an increase in older people living alone.
- 5.24 The Homes for Later Living Report (September 2019) notes the need to deliver 30,000 retirement and extra care houses a year in the UK to keep pace with demand. 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 need and demand.
- 5.25 Recognising the issues being faced, the Government has recently set up a task force to help improve the housing options for older people. The task force will work across housing, health and care sectors with the aim of driving an increase in the volume and range of housing options for older people.
- 5.26 Housing Minister Rachel Maclean has recently stated "Making sure older people can access the right homes that meet their needs in later life is a government priority. And by unlocking more housing for older people, we can also have a hugely beneficial impact on their health and wellbeing".
- 5.27 The Government's reform of Health and Adult Social Care is underpinned by the principle of increasing independence in old age. Without choice and diversity in the housing market to allow this, many older people are faced with limited options but to remain in often large and unsuitable accommodation, with lots of steps, or maintenance requirements. This puts additional pressure on social care services to deliver additional care at home, before people move into high dependency care homes.
- 5.28 Providing opportunities for people to downsize 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.
- 5.29 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.
- 5.30 Policy DP30 (Housing Mix) identifies housing development should meet the current and future needs of different groups in the community, including older people. This could include the provision of bungalows and other forms of suitable accommodation.
- 5.31 Policy SA39 (Specialist Accommodation for Older People and Care Homes) from the Site Allocations DPD also recognises the need for additional accommodation for older persons. Whilst the policy focuses Use Class C2 developments, it sets out specific criteria for the support of specialist accommodation proposals. This includes:
- It is allocated in the adopted development plan;
 - It forms part of a strategic allocation;
 - **It is located within the Built-Up Area boundary.** *[my emphasis added]*

- 5.32 The Hassocks Neighbourhood Plan also recognises the need for suitable housing for older persons through Aim 4: Housing Mix.
- 5.33 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 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.
- 5.34 The 2018 Sub-National Household Projections also show that there has been a significant increase in persons aged 65 years and over in Mid-Sussex. In 2018, there were 30,496 persons aged 65 and over which is estimated to increase to 45,023 by 2043. This shows an increase of 67.7% of people over the age of 65 between 2018 and 2043.
- 5.35 As recorded in 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. In Mid-Sussex this is no different, there has been an increase of 24.5% in people aged 65 years and over between 2011 and 2021. Most notably, people aged between 70 to 74 has more than doubled during the time period, showing an exponential increase in older persons.

Population change (%) by age group in Mid Sussex, 2011 to 2021

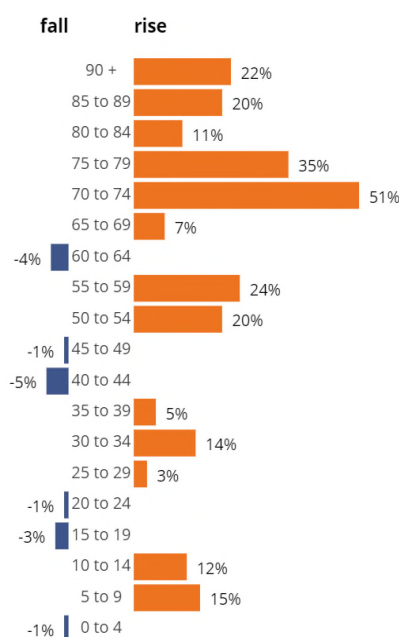


Figure 1: Population Change (%) by age group in Mid-Sussex, 2011 to 2021

- 5.36 As identified in the government data on Productive Healthy Ageing, Mid-Sussex falls within the '75th Percentile to Best' for life expectancy in both female and male, 84.8 years, and 81.7 years respectively.
- 5.37 In the 2018, West Sussex County Council published a Joint Health and Wellbeing Strategy 2019-2024. A clear message of the report is to enable healthy ageing. As part of this strategy, the report identifies 4 clear goals, this includes:

- Fewer older people feel lonely or socially isolated;
- Older adults stay healthier, happier and independent for longer;
- There is a reduction in the number of older people having falls; and
- People receive good quality end of life care and have a good death.

5.38 In addition to the above, in October 2021 Mid-Sussex District Council published a Strategic Housing Market Assessment. The SHMA identifies that over the next 17-years up to 2038, there is expected to be an overall population growth of 33,000 people; with 14,000 of this being people over the age of 65 years. This equates to the population of people aged 65 and over, accounting for 42.5% of the total projected population change. This is shown in figure 2 below.

	2021	2038	Change	% Change
Under 65	122,514	141,473	18,959	15.5%
65-74	16,408	21,872	5,463	33.3%
75-84	10,932	15,760	4,828	44.2%
85+	4,913	8,662	3,749	76.3%
Total	154,768	187,766	32,999	21.3%
Total 65+	32,253	46,293	14,040	43.5%
Total 75+	15,845	24,422	8,577	54.1%

Source: Demographic Projections

Figure 2: Projected Change in Population of Older Persons, 2021 to 2038

5.39 Based on the increasing ageing population, the SHMA (2021) goes on to identify the future projected need for suitable older persons housing. This has been calculated and identifies for housing with support (sheltered housing), there is a shortfall of 816 units up to 2038, 801 of

		Housing Demand per 1,000 (75+)	Current Supply	Current Demand	Current Shortfall/ Surplus	Additional Demand to 2038	Shortfall/ Surplus to 2038
Housing with Support	Market	69	874	1,087	213	588	801
	Affordable	35	844	557	-287	302	15
Total (Housing with Support)		104	1,718	1,644	-74	890	816

Figure 3: Specialist Housing Need 2021-38

these units are required in the open market sector. See Figure 3 below.

5.40 This shows a significant unmet housing demand in the borough.

5.41 From an online review, the current retirement living schemes in the Hassocks area have been listed below:

- Brookside, Brook Avenue, Hassocks, West Sussex, BN6 8LQ (built in 1985) - comprising of 30 flats (Social Rent).

- Fitzjohn Court, 66 Keymer Road, Hassocks, West Sussex, BN6 8QP (built in 1989) – comprising of 17 flats (Leasehold).
- Clevelands, 18 Lodge Lane, Hassocks, West Sussex, BN6 8NA (built in 1983) – comprising of 14 flats (Social Rent).
- Shands, Windmill Avenue, Hassocks, West Sussex, BN6 8LL (built in 1965 and renovated in 1985) comprising of 13 flats (Social Rent).

5.42 This shows there is a current supply of 74 retirement apartments, all of which were built prior to 1989.

5.43 Therefore, despite an estimated increase in the ageing population by 45% by 2031 and a delivery requirement of 816 specialist units, there has been no retirement living schemes development in the Hassocks area since 1989. This presents a significant unmet need.

5.44 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.”*

5.45 The SHMA (2021) also recognises the tenure of older persons households in Mid-Sussex. As shown in the figure below, in 2011 75.3% of households comprising of solely older people were owner-occupied (no mortgage). This shows that most occupiers have significant equity which can be put towards the purchase of a new home.

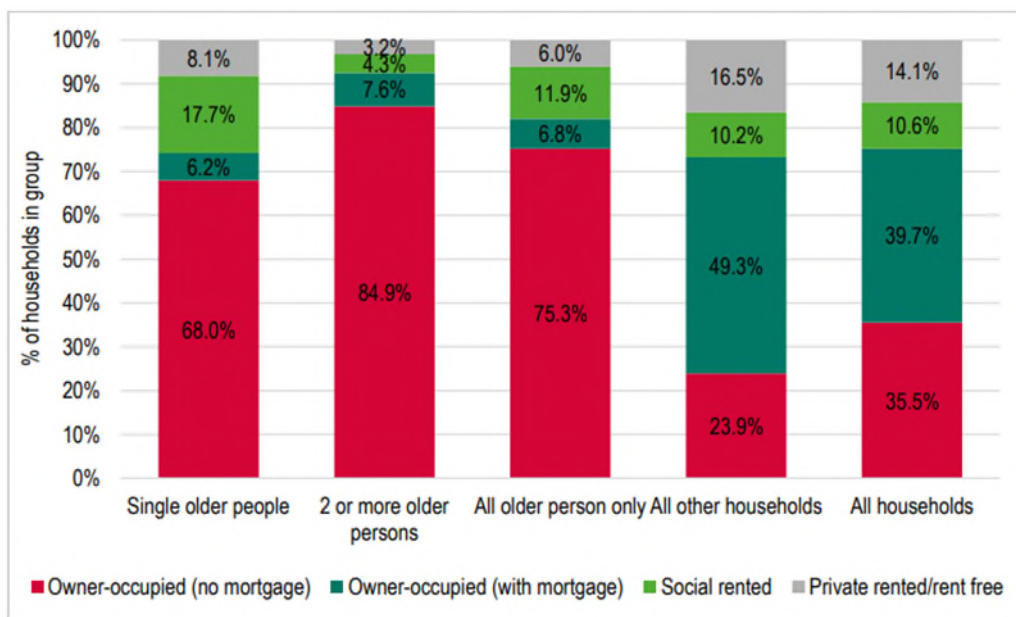


Figure 4: Tenure of Older Persons Households in Mid-Sussex (2011)

5.46 This demonstrates that the development of older persons housing in the Mid-Sussex area would free up other types of housing within the housing market area. This is demonstrated in the Lichfield’s Infographic Report produced specifically for the redevelopment of the proposal site in Hassocks (see Appendix B). The Infographic shows that 82 potential existing homes would be released into the housing market as a result of the redevelopment of this site.

Impact on Health and Social Care

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

5.48 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.”

5.49 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.

5.50 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.

5.51 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.

5.52 For the proposed 41-unit scheme, it is estimated this will lead to a fiscal savings of £187,000.

5.53 Social isolation has been identified as an age-related illness. As shown in figure 5, the site falls on the boundary between an area of very high risk (darker blue) and high risk (lighter blue).

5.54 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.

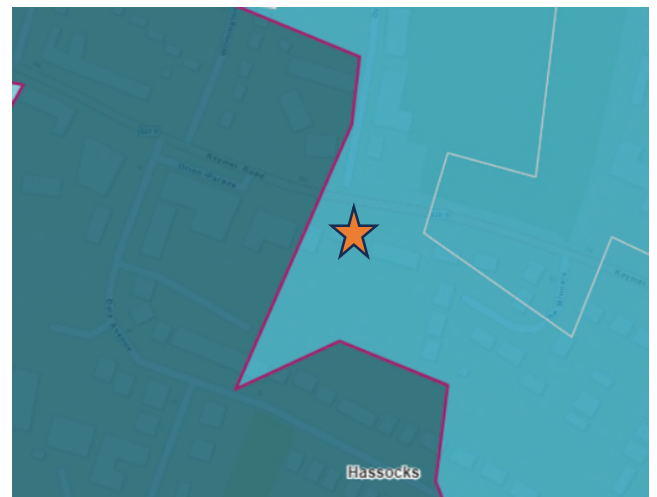


Figure 5: Risk of Loneliness in Hassocks (Source: Age UK)

5.55 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.

5.56 As part of the Joint Health and Wellbeing Strategy 2019-2024, it is also identified that more than 72,500 people aged 65+ are estimated to be living alone in 2017.

5.57 People often chose to move into retirement living accommodation after a significant life event, such as a fall or death of a partner.

5.58 Government data on Productive Healthy Ageing identifies in Mid-Sussex the number of emergency hospital admissions due to falls in people aged 65 years and over is 2,330 per 100,000 which is within the worst- 25th percentile in England. Mid-Sussex maintain this

position in the worst-25th percentile in people aged 80 years plus, with 5,944 per 100,000 (data set shown below)

Falls & Fractures										
Emergency hospital admissions due to falls in people aged 65 and over	2021/22	-	795	2,330	2,100	3,272				1,012
Emergency hospital admissions due to falls in people aged 65 to 79	2021/22	-	250	1,083	993	1,674				491
Emergency hospital admissions due to falls in people aged 80 plus	2021/22	-	545	5,944	5,311	8,251				2,523

Figure 6: Productive Healthy Ageing Profile: Mid Sussex (Source: Public Health Data)

- 5.59 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 specifically designed environment, with level access throughout to enable older people to live safe and independent lives.
- 5.60 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

- 5.61 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.
- 5.62 The proposed development consists of a 2-2.5 storey traditional ‘T’ shape building. Materials are proposed to include red and painted brick, as well as a central linked element comprising of grey render, brick detailing, and contrasting red and grey roof tiles.
- 5.63 Although a singular building, the design approach has been detailed in a way to appear as two detached residential dwellings, through the use of contrasting brick colours (red and white respectively). This subsequently enables the building to sit appropriately within its setting.
- 5.64 The building has been broken with varying roof heights, and gable frontages to break the overall scale of the building, particular fronting Keymer Road.
- 5.65 The main elevation of the building fronts Keymer Road, which predominantly comprises of residential dwellings. The proposed building is stepped back from the northern boundary to adhere to the existing building line, with the implementation of soft landscaping along the frontage. This is a common feature of residential buildings along Keymer Road.
- 5.66 This stepping back of the building is also to ensure the building does not interfere with the TPO trees located along the northern boundary. These trees are a prominent feature Keymer Road, as well as provide suitable boundary screening.
- 5.67 The main entrance of the building is located within the site, along the western elevation which is demarcated with a portico finished entrance. This has been designed in a way to ensure there is a clear main entrance coming off the parking court.
- 5.68 The proposed apartment building comprises a mix of 1 and 2 bed apartments, which provides an appropriately dense development for this sustainable location. As such, the proposal

accords with Policy DP26 of the District Plan, and Policy 9 of the Hassocks Neighbourhood Plan, as well as paragraph 124 of the NPPF.

- 5.69 Overall, the proposal is considered to create a building with high-quality design. All site-specific factors have been extensively reviewed and subsequently incorporated into the design to ensure the building sits appropriately within its context. Therefore, the scheme is in accordance with Policy DP26, Policy 9, paragraphs 124, 130 and 134 of the NPPF, as well as paragraph 124 of the National Design Guide (2021).

Scale, Height and Mass

- 5.70 The proposed development shows a 2-2.5 storey development, which is considered appropriate and in keeping with the surrounding townscape.
- 5.71 As identified above, the overall scale and mass of the building has been broken up by a varied design and materials palette. The building is visually subdivided into two residential dwellings along the site's frontage, with the building extending into the southern extents of the site.
- 5.72 The southern extents of the building are visually broken with dormered accommodation and varying brick colour and contrasting roof tiles. The building is also stepped down in line with topographical changes across the site.
- 5.73 Therefore, the building has been designed to ensure it does not appear overall dominant in the streetscene. This has been achieved by a varied materials palette, with varying roof heights and dormered accommodation. Furthermore, varied fenestration details also provide visually interesting elevations, so as to not appear anonymous and out of context with the residential area.

Siting and Layout

- 5.74 The development potential of the site has been assessed which can be found within the supporting Design and Access Statement.
- 5.75 The proposal is for a 'T' shaped building that fronts onto Keymer Road, with amenity space to the north, eastern and southern extents of the site, as well as further soft landscaping and a parking court to the western extents. The main entrance to the building is situated along the western elevation, adjacent to the parking court.
- 5.76 There are two main areas of amenity space, the first is adjacent to the Owner's Lounge, where residents will have direct access onto a patio area with outdoor seating facilities. There is also a secondary area which is accessed from an internal corridor to the eastern aspect of the site, where a pathway leads to another patio area with seating and soft landscaping. This area of the site will achieve good levels of daylight and sunlight and therefore make a usable space for residents to enjoy.
- 5.77 As discussed further within this report, the siting and layout of the building has been orientated around the TPO trees located along the east and northern boundaries of the site. This has influenced the siting of the building footprint within the site and done to ensure the building does not impact any trees on or off-site.
- 5.78 The orientation of the building is considered to provide future occupants private and useable amenity space, as well as addressing the main northern elevation along Keymer Road.

Density and Mix

- 5.79 The NPPF strongly promotes the efficient use of land; paragraph 120(c) identifies that substantial weight should be given to the value of using suitable brownfield land within settlement for homes.
- 5.80 Whilst the District Plan does not have a density specific policy, the Mid-Sussex Design Guide (2020) Principle DG32 identifies development density should be appropriate to the location and respond to and/or enhance the character or the existing settlement. The principle goes on to identify any development that promotes a scale, height and massing that is greater than the existing context must demonstrate that it does not harm adjacent neighbouring amenity, adversely impact on views of the wider townscape, adversely impact quality of the streetscape and generate parking that dominates the public realm.
- 5.81 In relation to the points raised in Principle DG32, the proposal has considered all issues to ensure the density, scale, height and massing is appropriate for its context.
- 5.82 The development will provide 91dph. 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.
- 5.83 The proposal provides a mix of 1 and 2 bed apartments, which allows for best use of the site situated in a sustainable location close to the village centre. This is therefore in accordance with paragraph 124 of the NPPF.
- 5.84 In addition to the above, all proposed units meet M4(2) standards. This subsequently exceeds the policy requirement, as set out in DP28 which requires 20% of units to M4(2). M4(2) is considered an appropriate measure for the future occupants of this retirement living scheme.

Appearance and Materials

- 5.85 The proposal has been designed to ensure the building integrates successfully into the pattern of urban form with similar materials and fenestration detailing. This has been achieved through an in-depth review of the surrounding buildings and architectural detailing, as well as a choice of materials. As such a sensitively selected palette of materials has been proposed.
- 5.86 With regards to the main (north) elevation, the proposal presents three contrasting details including red brick, painted brick and an internal linking element comprising of grey render, with a contrasting grey roof tile. Window heads and cills have been shown in a red contrasting brick to break up the facades. Tile hanging has also been incorporated into the main elevation to promote visual interest and a traditional residential design.
- 5.87 As previously identified, the front elevation also shows two porches to appear as residential front doors. As shown in the street scene elevation, the set-back linking element allows for the appearance of two separate asymmetrical dwellings which are appropriate for the streetscene.
- 5.88 The use of contrasting material is also emanated throughout the site, as shown on the central elements of both the eastern and western elevations.
- 5.89 Windows, doors, as well as fascia's and soffits, will be white UPVC casement, with rainwater goods consisting of black UPVC.

5.90 The proposed balconies, consisting of both Juliette and full walk-out balconies will be black painted metal. Balconies have been proposed on the east and west elevations.

5.91 Therefore, it is clear the design has taken reference from the traditional design features and materials found within the surrounding area. As such, it is considered the proposed development will fit seamlessly and appropriately along Keymer Road and surrounding area.

Neighbouring Amenity

5.92 Policy DP26 identifies developments must demonstrate that they do not cause harm to the amenity of existing nearby residents.

5.93 Given the site is surrounded by predominantly residential uses, separation distances and the protection of neighbouring amenity has been carefully considered. This is to accord with Policy DP26.

5.94 Given the quantum of large established trees along the northern and eastern boundaries, the site is well screened from neighbouring dwellings to the east and therefore views are not duly afforded from these locations. This is a similar context to properties to the south of the site, which are well screened due to dense foliage and tree screening.

5.95 Despite the large trees located along the northern and eastern boundaries, it is considered that the proposal provides acceptable levels of daylight and sunlight to apartments.

5.96 As such, there is no concern over the impact of daylight/sunlight, overlooking or loss of privacy from the proposed development.

5.97 With the above in mind, it is considered that the development is in accordance with Policy DP26 and the NPPF.

Heritage Considerations

5.98 A detailed assessment of the site has been undertaken by Ecus Consultants to understand the site's heritage and archaeological interests.

5.99 The site lies outside of the Keymer Conservation Area and does not contribute to the setting or significance of this area. Additionally, the nearest listed building is located circa 350m from the site and therefore its redevelopment would not affect the ability to understand, experience and appreciate these designated heritage assets.

5.100 Therefore, heritage has not been considered a constraint for this site.

5.101 With regards to archaeology, an Archaeological Desk-Based Assessment has been undertaken.

5.102 The site lies south of the Archaeological Notification Area (ANA) relating to the Section of the Hardham to Barcombe Mills Roman Road. The site does not fall within the ANA, but within close proximity. The potential for remains including road make-up, associated ditches and roadside features to present within the site are considered to be low. This has been considered on the basis that:

- There is limited evidence of the road, or associated activity, recorded within the surroundings;
- Where archaeological remains have survived, such remains were located 50m north of the current ANA positioning. Therefore, there is a possibility the road is located further to the north, in contrast to what is recorded on the WSHER;

- Archaeological evaluations undertaken 250m north-west did not identify any archaeological features; and
- The area closest to the ANA (the northern extents of the site) are likely to have been subject to disturbance compared to the southern extents of the site which is located away from the ANA.

5.103 The site has been subject to previous disturbance/truncation which would have been caused by agricultural and horticultural activities, the construction and use former driveway providing access to/from Oaklands, the construction of the existing residential buildings, levelling and terracing in relation to the construction of existing buildings and services and utilities.

5.104 The assessment undertaken has concluded no designated archaeological remains would be directly affected by the proposed redevelopment, nor would the redevelopment impact any remains located within the wider area.

5.105 Based on archaeological potential, it has been concluded the site has low to moderate potential for archaeological remains of prehistoric date. However, it is likely any remains will have been disturbed by previous disturbances/truncation, and as such any remains would be of low heritage significance.

5.106 The site is also concluded to have low potential for Romano-British remains due to the Site's proximity to the ANA. This includes negligible potential for early medieval remains, low potential for medieval remains and moderate to high potential for post-medieval activity - with any such remains being at most, low heritage interest.

5.107 Therefore, this review has concluded archaeological resource is not a constraint to the proposed redevelopment and no further work is required to inform the planning application. The ABDA recommends a conditional programme of archaeological observation, monitoring and if required record (watching brief).

Amenity Space

5.108 The amenity space proposed in both its extent and design will meet the needs of its user. A Landscaping Strategy by James Blake Associates has been submitted with the application showing the high-quality landscaping proposed.

5.109 Principle DG46 of the adopted Design Guide (2020) seeks for all new developments to have access to appropriate external amenity. For communal gardens these should be incorporated to the rear of the apartment block to provide visual amenity, as well as outdoor space for residents with soft landscaping prioritised.

5.110 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.

5.111 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, often with activity and with high quality planting. This is valued far more than large areas of green space.

5.112 Residents use the space in a fairly limited respect; this involves sitting out on the patio and tending to flower pots which are located immediately outside ground floor apartments or on balconies.

- 5.113 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.
- 5.114 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 and quality 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 is currently accessed via two private driveways for the existing residential dwellings. Both existing accesses will be stopped up as part of the development, with a new access being formed along Keymer Road in the western end of the site's frontage. The new access measures 4.8m in width. This is suitable for two cars to pass simultaneously, without conflict.
- 5.117 The proposed access arrangement has been considered through the WSCC Stage 1 Road Safety Audit which showed that safe and suitable access is achievable in this location.
- 5.118 Pedestrian is also taken from the new access, via a 1.5m footway. This connects the site to Keymer Road and provides a direct route to local facilities and amenities.
- 5.119 With regards to parking provision on site, West Sussex County Council do not provide parking standards for age restricted C3 residential. The standards set for C2 residential care use as dictated in Parking at New Developments (published September 2020), suggest a site-specific assessment is required.
- 5.120 On the basis of the above, the independent surveys undertaken by Churchill Retirement Living has been utilised to assess the parking demand for this development. The research 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.
- 5.121 In total, 15 unallocated parking spaces have been provided, this provides a ratio of 0.36 spaces per apartment. This is above the evidenced need of 0.28 from Churchills' parking survey evidence.
- 5.122 Whilst it is demonstrated that there will be an increase in car movement on the local highway network, this has been concluded to have a negligible impact on the operation of the local road network.
- 5.123 The proposal also includes a secure mobility scooter charging and storage area located within the parking court.
- 5.124 It has been designed to allow a fire tender to get within 18m of a dry riser in accordance with Building Regulations by utilising the turning head provided in the southern extents of the parking court.

- 5.125 In accordance with the above, the site presents an opportunity to create a sustainable, non-car reliant development. The proposed development is located near to the Orion Parade where there are a host of amenities, including a café and food stores. Further into Hassocks centre, there are amenities such as a library, church and doctors' surgery – all within minutes' walk of the site. It is therefore concluded the site provides an excellent opportunity to create a sustainable development.
- 5.126 The local pedestrian routes also benefit from dropped kerbs, tactile paving, wide footpaths, and signalised crossings.
- 5.127 The closest bus stops are located 50m west of the site along Keymer Road. This stop provides access to a number of key destinations, including Lewes, Burgess Hill, Burgess via Plumpton and Haywards Heath.
- 5.128 The closest railway station is located approximately 640m west of the site (8-minute walk). The station is served by National Rail, providing direct services to London Victoria, Bedford, Brighton and Littlehampton.
- 5.129 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.
- 5.130 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.
- 5.131 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.

Refuse

- 5.132 Refuse collection will be undertaken via on-street collection on Keymer Road, as per the existing arrangement for other properties on the road.
- 5.133 A bin collection point is also located in the northern aspect of the site, adjacent to the access road. This is to ensure a refuse vehicle can get within 10m of the store to facilitate quick collection.
- 5.134 Churchill Retirement 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 store is therefore suitable to meet the required needs.

Flood Risk and Drainage

- 5.135 The application is supported by a Flood Risk Assessment and Drainage Strategy undertaken by the Awcock Ward Partnership.
- 5.136 A majority of the site is located in Fluvial Flood Zone 1 and is not susceptible to flooding from surface water or ground water. Additionally, the site does not lie within a groundwater flood risk or flood warning area.

- 5.137 The southern extents of the site fall within Flood Zone 2 & 3, which is localised to the watercourse along the southern edge of the site. The surface water flooding is also localised to this area. As a result, no built development has been proposed in this location.
- 5.138 The lowest ground finished floor level of 46.50m AOD remains well above the maximum surface water flooding level of 45.5m AOD. Therefore, the proposed development will not be impacted by existing surface water flooding.
- 5.139 Based on investigations undertaken by Crossfield's Consulting (February 2023), it has been concluded that the existing ground conditions preclude the use of soakaways due to the underlying impermeable clay and shallow water table.
- 5.140 Furthermore, it has been confirmed that the land title includes riparian rights, permitting a discharge to the watercourse at the southern edge of the site. An attenuated discharge to surface water is proposed. This should be in the southwest corner of the site, outside of any of the surrounding Root Protection Areas.
- 5.141 Run-off generated by the proposed building, access road and external hard paving will be collected and drained towards a new cellular attenuation tank beneath the parking court in the southwest area of the site.
- 5.142 In regards to the foul strategy, the existing on-site private foul networks can be abandoned, whilst the existing adopted foul sewer, serving number 66 will be retained. The existing foul sewer is too shallow to receive gravity connection from the site and as such foul flows will drainage through a new network to the existing adopted foul network in Keymer Road. Southern Water have confirmed there is available capacity to receive foul flows from the site.
- 5.143 In light of the above, flooding has not been considered a constraint for this site, and a suitable drainage strategy can be implemented.

Affordable Housing

- 5.144 An Affordable Housing and Viability Statement has been submitted with a planning application analyses the policy requirement in light of the current economic climate and the viability of provision against the current development proposal.
- 5.145 Policy DP31 requires 30% affordable housing on qualifying sites subject to financial viability and evidence of local housing needs. The Council's adopted Affordable Housing SPD (2018) has also been reviewed.
- 5.146 In summary, forecasts over the next 3 years suggest that build cost inflation will continue to outpace inflation in house prices. It is therefore concluded that the assumptions within the FVA are appropriately balanced and are not overly pessimistic given the current and forecasted movements in costs and values.

Ecology

Habitat and Protect Species

- 5.147 This application is supported by an Ecological Report undertaken by TetraTech.
- 5.148 The site comprises two residential homes, gardens and includes habitat such as hedgerows, scattered trees, amenity grassland and small pockets of scrub. The habitats within the site are all of local importance.

- 5.149 The site was considered to have potential for roosting bats, and as such a separate Bat Survey Report has been submitted in support of this application. The report concluded that roosting bats are absent from the houses and trees, and subsequently the development can proceed without further surveys or licensing.
- 5.150 The ecological report also identifies the presence of a number of protected species within 2km of the site. All species discussed are considered as negligible or local importance.
- 5.151 Several mitigation measures have been proposed, this includes the installation of bat and bird boxes, as well as swift bricks. Additionally, an appropriate lighting strategy has also been recommended to reduce the impact upon feeding and commuting bats.
- 5.152 In light of the above, the proposal seeks to provide a better quality of habitats with greater ecological importance compared to the habitats currently present on site. This is proposed through the Landscaping Plan produced by James Blake Associates which incorporates further tree planting and wildflower areas.
- 5.153 The Ecological Appraisal concluded; 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.

Biodiversity Net Gains

- 5.154 Policy DP38 requires a no net loss of biodiversity on development sites, which is achieved by incorporating biodiversity features within developments.
- 5.155 A separate Biodiversity Net Gain report has been undertaken by Tetra Tech, in accordance with the landscaping plans produced by James Blake Associates.
- 5.156 The findings of the report conclude that there is a +2% increase in biodiversity on site, as well as +44% of hedgerow units. This has been achieved through an in-depth site review to include net loss mitigation such as suitable native planting, wildflower meadows and new tree planting.
- 5.157 As such, this proposal is in accordance with Policy DP38.

Trees

- 5.158 The application is supported by an Arboricultural Assessment and Tree Protection Plan by Barrell Tree Care.
- 5.159 Policy DP37 states development that will damage or lead to the loss of woodland or hedgerows that contribute either individually or as part of a group, to the visual amenity value or character of an area will not normally be permitted.
- 5.160 The proposal includes the removal of 27 trees and two hedges across the two site all of which are considered to be low quality due to their poor condition and/or size. These trees are located internally within the site and therefore do not contribute to the character or visual amenity of the area.
- 5.161 All significant boundary tree cover will remain. No medium or high-quality trees will be removed and as such the visual amenity and character along Keymer Road will be retained.
- 5.162 A number of trees across the site (located in the northern and eastern aspects) are protected by Tree Preservation Orders, LPA references: KY/03/TPO/88, KY/02/TPO/93 and

KY/01TPO/97. As part of the Arboricultural Assessment, several protective measures have been discussed to ensure no harm comes to any protected trees, this includes no-dig specifications.

- 5.163 The projection of these trees has been strong factor in the design development of this site. The retention, protection and enhancement of the trees within and adjoining the site has been duly considered throughout. As clearly stated in the Arboricultural Impact Assessment, the proposal will not result in any harm to the trees or result in any future pressure to fell, in line with the recommendations proposed.
- 5.164 In addition, the proposal will also be implementing new tree planting across the site to mitigate the loss of the trees lost due to the proposal. This also includes the implementing of hedgerows, which as per the Biodiversity Net Gain metric which results in a +44% increase. As such the proposal is considered to be in accordance with Policy DP37.

Sustainable Development

- 5.165 Policy DP39 and Policy DP42 requires limitation of water usage to 110 litres/person/day, as well as a host of sustainable measures which developers are required to consider.
- 5.166 Policy 5 of the Neighbourhood Plan supports the provision for EV charging. 20% active charging and the remaining passive charging is also a requirement of West Sussex County Council.
- 5.167 The Applicant is fully aware that sustainable development is a major concern of Climate Change. The applicant implements various initiatives within its schemes that address this issue. A sustainability group within the company are constantly reviewing the latest guidance and technologies with a view to reducing the carbon footprint of the retirement housing developments.
- 5.168 This application is also supported by an Energy Statement undertaken by Focus Consultants. This report highlights the sustainable nature of the proposed development.
- 5.169 The Applicants scheme utilise previously developed sites in highly accessible locations close to community facilities and shops, with access to alternative modes of transport enabling a reduction in car numbers and ownership but make provision for battery operated buggies and cycles.
- 5.170 As set out above, landscaping is an important feature of the development and the accompanying design provides an indication of the proposed planting levels to make the most effective use of the space as well as make a positive contribution to the amenity value, making it a more pleasant environment. The landscaping design is of an extremely high standard and will improve the environmental quality of the site for prospective residents.
- 5.171 Construction of the developments incorporates many energy saving devices, which is assisted by the containment of the apartments in a single block.
- 5.172 The Applicant continually reviews their environmental policies examining the newly evolving sustainable systems for incorporation into their developments where appropriate. Indeed, the use of roof mounted Solar Photovoltaics within the development proposal demonstrates Churchill Retirement Living's commitment to the principles of Sustainable Development and for on-site energy generation.

Economic Considerations

- 5.173 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.
- 5.174 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.
- 5.175 With 41 units proposed, there is estimated to be fiscal savings to the NHS of £187,000 per annum directly from the proposed development, in comparison to mainstream housing. This is significant economic benefit.
- 5.176 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 82 existing homes within the housing market through a chain reaction. The proposal will therefore assist with meeting wider family housing needs.
- 5.177 Substantial weight should be afforded these economic benefits.

Social Considerations

- 5.178 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.
- 5.179 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.
- 5.180 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.

- 5.181 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.
- 5.182 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.
- 5.183 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.
- 5.184 Overall, it is considered that substantial weight should be afforded to these social benefits.

Environmental Considerations

- 5.185 The proposal will make efficient use of brownfield land thereby reducing the need to use limited land resources for housing.
- 5.186 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. The site is also located in close proximity to Hassocks train station, therefore allowing journeys further afield.
- 5.187 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.
- 5.188 In efforts to reduce the overall carbon emissions associated with the development and to maximise the energy efficiency, solar gains will be made by implementing PV panels on the roof of the proposed building.
- 5.189 Substantial weight should be afforded to these environmental benefits.

Planning Balance

- 5.190 Notwithstanding the fact we consider the proposal to be in accordance with the Development Plan it is necessary to undertake a planning balance.
- 5.191 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.
- 5.192 Whilst Mid-Sussex can demonstrate a housing land supply (5.04-years), this proposal for 41-units will significantly boost this housing land supply and should be weighted accordingly.
- 5.193 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.
- 5.194 It is evident there is '*critical*' need for the delivery of older persons housing and a significant pressing need within the administrative boundary of North Dorset. 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.

5.195 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, brownfield land.	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 41 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	Substantial weight

5.196 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; a decision allowing for 56 retirement living apartments in Basingstoke and a decision allowing for 45 retirement living apartments in Wigginton.

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

5.197 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.

5.198 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."

5.199 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.

5.200 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)

5.201 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."

5.202 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.”

5.203 A copy of the decision is included in **Appendix D**.

Recent Appeal Decision - 11 The Village, Wigginton, York YO32 2PL (APP/C2741/W/23/3314331) (July 2023)

5.204 At a recent appeal in Wigginton (July 2023), for 45 retirement living units, the Inspector concluded:

- The provision of housing against no 5-year land supply attracted significant weight (paragraph 113).
- The provision of older persons housing to the existing unmet and critical need attracts significant weight (paragraph 113).
- The release of underoccupied housing stock attracts significant weight (paragraph 113).
- The site is in a sustainable location which attracts significant weight (paragraph 114).
- The redevelopment of the brownfield part of the site together with the environmental benefits of more suitable landscaping would also enhance the biodiversity and should attract significant weight (paragraph 114).
- Redevelopment of an underutilised site which attracts moderate weight (paragraph 114).
- The economic benefits attract significant weight (paragraph 115).
- The health and social benefits attract significant weight (paragraph 116).

5.205 The Inspector concludes at paragraphs 118 and 119:

“I have found no harm which individually or cumulatively would significantly and demonstrably outweigh the benefits. As such the proposed development benefits from the Framework’s presumption in favour of sustainable development and planning permission should be granted.

5.206 A copy of the appeal decision is included in **Appendix E**.

5.207 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 proposed development is in full accordance with the Development Plan, **there is no policy objection to the delivery of the scheme and as such should be approved as per paragraph 11c of the NPPF without delay.**
- 6.2 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"***.
- 6.3 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.**
- 6.4 The site is in a highly sustainable location being situated on the edge of the retail town centre with access to nearby town centre services and amenities. It offers opportunities for the future residents to walk to a range of services and facilities located a very short distance from the site. 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.**
- 6.5 The scheme has been designed to reflect the character and scale of the surrounding area, 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.**
- 6.6 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.**
- 6.7 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 (equating to £187,000 for this site)
 - Increased spending in local shops and services.
 - Creation of construction jobs as well as jobs within the local economy (Appendix B).
- 6.8 These benefits should be afforded **substantial weight in the determination of this application.**
- 6.9 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.
- 6.10 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.**

- 6.11 The environmental benefits include:
- Efficient use of brownfield land, reducing the need for greenfield release.
 - Very 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.
 - Use of solar gains through roof-top PV panels.
- 6.12 These environmental benefits should be **afforded substantial weight in the determination of this application.**
- 6.13 There are numerous and significant benefits associated with the application which must be considered within the planning balance. The redevelopment of this will have significant social, economic and environmental benefits, as well as meeting an un-met housing need which is deemed critical by National Government.
- 6.14 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.

APPENDIX A

National Planning Policy Framework (NPPF) 2023

National Planning Policy Framework (2023)

Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11(c): Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 47: 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 a longer period has been agreed by the applicant in writing.

Paragraph 60: 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.

Paragraph 62: Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 69: Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than

- one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
 - c) 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; and
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

Paragraph 86(f): 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 recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Paragraph 111: 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 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).

Paragraph 124: 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: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

APPENDIX B

Site Infographic by Lichfields

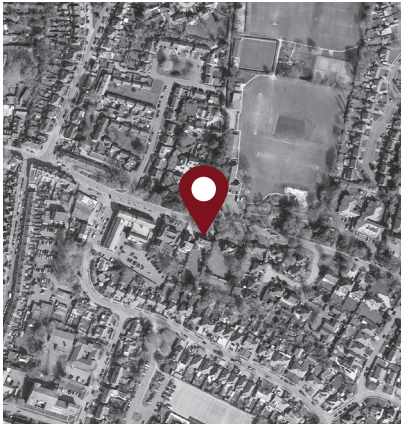
The economic benefits of the proposed development at
68 & 70 Keymer Road, Hassocks

The proposed development at Keymer Road, Hassocks will stimulate economic growth, assist in meeting Mid Sussex's housing requirements and add to the authority's revenues.

The proposal



41
Retirement Units



Construction benefits



£8.1m
Construction value
(total construction cost)



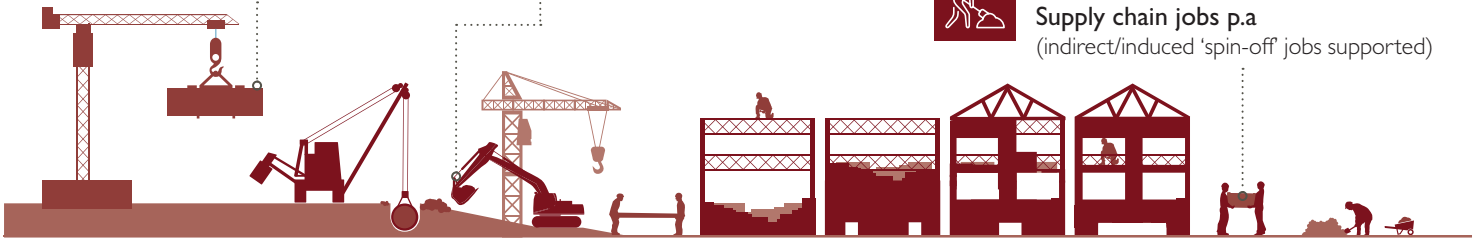
£19.5m GVA
Economic output
(additional GVA p.a.)



107 Jobs
Construction jobs p.a.
(14 month build period)



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



Operational and expenditure benefits



3 Direct jobs
(additional jobs supported
by the new retirement
development)



£318,000
Resident expenditure
(within local shops and
services p.a.)



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



£118,000
Economic output
(additional GVA p.a.)



Wider benefits



82
Potential existing homes
(released for other buyers)



£187,000
Fiscal savings contribution
p.a. (to the NHS)



LICHFIELDS

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 SAMP. 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 SAMP contribution of £14,585 to be paid by the owner.
52. I consider that the proposed SANG and SAMP 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 SAMP 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 SAMP 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 SAMP 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 attached 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.

APPENDIX E

Appeal Decision, Wiggington, July 2023

Appeal Decision

Inquiry held between 23 – 31 May 2023

Site visit made on 1 June 2023

by Dr Rachael A Bust BSc (Hons) MA MSc LL.M PhD MIOl MCMI MIEEnvSci MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2023

Appeal Ref: APP/C2741/W/23/3314331

11 The Village, Wigginton, York YO32 2PL

- 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 Limited against City of York Council.
 - The application Ref 22/01315/FULM, is dated 14 June 2022.
 - The development proposed was originally described as "Redevelopment of site for 45 Retirement Living apartments for older persons with guest suite, communal facilities, managers office, access, car parking and landscaping."
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and redevelopment of the site to form 45 Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping at 11 The Village, Wigginton, York YO32 2PL in accordance with the terms of the application, Ref 22/01315/FULM, dated 14 June 2022, subject to the conditions contained in the attached Schedule.

Application for costs

2. At the Inquiry an application for costs was made by Churchill Retirement Living Limited against the City of York Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. Two Rule 6 parties opposing the development participated in the Inquiry proceedings, namely Wigginton Parish Council (WPC) and Wigginton Community Group (WCG) which is a group of local residents.
4. At the Case Management Conference (CMC) on 3 April 2023 the main issues were identified, together with how the evidence would be dealt with at the Inquiry and the timings for evidence. As the appeal is against the non-determination of the planning application, the Council's Statement of Case set out its primary reasons for non-determination at the time which related to design, landscape and highway objections and the lack of agreed developer contributions due to the unresolved viability issues. This was supplemented at the CMC by concerns identified regarding the living conditions of future occupiers of the development.

5. In the intervening period following the CMC and the opening of the Inquiry, the Appellant and the Council continued discussions on the appeal, involving the Rule 6 parties as far as possible, to narrow the matters in dispute. Statements of Common Ground (SoCG) were used to document the agreed positions. As such the Council did not pursue their initial concerns relating to landscape and loss of trees within their subsequent evidence. Furthermore, their concerns relating to access arrangements, pedestrian movements and refuse collection and servicing did not remain part of the main issue on highways. The previously unresolved issues relating to the development viability and therefore the financial contributions for infrastructure were resolved in principle and agreed in the Viability SoCG (CD12.03). Consequently, the proposed developer contributions do not form a main issue in this appeal, as was initially envisaged at the time of the CMC.
6. The submitted planning obligation is made by an Agreement between the Appellant, landowners and City of York Council under s106 of the Town and Country Planning Act 1990. It secures financial contributions in relation to an off-site contribution in lieu of on-site affordable housing provision, health services, informal open space, outdoor sports and subsidised travel measures. The s106 Agreement is signed and dated 13 June 2023 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement was also submitted in support of these planning obligations. I have had regard to both of these documents and will return to them later in this decision.
7. The description of development on the application form and set out in the banner heading of this Decision differs to that used by the Council. As such the description was clarified and agreed as part of the main SoCG. The agreed description is more precise, and I therefore have used it throughout the Inquiry and in my formal Decision in paragraph 1.
8. The application was supported by a number of plans, reports and technical information. The main SoCG (CD12.01) set out the agreed list of plans in paragraph 2.8 and accompanying statements and information in paragraph 2.9. At the Inquiry it was confirmed that the Site Plan¹ had been revised in scale to show more context, specifically the properties to the rear of the site. The parties had an opportunity to view and comment such that it was agreed that it would form part of the appeal proposal. I have therefore determined the appeal on this basis.
9. At the Inquiry two revised plans² were submitted as part of the Inquiry proceedings. The Appellant confirmed that these two plans should be regarded as new plans to the appeal. These plans do not materially evolve the appeal scheme, they reflect the omission of an existing access gate on the southern boundary, and set out a small number of minor details, for example the location of cycle storage, which car parking spaces would be marked for disabled users, alongside some landscaping details all of which would in any event be addressed by planning conditions for future approval if the appeal were to be allowed. I also note that the Site Plan³ was explicitly referred to within Table 1 of the agreed Highways SoCG (CD12.02). In addition, reference was also made to the

¹ PL002A Site Plan with Roof Plan (04.07.22)

² PL002A Site Plan showing Ground Floor (17.04.23); JBA 22 185 – SK02 Landscape Strategy, Rev D (26.04.23)

³ PL002A Site Plan showing Ground Floor (17.04.23)

landscaping plan showing access to the footpath via the southern corner of the site in Table 1 of the agreed Highways SoCG.

10. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme are materially altered from the scheme originally submitted and upon which consultation took place. As such, I consider that no-one would be prejudiced by my consideration of these two plans as part of the appeal, taking account of the principles established in the *Wheatcroft* case⁴. Copies of these two plans were available during the Inquiry, as such the main parties and any other interested persons had the opportunity to review them. The plans were referred to and discussed during evidence sessions. I have therefore included these plans in my determination of this appeal.
11. There is no adopted statutory development plan for the City of York, save for the retained Regional Spatial Strategy policies on Green Belt which are not relevant in this case. References have been made to the City of York Draft Local Plan incorporating the fourth set of changes – the Development Control Local Plan 2005 (DCLP) and the emerging Local Plan (eLP). The eLP is progressing towards adoption with the main modifications having recently been consulted upon. Although the DCLP and the eLP do not form part of the statutory development plan for the purposes of s38(6) Planning and Compulsory Purchase Act 2004, they are both capable of being material considerations in determining planning applications in so far as they are consistent with the National Planning Policy Framework. The Haxby and Wigginton Neighbourhood Plan is also in preparation. Although a copy titled 'HWNP Plan Draft v2.4.docx' was submitted as part of the Core Documents, no evidence was available to confirm that this would constitute the published draft plan under the provisions of Regulation 14⁵ for consultation. As such it has not yet reached the formal stage where it can begin to carry some weight in the decision-making process.

Main Issues

12. From all that I have read, heard and seen the main issues in this appeal are:
 - (i) The effect of the design of the proposed development on the character and appearance of the area;
 - (ii) Whether the proposal would provide sufficient on-site car and cycle parking and whether there would be any consequential effects on highway and pedestrian safety; and
 - (iii) The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook, enclosure, privacy and overshadowing; and whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to outlook and amenity space.

Reasons

Design and the character and appearance

13. The appeal site is located on the southern side of the road known as The Village. The historic development of many villages, like Wigginton, originally created a linear built form, this linear nature I also saw in Shipton by Beningbrough as part

⁴ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

⁵ The Neighbourhood Planning (General) Regulations 2012 (as amended)

of my site visit and to which I was specifically referred. WPC contend that the historical plot layout comprising large rear gardens could still be inferred from the plans; however, it was accepted that many have since been severed by backland development.

14. Along The Village there are a number of detached, semi-detached and terraced dwellings of different styles and ages interspersed with some more modern properties or properties which have been altered during their lifetime. Clamp bricks is perhaps the most common choice of material within the core of Wigginton. Painted render was present on individual dwellings as well as on Belfry Court which introduces some visual change. Although a substantial proportion of the dwellings are two storeys in height, during my site visit I did see some evidence of the use of roof space. Within the surrounding area of the appeal site there are a number of larger residential developments, which includes care homes, retirement homes, together with some key community buildings and services in the form of the Haxby and Wigginton Health Centre and the Wigginton Recreation Hall.
15. The appeal site is located close to the Parish boundary between Wigginton and Haxby. From the submitted evidence and what I have observed when walking around both settlements there is no clear, defined and marked change in character and appearance when one crosses the parish boundary and walks from Wigginton into Haxby and vice-versa. The two settlements complement each other and have both experienced change to their built form over time. The contiguous nature of the two settlements therefore forms the overall context for the appeal site. I do not consider that Wigginton in isolation provides the starting point against which the appeal scheme should be assessed with regard to character and appearance.
16. The appeal site is a large plot adjacent to the recreation hall and its car park, health centre car park and the grassed open plot of land intended to be used as a community garden in the future. As such from the current built form the appeal site forms a transition from the mixed residential character and appearance to the west and the more functional buildings and adjoining land of non-residential community services and facilities, notwithstanding the intervening bungalow (No 1 The Village) to the east. As such the appeal site forms the eastern end of what has been described by WPC as the historic core of Wigginton. Given its position at the end of a reasonably well-defined block of built development, also referred to as the historic core, an appropriate high-quality design is required.
17. From the range of submitted historical maps it demonstrates that the building line of the southern side of The Village has changed over time. Consequently, the siting of properties is more informal than following an absolute, rigid and formal line. The proposed building would retain the angle of the existing building but step forward thereby creating a step in the perceived building line. A similar step can be seen between nos. 33B and 33 and also nos.21 and 19 which adds interest to the street scene. The visually verified montages⁶ (fig 02, view 1) also illustrates this stepped rhythm. Furthermore, the siting of the proposed appeal building would help address the suggested aberration of the building line at the Recreation Hall. As such I do not find that the siting of the proposed building

⁶ CD08.04B Appendix B, (Mr Wood, Proof of Evidence)

would be harmful to the informal building line in a village which has already absorbed changes.

18. The appeal site is a large plot in an otherwise built-up area. The footprint of the existing buildings significantly under occupy the site and therefore in order to make best use of land, it is important that any proposal on the appeal site should seek to maximise the efficient use of land. Urban grain studies and plot ratios are a useful mechanism to quantify the assessment of footprint. The plot ratio evidence⁷ provided demonstrates that the proposed building would occupy approximately 37% of the site which is within the range of 27%-46% for similar specialist housing schemes in the local area. In this regard I do not share the views of those who regard the proposal as an overdevelopment or one which has been 'shoehorned' into the site.
19. Part of the process to achieve good design is that the building functions well. This is a retirement living complex and the location of the main entrance within the centre of the site was a deliberate design choice for the operation of the building. In this case the main entrance is within the central section of the western elevation. All residents and other visitors will enter the site from The Village in much the same way as a private driveway to the side of other dwellings.
20. There is concern that the appeal scheme does not include an active frontage to The Village. Although Policy D1 of the DCLP makes reference to the need for proposals to create active frontages to public streets, this is not an adopted development plan policy. Policy D1 of the eLP makes similar provisions. The National Design Guide and Building for a Healthy Life refer to active frontages, but they do so as ways of integrating buildings into their surroundings. The importance of active frontages is overstated by objectors. The purpose of an active frontage is to add design interest together with life and vitality to the public realm, in this case, to The Village.
21. There was discussion at the Inquiry as to whether a principal façade addressed The Village. In my judgement the proposal does this including through use of a well-balanced design with 3 projecting gables and fenestration. The two ground floor apartments on this elevation will have access through their own doors into the communal amenity space. Whilst these are not the formal entrance to these apartments or the scheme as a whole as that is not how the scheme has been designed to function, they would still allow some interest and activity on the northern elevation. As I observed on my visits to Wigginton the activity afforded by the other frontages of properties along The Village is in any event limited. In my view the proposed building would be legible and understood by anyone coming to the site and there would be no harm in having the main entrance within the central courtyard.
22. The communal outdoor space in the central courtyard has been designed to be in a location away from the public realm. This is not dissimilar to a typical residential dwelling found on The Village, which have a significant proportion of their outdoor amenity space away from the public highway. I do not share the concern that the design solution with the courtyard means that the appeal proposal 'turns in on itself' thereby having a harmful relationship with the street scene. Reference was made to the Bishopthorpe Road appeal decision⁸, however

⁷ CD08.05 Appendix 1, footprint coverage analysis plan (Mr Scott, Proof of Evidence)

⁸ CD09.02j APP/C2741/W/21/3289470, dated 11 January 2023 and ID09 extract from Design and Access Statement

insufficient information was presented to enable any form of meaningful comparison with the appeal scheme. As requested by the parties I did visit the Bishopthorpe Road site. From the limited information submitted and what I saw on my site visit, I do not consider the site, the context or the nature of the overall proposal, including the layout to be comparable.

23. I find the verified visual montages⁹ illustrate very well the proposed building in context from key viewpoints. They confirm my own views that whilst the visual impact of the appeal scheme principally arises from the presence of a large new building as one travels from Haxby into Wigginton along the sweeping nature of the highway, the visual interest is created by the articulation and the use of materials. The eastern elevation has been divided into sections and together with the proposed materials and styles drawn from the local area all serve to reduce the bulk and mass of the building.
24. The appeal scheme is a three-storey building in amongst one and two storey buildings. Some of the two storey buildings have created accommodation in the existing roof space, for example Rosevale Residential Care Home and some individual dwellings along The Village. Within the wider context it is a fact that other three storey buildings are present within both Wigginton and Haxby and as such the appeal proposal would not be introducing the first 3-storey form.
25. Belfry Court has used the plane of the roof slope for the third storey. The appeal proposal employs a similar design technique. For example, with 4 of the 7 windows on the northern elevation facing The Village being dormers in the plane of the roof slope. In this regard the appeal proposal is more clear, legible, and honest that a third floor is present. In this location, at the end of the existing block of residential development in Wigginton, I do not find the height of the building to be unduly harmful or that there should be some 'set down' within the site. I have no concerns regarding the roof design. The evidence demonstrates that the pitch is within the range of similar buildings in the locality and the crown form would not be visible from the street level.
26. I find the proposed design to be an appropriate response to the site and the surrounding context and there would be no material harm arising from the design of the appeal scheme. It provides a clear statement to the end of an existing block of residential development in Wigginton.
27. In conclusion on this first main issue, whilst the design of the proposed development would introduce a change to the character and appearance of the area, in my judgement this would not be harmful. I find the effect of the design of the proposed development on the character and appearance of the area to be acceptable. Accordingly, there would be no conflict with Section 12 of the Framework which looks to achieve well designed places. It can be supported by the characteristics of good design as set out in the National Design Guide. I find no conflict with Policy D1 of the eLP as modified which seeks proposals to adhere to urban grain; density and massing; streets and spaces; building heights and views and character and design standards. Similar requirements are also found in Policy DP3 of the eLP.

⁹ CD08.04B Appendix B (Mr Wood, Proof of Evidence)

Car and cycle parking, and highway safety

28. The Framework in paragraph 111 identifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on the highway safety, or the residual cumulative impacts on the road network would be severe. In relation to highway matters there are no concerns expressed that the appeal proposal would not provide safe and suitable access to the appeal site from the highway. Provision of the access and securing removal of dropped kerbs that would no longer be necessary can be secured through planning conditions.
29. The primary concern of the City Council, the Highway Authority and the Rule 6 parties relates to whether sufficient on-site provision would be made for car parking. The Council and Highway Authority also have concerns regarding cycle parking provision.
30. The policy position relating to car parking and cycle parking is not set out in any adopted development plan. Consequently, the main parties disagree on what constitutes the main material planning consideration upon which an appropriate level of parking for both cars and cycles should be based.
31. The appeal scheme proposes a total of 16 car parking spaces and 6 cycle parking spaces. The City Council in its evidence took the starting position that the appeal scheme should provide 23 car parking spaces and 51 cycle parking spaces¹⁰.
32. It is agreed that the appeal proposal meets the definition of 'retirement living or sheltered housing' as set out in the housing for older and disabled people section of Planning Practice Guidance¹¹ (PPG). The appeal scheme is being promoted on the basis of an age restriction with the main occupier needing to be 65 or over, although another person living as part of the same household could be aged 60 or over. On this basis I am satisfied that the appeal proposal falls within the scope of retirement living or sheltered housing as defined by the PPG.
33. On the issue of car parking, it is agreed by the Appellant and the City Council that Appendix E to the DCLP set out the only published car and cycle parking standards for York. Appendix E draws a distinction between general needs housing and special categories of housing, including sheltered housing. Appendix E goes on to identify that the car parking standards are a maximum¹². In this regard Appendix E is inconsistent with paragraph 108 of the Framework which states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.
34. It is not disputed that in relation to Appendix E the guidance for sheltered housing would be the most relevant, albeit that there is no definition of 'sheltered housing' for the purpose of applying Appendix E. In relation to the category of 'sheltered housing,' the guidance in Appendix E is for the provision of 1 parking space per 4 units and 2 spaces if there is a resident warden and 1

¹⁰ CD09.03, paragraph 3.25 (Ms Vergereau, Proof of Evidence)

¹¹ PPG - Paragraph: 010 Reference ID-63-010-20190626

¹² CD09.02C, City of York Draft Local Plan Incorporating the 4th set of changes, April 2005, Appendix E, iii) criteria for car parking standard flexibility (no page numbers)

space per two non-residential staff. The City Council accept that applying this guidance would mean that the appeal proposal exceeds the amount of car parking indicated in Appendix E. Notwithstanding the clear reference in Appendix E to the figures cited being maxima, the City Council and the Rule 6 parties nonetheless maintained their position of higher levels of car parking provision being required.

35. Given that the DCLP was not progressed to adoption together with the inconsistency of Appendix E with paragraph 108 of the Framework, I afford the car and cycle parking standards in Appendix E limited weight in my determination of this appeal.
36. It is the Council's position that it is relevant to go on and consider data from the 2011 Census in relation to car ownership. In this regard, it has considered amongst other data, car availability by accommodation type based on households living in a 'flat, maisonette, apartment, caravan or other mobile or temporary structure'. However, the Council's evidence fails to adequately explain the rationale as to how using Census data directly leads to the requested provision of 23 car parking spaces.
37. The 2011 Census data is now dated and in relation to car ownership levels the Council has not utilised the data from the latest Census in 2021. Although, the Council do refer to the 2021 Census data in relation to the mode of transport people use to travel to work. The Council has acknowledged¹³ that the 2021 Census data does reflect impacts from the Covid-19 pandemic such as greater levels of homeworking which demonstrates material differences between the 2011 and 2021 Census data.
38. In relation to the matter of car parking I find that the City Council has failed to substantiate its case based on objective and appropriate evidence that specifically justifies its position. The Council has also sought to adopt contradictory positions, for example arguing in the Proof of Evidence¹⁴ that research carried out in 2016 is too old to be suitable for transport analysis when at the same time seeking to base its own position on the Census data from 2011 which is even older.
39. I favour the methodology used by the Appellant in comparing the appeal scheme with Belfry Court in Wigginton and a number of other sites operated by Churchill Retirement Living elsewhere in the country as a means of assessing the likely effects of this age restricted form of accommodation. I find the Belfry Court scheme to be directly comparable given the fact that it is the same type of living accommodation as presented in the appeal scheme and it is within close proximity to the appeal site. The survey¹⁵ evidence demonstrated that the maximum parking demand at Belfry Court was 0.3 spaces per unit. The appeal proposal would provide 0.36 spaces per unit, which on the basis of a direct comparison with the primary survey data at Belfry Court, would indicate that the car parking provision would be sufficient to meet the needs of the appeal scheme.
40. The other Churchill Retirement Living schemes that were surveyed¹⁶ demonstrated the average parking demand to be 0.27 spaces per unit. Whilst

¹³ CD09.03, paragraph 3.14 (Ms Vergereau, Proof of Evidence)

¹⁴ CD09.03, paragraph 3.35 (Ms Vergereau, Proof of Evidence)

¹⁵ CD08.07, paragraph 5.19 (Ms Hammonds, Proof of Evidence)

¹⁶CD08.07, Appendix H, page 13

each of these individual sites will have some minor differences in relation to accessibility to public transport and to local services and facilities, I consider them to be a broadly comparable representative sample of retirement living schemes. This survey data is broadly comparable to the results at Belfry Court, further supporting the contention that the proposed car parking provision in the appeal scheme would be sufficient.

41. A number of concerns have been raised regarding existing on-street parking and how insufficient on-site car parking for the appeal proposal would lead to further on-street parking. The photographs submitted by WCG were confirmed to be representative of the on-street parking that occurs outside Belfry Court and Rosevale Residential Care Home. However, there is no substantive evidence to directly link the on-street parking shown in the submitted photographs to either of these properties. On-street parking will occur for a range of reasons and for different durations, including for example deliveries, tradespersons or contractors and visitors to any of the existing properties along The Village. I noted on my site visit that some properties on The Village did not appear to have their own on-site parking. In itself on-street parking does not necessarily lead to a highway safety issue.
42. The Appellant undertook a parking survey using the established Lambeth parking survey methodology to examine the level of existing on-street parking. The result demonstrated that some on-street parking does occur, however, the level of parking stress only reached a maximum of 24%. As such, even if there were to be some overspill car parking required there is on-street parking capacity available. Furthermore, from what I observed on my accompanied and other unaccompanied visits to Wigginton, some on-street car parking had a traffic calming effect with vehicles slowing down. No recorded evidence of any personal injury accidents has been presented. Even with some on-street car parking there were still a range of opportunities to find a suitable place to cross the road.
43. I do acknowledge that vehicles parked half on and off the pavement does occur in Wigginton. The photographs submitted by WCG illustrate this and I also witnessed this during my visits to Wigginton. Parking in this manner does impede the movement of users of the pavement, particularly older and disabled persons and parents with children. However, this is a general problem of a driver's self-awareness and inconsideration for other highway users and cannot be directly attributed as an anticipated specific impact of the proposed development.
44. I saw limited evidence of the use of specific highway markings to restrict on-street parking as a proportion of the road through Wigginton (Mill Lane and The Village) and none within the immediate vicinity of the appeal site. There are other mechanisms available under relevant legislation to manage specific problems if considered necessary.
45. References to other local housing commitments and proposals in the eLP for Wigginton and Haxby have been made. However, there is no cogent evidence before me to identify that the appeal scheme if permitted either individually or in conjunction with the other proposals would result in residual cumulative impacts on the road network that would be severe in line with paragraph 111 of the Framework.

46. Accordingly, in relation to car parking, I do not find that the car parking aspect of the proposed scheme would have a detrimental impact on highway safety that would indicate that permission should be refused in accordance with paragraph 111 of the Framework.
47. Turning to the issue of cycle parking both the Appellant and the City Council agreed that the relevant guidance is set out in the Department for Transport's Local Transport Note 1/20 (LTN 1/20). The City Council in its evidence refers to two different residential categories in Table 11-1 of LTN 1/20. The first being that one cycle parking space should be provided for each bedroom in residential developments. The second being for the residential category of 'sheltered/elderly housing/nursing homes' which looks at 0.05 cycle parking spaces per residential unit for short stay and 0.05 spaces per bedroom for long stay.
48. The City Council has not set out how applying either of these standards in LTN 1/20 justifies the 51 cycle spaces being requested. Neither does it provide any cogent or substantive evidence to justify its position having regard to any other standards, guidance or relevant material planning considerations. In this regard, I find that the City Council has not substantiated its starting position that cycle parking should be based on 1 space per unit together with an additional 5-6 spaces to cater for staff and visitors to the site. In cross examination the Council's witness agreed that the appeal proposal would meet the relevant provisions set out in LTN 1/20.
49. The Appellant's evidence¹⁷ on the demand for cycle parking across its other 127 sites in England is undeniable and I can therefore entirely see why Inspector Stephens described this same evidence as compelling¹⁸. The evidence clearly demonstrates that the average demand for cycle parking space is 0.71 per development/0.01755 per individual residential unit.
50. Using the standards in LTN 1/20 it would indicate a need for 6 spaces within the appeal proposal. The revised site plan illustrates the location of the 3 covered cycle stands which would make provision for the parking of 6 cycles. As such, when applying the standards, as well as taking account of the Appellant's evidence of cycle parking I find that would be sufficient provision for any future occupiers or lodge managers of the appeal scheme to have a cycle whilst still promoting the opportunity for sustainable travel in line with paragraphs 110 and 112 of the Framework.
51. In conclusion on this second main issue, I find that the proposed development would not lead to a highway safety concern which would be of such magnitude that permission should be refused. I also conclude that the proposed development would include a reasonable and acceptable level of car and cycle parking having regard to the nature of the development in relation to guidance in Appendix E of the DCLP and LTN 1/20. As such in relation to this second main issue there is no harm to suggest that permission should be refused on this matter. The appeal proposal would provide sufficient on-site car and cycle parking and there would not be an unacceptable consequential effect on the highway and safety. Consequently, there would be no conflict with paragraphs 110 to 112 of the Framework.

¹⁷ CD08.07, Appendix E (Ms Hammonds Proof of Evidence)

¹⁸ CD07.03, Appeal Decision APP/H1705/W/20/3248204, paragraph 44

Living conditions of neighbouring occupiers

52. A range of concerns have been raised regarding the effect of the proposal on the living conditions of existing neighbouring occupiers. In addition, WPC and WCG, along with several local residents, spoke at the Inquiry with their concerns.
53. Copperfields is a dormer bungalow adjoining the southern end of the western boundary of the appeal site. The eastern elevation contains a bedroom window at first floor level and at ground floor there is a kitchen door and window together with an attached glazed conservatory opening onto a well-maintained rear garden.
54. From my site visit I observed that the first-floor bedroom window in Copperfields currently provides views into the open grassed area of the existing residential garden of the appeal site. Consequently, I do not dispute that the presence of the proposed appeal building, and its electricity substation building would change the outlook from this first-floor bedroom window. This would lead to some sense of enclosure being experienced by occupiers within Copperfields and to a lesser extent within the garden and even less when using the raised decking area which is located to the west and the other side of the conservatory.
55. On my site visit I found that the presence of the substantial and dense evergreen conifer hedge at the rear boundary of the appeal site already provides a noticeable sense of enclosure from within the rear gardens of those bungalows on Fletcher Court and St Mary's Close. It is not disputed that the height of the proposed building would be visible above the existing conifer hedge. However, the siting of the appeal building would be set back such that the intervening distance would reduce the effect of enclosure on the occupiers of Fletcher Court and St Mary's Close.
56. The presence of the proposed building would introduce a change in the experience for the users of the rear gardens, particularly those in closest proximity, namely Copperfields, Fletcher Court and St Mary's Close. However, I do not agree that there is harm to such a degree that the rear garden areas would cease to become the private retreat as was put to me by one occupier.
57. The presence of the appeal building would be a new feature in the built environment of Wigginton. As such a sense of enclosure would be felt the most by the occupiers of those properties which are physically closest, but also to a lesser extent those which are located slightly further away. There is no right to a view and views of the sky would still exist even with the appeal proposal. Wigginton is a village that appears to have undergone periodic change over time and the potential for future change always exists. I do not find that unacceptable impacts arising from a sense of enclosure would arise to the occupiers of neighbouring properties.
58. When assessing the potential impact on privacy it is important to be clear that an opportunity to look out over an area does not lead to privacy concerns in the same way that direct views between habitable windows would do. It is therefore common practice for some guidelines to establish acceptable distances between habitable windows. It was agreed at the Inquiry that the only local guidance regarding general separation distances that exists is contained within a draft

SPD on House Extensions and Alterations.¹⁹ Although the Draft SPD is not strictly applicable to new residential development such as the appeal scheme.

59. From the submitted plans, the western elevation contains some habitable windows in the northern portion which would afford future occupiers general views to the west across rear gardens. I do not find this to unusual or unacceptable. No primary habitable windows in the western elevation would provide an opportunity for direct overlooking into habitable windows of existing dwellings to the west.
60. Apartments 24 (first floor) and 41 (second floor) each have a secondary habitable window which could provide a potential opportunity for future occupiers to look towards the bedroom window of Copperfields, particularly as the intervening distance between habitable windows is less than the guideline of 21m as set out in the Draft SPD. The intervening distance according to the Appellant's evidence is 14.6 metres. The Appellant suggested a condition to obscure glaze these two secondary windows could be attached²⁰. It was apparent from my site visit, that given the distance between Copperfields and the proposed building, the siting of the proposed windows would lead to some overlooking and loss of privacy to the occupiers of Copperfields. Obscure glazing would be an appropriate measure. However, I am also satisfied that, as a small secondary window, the obscure glazing would not then have a detrimental effect on the living conditions of future occupiers of these two apartments.
61. The potential use of obscure glazing for the 4 windows along the second-floor corridor on the western elevation above the courtyard was discussed at the Inquiry. However, the corridor by its very nature is a functional access route to allow occupiers to get to and from their apartments. Although occupiers could pause whilst moving along the corridor, the nature of the space is that it would not be an area where occupiers would dwell for very long. A condition requiring obscure glazing for these windows would be unnecessary.
62. From the submitted plans, it is apparent that there would be no balconies on the western elevation of the southern portion of the building that would directly face the eastern elevation of Copperfields. The siting of the building would mean that the nearest proposed balconies on the southern elevation would not result in an unacceptable impact on the privacy of existing occupiers of Copperfields.
63. The distances between the habitable windows and balconies to the apartments at first and second floor level on the southern elevation which would face the rear gardens and properties on Fletcher Court and St Mary's Close would exceed the distance guidelines contained in the Draft SPD. There would be four modest sized balconies on the southern elevation at first and second floor level. They look towards the intervening public right of way and beyond that the rear of the properties on Fletcher Court and St Mary's Close. The Draft SPD indicates that balconies can be acceptable where they look towards public or communal space, although in this case the public right of way does have a relatively narrow width.
64. I accept that for the occupiers of Fletcher Court and St Mary's Close there could be a perceptual sense of overlooking. However, taking into account the size of the balconies, the intervening distance and the presence of existing mature vegetation and the ability through the landscaping scheme to secure retention

¹⁹ CD09.02H City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (2012)

²⁰ CD08.03 paragraph 6.34 (Mr Shellum, Proof of Evidence)

and enhancement of this vegetation, I do not find that overlooking would be to a level which would be unacceptable thereby justifying refusal of permission.

65. Concerns were also raised regarding the effect of the size of the appeal building on levels of sunlight to neighbouring occupiers. The submitted shadow study has been prepared using good practice standards. The sun is at a much higher angle in the sky during the summer months than during the winter. Based on the evidence before me in this regard it has not been demonstrated that the proposal would lead to an unacceptable impact.
66. Reference was also made at the Inquiry to the impact of the headlights from vehicles exiting the site. The position of the vehicle access opposite existing dwellings is not dissimilar to residential properties whose driveways also front onto a highway or a road opposite a property. It is necessary to remember that the appeal proposal is not a commercial or residential institution use whereby vehicle movements may be exiting at a specific time thereby resulting in a sustained short period of potential disturbance from headlights. As such I do not find that there would be any harm in this regard. In relation to concerns regarding building lighting, a lighting scheme for the site could be satisfactorily controlled by a planning condition in the first instance as part of the finer details.
67. The proposed development would represent a change, which would be particularly experienced by the occupiers of those properties living adjacent or within very close proximity to the appeal site. However, the effect of the appeal proposal on the living conditions of existing occupiers with regard to outlook, enclosure, privacy and overshadowing is not unacceptable in my judgement.

Living conditions of future occupiers

68. Concerns were raised regarding whether the appeal proposal would provide acceptable living conditions for future occupiers, specifically in respect of amenity space and outlook. In the absence of any adopted local guidance on either a specific quantum and/or quality criterion; it is a matter of judgement for the decision maker with reference to general principles contained in the Framework (paragraph 130), National Design Guide, Draft SPD²¹ and Policy ENV02 of the eLP viewed through the prism of the Framework all of which seek the principle of a high standard of amenity.
69. From the submitted plans and the evidence that I have read and heard, the resident's lounge would be the principal internal communal amenity space together with its associated outdoor amenity area which is well located to create an intimate and sunny area, particularly around midday. There are no indicated restrictions on access for future occupiers to any part of the landscaped areas within the whole site.
70. The external amenity space for future occupiers of the appeal scheme would be a combination of private space and communal space. For those future occupiers seeking some dedicated private space, a proportion of the apartments have modest balconies. The ground floor apartments would have a door which would allow access to the landscaped areas immediately outside of their apartment. The plans do not indicate this would have any specific means of enclosure to restrict the space immediately outside the ground floor apartments. As such all of the overall communal space would be available to all occupiers. It is

²¹ CD09.02H City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012)

important to keep in mind, as the Appellant explained, that one of the many reasons why someone would make a lifestyle choice and move into a retirement apartment is that maintenance and upkeep of a property and garden is no longer desirable or practical. As such in my judgement there is sufficient quantum of shared amenity space for future occupiers which would provide “usable private amenity space...and space that is suitable and welcoming to sit out in” in line with paragraphs 9.1 and 9.2 of the Draft SPD.

71. Turning to concerns relating to outlook for future occupiers of the apartments, and in particular the eastern elevation. The Appellant’s cross section²² uses apartment 3, which the Appellant has identified as being the closest one to the eastern boundary and demonstrates that there would be sufficient separation from the boundary to enable skyward views.
72. The landscaping plans submitted set out an overall strategy with constraints and opportunities. Further details could be secured by planning condition, and when implemented, would ensure a high-quality external amenity space to look out onto. In relation to future occupiers, I do not find that the living conditions in this appeal proposal would be unacceptable.
73. The City Council has referred to an appeal²³ in which the Inspector assessed external amenity space and outlook. Whilst I can note the written analysis of the Inspector’s decision in that case, the details of this scheme have not been presented to me, so it inevitably limits the ability for me to determine how comparative or otherwise it is to the appeal scheme. In any event each application and appeal should be determined on its own merits which is what I have done.
74. In conclusion to this third main issue, I find that no unacceptable harm would arise to the living conditions of neighbouring occupiers, with particular regard to privacy and overshadowing; and the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to amenity space and outlook. Accordingly, there would be no conflict with paragraph 130 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users. Nor within Policies D1 as modified of the eLP and ENV2 as modified of the eLP.

Other Matters

75. No 11 The Village is a modern interpretation of an agricultural style with ‘eclectic fenestration’²⁴ and replaced what was a large house with double pile roof with well-balanced and traditionally designed fenestration²⁵. Whilst the City Council has raised no concerns regarding the demolition and loss of the appeal building, a number of the interested persons who have made representations regard the appeal building as one of local interest.
76. The City Council raised no concerns in relation to heritage. However, heritage formed a substantive part of WPC’s case, who commissioned a Historic Appraisal²⁶ to provide a brief historic character appraisal of the appeal site and

²² CD08.08A Appendix A (Mr Shellum, Rebuttal Proof of Evidence)

²³ CD09.02i Appeal Decision Reference APP/Z1510/W/17/3188192, dated 23 July 2018

²⁴ ID.01

²⁵ CD10.03 Old Tannery Site, Wigginton, Historic Appraisal, Woodhall Planning and Conservation, March 2023, figure 14, page 17

²⁶ CD10.03 Old Tannery Site, Wigginton, Historic Appraisal, Woodhall Planning and Conservation, March 2023

to provide them with some guidance for planning decision-making on the site and more generally.

77. The existing appeal building and its outbuildings which would be demolished as part of the appeal proposal are not Listed Buildings and Wigginton does not have a Conservation Area. WPC confirmed that it was not part of their case that the appeal proposal would affect any designated heritage assets, including the Haxby Conservation Area or Listed Buildings within Haxby. Consequently, the appeal scheme is not near to or within the setting of designated heritage assets.
78. WPC contend that the appeal building should be considered a non-designated heritage asset (NDHA). The Framework does not define what constitutes a NDHA nor does it prescribe how they should be identified. The PPG indicates that NDHA are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
79. The PPG²⁷ indicates that there are a number of processes through which NDHA may be identified, including the local and neighbourhood plan-making processes and Conservation Area Appraisals and reviews. The City Council, as the local plan-making body, have not identified the existing buildings on the appeal site as a NDHA. PPG goes on to say that irrespective of how they are identified, it is important that decisions to identify them as NDHA are based on sound evidence. There is a need for information on NDHA to be accessible to the public, including information on the criteria used for selection. Information on NDHA should be included in the local historic environment record. Whilst the PPG does indicate that planning authorities may identify NDHA as part of the decision-making processes on planning applications, the example provided is following on from archaeological investigations.
80. New evidence was presented by WPC at the Inquiry (ID01, 12 and 22) such that WPC has invited me to identify No 11 The Village as a NDHA. In particular, the brief response from York Civic Trust (ID22) which was tendered on the last day of the Inquiry indicates that they consider the existing appeal building to be a NDHA. However, insufficient evidence has been submitted to the Inquiry to explain the methodology and criteria used by the York Civic Trust in reaching that view. As such it limits the weight that can be attached to their conclusions.
81. In my experience, identifying NDHA assets is a structured process often involving several stages, involving evidence and consultation on both the selection criteria and then how the buildings meet the criteria, before reaching a conclusion. In this case, there has been no specific, detailed and structured assessment of the significance of the existing buildings on site presented to the Inquiry to support the contention by WPC and York Civic Society. Moreover, the expert evidence contained within both the WPC commissioned report and the Ecus report²⁸ prepared to support the proposal, individually or collectively, do not indicate that the appeal building demonstrates the qualities to be considered as an NDHA. Consequently, on the basis of the evidence presented to me I am unable to reach a conclusion that the existing building on site should be identified as a NDHA.

²⁷ PPG Paragraph 040 Reference ID: 18a-040-20190723

²⁸ CD08.03C Appendix 3 (Mr Shellum, Rebuttal Proof of Evidence)

82. Even if the appeal building was a NDHA it would not preclude development. The policy test is set out in paragraph 203 of the Framework and requires a balanced judgement having regard to the scale of any harm or loss to the significance of the heritage asset. Demolition would result in the total loss of the existing building. There is a range of benefits arising from the appeal scheme including: the provision of 45 units of specialist housing for older persons for which there is a critical need, and the proposal would make more effective use of land within a settlement with good accessibility to services and facilities. In addition, future occupiers would have the opportunity to support these services and facilities which is good for the economy and society as well as their own well-being. In conclusion to this particular matter, I therefore find that that benefits arising from the appeal proposal would outweigh the loss of the existing buildings, even if they were considered to be a NDHA.
83. On the matter of drainage and the potential for flooding, the evidence submitted does not indicate anything that would justify withholding permission. No relevant statutory consultee concerns have been expressed. In any event, the requirement for a drainage scheme to manage both surface and foul water can be satisfactorily addressed by a suitably worded planning condition.
84. The appeal site lies approximately 3.1km to the East of the Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest. As such it now lies within the Zone of Influence for the SAC which has been introduced within Policy GI2a of the eLP. The SAC was designated because of the presence of Annex I²⁹ habitats (North Atlantic wet heaths and European dry heaths). The conservation objectives are to maintain/restore the extent and distribution of the natural habitats, the structure and function and supporting processes on which the habitats rely.
85. The City Council and Natural England have not raised any concerns on this matter. However, The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require the decision maker to consider the likely significant effects and or adverse effects on the integrity of European sites of plans/projects, either alone or in combination with other plans or projects. The City Council, its consultees and the Appellant have not raised any concerns. This responsibility falls to me as the competent authority in the context of this appeal. From the submitted information, the pressures on the SAC arise from recreational use and in particular dog walking with the majority of visitors arriving by car, inappropriate scrub control and air pollution. I am aware that Strensall Common SAC is used extensively by the Ministry of Defence as part of their training estate and as such this may limit public access to certain areas and at certain times.
86. I note that the consolidated main modifications (January 2023) text to Policy GI2a for Strensall Common SAC indicates that "*(b) (ii) proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans for projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity.*"

²⁹ European Council Directive 92/43/EEC, The Conservation of Natural Habitats and of Wild Flora and Fauna.

87. The specific type of housing development being proposed is for age restricted retirement living and is therefore determined in line with what the planning permission would permit. During the Inquiry much was heard about the likely type and nature of the future occupiers of the appeal scheme which was based upon the experience of other sites owned/operated by the Appellant. Given the age restriction of the scheme, evidence presented demonstrating limited parking demand from the appeal scheme which suggests that there would be limited car usage, together with the intervening distance and availability of a range of amenity space within the appeal site itself but also other green space areas within Wigginton and Haxby, any additional visitors to the SAC from the appeal scheme would be negligible. The appeal proposal would have no impact on the scrub control or air pollution threat pressures to the SAC. These specific factors lead me to conclude that either alone, or in combination with other plans or projects, even when applying the precautionary principle, the appeal proposal would not give rise to likely significant effects and or adverse effects on the integrity of the Strensall Common SAC.
88. Prior to the current residential use, the appeal site was historically used as a tannery. Whilst the site has not been formally confirmed as contaminated under Part IIA of the Environmental Protection Act 1990, local concerns have been raised with references made to property searches noting potential for contamination and the use of insurance covenants. Such processes are precautionary and insurance covenants are not unusual for a wide range of matters including any potential for any form of contamination. The application was supported by a Desk Study Appraisal and Ground Investigation Report which explained that from the site investigations undertaken there were some contaminants present within the made ground. Supplementary site investigations and construction guidance were recommended. This matter can be addressed through a suitably worded planning condition.
89. Concerns were raised regarding the effect on biodiversity and wildlife, with particular reference to hedgehogs. The ecological surveys undertaken do not demonstrate that the appeal site accommodates a wide variety of species. In fact the City Council noted that the large coniferous hedge at the southern boundary did not make a positive contribution to biodiversity. The submitted ecological report³⁰ makes recommendations, including specifically for hedgehogs, which would form the basis of an ecological enhancement plan or equivalent and be satisfactorily secured through a planning condition.
90. A range of concerns were raised regarding the capacity issues within the local health care services. Notwithstanding the Appellant's evidence which suggested financial benefits to the National Health Service which flows from this form of accommodation, a specific financial contribution for the expansion of the Wigginton and Haxby Health Centre has been included within the submitted s106 Agreement, I shall return to this matter later in this decision.
91. The Levelling Up and Regeneration Bill was referred to, however, it is important to remember that this is draft legislation. Participation in the planning process has always been sought and encouraged. WPC and WCG and other interested parties have actively participated in this Inquiry, and I have had full regard to the matters raised alongside all the other representations made including those made by neighbours and other local residents.

³⁰ CD02.06 Preliminary Ecological Appraisal and Bat Roost Assessment (Report no.14650.R02a), Tyler Grange 1 September 2022

92. The appeal site abuts an area of grass which is intended to become a Whole Life Community Garden in the future and used for social prescribing by the medical practice. I have had full regard to the concerns expressed by the trustees including matters such as overshadowing, overlooking and noise, which could affect the well-being of users of this space in the future. However, the evidence presented to me does not demonstrate that this use formally exists at present. Furthermore, no definitive evidence regarding timescale, funding or delivery mechanism has been offered to provide certainty regarding this use. I am not satisfied that cogent evidence has been demonstrated to show that the appeal proposal would result in harm to the Whole Life Community Garden if it were to be progressed. Even if the proposed use were to be delivered there would be some passive surveillance from occupiers of the appeal development which could be beneficial and would add further interest to their views. Future garden design proposals could incorporate measures to provide specific private areas within the garden if that was deemed necessary.
93. A number of concerns from interested parties were raised about the need for this type of accommodation, particularly in Wigginton and the implications this proposal may have on the demographics. The City Council has an existing identified unmet need for specialist housing for older persons, furthermore it was agreed to be a 'critical' need. The City Council confirmed during the Inquiry that this need was York-wide, no evidence exists at a sub-York level to examine the distribution or otherwise of such types of proposals. Evidence tendered relating to vacancy and retirement living properties for sale is an indication of the market operating rather than market failure.
94. The concerns raised regarding the Appellant's community consultation, liaison with WPC and the incorporation of comments made by local residents prior to the submission of the planning application are not matters within the scope of this appeal.

Planning Obligation

95. A section 106 planning obligation has been submitted. The planning obligation is in the form of an Agreement between the Appellant, landowners and the City of York Council. A CIL Compliance Statement was produced by the City of York Council in relation to the planning obligation. I have had regard to the s106 Agreement and the CIL Compliance Statement taking into account the Community Infrastructure Levy Regulations 2010 (as amended) (CILR) together with the advice contained in the Framework and PPG.
96. The Framework in paragraph 55 indicates that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
97. Regulation 122 of the CILR (as amended) and paragraph 57 of the Framework identify that planning obligations must only be sought where they meet all of the following three tests: (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.
98. The s106 Agreement contains obligations in respect of affordable housing, health services, informal open space, outdoor sports and subsidised travel measures.

There is agreement between the Appellant and the City Council in relation to all matters except for the subsidised travel measures.

99. The s106 Agreement secures a financial contribution of £250,000 to be paid by the landowners to the City Council towards the provision of off-site affordable housing in lieu of on-site provision. Securing a financial contribution toward off-site affordable housing is necessary to meet the requirements of paragraphs 60-67 of the Framework and Policy H10 of the eLP. The financial contribution has been calculated based on the development proposed, the eLP, York's Local Housing Market Assessment and the Viability SoCG. The s106 Agreement requires the affordable housing contribution to be used towards the provision of off-site affordable housing. It is directly related to the development and is fairly and reasonably related in scale and kind.
100. A financial contribution of £46,345 is secured through the s106 Agreement for health services. The CIL Compliance Statement identifies that this money would be used for the provision of additional operational floorspace at the Haxby Medical Practice. In particular, for the refurbishment and repurposing of a vacant pharmacy area within the Practice to accommodate additional consulting rooms. The financial contribution has been calculated on the basis of capital costs and estimated population growth and is detailed in the consultation response from the NHS Humber and Yorkshire Integrated Care Board (ICB)³¹. At the Inquiry the ICB representative confirmed that in their view the financial contribution is still needed.
101. The health services contribution is necessary in the context of paragraphs 92 and 93 of the Framework and Policies HW5 and DM1 of the eLP. Haxby Medical Practice is located in close proximity to the appeal site and is therefore likely to be utilised by future occupiers of the development. Accordingly, it is directly related to the development and is fairly and reasonably related in scale and kind.
102. The s106 Agreement would also secure a contribution of £9,362 to be paid to the City Council towards improvements to Wigginton Pond. It was explained that this money would be put towards bankside repairs, biodiversity enhancement, improved seating and information/interpretation boards. Within the Haxby and Wigginton Ward an assessment³² shows a shortfall in all typologies of amenity open space. Whilst the contribution would not increase the amount of amenity open space it would nevertheless make an existing area of open space more useable and provide an opportunity, particularly for older residents, to support their general health and well-being. Wigginton Pond is within easy walking distance of the development and is most likely to be utilised by future occupiers of the development. Accordingly, it is fairly and reasonably related in scale and kind and is directly related to the development. It is also necessary having regard to paragraphs 92 and 98 of the Framework and Policy G16 of the eLP.
103. There is an obligation for £13,206 secured in the s106 Agreement as the outdoor sports contribution. In particular, this would be used for improvements at Wigginton Sports and Playing Field Association. The financial contribution is based upon the methodology³³ for commuted sum payments for open space,

³¹ CD12.04b

³² CD05.05

³³ CD05.06

therefore I am satisfied that it is fairly and reasonable related in scale and kind to the development.

104. The Wigginton Sports and Playing Field Association is accessible to the appeal site. Based upon evidence at the Inquiry regarding existing facilities and how the money would be spent to improve those facilities I am satisfied that the financial contribution is necessary and is directly related to the development. In coming to that view, I have considered paragraphs 92, 93 and 98 of the Framework and Policy G16 of the eLP.

105. In relation to the Sustainable Travel Contribution in the s106 Agreement, the City Council is seeking a sum of £9,000 which would be utilised at the value of £200 per dwelling to provide the first occupants either with day bus passes for use on local bus services in York or bicycle/bicycle equipment. The Appellant maintained that this particular obligation would not meet the tests set out in Regulation 122 of the CILR. It nevertheless still formed part of the final legal agreement provided by the Appellant, but it is subject to a clause which would result in it ceasing to have effect in the circumstances that the appeal decision concluded that the obligation was incompatible with the tests in Regulation 122 of the CILR.

106. Evidence³⁴ was presented regarding the issue of cycle ownership at other Churchill Retirement Living Schemes which identified very limited use of cycles. I find this evidence to be determinative. Having regard to the overall age requirements for occupancy of the development and the lifestyle characteristics of the occupiers based specifically around the concept of retirement, future occupiers are unlikely to be actively working. The Appellant's evidence demonstrated that the average age on entry at a Churchill Retirement Living Scheme is 81 years old³⁵ which is useful context.

107. Future occupiers of the development will be entitled by virtue of their age to an older person's concessionary bus pass. Whilst there are time restrictions on their use, such restrictions would only be likely to be a form of constraint for work commuting if that was required before 09.30am. Based upon the evidence presented, the Sustainable Transport Contribution fails to meet the tests of being necessary, directly related and fairly and reasonably related in scale and kind to the development.

108. Consequently, I find that the Sustainable Transport Contribution does not comply with Regulation 122(2) of the CILR. Accordingly, I attach no weight to this particular obligation in the section 106 Agreement in determining this planning appeal.

109. All of the other obligations in the s106 Agreement relating to affordable housing; health services; informal open space; and outdoor sports 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, these obligations of the s106 Planning Agreement meet the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision.

³⁴ CD08.07, Appendix E

³⁵ CD08.07, Paragraph 5.13

Planning Balance

110. There is no adopted statutory development plan for the City of York, save for the retained Regional Spatial Strategy policies on Green Belt which are not relevant in this case. References have been made to the City of York Draft Local Plan incorporating the fourth set of changes – the Development Control Local Plan 2005 (DCLP) and the emerging Local Plan (eLP) which is progressing towards adoption with the main modifications having recently been consulted upon. Although the DCLP and the eLP do not form part of the statutory development plan for the purposes of s38(6) Planning and Compulsory Purchase Act 2004, they are both capable of being material considerations in determining planning applications in so far as they are consistent with the National Planning Policy Framework. The Haxby and Wigginton Neighbourhood Plan is also in preparation. Although a copy titled 'HWNP Plan Draft v2.4.docx' was submitted as part of the Core Documents, no evidence was available to confirm that this would constitute the published draft plan under the provisions of Regulation 14 for consultation. As such it has not yet reached the formal stage where it can begin to carry some weight in the decision-making process.
111. In the absence of adopted development plan policies, it is an agreed position that decision-making in this case engages the presumption in favour of sustainable development as established in paragraph 11(d)(ii) of the Framework. There are no footnote 7 policies of the Framework in this case which would disengage the presumption.
112. There are a number of benefits of the appeal scheme which were put forward by the Appellant. Considering the discussion at the Inquiry and the relative weight to the suggested benefits, I deal with each of these below explaining the weight I attribute.
113. The appeal is a housing proposal which would provide 45 units, delivered in the short term within an authority area where it is agreed that there is no 5-year housing land supply. This attracts significant weight. Furthermore, it would also provide an early and specific contribution to the existing unmet and critical need for older persons accommodation. This also attracts significant weight. There is a degree of logic and expectation that the scheme would enable the release of potentially under-occupied housing into the wider market. In this case the evidence from the Strategic Housing Market Area Assessment is that some 81.8% of homes within the sub-urban area of York are under-occupied. Whilst it is acknowledged that there is no guarantee that upon release the homes would be more fully occupied, in my view, any opportunity to enable more efficient use and effective occupation level of the overall housing stock should be supported and therefore attracts significant weight.
114. The site is located within the built-up area of Wigginton. It is a sustainable location with a very good public transport network into York. The blue line timetables presented to me in particular demonstrate multiple services throughout the day and late into the evening every day of the week including Sundays, which attracts significant weight. The buildings on the appeal site should be assessed as previously developed (brownfield), the remainder as a residential garden would be regarded as greenfield land. The Framework is clear that substantial weight should be given to the value of using suitable brownfield land (paragraph 120 c). This is accompanied by the need to promote and support the development of under-utilised land and buildings (paragraph 120 d).

The redevelopment of the brownfield part of the site together with the environmental benefits of a more suitable landscaping that would also enhance the biodiversity of the site and immediate area should attract significant weight. I disagree with the City Council and find that this is an underutilised site when taking into account the location and the evolution of the pattern of built development within Wigginton, to which I ascribe moderate weight.

115. The economic benefits of the scheme are suggested as being in relation to construction jobs and the expenditure within local shops and other services and facilities within the local area. Although reference was made during the Inquiry to the suggestion that no-one from Belfry Court had ever purchased a newspaper from the convenience store in Wigginton, this is anecdotal evidence which was not underpinned by any form of survey or similar substantiation. The City Council also sought to cast doubt on the benefit from construction jobs since there was no local labour agreement. In my view, economic benefits would arise from both the construction phase and from the future occupiers which attract significant weight since planning policies and decisions should help to create conditions in which businesses can invest, expand and adapt in line with paragraph 80 of the Framework.
116. The submitted evidence³⁶ relating to the health and social benefits from specialist retirement living housing scheme is accepted and the findings have not been disputed by any counter evidence or research. As such it attracts significant weight.
117. In terms of the disbenefits or harms of the scheme, there will be some limited impacts on the living conditions of the neighbours, which does weigh against the scheme. The demolition of the existing dwelling with outbuildings would be a loss to the housing stock but would be outweighed by the net gain of accommodation from the more effective use of the site. As such this is a neutral factor in the planning balance. For the reasons set out earlier I do not agree that the existing dwelling constitutes a NDHA.
118. I have found no harm which individually or cumulatively would significantly and demonstrably outweigh the benefits. As such the proposed development benefits from the Framework's presumption in favour of sustainable development and planning permission should be granted.
119. Even if I had reached a contrary conclusion in relation to the suggestion of the appeal building being considered as a NDHA, any harm which might be identified as arising from the appeal proposal would not significantly and demonstrably outweigh the range of benefits that would flow from this proposal.

Planning Conditions

120. As part of the appeal procedure a list of suggested conditions was prepared by the City Council in conjunction with the Appellant. Whilst largely agreed in principle, some disagreements remained in relation to the trigger points and also drainage, dilapidation survey of the highway, and electric vehicle charging points. These were explored during the Inquiry session on planning conditions.
121. I have considered the suggested conditions in light of the discussion at the Inquiry and the advice in both the Framework and the PPG. I have imposed the suggested conditions with some minor changes to ensure they accord with the

³⁶ CD08.03D Appendix 4 [19-20] (Mr Shellum, Proof of Evidence)

tests set out in national policy, some have been merged in the interests of precision or to avoid duplication. All conditions imposed are reasonable and necessary to make the development acceptable in planning terms. The Appellant provided written agreement to the pre-commencement conditions as discussed. The conditions have been re-ordered to provide clarity regarding the order with which they are to be satisfied to reflect good practice.

122. **Condition 1** sets out the standard time limit within which the development must begin. **Condition 2** is necessary to ensure the development is carried out in accordance with the approved plans.
123. Some aspects of the proposal need to be approved pre-commencement as they directly influence how the development will proceed. **Condition 3** for the Construction Environment Management Plan (CEMP) is necessary in order to minimise the impacts of the demolition and construction operations on local residents, local businesses and those travelling through the area, and to protect the general environment. The separate suggested condition for the method of works has been merged into condition 3 for reasons of precision as to how the demolition and construction activities will operate.
124. I have merged the suggested contamination conditions into a single condition (**condition 4**). It is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment. **Condition 5** is necessary to establish the approach for managing any archaeological interest which may be found on the site prior to construction. Demolition of the existing buildings could be undertaken as no substantive evidence has indicated that the existing buildings themselves contain any significant archaeological interest. **Condition 6** relates to the drainage scheme which is necessary in order to manage water to and from the site and prevent flooding.
125. There are several pre-above ground works which would be the next phase of the development. **Conditions 7 and 8** are necessary to protect the general character and appearance of the area. **Conditions 9 and 10** are necessary to ensure satisfactory access and cycle parking is secured. In condition 10 I have removed reference to cycles as it would be duplication.
126. Biodiversity enhancement is covered by **condition 11** and is necessary to secure net gain. It remains as a condition of its own rather than merge into CEMP since the CEMP is more about the construction environment rather than the natural environment. **Conditions 12 and 13** are necessary to ensure that the means of enclosure and landscaping details are satisfactory.
127. I have amended the suggested condition relating to electric vehicle charging points to remove the requirement to provide them as it would duplicate current Building Regulations. However, to address the City Council's concerns regarding their design and appearance, **condition 14** will require the submission and approval of the details of the appearance of any electric vehicle charging points on the site. This is necessary to protect the character and appearance.
128. I am satisfied that a condition relating to the removal of former vehicular crossings is necessary to improve the pedestrian environment (**condition 15**). **Condition 16** relating to bus stop improvements is required in the interests of

sustainable transport. I am satisfied that the location can be adequately resolved through the discharge of condition process.

129. Given the potential for overlooking from a secondary window to one of the bedrooms in apartments 24 and 41; **Condition 17** is necessary to require some obscured glazing to protect the privacy of the occupiers of Copperfields as the nearest dwelling to the appeal building.
130. Conditions for compliance are set out at the end and are necessary to define the permission. **Condition 18** on preventing clearance works and demolition during the bird breeding season does to an extent duplicate other legislation. No party has disputed the reasonableness of this condition. However, I have removed the suggested requirement to submit for approval the pre-works ecologist survey as this was unduly onerous and not necessary. **Condition 19** relates to lighting to be approved and **condition 20** prescribes the construction working hours. Both are necessary in the interests of protecting the living conditions of existing occupiers.
131. **Condition 21** sets out the age restriction for the occupiers of the scheme which is reasonable for a scheme which is promoted as specialist housing for older persons. There was a suggestion that a lower age threshold should apply. However, that would materially alter the scheme from that upon which consultation has taken place and the actual evidence at the Inquiry has been based. As such I find that the age limit of 65/60 as set out in condition 21 is necessary, reasonable and appropriate in this case.
132. The nature of construction activity and associated vehicle movements does not justify, in my view, the suggested condition for a survey of the highway pre and post works. Such a condition is not necessary in relation to this scale of development and therefore fails the tests in the Framework.

Conclusion

133. The appeal is allowed and planning permission is granted subject to the conditions set out in the attached Schedule.
134. I recognise that this outcome will be disappointing to those opposing the development. However, the views of local people, very important though they are, must be balanced against other considerations. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made, which in the absence of an adopted development plan I have balanced against the provisions of the National Planning Policy Framework and other material considerations. On balance, the evidence in this case leads me to the view that the appeal should succeed.

Rachael A Bust

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (21 in total)

Standard Conditions

Commencement

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Approved Plans

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

Location Plan 50010WG/PL001 (June 2022)
Site Plan showing Roof Plan 50010WG/PL002 Rev A (04.07.2022)
Site Plan showing Ground Floor Plan 50010WG/PL002 Rev A (17.04.23)
Ground Floor Plan 50010WG/PL003 (June 2022)
First Floor Plan 50010WG/PL004 (June 2022)
Second Floor Plan 50010WG/PL005 (June 2022)
Roof Plan 50010WG/PL006 (June 2022)
Elevations 1 – North & East 50010WG/PL007 (June 2022)
Elevations 2 – South & West 50010WG/PL008 (June 2022)
Internal Elevations – North & South 50010WG/PL009 (June 2022)
View from The Village 50010WG/PL0010 (June 2022)
Landscape Constraints & Opportunities JBA 22 185 SK01 Rev A (14.06.2022)
Landscape Strategy Masterplan JBA 22 185 SK02 Rev D (26.04.23)
Tree Protection Plan 22005-2 (undated)

Pre-Commencement Conditions

Construction Environmental Management Plan

3. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following matters:

1. A detailed method of works statement identifying the programming and management of demolition, site clearance, preparation and construction works and to include:
 - (a) measures to prevent the egress of mud and other detritus onto the adjacent public highway;
 - (b) the routing of construction traffic that will be promoted;
 - (c) a scheme for signing the promoted construction traffic routing;
 - (d) where contractors will park; and
 - (e) where materials will be stored on site.
2. Measures to minimise the creation of noise during works;
3. Measures to minimise the creation of vibration during works;
4. Measures to minimise the creation of dust during the work and a site specific risk assessment of dust impacts in line with guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigations measures commensurate with the risk identified in the assessment.

All works on site shall be undertaken in accordance with the approved CEMP.

Contamination

4. Part 1 (site investigation and risk assessment)

Prior to the commencement of development, notwithstanding any assessment previously provided, an investigation and risk assessment must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be submitted to, and approved in writing by, the Local Planning Authority. The findings report shall include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems and
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced).

Part 2 (remediation scheme)

Subject to the findings in Part 1 of this condition, a detailed remediation to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3 (remediation scheme implementation)

In the event of the requirement for the approved remediation scheme under Part 2 of this condition, the remediation scheme must be carried out in accordance with its terms and a verification report by suitably competent persons that demonstrates the effectiveness of the remediation carried out must be produced and submitted to, and approved in writing by, the Local Planning Authority prior to first occupation.

Part 4 (unexpected contamination)

Any unexpected contamination found at any time when carrying out the approved development must be reported in writing immediately to the Local Planning Authority. Development on the affected part of the site should be suspended until an investigation, risk assessment and remediation scheme is prepared, submitted to, and approved in writing by, the Local Planning Authority. Following completion of

measures identified in the approved remediation scheme a verification report must be prepared, submitted to, and approved in writing by, the Local Planning Authority before development on the affected part of the site is then able to be resumed.

Pre-Commencement except for above ground demolition conditions

Archaeology

5. A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before the development hereby permitted can commence.

(a) No development, except for above ground demolition, shall take place until a Written Scheme of Investigation (WSI) for a watching brief has been submitted to, and approved in writing by, the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by Local Planning Authority and the Chartered Institute for Archaeologists.

(b) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the WSI and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

(c) A copy of a report shall be deposited with the City of York Historic Environment Record to allow public dissemination of results within 3 months of completion of the report.

Drainage

6. Prior to the commencement of development, except for above ground demolition, a drainage scheme to manage both surface and foul water from the development shall be prepared, submitted to, and approved in writing by, the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of the development.

Pre-Above Ground Works Conditions

Materials

7. Prior to the construction of the development hereby permitted beyond foundation level and notwithstanding any proposed materials specified on the approved drawings or in the submitted application form, samples of the external materials to be used for the building hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out using the approved materials.

8. Prior to the commencement of the development hereby permitted beyond foundation level, a sample panel of the brickwork to be used on the building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing

by, the Local Planning Authority. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Bicycles

9. Prior to the commencement of the development hereby permitted beyond foundation level, details of the bicycle parking areas to accommodate 6 bicycles, including their secure means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to first occupation. The bicycle parking area and means of secure enclosure shall be retained thereafter and not used for any other purpose than for the parking of bicycles.

Access

10. Prior to the commencement of development hereby permitted beyond foundation level, details of the site access design shall be submitted to, and approved in writing by, the Local Planning Authority. The building shall not be occupied until the areas shown on the approved plans for access, parking and manoeuvring vehicles have been constructed and laid out in accordance with the approved plans and retained solely for such purposes thereafter.

Biodiversity

11. Prior to construction of the development hereby permitted above foundation level, a biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the plan shall include, but not be limited to, the recommendations set out in the Preliminary Ecological Appraisal (Tyler Grange, 1 September 2022, Report No. 14650_R02a). The approved details shall be implemented prior to first occupation.

Pre-occupation Conditions

Boundary treatment

12. Prior to first occupation of the development hereby permitted details of all means of enclosure to the site boundaries, (including security measures as appropriate), shall be submitted to, and approved in writing by, the Local Planning Authority, and the means of enclosure shall be implemented in accordance with the approved details and be retained thereafter.

Hard and soft landscaping

13. Prior to first occupation of the development hereby permitted a detailed hard and soft landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of first occupation of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Electric vehicle charging points

14. Prior to first occupation of the development hereby permitted details of the appearance of any electric vehicle charging points to be installed shall be submitted to, and be approved in writing by, the Local Planning Authority and

thereafter it shall be implemented in accordance with the approved details and be retained.

Vehicular crossings

15. Prior to first occupation of the development hereby permitted, all vehicular crossings not shown as being retained on the approved plans shall be removed and the kerb and footway reinstated to match adjacent levels.
16. The development hereby permitted shall not come into use until the following highway works, which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works, and the provision of one additional bus stop on The Village to entail one bus pole and Kassel kerbing, have been carried out in accordance with the details which shall have been previously submitted to and approved in writing by, the Local Planning Authority, or arrangements entered into which ensure the same.

Obscure glazing

17. Apartments 24 and 41 shall not be occupied until the bedroom windows on their western elevation have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to, and approved in writing by, the Local Planning Authority before the window are installed and once installed the obscured glazing shall be retained thereafter.

Compliance Conditions

18. No vegetation clearance, tree works or building demolition works shall take place between 1 March and 31 August inclusive in any year, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before the start of works.
19. Prior to the installation of any new lighting, a Lighting Design Plan shall be prepared, submitted to, and approved in writing by, the Local Planning Authority. Lighting shall be installed and implemented in accordance with the approved Lighting Design Plan.
20. All demolition and construction works and ancillary operations, including deliveries to, and despatch from, the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1300 hours
Not at all on Sundays, Bank Holidays or Public Holidays.
21. Each apartment hereby permitted shall be occupied only by:
 - (1) a person aged 65 years or older;
 - (2) persons aged 60 or older who are living as part of a single household with the above person in (1); or
 - (3) persons aged 60 years or older who were living as part of a single household with the person identified in (1) who has since died.

End of schedule

APPEARANCES

FOR THE APPELLANT:

Neil Cameron, of King's Counsel, instructed by Matthew Shellum MRTPI of Planning Issues

He called:

Nick Wood BA(Hons), DipArch, RIBA, ARB Design Manager, Planning Issues

Dominic Scott BA(Hons), Dip Landscape Architecture, MLI

Urban Design Director, Stantec

Kim Hammonds BA(Hons), MSc, CTPP

Principal Transport Planner,
Paul Basham Associates Limited

Matthew Shellum BA(Hons), DipTP, MRTPI

Planning Director and Head of Appeals,
Planning Issues

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson, of Counsel instructed by the solicitor to the City of York Council

He called:

Erik Matthews BSc (Hons), PGDipTP

Development Management Officer,
York City Council

Helene Vergereau LLM, PGDip

Traffic and Highway Development Manager,
York City Council

Present for the planning obligations session:

Stephanie Porter

Humber and North Yorkshire Integrated Care
Board

Paul Ramskill

Community Sports Development Manager,
York City Council

FOR WIGGINTON PARISH COUNCIL, RULE 6 PARTY:

Karin de Vries MA

Clerk to Wigginton Parish Council

FOR WIGGINTON COMMUNITY GROUP, RULE 6 PARTY:

Paul Clays

Guy Morgan

Kim Watson

INTERESTED PARTIES:

Councillor John Gates	Local resident and Chairman of Wigginton Parish Council
Granville Heptonstall BA, MA	Wigginton Community Group
Steve Holt	Wigginton Community Group
Linda Pepper	Wigginton Community Group and also on behalf of Michael Richardson

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID.01 Front cover and entry 739 from The Buildings of England Yorkshire: The North Riding by Jane Grenville and Nikolaus Pevsner, April 2023.
- ID.02 Coloured extract from OS sheet CLVII.NW showing Wigginton, surveyed 1891, published 1895.
- ID.03 Appeal Decision APP/L3245/W/22/3303317, 17 New Street, Wem SY4 5AE, dated 31 March 2023.
- ID.04 Opening Statement on behalf of the Appellant.
- ID.05 Opening Statement on behalf of the Local Planning Authority.
- ID.06 Opening Statement on behalf of Wigginton Parish Council.
- ID.07 Opening Statement on behalf of the Wigginton Community Group.
- ID.08 Granville Heptonstall's statement based upon CD11.25.
- ID.09 Revised Site Plan from the Design, Access and Sustainability Statement Addendum, Bishopthorpe Road, Planning application reference 20/02517/FULM.
- ID.10 Site Plan of Proposed Retirement Living Development, Crookham Road, Fleet. Appeal decision APP/N1730/W/20/3261194, 14 May 2021.
- ID.11 Cllr John Gates' statement.
- ID.12 Website extract, York Civic Trust, York's Heritage at Risk, suggestions so far, dated 24.05.2023.
- ID.13 Illustration of the extent of Haxby Conservation Area description and map.
- ID.14 Letter from Cheshire East Council, dated 15 May 2023 regarding appeal reference APP/R0660/W/23/3317173, 17 & 19 Holly Road South, Wilmslow.
- ID.15 Revised s106 planning agreement, dated 25 May 2023.
- ID.16 Revised CIL Compliance Statement, dated 25 May 2023.
- ID.17 Further Revised CIL Compliance Statement, dated 30 May 2023.
- ID.18 Closing Submission on behalf of the Wigginton Community Group.

ID.19 Closing Submission on behalf of Wigginton Parish Council.

ID.20 Closing Submission on behalf of the Local Planning Authority.

ID.21 Closing Submission on behalf of the Appellant.

ID.22 Letter from York Civic Trust to Wigginton Parish Council, dated 31 May 2023.

ID.23 Appellant's written agreement to the suggested and discussed pre-commencement conditions, received 31 May 2023.

Submitted after the end of the Inquiry:

ID.24 Signed and Executed s106 planning obligation, dated 13 June 2023.