
PLANNING STATEMENT

FORMER POLICE STATION, 133 WINDMILL STREET,
GRAVESEND, DA12 1DB

Demolition of the boundary wall and the erection of 75 Retirement Living apartments for older people (comprising 47 no. 1-bed and 28 no. 2-beds) including communal facilities, access, car parking and landscaping.

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TOWN PLANNING AND ARCHITECTURE

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Appendix A – Appeal Decision Former Fleet Police Station, 13 Crookham Road, Fleet (APP/N1730/W/20/3261194) (May 2021)

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

EXECUTIVE SUMMARY

- I. This Planning Statement has been prepared in support of a detailed planning application to redevelop the site for 75 retirement living apartments (comprising 47no. one-bedroom apartments and 28 no. two-bedroom apartments) including communal facilities, access, car 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 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*.
- IV. The site is in a highly sustainable location immediately adjacent to Gravesend town centre and the shops, services and public transport facilities located therein. Substantial weight should be given to delivering development in a highly sustainable location.
- V. Gravesham Borough Council failed to meet the 75% threshold in the Housing Delivery Test in January 2022 and is also unable to provide sufficient land to meet its 5-year housing land supply, Paragraph 11(d) of the NPPF is therefore engaged and significant weight should be given to the delivery of housing in the planning balance.
- VI. The site was formerly a police station that was vacated in 2008, with the building demolished in 2016.
- VII. The site is a longstanding regeneration opportunity specifically referenced in CS05: *Gravesend Town Centre Opportunity Area* of the Core Strategy (2014).
- VIII. The site has an extensive planning history detailing for the comprehensive redevelopment, with permission granted for a 86-unit scheme (App Ref: 20120590) and resolution to grant permission issued for a 99-unit scheme (App Ref: 20161205).
- IX. The cost of implementing the courtyard-led design of the historic proposals has however impeded delivery and the historic proposals have not come forward accordingly.
- X. The scheme has been designed to reflect the character and scale of the surrounding area whilst making efficient use of this sustainable brownfield site. Moderate weight should be afforded to the efficient use of land as required by para 124 of the NPPF.
- XI. Unlike, historic proposals for the site the design is deliverable, utilising a more efficient 'T-block' layout which also improves the amenity of neighbouring properties.
- XII. The provision of retirement housing releases under occupied family homes back into the housing market. This should be afforded significant weight in the determination of the application.

- XIII. There are numerous economic, social and environmental benefits associated with the application. These should respectively be afforded substantial and moderate weight in the determination of the application.
- XIV. The scheme is considered to meet the requirements of the development plan when read as a whole. Paragraph 11c of the NPPF provides that proposal which accord with the development plan should be approved without delay.

1. INTRODUCTION

- 1.1.1 This Planning Statement has been prepared by Planning Issues Limited, on behalf of Churchill Retirement Living, in support of a detailed planning application for the proposed retirement living development on the site of the former Police Station, 133 Windmill Street, Gravesend, DA12 1DB.
- 1.1.2 The proposal is to redevelop the site for 75 retirement living apartments (comprising 47 no. one-bedroom apartments and 28 no. two-bedroom apartments) including communal facilities, access, car parking and landscaping.
- 1.1.3 This Statement accompanies a detailed planning application. It should be read in conjunction with the following supporting Reports and Plans:

Forms & Reports	
Name	Author
Application Form & Certificate B	Planning Issues Ltd
Design & Access Statement	Planning Issues Ltd.
Planning Statement	Planning Issues Ltd
Arboricultural Impact Assessment & Method Statement	Barrells
Ecological Assessment (incorporating BNG calculation)	Tyler Grange
Heritage Statement	Ecus Ltd.
Archaeological Desk Based Assessment	Ecus Ltd.
Transport Statement	AWP
Flood Risk & Drainage Technical Note	AWP
Statement of Community Involvement	DevComms
Economic Benefits Infographic	Lichfields
Supporting Employment Evidence	Lichfields
Noise Impact Assessment	24 acoustics
Ground Investigation Report	Crossfield Consulting
Air Quality Assessment	Air Quality Consultants

Proposed Plans			
Name	Drawing no.	Scale	Author
Site Location Plan	2008SGD_PL_012	1:1250 at A1	Planning Issues Ltd.
Site Plan	2008SGD_PL_001	1:200 at A1	Planning Issues Ltd.
Ground Floor Plan	2008SGD_PL_002	1:100 at A1	Planning Issues Ltd.
First Floor Plan	2008SGD_PL_003	1:100 at A1	Planning Issues Ltd.
Second Floor Plan	2008SGD_PL_004	1:100 at A1	Planning Issues Ltd.
Third Floor Plan	2008SGD_PL_005	1:100 at A1	Planning Issues Ltd
Fourth Floor Plan	2008SGD_PL_006	1:100 at A1	Planning Issues Ltd
Roof Plan	2008SGD_PL_007	1:100 at A1	Planning Issues Ltd
East Elevation	2008SGD_PL_009	1:200 & 1:100 at A1	Planning Issues Ltd
North & South Elevation	2008SGD_PL_010	1:100 at A1	Planning Issues Ltd
West Elevation	2008SGD_PL_011	1:100 at A1	Planning Issues Ltd
Topographic Survey Sheet	SU-01	1:200 at A0	D&H Surveys
Preliminary Drainage Layout	01-PDL-1001-A	1:200 at A1	AWP
Tree Protection Plan	21203-2	1:250 at A1	Barrells
Landscape Strategy	JBA 22-022 - SK02	1:200 at A1	JBA

- 1.1.4 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.

Gravesham Borough Council

2. THE APPLICANT

2.1.1 The Applicant has specialised in the provision of purpose-built retirement living apartments for older people since 1998 and has delivered schemes throughout England and Wales.

2.1.2 The housing 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 through the provision of communal facilities in particular the owner's lounge, coffee bar and gardens.

2.1.3 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.”

2.1.4 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' televisions in their apartments.
- An internal owners' lounge is provided for use by all residents and their guests.
- 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 stored and charged.
- A communal refuse store.

2.1.5 The apartments 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. It is suggested that this is secured by the following planning 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 old) 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 who has since died; or*
- *Any other individual expressly agreed in writing by the Local Planning Authority.*

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

3. BENEFITS OF RETIREMENT LIVING

- 3.1.1 Older peoples housing produces a large number of significant benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities – not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. This leads to a far more efficient and effective use of public resources.

3.2 Economic

- 3.2.1 The report *'Healthier and Happier'* by WPI Strategy for Homes for Later Living explored the significant savings that Government and individuals could expect to make if more older people in the UK could access this type of housing. The research also looked at maximising independence and increasing social interaction – homes for later living can significantly improve the wellbeing of older people. The analysis showed that:

'Each person living in a home for later living enjoys a reduced risk of health challenges, contributing to fiscal savings to the NHS and social care services of approximately £3,500 per year.'

Building 30,000 more retirement housing dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year.

On a selection of national well-being 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 to housing specially designed for later living.'

- 3.2.2 Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year (*Homes for Later Living September 2019*). More detail on these financial savings is set out within the report.
- 3.2.3 With 75 units proposed, at a ratio of 1.3 people per apartment, there will be around 97 occupants. At a saving of £3,500 each per year, this equates to a saving of £339,000 per year in local NHS and social care costs, in comparison to mainstream housing. This is a significant economic benefit
- 3.2.4 A recent report entitled *Silver Saviours for the High Street* (February 2021) found that retirement properties create more local economic value and more local jobs than any other type of residential development. For an average 45-unit retirement scheme, the residents generate £550,000 of spending a year, £347,000 of which is spent on the high street, directly contributing to keeping local shops open.
- 3.2.5 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.
- 3.2.6 The economic benefits delivered by the scheme as calculated by Lichfields include:
- 59 construction jobs
 - 66 supply chain jobs
 - The equivalent of 6 fulltime jobs for the development
 - £1.3 million in resident expenditure on the local high street

- 3.2.7 Older peoples housing also helps to address a common and growing problem experienced by many local authorities by releasing housing onto the general market which is currently under-occupied; help to maximize urban previously developed land which helps to reduce pressure for development on more sensitive sites in greenfield locations; help to discourage the use of private vehicles by being located within highly sustainable locations in relation to town centres and public transport routes; and introduce a neighbourly use of the sites, which as a result can add to the vitality and vibrancy of district/town centres
- 3.2.8 Substantial weight should be afforded to these economic benefits.

3.3 Social

- 3.3.1 Retirement housing gives rise to many social benefits:
- 3.3.2 Specifically designed housing for older people offers significant opportunities to enable 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
- 3.3.3 Retirement housing helps 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.
- 3.3.4 Churchill developments offer a formal coffee morning as well as a number of informal coffee gatherings. Residents often organise bridge clubs, gardening clubs and weekly film nights in the communal lounge. There are also group trips into the town centre for coffee and shopping. Churchill also organise a number of events each year such as summer garden parties, cheese and wine nights, musical nights with tribute acts.
- 3.3.5 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.
- 3.3.6 The requirement of the NPPF at paragraph 91 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.
- 3.3.7 Substantial weight should be afforded to these social benefits.

3.4 Environmental

3.4.1 The proposal provides a number of key environmental benefits by:

- Making more efficient use of land thereby reducing the need to use limited land resources for housing.
- Providing housing in close proximity to services and shops which can be easily accessed on foot thereby reducing the need for travel by means which consume energy and create emissions.
- Providing shared facilities for a large number of residents in a single building which makes more efficient use of material and energy resources.
- The proposal includes renewable technology through the use of solar panels to assist in the reduction of CO₂ emissions.
- All areas of the building will be lit using low energy lighting and where applicable utilise daylight and movement sensor controls.

3.4.2 It is therefore considered that there are significant benefits that arise from a retirement housing development that will benefit the local community.

3.4.3 **Moderate weight** should be afforded to these environmental benefits.

3.4.4 Overall, there are significant benefits associated with the proposed development. It is considered that the scheme complies with the principles of sustainable development in accordance with the NPPF.

4. OLDER PERSONS HOUSING NEED

4.1 National Need for Retirement Living

- 4.1.1 It is well documented that the UK faces an ageing population. Life expectancy is greater than it used to be and 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).
- 4.1.2 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. The *Homes for Later Living Report* notes the need to deliver **30,000 retirement and extra care houses a year** in the UK to keep pace with demand (September 2019).
- 4.1.3 Currently in the UK, we build around 8,000 retirement properties a year. This is despite the PPG setting out that the need to provide housing for older people is 'critical'. This is distinctly below the level of demand and need.
- 4.1.4 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 'upscale' 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**.
- 4.1.5 A recent report by Knight Frank acknowledges that whilst there is an increase in the number 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. A step change in new delivery is required if the huge imbalance between need and supply is to be addressed.
- 4.1.6 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.
- 4.1.7 More recently, in the House of Lords Built Environment Committee (published 10th January 2022) '*Meeting House Demands*' paragraph 90-91 communicates '*There will need to be a mix of more suitable, accessible 'mainstream' housing and specialist housing for the elderly if the housing market is to be sustainable in the coming years as the population ages... Little progress has been made on housing for the elderly, a more focussed approach is needed*'. This presents a contemporary and rising need for a greater focus on Older Persons Housing.

4.2 Local Need for Retirement Living Housing

- 4.2.1 The age profile of the population can be drawn from the 2018 population projections from the Office for National Statistics. This advises that Gravesham Council area had 18,450 persons aged 65 and over in 2018, accounting for 17% of the total population. This demographic is however projected to increase by 6,354 individuals, or 34%, to 24,804 persons by 2043. The population aged 65 and over is expected to increase to account for 22% of the total population of the Borough by 2043.
- 4.2.2 Notably however the number of individuals aged 80 and over, who are generally more likely to be frail and in need of long-term assistance, is expected to increase more sharply over the same period. In 2018 there were 5,237 persons aged 80 and over. The number of people in this age range is forecasted to increase by 2,903 individuals, or 55%, to 8,140 persons between 2018 and 2043.

2018-based subnational population projections				
Table 2: Local authorities and higher administrative areas within England				
5 year age groups, Persons				
Figures in units (to one decimal place)				
CODE	AREA	AGE GROUP	2018	2043
E07000109	Gravesham	10-14	6,906	6,707
E07000109	Gravesham	15-19	6,134	6,530
E07000109	Gravesham	20-24	5,502	5,261
E07000109	Gravesham	25-29	6,641	6,180
E07000109	Gravesham	30-34	7,227	6,804
E07000109	Gravesham	35-39	7,010	6,623
E07000109	Gravesham	40-44	6,530	6,386
E07000109	Gravesham	45-49	7,635	7,048
E07000109	Gravesham	50-54	7,474	7,562
E07000109	Gravesham	55-59	6,943	7,390
E07000109	Gravesham	60-64	5,544	6,800
E07000109	Gravesham	65-69	4,943	5,738
E07000109	Gravesham	70-74	4,815	5,767
E07000109	Gravesham	75-79	3,455	5,159
E07000109	Gravesham	80-84	2,754	4,110
E07000109	Gravesham	85-89	1,620	2,471
E07000109	Gravesham	90+	863	1,559
E07000109	Gravesham	All ages	106,385	111,743

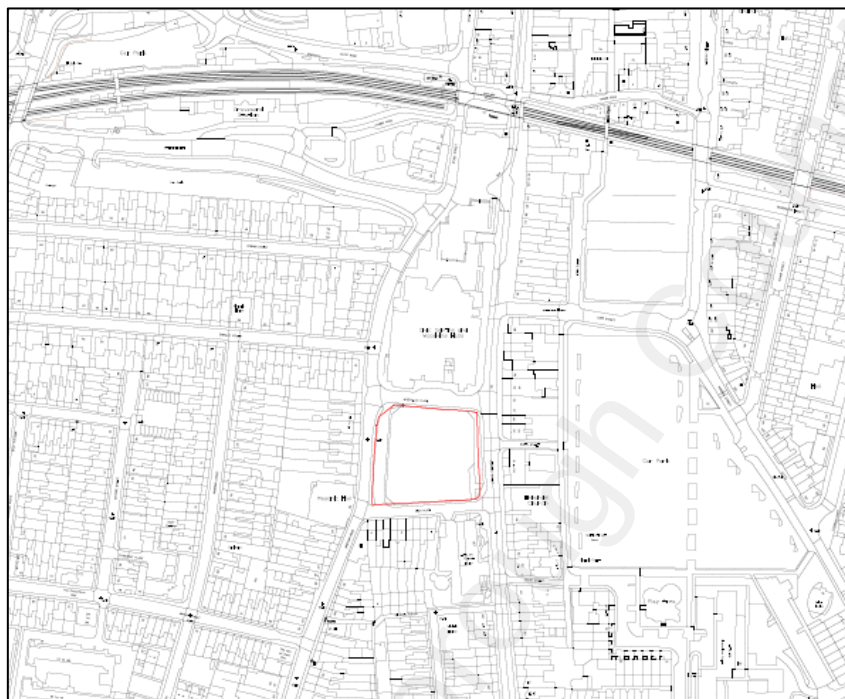
Excerpt from the ONS Population Projections (2018)

- 4.2.3 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.” From all of the above it can be concluded that there is a need for retirement living apartments in Gravesham Borough. The proposed development would provide these much-needed older people homes.
- 4.2.4 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 this scheme in delivering older people's housing against the identified needs must be given substantial weight in the determination of this application.**

5. SITE AND SURROUNDS

5.1 Site Location

- 5.1.1 The site is located within the settlement boundary of Gravesend, the principal town of Gravesham Borough.



Site Location

- 5.1.2 The site is immediately to the south of Gravesend Town Centre and the shops, services and public transport facilities located therein.

Local Amenity	Address	Distance (miles)	Distance (kilometres)
Foodstore	Windmill Local, 60-61 Windmill Street	0.03	0.05
Post Office	Gravesend Post Office, Kempthorne Street	0.37	0.6
GP Surgery	Parrock Street Surgery, 185 Parrock Street	0.2	0.35
Pharmacy	Regent Pharmacies, Windmill Street	0.09	0.15
Train Station	Gravesend Station, Rathmore Road	0.15	0.25
Bus Station	Barrack Row	0.2	0.4

Above: Distance from key Local Amenities

- 5.1.3 The site is highly accessible by public transport with a bus station located on Barrack Row / Clive Road circa 400 metres to the north-west of the site. These provide frequent services to key locations including Sevenoaks, Dartford and Bluewater
- 5.1.4 Gravesend Train Station is located 250m to the north of the site and provides links to the national rail network.

5.2 Site Description

- 5.2.1 The site is circa 0.36 hectares in area and is broadly square in shape. There is a decrease in gradient as you move south to north on Windmill Street of approximately 1 metre, however this is more pronounced adjacent to the Woodville Place access which was historically used for basement parking and is broadly 2 metres lower than the remainder of the site.
- 5.2.2 The land comprises the site of the former police offices, a large, six-storey brutalist building. The building was vacated in 2008, when services were relocated to the new £30 million North Kent Police headquarters. The former police station building was demolished in 2016, and the site is largely cleared save for the high, brick perimeter walls.
- 5.2.3 The existing vehicular and pedestrian access is off Woodville Place to the north of the site. This is ramped and leads to the former basement parking area that served the former police station.
- 5.2.4 The site is entirely covered by hardstanding and vegetation is limited to sparse ephemeral plant species that have populated the site following demolition. There are three London plane trees adjacent to the eastern boundary of the site on Windmill Street and a further 8 trees on the site's western boundary on Wrotham Road.



Above: Site Photos

5.3 Planning History

- 5.3.1 The site is a longstanding regeneration opportunity for the Authority and has an extensive planning history detailing proposals for the comprehensive redevelopment of the site accordingly. Relevant applications are detailed in the table below:

Ref. No.	Description	Status
20080096	Application for Conservation Area consent for the demolition of the police station.	Granted 27.03.2008
20080095	Demolition of police station and erection of 4 buildings, 4-6 storeys providing 86 flats (30 x 1- bed, 48 x 2-bed and 8 x 3-bed) with 923m ² of commercial floorspace and 98 basement parking spaces and cycle stores.	Granted 30.04.2008
20090409	Demolition of police station and erection of 4 buildings, 4-6 storeys providing 86 flats (30 x 1- bed, 48 x 2-bed and 8 x 3-bed) with 923m ² of commercial floorspace and 98 basement parking spaces and cycle stores.	Granted 13.08.2009
20120590	Application for renewal of planning permission reference number 20090409.	Granted 13.11.2013
20130177	Application for Conservation Area Consent for the demolition of the buildings on site.	Granted 21.08.2013
20161205	The proposed erection of a 4-6 storey building with 7 th storey penthouse, providing 99 flats, (41 x 1-beds, 50 x 2-bed flats and 8 x 3-beds) with 816.5m ² of commercial floorspace and 86 car parking spaces, 5 motorcycle and 90 cycles spaces in the basement.	Pending

- 5.3.2 The application for 86 units (App Ref: 20120590) has been implemented through the demolition of the buildings on site and is considered extant accordingly.
- 5.3.3 The application for 99 units (App Ref: 20161206) achieved resolution to grant planning permission at Committee in April 2018. The corresponding legal agreements were not taken forward by the applicant and have remained unsigned for 4 years.
- 5.3.4 Despite the site benefiting from several implemental planning permissions for over a decade, development has not been forthcoming. It is self-evident that there are issues with the deliverability of the historic proposals on site which is addressed more comprehensively in [Chapter 11](#).

6. THE PROPOSED DEVELOPMENT

- 6.1.1 The proposal is to redevelop the site for 75 retirement living apartments (comprising 47no. one-bedroom apartments and 28 no. two-bedroom apartments) including communal facilities, access, car parking and landscaping.
- 6.1.2 The site retains the vehicular access off Woodville Place, a short distance from the services and amenities located circa 350 metres to the north on New Street / King Street. The proposed development provides 25 car parking spaces for the retirement living apartments. An internal mobility scooter store is provided to the north of the building, close to the Woodville Place access.
- 6.1.3 The owner's lounge is located to the west of the site with a communal terrace, there is a landscaped communal garden area to the south of the site as well as some additional amenity space to the site's eastern and western boundaries.
- 6.1.4 Further details of the proposed development can be found in the **Design and Access Statement** and Chapter 10 of this Statement

7. PLANNING POLICY FRAMEWORK

- 7.1.1 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.

7.2 National Planning Policy Framework (2021)

- 7.2.1 The revised National Planning Policy Framework was updated on 20th July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised NPPF replaces the previous National Planning Policy Framework published in March 2012 and revised in July 2018 and February 2019.
- 7.2.2 Paragraph 8 of the revised NPPF highlights three dimensions to sustainable development being economic, social and environmental objectives.
- 7.2.3 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*
- 7.2.4 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 a longer period has been agreed by the applicant in writing.
- 7.2.5 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."*
- 7.2.6 The revised NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, and type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including older people.
- 7.2.7 Paragraph 69 of the revised NPPF acknowledges that small and medium sized sites make an important contribution to meeting the 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.

- 7.2.8 The revised NPPF identifies at Paragraph 120(c) that substantial weight should be given to the use of suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 7.2.9 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.*
- 7.2.10 Relating to design, Paragraph 130 of the revised NPPF acknowledges that 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 discouraging appropriate innovation or change (such as increased densities).*
 - d) *Establish or maintain a strong sense of place, using the arrangements 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 and support local facilities and transport networks.*
 - f) *Create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder do not undermine the quality of life or community cohesion and resilience.*
- 7.2.11 In respect of heritage, the revised NPPF identifies in Paragraph 194 that in determining applications, local planning authorities should require an application to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 7.2.12 Also, the revised NPPF acknowledges in Paragraph 197 in determining applications, local planning authorities should take account of:

- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*
 - b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*
 - c) *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 7.2.13 Furthermore, Paragraph 202 from the revised NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.
- 7.2.14 Additionally, the revised NPPF Paragraph 203 acknowledges the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly and indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.2.15 Consequently, the overriding message in the NPPF is one of sustainable development.

7.3 Planning Practice Guidance

- 7.3.1 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.
- 7.3.2 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001 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).
- 7.3.3 Paragraph 003 recognises that *“the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.”* Thus a range of provision needs to be planned for.
- 7.3.4 Paragraph 006 sets out *“plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.”* Therefore, recognising that housing for older people has its own requirements and cannot be successfully considered against criteria for general family housing.

- 7.3.5 Paragraph: 016 sets out that “Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people”. It goes on to clearly state: “**Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need**” (emphasis added).

7.4 Development Plan

- 7.4.1 The Development Plan comprises of the [Gravesham Core Strategy](#) (2014) and the ‘saved policies’ of the [Gravesham Local Plan Review](#) (1994). The emerging [Site Allocations and Development Management Plan](#) is mid-way through preparation and is unlikely to be adopted prior to 2023

Gravesham Core Strategy (2014)

- ❖ CS01: Sustainable Development
- ❖ CS02: Scale & Distribution of Development
- ❖ CS05: Gravesend Town Centre Opportunity Area
- ❖ CS07: Economy, Employment & Skills
- ❖ CS08: Retail, Leisure and Hierarchy of Centres
- ❖ CS10: Physical & Social Infrastructure
- ❖ CS11: Transport
- ❖ CS13: Green space, Sport & Recreation
- ❖ CS14: Housing Type & Density
- ❖ CS15: Housing Density
- ❖ CS16 Affordable Housing
- ❖ CS18: Climate Change
- ❖ CS19: Development & Design Principles
- ❖ CS20: Heritage & The Historic Environment

Gravesham Local Plan First Review (1994)

- ❖ P3: Vehicle Parking Standards
- ❖ T1: Impact of Development on Highway Network
- ❖ T2: Channelling Traffic onto the Primary and District Distributor Network
- ❖ T3: Development not well related to the Primary and District Distributor Network
- ❖ TC2: Listed Buildings
- ❖ TC3: Development Affecting Conservation Areas
- ❖ LT6: Additional Open Space in New Housing Development

Supplementary Planning Documents

- 7.4.2 The proposal will also give due consideration to the following Supplementary Planning Documents (SPD):
- ❖ Kent Design Guide (2021)
 - ❖ Residential Layout Guidelines (2020) including Housing Standards Policy Statement (2015)
 - ❖ Kent County Council Parking Standards (2006)
 - ❖ Upper Windmill Street Conservation Area Character Appraisal (2009)

8. PLANNING CONSIDERATIONS

8.1 Principle of Development

8.1.1 *Policy CS01: Sustainable Development* states that the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF. As Gravesham Borough Council has a shortfall in housing delivery and housing land supply (See [Chapter 9](#)) Paragraph 11(d) of the NPPF is engaged and **significant weight should be given to the delivery of housing in the planning balance**

8.1.2 *Policy CS02: Scale & Distribution of Development* states that 6,178 new dwellings will need to be delivered by 2028. New development will be focused in the identified Opportunity Areas with the policy stating that

The strategy prioritises development in the urban area as a sustainable location for development. This will be achieved by:

Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.

8.1.3 This reflects the guidance in the NPPF that decision makers should give **substantial weight to the value of using suitable brownfield land within settlements** (para 120c). In addition, paragraph 123 sets out that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs. The

8.1.4 It is located within the South of Town Centre sub-area of the Gravesend Town Centre Opportunity Area, just outside of the town centre boundary. The site is specifically referenced in the supporting text to *Policy CS05: Gravesend Town Centre Opportunity Area* which advises that 'The former Police Station on Windmill Street is vacant. The council considers that this site is suitable for a range of town centre uses including a significant component of residential development. Active commercial uses should occupy the ground floor to complement The Woodville to the north and existing business uses on the east side of Windmill Street. The site currently has an outstanding planning permission for redevelopment to provide residential uses on the upper floors and shops/financial and professional services/business/non-residential institutions (use classes A1/A2/B1/D1) on the ground floor.' The site is a **longstanding regeneration opportunity for the Authority and significant weight should be given to its delivery accordingly.**

8.1.5 The Council's preference for the delivery of ground floor commercial uses is supported by *CS07: Economy, Employment & Skills* and *Policy CS08: Retail, Leisure and Hierarchy of Centres* which looks to increase the delivery of office and commercial floorspace in Gravesend town centre.

8.1.6 A supporting **Employment Evidence** report by Lichfields concludes however that there is limited demand for new commercial or office space in Gravesend town centre. While some ground floor commercial uses were put forward in historic applications, we do not consider that there is a reasonable basis for the speculative delivery of new commercial floorspace on the site. This is one aspect of the historic consents which is impeding redevelopment of the site (See [Chapter 11](#)).

8.1.7 *Policy CS10: Physical and Social Infrastructure* advises that new development that enhances social infrastructure or that improves community well-being will be supported. The benefits of retirement living apartments to the wider community are

well established (See [Chapter 3](#)). The proposal enjoys the support of this policy accordingly.

- 8.1.8 *Policy CS11: Transport* advises that new development should look to mitigate its impact on the highway network. The proposal is in a highly sustainable location close to Gravesend town centre and near public transport facilities (see [Chapter 5.1](#)) and will reduce reliance on private cars, which is a key characteristic of retirement living apartments. A Transport Assessment has been submitted with the application which demonstrates that there will be no detrimental impact on the highway network and that the level of parking provision is appropriate.
- 8.1.9 *Policy CS13: Green Space, Sport & Recreation* advises that appropriate provision should be made greenspace, sport pitch and other sports facilities in new development. The site is not considered to be an appropriate size to deliver such facilities on-site and this was not a requirement in historic proposals for the site (see [Chapter 5.3](#)).
- 8.1.10 *Policy CS14: Housing Type and Size* advises that ‘*Sheltered housing and extra care housing for people with special needs will be supported on suitable sites in areas with access to a range of services that provided for the needs of future occupants.*’ The critical need for specialist older persons’ housing in Gravesham has been established in this Statement (See [Chapter 4.2](#)) as has the sustainable edge-of-centre location (See [Chapter 5.1](#)) and high-quality design (See [Chapter 10](#)). The proposal therefore enjoys the support of this Policy.
- 8.1.11 *Policy CS15: Housing Density* advises that the density of new housing on each site will be informed by numerous criteria. The proposal provides 75 units on a 0.38ha site with a resultant density of 208 dwellings per hectare and significantly exceeds the minimum density of 40dph required in policy. It is noted however that the higher densities will be sought in Gravesend Town Centre, and we note Officer’s pre-application advice that it must that efficient use must be made of the site. While we appreciate that designs for 85 and 99 units have historically been established as acceptable historically (See [Chapter 5.3](#)) these designs are self-evidently undeliverable (See [Chapter 11](#)). The density of housing delivered on the site is acceptable accordingly.
- 8.1.12 *Policy CS16: Affordable Housing* states that it will seek a 30% affordable housing contribution from all housing schemes over 15 units and over in urban areas. A **Financial Viability Appraisal** has been submitted as part of this application.
- 8.1.13 *Policy CS19: Development and Design Principles* states that the Council requires a good quality of design for all new buildings. The design approach is considered to accord wholly with these design standards and further details are provided in [Chapter 10](#) and the **Design & Access Statement**.
- 8.1.14 The site sits within the Upper Windmill Street Conservation and has several Listed buildings in the local vicinity. *Policy CS20 – Heritage and the Historic Environment* states that ‘*The Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource central to the regeneration of the area and the reinforcement of sense of place.*’
- 8.1.15 The site has been vacant since 2008 with the buildings on site demolished in 2016. It is currently an eyesore and negatively impacts the setting of the nearby heritage assets.

- 8.1.16 A **Heritage Statement** and **Archaeological Desk Based Assessment** have been submitted with the application and conclude that the site does not harm nearby heritage assets.
- 8.1.17 In conclusion, proposed development accords with Local Development Plan policy and the principal of development is considered acceptable accordingly. Planning permission should therefore be granted without delay.

9. HOUSING DELIVERY

9.1 Housing Land Supply & Housing Delivery

- 9.1.1 There is a significant national drive to increase housing delivery. Para 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.
- 9.1.2 The planning system has a clear role in ensuring it delivers homes where they are most needed. As set out in para 119 of the NPPF this means **making as much use as possible of previously developed land**. 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.
- 9.1.3 The Council's most recent published [Five Year Housing Land Supply Statement 2020-25](#) (2021) states the Council could demonstrate a 3.27 year housing land supply.
- 9.1.4 The latest Housing Delivery Test for 2021 (published January 2022) shows that Gravesham's housing delivery over the last three years has fallen below the 75% threshold (59%). The presumption in favour of sustainable development therefore now applies.
- 9.1.5 As a result of the shortfall in housing delivery and housing land supply, Paragraph 11(d) of the NPPF is engaged and **significant weight should be given to the delivery of housing in the planning balance**. Planning consent should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.2 Deliverability

- 9.2.1 Churchill Retirement Living's business model is such that they do not landbank, in part due to the Company's culture and ambitions, but also because its financial model does not support it. Churchill only receives funding from its lenders if a site is under construction, or if construction is imminent, and land-banking would accrue significant interest costs accordingly.
- 9.2.2 Unlike 'general needs' housing, retirement living developments cannot be phased. To better facilitate independence in later life, it is critical that developments can provide safe, level, internal access to communal facilities. This necessitates a single building footprint and ensures that development cannot be delivered in phases.
- 9.2.3 The applicant's track record demonstrates the expedient delivery of planning permissions. The table below provides an overview of their most recent planning permissions in Kent and demonstrates that they look to begin construction at the earliest opportunity, usually within 6 months of permission being granted. Construction usually takes between 12 and 24-months dependant on the size of the development.

Site	Planning Consent	Land purchase completed	Construction start	First Occupation actual / forecast	Construction Complete actual / forecast	Comment
Orpington	Jun-19	Jun-19	Jan-21	Jan-22	Mar-22	Construction delayed due to COVID, now build complete and first occupations.
Tattenham Corner	Jul-18	Jun-19	Feb-20	Jan-22	Mar-22	Construction delayed due to COVID, now build complete and first occupations.
Rainham	May-21	May-21	Oct-21	Apr-23	Jul-23	Under construction
Swanley	Jun-21	May-21	Sep-21	Sep-22	Nov-22	Under construction
Oxted	Jul-21	Apr-21	Nov-21	Dec-22	Feb-23	Under construction
Paddock Wood	Dec-20	Jun-21	Nov-21	Nov-22	Jan-23	Under construction - Note 6 month period between planning granted and vacant possession

Above: Table showing Churchill Retirement Living's recent delivery in Kent.

- 9.2.4 In respect of the Gravesend opportunity, this is a large build of some complexity and as such we estimate that it will take 105 weeks (2 years) to complete once construction has started. If planning permission was to be granted this year, then we would anticipate works on site would start in Winter 2022 / Spring 2023 with all 75 units completed by Winter 2024 / Spring 2025.
- 9.2.5 **The proposed development of retirement living housing, 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.**

10. DESIGN CONSIDERATIONS

10.1 Introduction

- 10.1.1 This section looks to review the proposal against the local context, scale, massing, and appearance.
- 10.1.2 The *National Design Guide* illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Guide sets out ten characteristics of well-designed places which elaborate on the themes of good design set out in the NPPF. The National Design Guide lends some objectivity to the inherently subjective issue of 'good design', with Paragraph 64 stating that:
- "Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context."*
- 10.1.3 The PPG clarifies that the National Design Guide does not attempt to establish a 'one-size fits-all' approach to design for the whole Country, rather it encourages the preparation of Local Design Guides.
- 10.1.4 *Policy CS19: Development & Design Principles* of the Gravesham Core Strategy set out a range of criteria that new development must meet. Further detail is provided in the guidance and policies in the Kent Design Guide which have also been duly considered as part of our proposals.

10.2 Siting, Layout and Relationship to surroundings

- 10.2.1 The development potential of the site was assessed with several configurations considered. The evolution of the design is detailed in Section 4 of the supporting **Design and Access Statement**.
- 10.2.2 As a response to the site constraints and opportunities, a 'T'-shaped building footprint is proposed. The proposed development is divided into two parts, the principal elevation fronting Windmill Street to the east with secondary block connected and positioned at 90 degrees to separate the site into two; car parking to the north and residents garden amenity space to the south, utilising the south-facing aspect.
- 10.2.3 This layout of the site has been amended in response to officer feedback that the proposal appeared car-led. In response, the number of parking courts has been reduced to one, accessed via Woodville Place, with undercroft parking retaining the number of parking spaces (25).
- 10.2.4 The former parking area off Zion Place is now proposed as a communal garden for the benefit of residents, again, addressing concerns raised by Officers at pre-application.
- 10.2.5 We note that Officers expressed a clear preference for the courtyard-led layout pursued by historic proposals, however this layout is not considered to be practical, or deliverable and is a point of disagreement with officers. This matter is addressed at length in [Chapter 11](#) of this Statement.

- 10.2.6 The proposed building layout constitutes a careful approach to the context of the site, with a balance of landscaping and private amenity space. The layout as proposed provides suitable access into the site, with private access for pedestrians directly onto Woodville Place and an appropriate provision of car parking.

10.3 Neighbour Amenity

- 10.3.1 The property is bounded on all sides by development with windows orientated towards the site from most neighbouring properties. While the surrounding properties are a mix of civic, commercial, and residential uses, Zion Place and Wrotham Road are however more residential in nature.
- 10.3.2 The surrounding roads are also relatively narrow with the distances to neighbouring properties from the perimeter of the site significantly under 20 metres in places. The greatest distance from the perimeter of the site is Windmill Street where there is circa 25 metres to adjacent properties.
- 10.3.3 The arrangement of the T-shaped block allows for good separation distances from the boundaries on all sides of the site. There will be a marked increase in the separation distances to the properties on Wrotham Road and Zion Place, offering clear betterment in privacy and amenity over historic proposals.
- 10.3.4 Professionally designed landscaped gardens around the entirety of the perimeter, helping to further mitigate any overlooking concerns. This incorporates tree planting on the boundaries increasing the level of screening between the properties (**see Landscape Strategy**). The scheme will not result in any detrimental impact on properties in terms of either privacy or outlook.

10.4 Scale, Height and Massing

- 10.4.1 The scale and design of the building has been strongly influenced by the existing character of the Upper Windmill Street Conservation Area.
- 10.4.2 The site's immediate surrounds are a mix of 2½ and 3 storey residential terraces to the east and west of the site, and the taller 6 storey Civic Centre and Cygnet House to the north and south respectively.
- 10.4.3 The built form is proposed to be four storeys plus roof accommodation with mansard roof and dormer windows. This massing allows for the development to sit comfortably between, and not compete with the 6-storey buildings north and south of which are both mentioned as local landmarks within the Upper Windmill St conservation area appraisal.
- 10.4.4 This proposal provides a mansard roof to utilise built mass and usable floor area in the most efficient manner around the entirety of the scheme, with varying eaves height to introduce elements of hierarchy and variation in roof profile. The use of dormers to the fifth/roof storey accommodation across all elevations has been aligned to the placement of windows below to maintain the classical symmetry and proportion as seen in the local context. Hierarchy through window sizing has also sought to mirror that of the context with larger openings on the lower storeys and smaller windows on the higher storeys.

- 10.4.5 Again, we note that pre-application advice highlighted that the Council had previously accepted up to 7 storeys in parts of the site and that a similar approach should be considered here.
- 10.4.6 Our concern is that, as build costs increase markedly with additional height, the costs of delivering the additional storeys would not be covered by uplift in sales values. The positioning of the penthouse apartments on the corner of Woodville Place and Windmill Street would not give a particularly attractive outlook and would be unlikely to command the sales premium of nearby waterfront properties. Additionally, the relative narrowness of the nearby streets does raise concerns over neighbouring amenity (See [Chapter 11](#)).
- 10.4.7 While we note that the additional recessed upper storeys in historic proposals would add variation to the roof heights, this would not be evident at street level.
- 10.4.8 It is strongly considered that the design and nature of the scheme, will create a building that integrates well into its surroundings. The proposed design approach is considered to be both more in keeping with the historic surroundings and, saliently, is more deliverable.

10.5 Density

- 10.5.1 The National Design Guide states at paragraph 62 that well-designed places have compact forms of development. At page 20 '*compact*' is defined as relatively high density and an urban layout.
- 10.5.2 The scheme has demonstrably addressed the constraints and opportunities of the site and had regard to the local context including heritage assets and their setting. The scheme proposes an urban, compact form of development that reflects the pattern and grain of Gravesend.
- 10.5.3 The numerical density is at 208 dwellings per hectare, a product of the character and nature of retirement living developments. This is appropriate for a site with good accessibility to the town centre which good access to local amenities.
- 10.5.4 Officers raised concerns over the reduction in the number of units when compared to historic proposals for the site. The additional units are however the results of a courtyard-led design that has proven to be undeliverable for more than a decade. While it is recognised and appreciated that proposed development should make effective use of a site, this must however be balanced against deliverability (See [Chapter 11](#) for more details).
- 10.5.5 The proposed development can be comfortably and appropriately accommodated on site without causing harm to amenity for existing and proposed residents and by meeting the required amenity standards.

10.6 Appearance and Materials

- 10.6.1 In response to the site's location within the Upper Windmill Street Conservation Area, and in keeping with surrounding historic townscape, the proposed accommodation has been designed to be traditional in terms of its elevational treatment and detailing. The architectural language of the accommodation block reflects the traditional Regency / Victorian terraces close to the site.
- 10.6.2 The principal frontage of the development along the east elevation has been sympathetically split into four main components, and subsequently into proportional

bays through arrangement of windows and minor breaks reinforced by drainpipes, to be of a comparable proportion and width to the two-bay character of other dwellings along Windmill Street.

- 10.6.3 Further articulation is provided using contrasting materials, such as different brick stocks and render. This both assists with reducing the appearance of overall mass and reflects the individual characterisation of terraces in the area. It is this variation which helps to assimilate and continue the varied pattern within the local context and aligns closely to the architecture of historic residential development in the immediate vicinity.
- 10.6.4 The proposed traditional elevational treatment and the use of local materials will result in a development that assimilates, rather than contrasts, with its neighbours. A more detailed analysis of the site, its context and the design response are provided in the **Design & Access Statement**.

10.7 Amenity Space

- 10.7.1 The applicant has considerable experience in delivering retirement living developments nationally and a subsequent clear understanding of the use and need for amenity space.
- 10.7.2 The experience of the applicant is that high quality amenity space is far more important than quantity. Residents use the space in a passive way. Active use of external amenity space tends to be relatively limited and mainly involves sitting out. Large, lawned areas are just not required.
- 10.7.3 In addition, there is the internal communal lounge and coffee bar. This is a highly valued space, where residents often meet and is useable all year round. Experience has shown that older people derive considerable pleasure and enjoyment from interacting with others as a community in the communal lounges and terraces. This is something residents chose to buy into when they purchase a property.
- 10.7.4 Notwithstanding this, the proposal provides a large amount of amenity space for the residents to enjoy with a landscaped garden and terrace to the east of the site. Ground floor apartments will have their own private patios and, where appropriate, balconies are provided to apartments.
- 10.7.5 A **Landscape Strategy** has been submitted in support of this application which shows that landscaping and planting that will be provided on the site. Native species will be used to enhance biodiversity. Borders are included with species chosen to add visual interest but also to encourage pollinators.
- 10.7.6 Overall, given the balance of achieving efficient use of land as set out in para 124 of the NPPF combined with a clear understand of the needs of the residents and the emphasis on high quality landscaping, it is strongly considered that the proposed amenity space will meet the needs of the residents.

11. Comparison with Historic Proposals

11.1 Pre-application

- 11.1.1 Churchill Retirement Living submitted a pre-application enquiry to Gravesham Borough Council on 23rd November 2021. A pre-application meeting was held on the 20th January 2022 with written advice issued on the 17th March 2022.
- 11.1.2 Officer feedback on our proposals has been carefully considered and several revisions to the design have been made in response to advice. Details on how the design has been amended to reflect these comments is provided in Chapter: 10 and the **Design & Access Statement**.
- 11.1.3 Regrettably however there is a significance difference of opinion on the matter of layout, with Officer's expressing a preference for the courtyard-led layout that characterised historic proposals on the site. These are namely the:
- ❖ App. Ref. 20120590 - 86 flats with 923m² commercial floorspace (hereafter referred to as 86-unit scheme).
 - ❖ App. Ref 20161205 – 99 flats with 816m² commercial floorspace (hereafter referred to as App. Ref. 20120590 the 99-unit scheme).
- 11.1.4 The pre-application written advice stipulates concern over the reduction in the amount of floorspace proposed stating that:
- 'The LPA would be concerned that a scheme of up to 75 flats does not make effective use of accommodating optimum levels of residential development. Furthermore, overall the enquiry application seeks what appears to be a 100 percent residential scheme for the over 60s. While in principle, a residential development would be acceptable at the site, it could be argued that a solely residential scheme in such close proximity to the town centre would not facilitate effective use of land, especially as the recent history indicates the site could accommodate more development in terms of the quantum of residential development proposed and associated mixed uses'.*
- 11.1.5 The pre-application advice from officers being the courtyard-layout that underpinned the design of the previous 86- and 99-unit schemes facilitates a higher level of development, and that correspondingly the T-block layout proposed underutilises the site. The proposed development would correspondingly not be in keeping with the principles of the NPPF as it does not make effective use of a brownfield site.
- 11.1.6 It is recognised and appreciated that proposed development should make effective use of a site, this must however be balanced against deliverability.
- 11.1.7 The site has been available for redevelopment since 2008 and has benefitted from a suite of a planning consents since 2009, it has however remained undelivered. Additionally, while the 99 units scheme achieved a resolution to grant at Committee in April 2018, the corresponding s106 has remained unsigned for nearly 4 years, and accordingly does not benefit from implementable consent.
- 11.1.8 It is therefore self-evident that the historic proposals for the site have substantial issues with deliverability, which is due to a significant number of inefficiencies in the design.

11.2 Build Costs

- 11.2.1 One of the principal issues with the historic courtyard-led design is that they are highly inefficient and build costs are prohibitive as a result.
- 11.2.2 The historic schemes all provide large basement carparking facilities to serve the development. Currently, the cost of building an underground car park, according to the BCIS database, is £978 per m². As the site is broadly 0.4 hectares in area and the proposed basement carpark extends across much of the site, the additional build cost for delivering this facility is estimated between £3-4million. Officers do acknowledge in the pre-application advice that the provision of an underground car park to serve the development is unlikely to be feasible.
- 11.2.3 Similarly, build costs increases with height and the BCIS cost of 6 storeys are circa £300 per m² more expensive than those of building at 5 storeys or under. While we appreciate that it could be argued this could be partially offset by a premium in sales values, the views offered at the site compare poorly with those of nearby waterfront properties. The uplift in sales values offered from increased building height will not overcome the additional build cost,
- 11.2.4 More fundamentally, the courtyard-led development layout is also inefficient in respect of the quantum of circulation space and supporting facilities required.

	86-unit scheme (20120590)	99-unit scheme (20161205)	Churchill Retirement Living Scheme
Lifts	10 lifts	10 lifts	2 lifts
Stair Cores	10	8	3
Refuse Areas	10	6	1
Parking Spaces	98	86	25

- 11.2.5 The build costs associated with delivering the courtyard-led design are prohibitive which have led to the site not coming forward for over a decade.
- 11.2.6 The Council's emphasis on making efficient use of the site must therefore be viewed in that context. There is no benefit in an undeliverable design approach, irrespective of the number of dwellings it can accommodate.

11.3 Commercial Units

- 11.3.1 The supporting text to *Policy CS05: Gravesend Town Centre Opportunity Area* specifically refers to the former police station and advises that:

"Council considers that this site is suitable for a range of town centre uses including a significant component of residential development. Active commercial uses should occupy the ground floor to complement The Woodville to the north and existing business uses on the east side of Windmill Street. The site currently has an outstanding planning permission for redevelopment to provide residential uses on the upper floors and shops/financial and professional services/business/non-residential institutions (use classes A1/A2/B1/D1) on the ground floor." (Para.4.6.28)

While historic proposals for the site have provided ground floor commercial units, there is not considered to be sufficient demand to bring forward new Class E units on a speculative basis. A **Supporting Employment Evidence Report** by Lichfields accompanies the application and advises the following:

- ❖ The national and regional commercial market trends for the retail and office activity present a negative outlook, with prime rents declining and occupier demand struggling to recover to pre-pandemic levels
 - ❖ Prime rents for retail continue to fall and 2021 was reported as one of the weakest years for the retail sector over the last 15 years. This is mirrored in Kent where the lowest level of take-up of retail floorspace was reported in 2021. The Kent market is expected to continue contracting until 2023.
 - ❖ Gravesend Town Centre has seen a decline in comparison spending arising from increased competition from regional shopping centres, notably the Bluewater shopping centre in Dartford and a greater market shift to online retailing.
 - ❖ The office market has seen declining prime office rents and occupier demand. Kent remains an attractive office area, but it was impacted significantly during the pandemic with higher than the average vacancies levels and limited take-up activity.
 - ❖ Despite historically low vacancy rates for both office and retail space, vacancy rates have increased over the past 2 years.
 - ❖ There is estimated to be sufficient future supply of retail space for the next 3 years and sufficient office space for the next 6 years. This does not however account for qualitative factors which are still unfolding, such as the switch to greater shopping online and increased remote working.
- 11.3.2 Notwithstanding the significant concerns over the market demand for new commercial floorspace, the site is not ideally located for significant commercial floorspace.
- 11.3.3 While there are small commercial units and offices in the immediate area, the site is located on the southern periphery of the town centre and commercial floorspace (particularly retail) is concentrated circa 400 metres to the north of the site on the principal shopping streets of New Road and High Street. The site is therefore unlikely benefit from a high level of footfall and would not be a prime location for new commercial units.
- 11.3.4 We would also reiterate that the mixed-use allocation in *Policy CS05* of the Gravesham Core Strategy is circa 8 years old and was based on a planning permission that is 13 years old. We would respectfully highlight that the NPPF advises that:
122. *Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*
- a) *it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
 - b) *in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*
- 11.3.5 Again, we highlight the site has been vacant for a substantial period of time despite benefitting from several planning permissions / resolutions to grant for mixed-use development. There is no reasonable prospect of these historic proposals coming forward and as such proposals for an alternative use meeting an unmet need (See [Chapters 4.2](#) and [Chapter 9](#)) should be supported.

11.4 Neighbouring Amenity

- 11.4.1 Our misgivings with the layout of the 86 unit and 99-unit schemes (Ref: 20161205) do not however extend purely to matters of cost.
- 11.4.2 Woodville Road and Zion Place are narrow roads with window-to-window distances of circa 18metres between the neighbouring properties and previously approved buildings. Presently the perimeter block layout introduces new development abutting the pavement, which is 6 and 7-storeys in places. This will result in a canyoning effect on Woodville Place which is already adjacent to an Air Quality Management Area.
- 11.4.3 While we note that a daylight / sunlight assessment submitted with the application concluded the loss of light to neighbouring properties was within an acceptable level. The Churchill Retirement Living T-block layout pulls the building further away from the site's boundaries on Woodville Place, Wrotham Road and Zion Place, providing betterment in this respect.
- 11.4.4 We also note the submitted report does not provide information on a Right to Light, and while we acknowledge this is a civil rather than a planning matter, our own due diligence work leads us to believe this is a sensitive location.
- 11.4.5 Other, more practical matters, relate to the quality of the amenity space provided by the courtyard. Given the size of this area and the height of the surrounding buildings we have misgivings over the quality of the amenity space provided by the internal courtyard.

11.5 Summary

- 11.5.1 Paragraph 122 of the NPPF is clear that where there is no reasonable prospect for a site coming forward for a use allocated in a Plan, alternative proposals that meet an unmet need should be supported. Both the historic 86-unit and 99-unit proposals for the site are self-evidently undeliverable, with the site now having been vacant for circa 15 years.
- 11.5.2 The Churchill Retirement Living proposal are more modest in several aspects than the historic proposals on the site, but also more in keeping with the character and scale of the area. It is a deliverable proposal for the redevelopment of the site in the short term (see [Chapter 9.2](#)).
- 11.5.3 We note Officer enthusiasm for the 99-unit proposal and acknowledge that the NPPF does place significant emphasis on optimising the use of brownfield sites, however an undeliverable design approach does not constitute an efficient use of land, irrespective of the number of dwellings it can accommodate.

12. Technical Considerations

12.1 Introduction

12.1.1 The technical considerations have been informed by a desk-based assessment, and site visits. The technical considerations identified can be broken down to the following headings:

- Highways and Parking
- Refuse
- Flood Risk and Drainage;
- Heritage;
- Trees & Landscaping;
- Ecology;
- Affordable Housing; and
- Sustainability and Energy Use

12.2 Highways and Parking

- 12.2.1 A **Transport Statement** by the Awcock Ward Partnership has been submitted as part of the of the planning application.
- 12.2.2 The site is immediately adjacent to the Gravesend town centre, with a good access to a wide range of shops, services and public transport facilities (See [Chapter 5.1](#)).
- 12.2.3 The existing access onto Woodville Place will be retained. The access measures approximately 4.3m in width, which is sufficient to allow two passenger vehicle to pass. The existing vehicle arrangement is considered appropriate given the low number of vehicle movements arising from the proposed development.
- 12.2.4 Pedestrian access will continue to be taken via the existing footway along the southern side of Woodville Place via a new segregated pedestrian connection along the western side of the access into site. This footway will be of 1.80m width. There are to be two gated accesses on Windmill Street and one on Wrotham Road reserved for fire and emergency access and egress only.
- 12.2.5 As set out in the **Transport Statement**, the experience of Churchill is that 0.3 spaces per apartment meets the required demand. Parking surveys show a demand for 0.28 spaces per unit. Residents often move into a retirement development so they are closer to local services and facilities and so can give up reliance on their cars. The typical pattern is that residents move in and then give up their car within 6 months as they no longer need it. Many no longer wish to drive and others find the cost of taxing, insuring and maintaining a car unnecessary for the occasional trip, especially given public transport is available.
- 12.2.6 From a sales perspective, Churchill would not want to provide a development with insufficient parking as it would upset residents and deter future purchasers. As such a thorough understanding has been obtained from existing schemes.
- 12.2.7 The provision of 25 spaces for the retirement living units at a ratio of 0.34 spaces per apartment is therefore considered suitable to ensure that development does not lead to any overspill parking on the local road network
- 12.2.8 The NPPF promotes sustainable transport and 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.

- 12.2.9 The NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.3 Refuse

- 12.3.1 The development proposal has a communal refuse store which can be accessed internally. Double doors are provided to prevent odour.
- 12.3.2 Within the refuse room small bags of household waste and recycling material from each individual flat can be decanted into larger shared wheeled bins, clearly designated for specific waste storage.
- 12.3.3 Refuse collection is proposed to be conducted on-street at Woodville Place where there would be access to the bin store, located adjacent to the vehicular access and within 10m of Woodville Place. This is an acceptable approach given the infrequent nature of refuse collection, low vehicle speeds, and the availability of two westbound lanes on the one-way Woodville Place allowing through traffic to pass. This arrangement was accepted in the consented 2016 larger mixed-use development.
- 12.3.4 Churchill have developed a detailed understanding of the typical waste requirements based on experience of their existing lodges. The majority of flats are single occupancy and the owners are daily basket shoppers with a low carbon footprint who generate small amounts of waste. The proposed refuse room is therefore suitable to meet the required needs.

12.4 Flood Risk and Drainage

- 12.4.1 The application is supported by a Flooding and Drainage Note Produced by Awcock Ward Partnership
- 12.4.2 The proposed development has been assessed in line with the National Planning Policy Framework, to allow the planning application to be progressed and to show that the development can be undertaken in an acceptable manner from a flood risk perspective
- 12.4.3 The proposed development is located within Flood Zone 1 and is not known to be susceptible to flooding from pluvial, groundwater, infrastructure or artificial sources. To ensure the development is safe throughout its lifetime, the surface water strategy accounts for runoff in up to the 1 in 100-year return period.
- 12.4.4 The existing ground conditions indicate the site is underlain by solution sensitive strategy and alternatives to infiltration are recommended. Instead, storm water runoff will be discharged to the existing SW surface water sewer on Wrotham Road. The attenuation of runoff will significantly reduce existing peak rates of discharge from current impermeable surfaces on site; and in line with 'KCC Design Guide', achieves 72% betterment (in excess of the minimum 50% betterment required for brownfield site) over the existing 1in1year brownfield discharge rate.
- 12.4.5 The development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment.

12.5 Heritage

- 12.5.1 The Planning Application is supported by a Heritage Assessment by Ecus Ltd.
- 12.5.2 The Site is located within the Upper Windmill Street Conservation Area and close to several designated and non-designated heritage assets. There are three Grade II Listed Buildings located outside of Upper Windmill Street Conservation Area in a distance of 250 m from the Site. These comprise 62 and 64 Wrotham Road (NHLE: 1089010) and Gravesend Railway Station Upper Side and Downside (NHLE: 1057649 and 1341495).
- 12.5.3 The Site comprised a former police station demolished in 2016. It now comprises an undeveloped parcel of land which lacks coherence and is not in keeping with the built-up character of the surrounding townscape of Gravesend. Although enclosed by boundary walls, these walls are not of visual or architectural interest. This assessment has concluded that the Site, in its current character and appearance, does not compliment or enhance its surroundings and does not enrich our understanding, experience and appreciation of the historic environment.
- 12.5.4 The removal of the surviving infrastructure associated with the former late twentieth century police station within the Site presents the opportunity for regeneration and to introduce a building which will have a positive benefit to the Upper Windmill Street Conservation Area.
- 12.5.5 In line with paragraph 206 of the NPPF and local planning policy CS20: Heritage and the Historic Environment the redevelopment of the Site will enhance the heritage significance of the Conservation Area (and historic buildings located within) through removal of a 'gap site' and infrastructure of no visual or architectural interest. This will result in improvements to the street scene along with the introduction of a building of visual interest. The proposals will improve the quality of views and the change in use would contribute to the residential character of this area. Although the proposals present a change, such change would not diminish our understanding of the historic environment, those key elements which contribute to it, or ability to appreciate and experience it.
- 12.5.6 This assessment has also concluded no harm on any further historic buildings, both designated and non-designated, and Conservation Areas as a result of the proposed redevelopment. The redevelopment takes the opportunity for regeneration and to introduce a sympathetic and appropriately designed building which will maintain the positive aspects of the setting of the historic buildings and Darnley Road, King Street and Windmill Hill Conservation Areas.
- 12.5.7 As the **Heritage Statement** has identified no harm and provides opportunities to make enhancements to the significance of heritage assets, the proposals are considered to accord with the *Town and Country Planning (Listed Buildings and Conservation Areas) Act (1990)* and comply with the NPPF and local planning policy (*Policy CS20: Heritage and the Historic Environment*).

12.6 Trees

- 12.6.1 The application is supported by an Arboricultural Assessment undertaken by Barrells.
- 12.6.2 There are no trees currently within the site, which is entirely covered in hardstanding. There are however street trees planted adjacent to the trees eastern and western boundaries on Windmill Street and Wrotham Road respectively.
- 12.6.3 The three London plane trees on Windmill Street are good quality, prominent specimens and are classified as Category A accordingly. The nine street trees on Wrotham Road are predominantly low quality, 'Category C' specimens, however two of the lime trees are more substantial 'Category B' trees,
- 12.6.4 As the site is within the Upper Windmill Street Conservation Area, all these trees are protected accordingly.
- 12.6.5 The proposed development does not require the loss of any trees and the Tree Protection Plan demonstrates that the development can be progressed without adverse impact on these trees.
- 12.6.6 The Landscaping Strategy submitted with the proposals introduces additional tree planting on the northern and southern boundaries of the site. Overall, it is concluded that the proposed development will improve the potential tree cover on the site and enhance the character and appearance of the area.

12.7 Biodiversity

- 12.7.1 The application is supported by a **Preliminary Ecological Appraisal** undertaken by Tyler Grange and incorporates a Preliminary Bat Roost Appraisal.
- 12.7.2 The site is entirely covered by hardstanding and vegetation is limited to sparse ephemeral plant species that have populated the site following demolition. The habitats on site are of negligible importance with the adjacent trees of local ecological importance
- 12.7.3 The site does not contain any habitats that could support protected species. No protected species are considered likely to be within the site or likely to be affected by the development.
- 12.7.4 The site is not covered by any statutory or non-statutory sites for nature conservation; however a number of such sites are present within the local area. Due to the scale of the development and distances from the site, it is considered that there is no potential for adverse effects to any of the identified designated sites during the construction or operational phase of the proposed development.
- 12.7.5 A preliminary bat roost assessment (PBRA) of the adjacent trees did not identify any preliminary roosting features, or any opportunities for foraging or commuting by bats. **No further surveys for any other protected or notable species are recommended.**
- 12.7.6 With the implementation of suitable enhancement measures, the proposed development would be in conformity with relevant planning policy and legislation. The strategy could be controlled by appropriately worded planning controls.

12.8 Pre-Application Community Engagement

- 12.8.1 The NPPF sets out in paragraph 39 that *'Early engagement has significant potential to improve efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*.
- 12.8.2 The Applicant is committed to engaging with local stakeholders on their proposed planning applications and has a strong track record in consulting with members of the local community, specialist groups, local councillors and other relevant third-party stakeholders in an open, transparent and comprehensive way.
- 12.8.3 An online public consultation was held between 14th and 21st March 2022, where plans were available to view, and the applicant asked for feedback from the local community. By way of advertising the consultation, letters were sent to over 479 nearby residents and local businesses with the addition of key stakeholders. An advert was also put in the *Gravesend Messenger*. Additionally, a 4-page A4 leaflet was hand delivered to local residential properties and businesses surrounding the site on 10th March.
- 12.8.4 The project website received 98 views by 54 users; from this we received a total of 3 responses. A summary of the responses are:
- ❖ 66% of respondents support the proposed design.
 - ❖ 100% of respondents were inclined to be supportive of the principle of redeveloping the site for retirement housing.
- 12.8.5 Although only 3 responses were received through the Gravesend micro project website, it was viewed 98 times. This shows most local residents either liked the proposals or were unconcerned.
- 12.8.6 While some residents were opposed to some aspects of the proposal, all respondents were supportive of the principle of providing purpose-built homes for older people in this location and the redevelopment of the site.
- 12.8.7 It was considered appropriate to brief the ward members for Pelham ward, in which the site is located. Phone calls and emails were issued to the relevant politicians providing them with an overview of the proposals and announcing the online public consultation. The emails also offered the opportunity to provide further information if required.
- 12.8.8 Representatives of Churchill Retirement Living attended a meeting with two of the three ward Councillors for Pelham ward on 10th March. A Council officer attended, and the purpose of the meeting was to give an overview of the proposals. Churchill will continue to keep Councillors updated as matters progress.
- 12.8.9 Further details are provided in the **Statement of Community Involvement** by Devcomms.

12.9 Affordable Housing

- 12.9.1 *Policy CS16 Affordable Housing* states that it will seek 30% provision of affordable housing from schemes of 15 dwellings or more.
- 12.9.2 A **Report on Affordable Housing and Viability** accompanies the application. There are additional costs associated with delivering retirement housing as opposed to standard open market housing. Around 25% of floor space is for communal facilities such as the owner's lounge and guest accommodation. This is unsaleable floor area which therefore reduces income. Local Plan viability assessments do not take this into account.
- 12.9.3 In addition, retirement accommodation has a reduced sales rate, due to the smaller section of the market that is eligible, increasing borrowing and empty property costs. Further detail is set out in the viability report accompanying the application.

12.10 Sustainability Measures

- 12.10.1 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.
- 12.10.2 Construction of the development incorporates the use of local materials where possible and many energy saving devices, which is assisted by the containment of the apartments in a single block.
- 12.10.3 A **Sustainability Statement** by JSP Sustainability accompanies the application and details measure that will enable the development to meet the national and local sustainability standards.

13. BENEFITS & PLANNING BALANCE

13.1 Appeal Precedent

- 13.1.1 The benefits of delivering older persons' housing are considerable and outlined in [Chapter 3](#) of this Statement. Churchill Retirement Living has established that these benefits should be afforded significant weight in the planning balance through several recent Appeal decision. An overview of two recent Appeal decisions is provided below:

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

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

- 13.1.3 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 national level in the NPPF and PPG and at a local level."

- 13.1.4 The Inspector goes on to state at 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 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 the appeal should be allowed".

- 13.1.5 A copy of the decision is included at Appendix A.

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

- 13.1.6 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 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.....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.

- 13.1.7 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.

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

- 13.1.9 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.

- 6.1 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".

- 13.1.10 A copy of the decision is included in Appendix B.

13.2 Planning Balance

- 13.2.1 It is evident that there is 'critical' need for the delivery of older people housing in the Country and a significant pressing need within the administrative boundary of Gravesham. This planning application proposal will contribute towards delivering these much-needed homes, including much needed older people housing. That contribution can be considered as a significant benefit which weighs strongly in favour of this planning application.

- 13.2.2 From the supporting documents, plans and reports of the planning application, it can be concluded unequivocally that the site is appropriate for older people housing and in a sustainable and accessible location.
- 13.2.3 Through a review of the planning application, it can be confirmed that the proposal is in accordance with the Development Plan. The development is wholly acceptable in terms of the footprint of the building in relation to the scale of the site and surrounding locality. It is therefore concluded that the development is of a scale, mass, bulk and design that is acceptable and will not harm the character and appearance of the locality whilst providing a high-quality development.
- 13.2.4 In review of the other technical considerations, it can be concluded from that the planning application proposal complies in all aspects with the relevant Development Plan policies and the NPPF.
- 13.2.5 The appeal decision at Former Fleet Police Station in Fleet (APP/N1730/W/20/3261194) identifies the weight to be given to benefits in relation to older people housing (see Appendix A). This is summarised in the table below:

Fleet Planning Benefits	Fleet Weight
Provision of 31 residential dwellings	Significant
Redevelopment of a Previously Developed Site	Significant
Redeveloping a Sustainable Site	Significant
Effective and Efficient use of Land	Significant
Meeting local housing need for older persons	Significant
Meeting local housing need for affordable housing	Significant
Visual enhancement of the townscape	Significant
Freeing up under occupied local housing stock	Significant
Economic Benefits of the Proposed Scheme	Significant
Social Benefits of the Proposed Scheme	Significant
Environmental Benefits of the Proposed Scheme	Moderate

- 13.2.6 This site is no different to the appeal decision and the decision taker should come to the same conclusion when doing the Planning Balance in relation to this proposed development. For ease of reference, the table above has been updated to reflect this application:

Gravesham Planning Benefits	Weight
Provision of 75 residential dwellings	Significant
Redevelopment of a Previously Developed Site	Significant
Redeveloping a Sustainable Site	Significant
Effective and Efficient use of Land	Significant
Meeting local housing need for older persons	Significant
Meeting local housing need for affordable housing	Significant
Visual enhancement of the townscape	Significant
Freeing up under occupied local housing stock	Significant
Economic Benefits of the Proposed Scheme	Significant
Social Benefits of the Proposed Scheme	Significant
Environmental Benefits of the Proposed Scheme	Moderate

- 13.2.7 Overall, the scheme is considered to meet the requirements of the development plan when read as a whole. Paragraph 11c of the NPPF provides that proposals which accord with the development plan should be approved without delay. There are numerous and significant benefits associated with the application which should be afforded substantial weight in its determination.

14. CONCLUSION

- 14.1.1 This full planning application seeks permission for 75 retirement living apartments (comprising 47 no. one-bedroom apartments and 28 no. two-bedroom apartments) including communal facilities, access, car parking and landscaping. This planning statement demonstrates how the development proposals will deliver a sustainable development in accordance with the Development Plan and the National Planning Policy Framework.
- 14.1.2 When considering the above considerations highlighted within this Planning Statement and apply them against the Development Plan and paragraph 11 of the NPPF. It can be concluded that:
- ❖ The principle of residential development is acceptable.
 - ❖ The proposed development would bring basket shoppers/footfall to the area which would increase local spending.
 - ❖ The proposed development would be sensitive to and conserve the surrounding townscape and landscape character.
 - ❖ The proposed development would not result in detriment to highway safety and the site can be safely accessed on foot via a separate pedestrian access.
 - ❖ The site is located in a sustainable location with good connections to services and facilities.
 - ❖ The proposal would contribute to economy of the local area through the number of new residents who would use and facilitate existing local services.
- 14.1.3 It is evident that there **is critical need for the delivery of older people housing** in the district and a significant pressing need within the administrative boundary of the Council. This planning application proposal will contribute towards delivering these much-needed homes, including older people housing. That contribution can be considered as a significant benefit which weighs strongly in favour of this planning application.
- 14.1.4 From the supporting documents, plans and reports of the planning application, it can be concluded unequivocally that the site is appropriate for older peoples housing and in a sustainable and accessible location.
- 14.1.5 Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration and confirms that the development plan is an essential component of the plan-led system.
- 14.1.6 The development is wholly acceptable in terms of the footprint of the building in relation to the scale of the site and surrounding locality. It is therefore concluded that the development is of a scale, mass, bulk and design that is acceptable and will not harm the character and appearance of the locality whilst providing a high-quality development.
- 14.1.7 In review of the other technical considerations, it can be concluded from that the planning application proposal complies in all aspects with the relevant Development Plan policies and the NPPF.
- 14.1.8 It has been concluded that there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, as a whole and that the benefits that are provided are significant and therefore planning permission should be granted without delay.

APPENDIX A

APPEAL DECISION, FORMER FLEET POLICE
STATION, FLEET, GU51 5QQ
APP/N1730/W/20/3261194



Appeal Decision

Inquiry Held on 16-18 March 2021

Site visit made on 19 March 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

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

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

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

Decision

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

Procedural Matters

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

¹ Paragraph 2.9

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

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

Main Issues

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

² Suitable Alternative Natural Greenspace

³ Strategic Access Management and Monitoring

Reasons

The Appeal Site

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

Description of Development

10. The description of development of the appeal is:

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

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

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

Planning Policy

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

⁴ HLP32 page 32

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

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

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

⁵ Paragraphs 128-131 of HLP32

⁶ Paragraph 137 of HLP32

⁷ Paragraph 156 of HLP32

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

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

⁸ Inset Map 10.1

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

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

¹⁰ Paragraph 16

¹¹ Mr Moorhouse Appendix 1

¹² Appendix 1, page 12

¹³ Dr Kruczkowski's POE paragraph 2.53-2.54

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

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

¹⁴ UCDS Appendix 1 page 10 Area D: Fleet Road

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

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

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

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

Second Issue - Effect on Thames Basin Heaths SPA

Assessment of likely significant effects

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

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

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

Appropriate Assessment

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

¹⁵ CD3.6

¹⁶ Mr Moorhouse's Appendix 4

¹⁷ D 2.7

¹⁸ Mr Moorhouse's Appendix 5

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

¹⁹ Taylor Wimpey Developments Limited

²⁰ Ibid

²¹ Document 4

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

Other Matters

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

Planning Obligation

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

²² NPPF paragraph 54

make clear that Planning Obligations should only be sought where they meet all of the following three tests: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development.

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

Planning Balance

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

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

68. The appeal site is located within the Fleet Settlement boundary. There is no dispute that the proposal complies with the vision and objectives of the plan in that it gives priority to the redevelopment of previously developed land and that it promotes more accommodation for the elderly. It is agreed that the proposal complies with 6 of the key policies in the development plan: HLP32: Policy SD1, Policy SS1, Policy H1 (a-c), Policy H2, Policy H4 and Policy H6. In my view, compliance with these policies can be given very significant weight. The proposal accords with other relevant development plan policies which can be given additional weight. The only conflict which the Council identified with the development plan policies is in respect of design and in particular HLP32: Policy NBE9, HLP06: GEN1 and FNP: Policy 10 and 10A. I have concluded that there would be no breach of any of these policies. The proposed development is a high quality design and accords with the design expectations of the development plan and paragraph 130 of the NPPF which makes clear that design should not be a reason for rejecting the development. There would be no harm arising from the Council's criticism about the frontage of the proposed development or the alleged harm to local character.
69. Moreover, there would be a number of benefits of the appeal scheme which were put forward by the Appellant. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.
70. The following benefits would arise: (i) much needed housing for older people. The Council suggests that the weight to this benefit should be tempered because the residents of the scheme would not be restricted to being aged 85 or over. However, given the needs identified in the SHMA²³ and the average age of residents of the Appellant's development being 79-80, the scheme meets the needs of the Council and significant weight should be given to this benefit. (ii) the development is of previously developed land (substantial weight); (iii) the development would be in a sustainable location (substantial weight); (iv) the development would make optimum use of the site (moderate weight); (v) the development would provide 31 market dwellings and is a clear benefit (substantial weight); (vi) the provision of the Appellant's payment of £500,000 to the delivery of affordable housing would be a significant benefit (substantial weight); (vii) there is a benefit releasing under-occupied housing stock²⁴ (substantial weight); (viii) the site would provide economic benefits by generating jobs, in the construction and operational phases of the development and by residents spending locally²⁵ (substantial weight); (ix) there would be social benefits in specialised age friendly housing²⁶ (substantial weight); (x) the environmental benefits of the scheme are a clear benefit (moderate weight). Cumulatively, these 10 benefits weigh heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG and at local level in HLP32.

²³ Figures 14.8 and 14.10 page 212

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

²⁵ NPPF paragraph 80

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

71. Therefore, even if I had reached a contrary conclusion in terms of this appeal and found that there was a conflict with the development plan, any harm which might be identified as arising from the appeal proposal comes nowhere near significantly and demonstrably outweighing the many and varied benefits of the appeal proposal. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

Planning Conditions

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

Conclusion

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

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-17)

Standard Conditions

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

Approved Drawings

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

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

Pre-commencement Conditions

Demolition and Construction Management Plan

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

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

Detailed Surface Water Drainage Strategy

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

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

Contamination Strategy

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

Pre-above Ground Works Conditions

Materials

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

Hard Landscaping

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

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

Refuse Storage and Management

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

Photovoltaic Panels

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

Ecology (Swift Bricks)

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

Pre-occupation Conditions

Surface Water Drainage System Maintenance

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

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

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

Wastewater

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

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

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

Compliance Conditions

Age Restriction

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

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

Soft Landscaping

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

Parking Provision and Retention

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

Sustainable Water Use

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

Construction Hours

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

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Saira Kabir Sheikh QC

Instructed by Hart DC

She called:

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

Director, Urban Design Doctor Ltd

Mr Rob Moorhouse BSc, MSc, MRTPI

Principal Planning Officer, Hart DC

FOR THE APPELLANT:

Mr Sasha White QC
Ms Evie Barden of Counsel

Both instructed by Stuart Goodwill,
Planning Issues Ltd

They called

Robert Jackson BArch, MArch, RIBA

Design Director, Planning Issues Ltd

Matthew Shellum BA (Hons), Dip TP

Head of Appeals, Planning Issues Ltd

DOCUMENTS SUBMITTED AT THE INQUIRY:

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

APPENDIX B

APPEAL DECISION, FORMER BASINGSTOKE
POLICE STATION, BASINGSTOKE, RG21 4AD
APP/H1705/W/20/3248204



Appeal Decision

Hearing Held on 27 April 2021 and 18 May 2021

Site visit made on 29 April 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

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

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

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

Decision

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

Application for costs

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

Preliminary Matters

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

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

Main issues

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

Reasons

Character and appearance

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

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

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

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

Designated Heritage Assets

Basingstoke Town Conservation Area

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

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

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

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

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

White Hart Public House

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

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

Cycle parking provision

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

Waste and recycling provision

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

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

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

Provision of Infrastructure

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

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

Planning Balance

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

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

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

72. In this instance, there is clear and convincing evidence with regards to the suitability of the proposal. The delivery of specialist housing weighs substantially in favour of the appeal scheme, especially given the critical need identified at national level in both the Framework and the National Planning Practice Guidance (NPPG), along with the identified shortfall in terms of the delivery at local level. As a result, even if I had reached a different conclusion in relation to the heritage issues and found there to be harm to the identified designated heritage assets, any harm would have been clearly outweighed by the significant public benefits of the scheme. Therefore, in this case, I find no reasons to withhold planning permission.

Planning Conditions

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

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

Conclusion

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

Adrian Hunter

INSPECTOR

APPEARANCES

FOR THE APPELLANT

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

FOR THE LOCAL PLANNING AUTHORITY

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

Schedule of Conditions

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

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

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

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

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

detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development takes place above ground floor slab level. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

And

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

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the Council's Environmental Health team and in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;
- and, unless otherwise agreed in writing by the Local Planning Authority,
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and include if necessary proposals for future maintenance and monitoring.

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

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

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

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

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

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

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

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

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