
PLANNING STATEMENT

Former Magistrates Court, Camps Road, Haverhill

On behalf of

Churchill Retirement Living



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Date:	June 2021
Prepared by:	R.Roome
Checked by:	S. Goodwill

EXECUTIVE SUMMARY

- I. This Planning Statement has been prepared by Planning Issues Limited, on behalf of Churchill Retirement Living and is submitted in support of a detailed planning application for the proposed retirement living development at Former Magistrates Court, Camps Road, Haverhill.
- II. The application proposes redevelopment of the site to form 34 retirement living apartments and 3 dwellings, access, parking and landscaping.
- III. 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".
- IV. For the former St Edmundsbury area there is predicted to be a 200% increase in those aged 85 and over between 2014 and 2039. The West Suffolk Housing Strategy estimates that by 2031 over 25% of the population will be aged 65 and over. This ageing population brings with it increasing demand for a range of specialist housing.
- V. The recent update to 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."*
- VI. Given the high levels of need for housing, and particularly for older people's housing in West Suffolk, the benefits of the scheme in helping to address this must be given substantial weight.
- VII. The principle of development is considered acceptable. It is a vacant brownfield site on the Council's brownfield register. The site obtained permission for 17 residential dwellings on appeal. However there has been no market interest in this. The adjacent retirement units are selling quickly. This proposal for further retirement accommodation on a brownfield site will make efficient use of a sustainable brownfield site. The NPPF sets out at paragraph 118(c) that decision makers should give substantial weight to the value of using suitable brownfield land within settlements for homes.
- VIII. This scheme has been sensitively and carefully designed to ensure it sits well within its context. The building has been designed to be 3 storeys, reflecting the existing Weavers Lodge, stepping down to 2.5 storeys adjacent to the Methodist church. The design and materials have taken inspiration from the existing Weavers Lodge and surrounding streetscene, whilst not copying it. The design is considered to enhance the built environment. Moderate weight should be afforded to the efficient use of land in accordance with paragraph 122 of the NPPF.
- IX. There are numerous and significant benefits from the delivery of the proposed retirement housing. These include: savings to the NHS and social care services of

£3,500 per person per year; increased spending in local shops and services; releasing under occupied family housing back into the market; encouraging independence in later life and consequently reducing reliance on residential and nursing care; providing safety and security for residents; offering companionship and reducing social isolation; and providing an efficient use of energy and resources.

- X. Each of these benefits is important and together they should be afforded significant weight in the determination of the application.
- XI. There are no technical constraints to the development. The scheme incorporates an appropriate drainage strategy, ecology mitigation and landscaping. The accompanying acoustic assessment demonstrates the surrounding noise is appropriate, with only the need for acoustic trickle vents along the front elevation. The proposals will deliver a biodiversity net gain.
- XII. The proposed development is considered to comply with the relevant policies in the development plan for West Suffolk and the NPPF and PPG. The proposal will deliver a highly sustainable form of development, for which there is a significant need and which will deliver a number of benefits to the residents of Haverhill. In accordance with paragraph 11 of the NPPF it should be approved without delay.

1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Planning Issues Limited on behalf of Churchill Retirement Living in relation to the proposal for 34 retirement living apartments and 3 residential dwellings at the former Magistrates Court, Camps Road, Haverhill.
- 1.2 The proposal includes demolition of the existing buildings and the creation of 24 no. 1 bed and 10 no. 2 bed apartments and 3 no. 2 bed dwellings. The proposal includes a large communal lounge, garden and patio area, guest accommodation, access, parking and landscaping.
- 1.3 The buildings on the site are currently vacant and disused. They were constructed in the mid 20th Century and are in a state of disrepair. The character of the area comprises residential development together with community and civic uses. There is an ambulance station directly adjacent to the site and a primary school to the north. To the west is the existing Weavers Lodge and to the east is the existing Methodist church. The site is within 400m walking distance to the shops and services of the town centre.
- 1.4 This statement accompanies a detailed planning application. It should be read in conjunction with the following supporting documents which accompany the submission:
- Statement of Community Involvement
 - Design and Access Statement
 - Landscaping Plan
 - Affordable Housing Statement;
 - Transport Statement
 - Drainage Strategy
 - Arboricultural Assessment
 - Ecology Survey
 - Ground Investigation Report
 - Acoustic Report
 - Energy Statement
- 1.5 Accompanying the supporting documents and this Planning Statement are a set of supporting drawings/plans that detail the development proposals, a list of drawings/plans are listed below:
- 40033HH PL01 Location Plan
 - 40033HH PL02 Site Plan
 - 40033HH PL03 Ground Floor Plan
 - 40033HH PL04 First Floor Plan
 - 40033HH PL05 Second Floor Plan
 - 40033HH PL06 Elevation Sheet AA
 - 40033HH PL07 Elevation Sheet BB
 - 40033HH PL08 Cottages

- 40033HH PL10 Roof Plan
- 40033HH PL11 CGI Sheet 1
- 40033HH PL12 CGI Sheet 2

1.6 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.

2. OLDER PEOPLE HOUSING

- 2.1 On 26th June 2019 the Government published Guidance¹ on ‘*Housing for older and disabled people*’ to assist Councils in preparing relevant planning policies for the older generation. The Guidance is clear that providing housing for older people is ‘*critical*’².
- 2.2 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. 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.

The Applicant

- 2.3 The Applicant has specialised in the provision of purpose built apartments for older people since 1998 and has provided development proposals throughout England and Wales.
- 2.4 The accommodation proposed is specifically designed to meet the needs of independent retired people, and provides self-contained apartments for sale. A key aspect of the design is that the units are in a single block. This is essential for control over access, with safety and security being a key concern for individuals as they age. It also provides much greater benefits for social interaction. This is enhanced with the communal space, in particular the owners lounge, coffee bar and gardens.
- 2.5 The type of housing proposed is defined as retirement living or sheltered housing within the PPG. Paragraph 010 of the Housing for Older and Disabled People section 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.”

- 2.6 The communal facilities that are provided with the application proposal 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 owners’ lounge is provided for use by all residents and their guests within the building;
 - Communal lifts are provided for use by residents and visitors;

¹ Planning Practice Guidance - www.gov.uk/guidance/housing-for-older-and-disabled-people

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

- 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 of residents who have a car (unallocated);
- An area for mobility scooters and bicycles to be stored and charged; and
- A communal refuse store.

2.7 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.*

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

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

- Circa 3 million older people in the UK aged 65+ want to downsize
- If those that wanted to were able to do so, this would free up nearly 2 million spare bedrooms, predominantly in three bedroom homes with gardens, ideally suited for young families with children.
- The chain impact would be a major boost for first time buyers with roughly 2 in every 3 retirement properties built releasing homes suitable for first time buyers.

2.10 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 aged

75+ is expected to drop to 120 by 2024, down from 137 in 2010 and 129 currently. Thus a **step change in new delivery** is required if the huge imbalance between need and supply is to be addressed.

- 2.11 In addition, the majority of new supply is within the social housing 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 retirement housing, and in many cases wish to retain equity within their property and so would be looking for a property to buy.

3. RELEVANT PLANNING HISTORY AND PRE APPLICATION ENGAGEMENT

- 3.1 The most relevant planning history relates to the outline consent for 17 dwellings which was allowed on appeal in November 2017 (APP/E3525/W/16/3161303). The main issues at the appeal were the living conditions of future occupiers given the noise from the ambulance station, the effect of the proposal on the safety and convenience of users of the adjacent highway and the provision of affordable housing.
- 3.2 Overall the inspector considered that the site could accommodate up to 17 dwellings in a manner that would be compatible with the surrounding land uses and would offer acceptable living conditions.
- 3.3 He stated:
- “Whilst applying a VBC would reduce the provision made towards affordable housing I place the greater weight on this supporting the redevelopment of a previously-developed site in Haverhill and thereby helping generally to boost the supply of housing in a location close to the town centre where future residents would have good access to and help support local services.”*
- 3.4 A copy of the appeal decision is included in Appendix A.
- 3.5 In accordance with the advice of the NPPF (paragraph 39) the Applicant has consulted with the LPA and local community.
- 3.6 A request for pre application engagement was submitted to the LPA on 22nd November 2019 and a meeting was held on 9th January 2020. A formal pre application letter was received from the LPA on 28th February 2020. A copy of the pre app response is included in Appendix B.
- 3.7 A public exhibition was held on 9th January 2020 with local Councillors and members of the public attending to consider the proposals. An online consultation also ran from 10th January to 24th January 2020. Invitations were sent to 622 public addresses surrounding the site and 18 Councillors. The invitations included a tear off feedback form. Around 15 people attended the consultation event and there was a range of positive feedback, with many residents supporting the principle of retirement housing on the site. Members of the church congregation came, commenting that they and liked the design and that the current site has led to some antisocial behaviour. Further information is contained in the Statement of Community Involvement supporting the application.

4. PLANNING POLICY FRAMEWORK

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicates otherwise.

4.2 The development plan comprises the St Edmundsbury Core Strategy (adopted 2010), the Vision 2031 (adopted 2014) and the Joint Development Management Policies Document (adopted 2015). Material considerations include the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and relevant Supplementary Planning Guidance (SPDs).

National Planning Policy Framework (2019)

4.3 The overriding message in the NPPF is one of sustainable development. The relevant paragraphs of the NPPF are included in Appendix C and analysed in section 5.

Planning Practice Guidance

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

4.5 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001³ states:

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking” (emphasis added).

4.6 Paragraph 003⁴ recognises that *“the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.”* Thus a range of provision needs to be planned for.

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

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

- 4.7 Paragraph 006⁵ sets out “*plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.*” Therefore, recognising that housing for older people has its own requirements and cannot be successfully considered against criteria for general family housing.
- 4.8 Paragraph: 016⁶ sets out that “*Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people*”. It goes on to clearly state: “***Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need***” (*emphasis added*).

Development Plan Context

St Edmundsbury Core Strategy

- 4.9 Policy CS1 encourages development on previously developed land. The site is identified as being within the settlement boundary of Haverhill which is defined as a town within the settlement hierarchy at Policy CS4. Both policies support residential development within the town of Haverhill.
- 4.10 The site falls outside the town centre of Haverhill and outside the Town Centre Masterplan area. The site is also outside the Haverhill Conservation Area. The site is directly opposite recreational open space. The most relevant policies comprise:
- Policy CS1 St Edmundsbury Spatial Strategy
 - Policy CS2 Sustainable Development
 - Policy CS3 Design and Local Distinctiveness
 - Policy CS4 Settlement Hierarchy and Identity
 - Policy CS5 Affordable Housing
 - Policy CS7 Sustainable Transport
 - Policy CS14 Community Infrastructure Capacity and Tariffs

Haverhill Vision 2031

- 4.11 The Haverhill Vision was adopted in September 2014. It provides a guide for future service provision and the management of growth. The vision encourages regeneration of the town. The vision acknowledges there is a significant demand for new housing in Haverhill to meet the needs of existing residents and a growing population.
- 4.12 In relation to an ageing population, the vision states “*Population projections suggest that by 2031 over a quarter of local residents will be aged 65 or over.*” Aspiration 19 of the vision is that an ageing population is adequately provided for.

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

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

4.13 The following policies are considered relevant:

Policy HV1 Presumption in Favour of Sustainable Development

Policy HV2 Housing Development within Haverhill

Joint Development Management Policies Document

4.14 This DPD was adopted in February 2015. The relevant policies for the determination of this application include:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places – Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM22 Residential Design

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Emerging Local Plan

4.15 The Issues and Options Regulation 18 West Suffolk Local Plan Consultation took place between October and December 2020. This emerging plan is in the very early stages with the preferred options consultation not anticipated until January 2022. The Local Development Scheme anticipates adoption in Summer 2024.

5. PLANNING CONSIDERATIONS

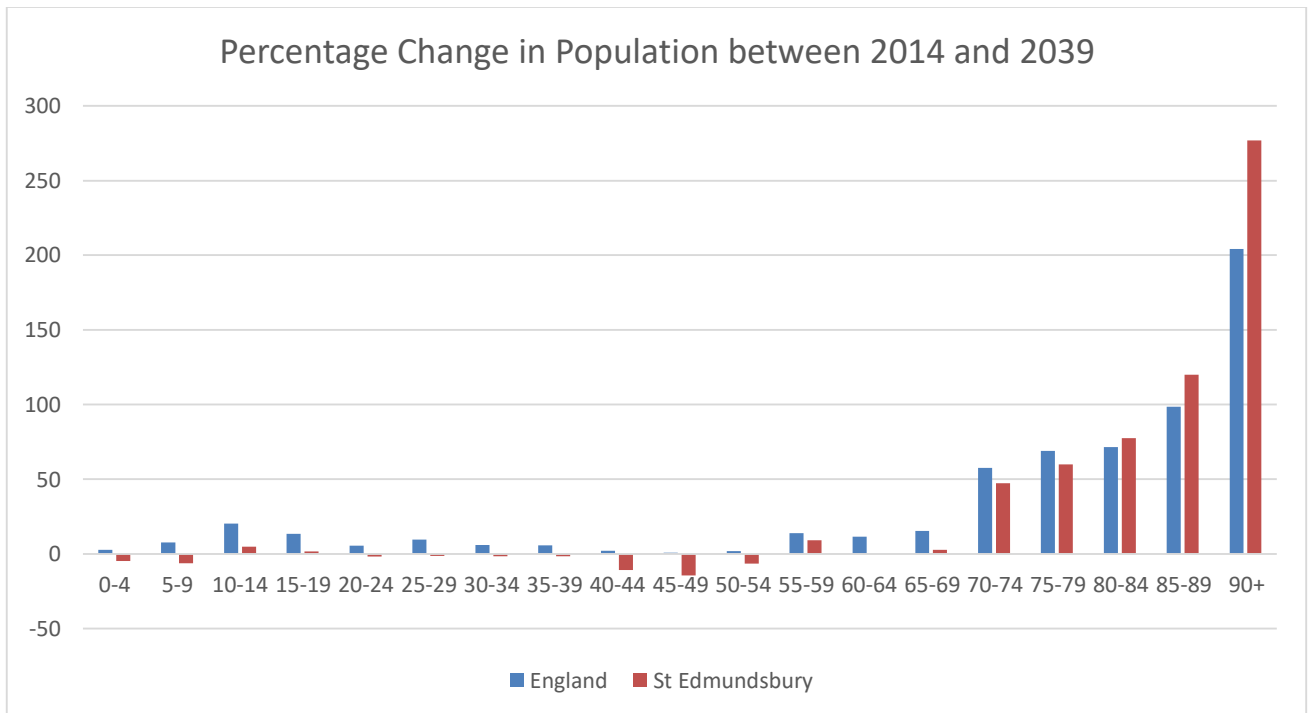
Increasing Housing Delivery

- 5.1 There is a significant national drive to increase housing delivery. Para 59 of the NPPF is clear, the Government intends to **significantly boost the supply of new homes**. There is an intention to deliver 300,000 new homes a year. The Government has made planning reform a priority, to speed up and plan for the homes we need.
- 5.2 The planning system has a clear role in ensuring it delivered homes where they are most needed. As set out in para 117 of the NPPF this means **making as much use as possible of previously developed land**. The Government are championing the take up of brownfield land by encouraging the remediation of degraded or contaminated spaces, promoting the development of under-utilised land and opening up opportunities to build upward.
- 5.3 West Suffolk will need to play its part to help the Government achieve this aim of 300,000 new homes a year. A recognition of the need for additional housing within West Suffolk is set out in the Housing Delivery Action Plan (November 2020). Housing is a priority within the Council's Strategic Framework. It recognises the importance of housing for the health and wellbeing of local residents, as well as being vital to realising inclusive economic growth. The first objective within the strategy is to streamline the planning process.
- 5.4 The current housing trajectory includes all 17 homes being delivered on this site by the end of 2022. If permitted this scheme would increase the number of dwellings permitted on the site by 20. This is in accordance with para 123 of the NPPF which requires that **developments make optimal use of the potential of each site**. Para 68 of the NPPF acknowledges the benefits in terms of delivery offered by small and medium sized sites and encourages authorities to give **great weight to the benefits of using suitable sites within settlements for homes**.
- 5.5 **Substantial weight should be given to the delivery of 37 new dwellings on this site.**

Older People's Housing Need

- 5.6 It is well documented that the UK faces an ageing population. Life expectancy is greater than it used to be and as set out above by 2032 the number of people in the UK aged over 80 is set to increase from 3.2 million to five million (ONS mid 2018 population estimates).
- 5.7 The Homes for Later Living Report notes the need to deliver **30,000 retirement and extra care houses a year** in the UK to keep pace with demand (September 2019).

5.8 Population projections for St Edmundsbury are set out in the graph below. It shows the proportional change in the population between 2014 and 2039, compared to the national average. Whilst the majority of the population levels will stay about the same, there is predicted to be a huge increase in the older age groups. For those aged 65 and over, there is predicted to be a 58% increase, although for **ages 85 and over there will be a 200% increase.**



5.9 The graph shows the projected growth in those aged over 80 is greater in the former St Edmundsbury area, compared to the national average. This is particularly notable for those aged 90 plus.

5.10 The West Suffolk Housing Strategy states “our homes tend to be under occupied rather than over occupied and our population is ageing”. It goes on to assess that our priority areas for future action include to “**support the provision of specialist housing and support for those who need it**”.

5.11 The Housing Strategy sets out:

*“It is estimated that by 2031 over 25% of West Suffolk’s population will be aged over 65, with 5% being over 85 years old.....**An ageing population brings with it increasing demands for a range of specialist housing**, but it is also expected increasingly that people will wish to live in their existing home, independently, as long as they are able.*

In the majority of cases, this will be the norm and more so when the assistance of some minor adaptation can make the difference between someone getting into, out of or around their existing property safely. However, as the ageing population continues to increase, it is anticipated that there will be even more pressure on the limited Disabled Facilities Grant and Social Care Budgets. There is likely to be increased demand for dementia care and other specialist housing.

*There will be people living in accommodation that cannot have works undertaken, or where any such work would not be satisfactory. In such cases, the elderly person(s) could be encouraged to move to a more suitable home. **There is already a shortage of one and two bedroom properties and therefore, this is another area where we would expect to see even more pressure in being able to assist in a timely manner, at the same time as we seek to increase supply of suitable properties through the planning system.*** (emphasis added).

5.12 The Housing Delivery Strategy identifies that one major opportunity to diversify housing supply in West Suffolk is to encourage the provision of new homes for persons over the age of 50 and suited to the needs of people as they get older.

5.13 The SHOP@ tool (produced by the Housing LIN) is recognised in the PPG as a way of indicating older people's housing needs. For St Edmundsbury it identifies a current need for 1,350 units of sheltered housing and 216 units of enhanced sheltered housing. This is a significant level of older peoples' housing need. The recent update to the PPG is clear: **"where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need."**

5.14 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 light of this identified need, **substantial weight should be given to the provision of older persons housing on the site.**

Existing Supply in Haverhill

5.15 Set out below is a table of the existing sheltered housing supply in Haverhill. From this it is clear that the majority of age restricted housing is affordable sheltered housing for rent, provided by housing associations. These schemes are run by housing associations and restricted to those in affordable housing need. This does not compare with the sheltered housing for sale proposed as part of this application. Data from the Housing LIN acknowledges that 76% of people aged 65-74 live in owner occupied accommodation. These households will not be eligible for affordable sheltered housing for rent and are also likely to wish to retain at least some of their equity in a property. The only leasehold scheme available is the Churchill Retirement Living scheme, Weavers Lodge, adjacent to this site.

Scheme	Number of Units	Type of Units	Comments
Pentlow Hawke Close	36 flats built in 1986	Retirement Housing Social rent	Developed by Anchor Hanover
Shearman Court	58 flats built in 1988	Extra Care Housing with on site staff Social rent	Developed by Housing 21
Weavers Lodge	50 flats built in 2019	Leasehold	Churchill Retirement Living

- 5.16 The units at Weavers Lodge are selling relatively quickly, considering the impact of the pandemic. Since sales started in July 2019, 31 units have sold, leaving 19 remaining.

Principle of Development

- 5.17 The site is a brownfield site within the settlement boundary. The site is on the Council's brownfield land register – referred to as Social Services Camps Road – Reference BF072. The site has remained vacant for a number of years. The previous application was granted in November 2017 however there is no market interest in developing this.
- 5.18 The site is in a highly sustainable location within 400m walking distance of the town centre. The principle of residential development on the site is established from the extant planning permission. The redevelopment of the site for flatted accommodation is also considered acceptable given Churchill Retirement Living's existing development, Weavers Lodge, adjacent to the site.
- 5.19 Haverhill is identified as a town in the settlement hierarchy in policy CS4 and development of this site coincides with the Council's spatial strategy as set out in Policy CS1.
- 5.20 As set out above, there is a need for older persons housing in the area and this is a suitable and sustainable site in close proximity to the town centre. **Thus it is considered that the principle of older peoples housing on the site is acceptable.**
- 5.21 The NPPF is clear that decision makers should give **substantial weight to the value of using suitable brownfield land within settlements** (para 118c). **Thus in accordance with the NPPF, substantial weight should be given to the reuse of this suitable and sustainable brownfield site.**

Sustainable Development

- 5.22 In accordance with the NPPF and Policy CS2, the scheme will make important contributions to the delivery of sustainable development:

Economic Benefits

- Retirement Housing can help reduce the demands exerted on Health and Social Services and other care facilities. Residents generally remain in better health, both physically and mentally, in comparison to being in unsuitable accommodation and for many being isolated. Doctors, nurses, and care workers can visit several occupiers at once. A report has found that:

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.

With 34 units proposed, at a ratio of 1.3 people per apartment, there will be around 44 occupants. At a saving of £3,500 each per year, this equates to a

saving of £154,000 per year in local NHS and social care costs, in comparison to mainstream housing. This is a significant economic benefit.

- Through downsizing, residents have new disposable income, which is mainly spent in local shops and services. Residents are largely basket shoppers and have more time to use local facilities.
- Recent evidence suggests an average scheme of 45 retirement units generate around £550,000 of spending a year, £347,000 of which is spent on the high street and directly contributes to keeping local shops open.
- 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.
- An average retirement scheme will support the following new jobs:
 - 85 construction jobs
 - 1 permanent job in repairs and renovations
 - 2.3 permanent jobs in management and care
 - 3.2 permanent jobs on the local high street (residents are basket shoppers and will do their shopping locally)

5.23 **Substantial weight should be afforded to these economic benefits.**

Social Benefits

5.24 Retirement housing gives rise to many social benefits:

- 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.
- 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.
- There are huge benefits from new found friends and companions. Loneliness is linked with damaging health impacts such as heart disease, strokes, depression and Alzheimer's. Loneliness and isolation have become even more apparent in older generations through the lockdowns faced during the COVID 19 pandemic. However residents within existing Churchill Retirement Living

schemes have expressed huge praise for their Lodge Managers in looking after them and helping with food shopping.

- Prior to the pandemic, and hopefully in the not too distant future, 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. Even just saying hello to neighbours in the corridor or a quick conversation with the Lodge Manager can significantly help. Churchill also organise a number of events each year such as summer garden parties, cheese and wine nights, musical nights with tribute acts.
- The Housing for Later Living Report (2019) shows that on a selection of wellbeing criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing into housing specifically designed for later living.

5.25 **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. **Substantial weight should be afforded to these social benefits.**

Environmental Benefits

5.26 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.

5.27 The proposal will achieve water efficiency at 110 litre/person/day in accordance with policy DM7. To achieve this all apartments are fitted with flow restrictors, aerated taps and dual flush low capacity cisterns. All apartments will have showers rather than baths fitted in their principal bathrooms. The proposal will comply with the energy standards set out in the Building Regulations. It is considered that **moderate weight should be afforded to these environmental benefits.**

5.28 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 and policies HV1, DM1 and DM7.

High Quality Design and Amenity

5.29 Policies CS3 and DM2 require the creation of high quality places that reflect local distinctiveness. The design of the proposed scheme has had regard to the character and appearance of the area in particular the design approach taken at Weavers Lodge. The proposed development is of a similar scale and height to Weavers Lodge and uses a similar traditional architectural appearance utilising the same palette of materials, standard windows and a simple roof design. There is a gabled yellow brick element on the corner, creating a 'gateway' to the access road and following a similar appearance to Weavers Lodge corner element. The central red brick element is designed to appear like a terrace of dwellings, reflecting the flat fronted terraces along the road, particularly 8-34 Burton End to the west of Weavers Lodge. The landscaping will reflect the high quality design of Weaver's Lodge.

5.30 The proposal offers an L shaped footprint that fronts Camps Road and the main access road, with parking and amenity space hidden behind the built form, in the north east portion of the site. The proposed scheme is mainly 3 storey, dropping to a 2.5 storey element close to the Methodist Church to reflect the smaller scale of this building. This aspect was liked by the members of the congregation at the public consultation event.

5.31 Policy DM22 requires that dwellings are fit for purpose and function well, providing adequate space, light and privacy; they are adaptable in terms of lifetime changes; they are well built and are the product of coherent design principles. The scheme has been designed to ensure it provides adequate space, light and privacy. The internal layouts have been developed to encourage the ethos of whole life care with adaptability and accessibility built into the design. It is an essential feature of Churchill's Retirement Living design that access within the site and building is achievable without steps. The staircases are designed to support the needs of the 'ambulant disabled'. All flats utilise generous openings to maximise the amount of natural daylight penetrating habitable spaces. Daylight is provided into all the internal corridors and a positive circulation space is proposed. The proposal is considered to comply with policy DM22.

5.32 The scheme provides appropriate separation distances to the surrounding uses, reflecting the character of the area and the continuity of the street frontage. There will be no direct overlooking into nearby residential gardens. The proposal is considered to effectively balance these requirements with the need to make efficient use of land in accordance with paras 122 and 123 of the NPPF.

5.33 Further detail regarding the design is set out in the accompanying Design and Access Statement.

5.34 Paragraph 127 of the NPPF is clear. It requires that developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to the local character and history; establish or maintain a strong sense of place; optimise the

potential of the site; and create places which are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users. It is considered that the proposal balances all these needs and will positively contribute to the character and appearance of the area. The proposal offers high quality and inclusive design in accordance with policies CS3, DM2 and DM22.

Amenity Space

- 5.35 The applicant has considerable experience in delivering retirement developments nationwide. This has given a clear understanding of the use and need for of amenity space. The quality of amenity space is important to prospective residents. Churchill Retirement Living have won awards for excellence for their landscaped gardens.



Figure 1 - Tregolls Court, Truro - Award winning landscaping.

- 5.36 Typical purchasers are 78 year old widows. The move into retirement living accommodation is typically a needs based move, with the main drivers being the death of a partner, companionship, downsizing as the family property is too large to manage or not suited to mobility needs, and to be closer to shops and services.
- 5.37 The experience of the applicant is that high quality amenity space is far more important than quantity. Residents wish to have a pleasant outlook, with high quality planting, and value this more than large areas of green space. Residents use the space in a passive way. Active use of external amenity space tends to be relatively limited and mainly involves sitting out for those few residents who occasionally choose to do so, and perhaps tending a few small flower pots immediately outside of ground floor apartments where access is provided to individual apartments. Large grassed areas of external amenity space are just not required.
- 5.38 A landscape strategy is submitted in support of this application. In accordance with policy SS2, this shows the landscaping and planting that will be provided on the site. Native species will be used to enhance biodiversity. Numerous borders are included with species chosen to add visual interest but also to encourage pollinators.
- 5.39 In addition there is the internal communal lounge and coffee bar. This is a highly valued space, where residents often meet for coffee or to play card games and is useable all year round. Film nights, book clubs, wine and cheese evenings as well as

summer garden parties are also organised. Residents value this amenity space far more than large grassed areas.

- 5.40 The upper floors include balconies and Juliet balconies, providing further amenity space. However, 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 not everyone's preference, but is something residents chose to buy into when they purchase a property.
- 5.41 Overall it is considered that the proposed amenity space will meet the needs of the proposed residents.

Access and Parking

- 5.42 The 2019 Suffolk Parking Guidance states that for retirement housing one space per unit is required and in addition 0.25 spaces per unit for visitor parking. This would require 43 parking spaces. Given the operator's experience elsewhere, this level of parking would be highly unnecessary and would lead to an unsustainable form of development. There is no evidence within the SPG for how this level has been reached for retirement living accommodation.
- 5.43 The experience of the applicant, across their numerous schemes nationwide is that a ratio of 0.3 spaces per unit meet the required needs. Residents are around 80 when they first move in, with the overall average age being late 80s. At this stage many residents no longer wish to drive. It is often the case that part of the reasoning for moving into a retirement living scheme such as this one, which is close to existing facilities, is so that they no longer have to drive.
- 5.44 The scheme is sustainably located, with good access to services and facilities. Indeed the residents at Weavers Lodge walk into the high street. The type of use proposed does not require the same level of parking as non age restricted units.
- 5.45 The scheme proposes 14 parking spaces for 34 retirement units. This is a ratio of 0.41 spaces per unit and is in line with the need identified by the applicant. The adjacent Weaver's Lodge provides 20 parking spaces for 50 retirement units, which is a ratio of 0.4 spaces per unit. Given the same ratio has been accepted next door, in the interests in consistency, there is no reason why it should not be acceptable here.
- 5.46 Churchill Retirement Living have also undertaken surveys of the two closest fully occupied schemes to Haverhill. These are in Saffron Walden and Bishops Stortford. Two full days of surveys were undertaken at each site on 21st and 22nd January 2020. This was before the first national lockdown when traffic levels were still normal. The full results of these are set out in the Transport Statement accompanying the application. This showed an average demand for 0.29 spaces per unit.
- 5.47 It is also worth noting from a commercial point of view Churchill Retirement Living would not want to provide fewer spaces than residents demand, as otherwise they would not sell their units. They have to provide a living environment that future occupiers want, which includes sufficient parking spaces.

- 5.48 Policy DM46 (Parking Standards) sets out that the “*authority will seek to reduce over-reliance on car and to promote more sustainable forms of transport*”. It goes on to acknowledge that “*in the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals*”. This policy forms part of the development plan, with the parking guidance SPG only a material consideration. This is acknowledged in the Council’s AMR 2018/19, which notes at paragraph 8.83 that the parking guidance is only a factor used by local planning authorities when judging applications. Parking provisions will be considered alongside existing local policy and all other material planning considerations.
- 5.49 The individual residential dwellings all include the provision for 2 parking spaces in accordance with the SPG.
- 5.50 Taking into account the specific experience of the applicant, the proposed level of parking will meet the needs of the development. The parking provision is considered appropriate for the town centre location and the type of use proposed. It is considered to accord with policy DM46 and wider Council aims to reduce parking and demands on the private car.
- 5.51 There was no objection to using the access on to Camps Road within the previous appeal scheme. Whilst the total number of units are higher for the current application, the number of parking spaces and hence car movements are lower. Overall the access is considered to be acceptable for the proposed scheme which would have a lower traffic generation than the outline appeal scheme.

Trees

- 5.52 A detailed assessment of the existing trees on the site has been undertaken and further information is contained within the Arboricultural Assessment accompanying the application. Four small low quality category C trees are proposed to be removed. The category B Sycamore in the centre of the site is being retained. The sycamore, lime and beech trees along the northern boundary are outside the site but some of the proposed development will be within their root protection area. However the proposed units are within the footprint of the existing building on the site and are also 450mm further away from the trees than the consented scheme on the site. As set out in the accompanying tree report, the impact on these adjacent trees is considered to be acceptable.
- 5.53 In addition, the proposed landscaping scheme will deliver new tree planting which will provide a positive impact on the local area.

Ecology

- 5.54 The application is accompanied by an ecological report. The site was identified as having medium-low potential for bats. Surveys were undertaken in the 2020 active season showing no signs of any bats.
- 5.55 As set out in the accompanying ecology assessment, the proposal will deliver a biodiversity net gain of +33.61% in habitat units and a net gain of +0.61 hedgerow

units. This will provide a significant environmental enhancement and is an important material consideration in favour of the scheme.

- 5.56 Overall the scheme will provide for the protection of biodiversity and the mitigation of any impacts and is considered to comply with Policy DM12.

Flood Risk and Drainage

- 5.57 A drainage report accompanies the application. The lower permeability clays within the Glacial Till indicates that the site is likely to be unsuitable for infiltration to ground. The proposed surface water drainage strategy is for a restricted discharge into the existing site drainage. Storage will be provided within a cellular storage for the main building and voided subbase beneath driveways for the three dwellings. Sufficient volume will be provided to store all storm return periods up to an including the 1:100 year rainfall event with an additional 40% allowance to account for the predicted future effects of climate change.

- 5.58 Foul drainage will be discharged by gravity via an existing onsite connection to the public foul sewer located beneath Camps Road immediately to the south of the site.

- 5.59 The proposal is considered to be in accordance with Policy DM6.

Noise

- 5.60 The application is accompanied by an acoustic report. A noise survey was undertaken, considering in particular the noise impacts from Camps Road and the ambulance station. The assessment identified the majority of the site as negligible-to-low risk in terms of the significance of the noise impact. The noise closest to Camps Road is considered low-to-medium risk. Appropriate noise levels can be maintained in the building with standard thermal double glazing. Acoustically rated trickle vents would be required for the windows on the south façade of the building, with partially open windows or standard trickle vents being suitable in all other areas.

- 5.61 In relation to the ambulance station, the survey showed that even with open windows, the noise impact is unlikely to exceed the levels within the guidance.

Affordable Housing

- 5.62 Policy CS5 requires 30% affordable housing on sites of 10 or more dwellings. Where it is demonstrated that such an approach is necessary, the Local Planning Authority will consider issues of development viability and mix, including costs associated with the development of brownfield sites.

- 5.63 The application includes 3 dwellings proposed as affordable rent. An affordable housing viability assessment includes further detail on this.

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

5.64 The weight to be attached to the planning benefits of specialised accommodation for older persons has recently been considered at site in Fleet, Hampshire by the Planning Inspectorate. The appeal was allowed for 31 retirement apartments by Churchill Retirement Living. There was no dispute that the proposal complies with the vision and objectives of the plan in that it give priority to the redevelopment of previously developed land and that it provided accommodation for the elderly.

5.65 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.

5.66 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”.

5.67 A copy of the decision is included at Appendix D.

Planning Balance

5.68 It is considered that the approach of the Inspector in the above appeal equally applies to the current application proposal. In summary:

Planning Benefits of current proposal	Weight to be given
Provision of much needed housing for older people	Significant weight
Development of previously developed land	Substantial weight
Development in a sustainable location	Substantial weight
Efficient use of land	Moderate weight
Provision of 56 market dwellings	Substantial weight
Contribution towards affordable housing	Substantial weight
Freeing up under occupied local housing stock	Substantial weight
Economic benefits of the proposed scheme	Substantial weight
Social benefits of the proposed scheme	Substantial weight
Environmental benefits of the proposed scheme	Moderate weight

5.69

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.

6. CONCLUSION

- 6.1 The UK faces a rapidly growing and ageing population. The Government aims to **'significantly boost the supply of housing'**. The PPG is unequivocal in its message that **"the need to provide housing for older people is critical"**.
- 6.2 Between 2014 and 2039 there is predicted to be a **200% increase in those aged 85 and over**. The West Suffolk Housing Strategy estimates that by 2031 over 25% of the population will be aged 65 and over. This ageing population brings with it increasing demand for a range of specialist housing. The SHOP@ tool produced for the Housing LIN identifies a current need for 1,350 units of sheltered housing within the former borough. The recent update to the PPG is clear: ***"where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need."*** **Substantial weight should be given to the delivery of retirement housing given the identified level of need.**
- 6.3 The proposal seeks to deliver 34 no. one and two bedroom apartments and 3 no. dwellings on a brownfield site. In accordance with the NPPF (para 118c) **substantial weight should be given to the value of using suitable brownfield land within settlements for homes. Substantial weight should also be given to the contribution that 37 dwellings will make towards the Council's housing needs.**
- 6.4 The site is in a highly sustainable location. It offers opportunities for the future residents to walk into the high street, accessing a range of services and facilities and supporting the town centre shops and services. This is particularly important as people age, with many having to give up driving. **Substantial weight should be given to delivering development in a highly sustainable location.**
- 6.5 The principle of development is considered acceptable. The site is a vacant brownfield site on the Council's brownfield register. It had permission for 17 dwellings and the adjacent retirement living scheme establishes the principle of flatted residential development in the area. There is no market interest in delivering the previously approved scheme.
- 6.6 This scheme has been sensitively and carefully designed to ensure it sits well within its context. The building has been designed to be 3 storeys, stepping down to 2.5 storeys adjacent to the church, ensuring it is in keeping with the surrounding residential heights. The design and materials have been strongly influenced by the surrounding character, without directly copying the adjacent Weavers Lodge.
- 6.7 There are no technical constraints to developing the site. Following the pre app the dwellings to the north have been moved further away from the tree boundary, reducing the impact upon them. The accompanying acoustic assessment demonstrates the surrounding noise is appropriate, with only the need for acoustic trickle vents along the front elevation. The scheme incorporates an appropriate drainage strategy. The ecological report demonstrates that the scheme will not have a negative impact on ecology and will deliver a biodiversity net gain.

- 6.8 The economic benefits associated with the application include:
- Savings to the NHS and social care services of £3,500 per person per year in retirement living accommodation
 - Increased spending in local shops and services
 - Releasing under occupied family housing back into the market
 - New homes bonus
 - Creation of permanent and construction jobs.
- 6.9 **These benefits should be afforded substantial weight in the determination of this application.**
- 6.10 The social benefits of the proposed development include:
- Encouraging independence in later life with suitably designed housing. Reducing reliance on residential and nursing care.
 - Providing safety and security and reducing management and maintenance concerns.
 - Companionship, reducing loneliness and social isolation.
 - Entertainment and social gatherings
- 6.11 These social benefits are vital for mental health and quality of life as people age. **They should be afforded substantial weight in the determination of this application.**
- 6.12 The environmental benefits include:
- Efficient use of brownfield land, reducing the need for greenfield release
 - Close proximity to shops and facilities encouraging residents to walk
 - Shared facilities for residents in a single building makes efficient use of energy and resources.
 - Use of solar panels to assist in the reduction of CO₂ emissions
 - Use of low energy lighting with use of daylight and movement sensor controls
 - Water efficiency at 110l/p/d in accordance with policy DM7
- 6.13 **These environmental benefits should be afforded moderate weight in the determination of the application.**
- 6.14 **The proposed development is considered to comply with the relevant policies in the development plan for West Suffolk and the NPPF and PPG. The proposal will deliver a highly sustainable form of development, for which there is a significant need and which will deliver numerous benefits to the residents of Haverhill. In accordance with paragraph 11 of the NPPF it should be approved without delay.**

APPENDIX A

APPEAL DECISION FORMER HAVERHILL
MAGISTRATES COURT, CAMPS ROAD,
HAVERHILL, APP/E3525/W/16/3161303



Appeal Decision

Hearing Held on 3 October 2017

Site visit made on 4 October 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd November 2017

Appeal Ref: APP/E3525/W/16/3161303

**Former Haverhill Magistrate's Court, Camps Road, Haverhill,
Suffolk CB9 8HF**

- 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 outline planning permission.
 - The appeal is made by Emlor Homes against St Edmundsbury Borough Council.
 - The application Ref DC/16/1252/OUT, is dated 13 June 2016.
 - The development proposed is outline application for demolition of existing buildings and construction of up to 17 houses.
-

Decision

1. The appeal is allowed and outline planning permission is granted for demolition of existing buildings and construction of up to 17 houses at former Haverhill Magistrate's Court, Camps Road, Haverhill, Suffolk CB9 8HF in accordance with the terms of the application, Ref DC/16/1252/OUT, dated 13 June 2016, subject to the conditions set out in the Schedule attached to this decision.

Application for costs

2. At the Hearing an application for costs was made by St Edmundsbury Borough Council against Emlor Homes. This application is the subject of a separate Decision.

Preliminary and procedural matters

3. The application was made in outline for up to 17 houses with all detailed matters reserved for later approval. The red line on the submitted site plan therefore forms the application and the layout of the proposed development this contains, with access and parking, has been considered as being for illustrative purposes only.
4. An amended plan was submitted following the appeal and a further revision to this tabled at the hearing. Both the revised plans reduce the application site by a relatively limited amount, bringing back the boundary which abuts the ambulance station. The Council was given the opportunity to re-consult interested parties on the revised plan prior to the hearing although I am not persuaded the reduced site area materially alters the nature of the proposal. Having discussed the revised plans at the hearing and applied the Wheatcroft Principles I have accepted the latest version of the application site plan referenced 40022HH-PL21 Rev C and this forms the basis for the decision.

5. The appeal is against non-determination and on 2 February 2017 the Development Control Committee resolved that, had the Council been in a position to do so, planning permission would have been refused for three reasons. The third reason was over the lack of a Section 106 planning obligation to provide for affordable housing and contribute a sum of money towards primary school provision. The appellant has subsequently provided a Unilateral Undertaking (UU) to contribute £682,695 towards primary school provision and so that part of the Council's third reason for potential refusal is addressed. The Council's statement also refers to the contribution of £272 for library items which is also provided by the UU.

Main Issues

6. Therefore in respect of the Council's remaining reasons the main issues are:
- Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the levels of noise and disturbance from the adjacent ambulance station.
 - The effect of the proposal on the safety and convenience of users of the adjacent highway.
 - Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Living conditions for future occupiers

7. The appeal site is within a built-up area close to the town centre. The irregularly shaped site contains vacant municipal buildings and is bisected by the entrance to an adjacent ambulance station. A primary school and vacant care home are also adjacent the appeal site and share the same access off Camps Road.
8. As the application is in outline for up to 17 units, with all detailed matters reserved, the layout of three blocks of three storey housing shown is indicative only. The Council has no objection to the principle of housing on this site. The Council's case is that up to 17 dwellings would not achieve the high quality design required by policies CS3 and DM2 of the St Edmundsbury Core Strategy of December 2010 (CS).
9. The issues in regard to achieving a sufficiently high quality design appear to rest mainly with the ability to provide acceptable living conditions for future occupiers. This relates mainly to considerations over noise and disturbance from the neighbouring ambulance station but also to providing adequate parking and amenity space. The Council had not used the powers available¹ requiring the submission of further details.
10. The latest revised layout indicates a possible way of developing the site whereby it meets car parking standards and provides a reasonable level of private garden space for each unit. Whilst this layout is illustrative and it is only outline permission which is sought I am not persuaded that in principle this site could not accommodate up to 17 dwellings each providing acceptable

¹ Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015

living conditions for future occupiers in regard to having somewhere close to park and a modest area of private garden.

11. With regard to the objection from the ambulance station, and the Council's concerns over the noise and disturbance created by this 24 hour emergency operation, this issue relates mainly to housing to the north of the site, and particularly that directly adjacent to this facility. By its nature increased activity at the ambulance station will neither be constant or predictable and might occur at any time of the day or night.
12. Whilst the layout of housing is indicative any occupiers of housing close to the ambulance station, particularly that shown to the north of the entrance, would be susceptible to some disturbance at unsocial hours from the general comings and goings, staff conversation, vehicles starting with car doors opening/closing and the passage of ambulances.
13. However, the appellant's noise report² has been considered to which the Council has provided no detailed technical response. This concludes that ambulance station activity would not be at a noise level likely to significantly and adversely affect future residents of housing on this site. The worst case scenario would be the result of instances of multiple car door slams. I consider that the most disturbing noise would be from ambulance sirens which are likely to be only employed when accessing Camps Road and this would already impinge upon occupiers in this area. The new housing could be built to good levels of sound insulation to reduce the impact of external noise.
14. I am not persuaded there is a substantiated objection for up to 17 dwellings on the appeal site for the reason that future occupiers would have unacceptable living conditions. The Council has not demonstrated that a high quality design could not for these reasons be accommodated within the site. Therefore, I cannot find the proposal would conflict with the requirements in this regard set out in CS Policies CS3 and DM2 or as contained within paragraphs 61 and 63 of the National Planning Policy Framework (the Framework).

Safety and convenience of users of the adjacent highway

15. The indicative layout in plan 40022HH-PL21 Rev C shows 37 parking spaces in total, with 16 directly off the access road leading from Camps Road and which serves the ambulance station and primary school. The highway authority has withdrawn its objections to this proposal on the grounds of lack of adequate on site car parking. The Council's statement makes no reference to the proposal being contrary to policies DM45 and DM46 of the Joint Development Management Policies Document 2015 which require developments to provide for appropriate levels of parking and to consider transport impacts.
16. The Council's outstanding concern is that the indicative parking layout would be less than ideal, weighing against the proposal in the overall balance of considerations, as there would be some conflicting vehicular movements between cars manoeuvring in and out of the spaces alongside the shared access and other users of this road. The appellants at the hearing tabled a Grampian condition to make any development dependent upon forming a roadside footpath on the opposite side of the site access along the frontage of the vacant care home up to its existing entrance.

² Clarke Saunders Noise Consultants 20 March 2017

17. From my questioning of the parties at the hearing, which included the highway authority, I was unable to find that an objection to this proposal on highway safety grounds and lack of adequate on-site parking could be substantiated. However, matters of access and parking would remain to be resolved and agreed in detail at any reserved matters stage. Nevertheless I find that the Grampian condition submitted would be necessary to mitigate any residual highway conflict between occupiers of the proposed residential development and current users of this access.

Provision for affordable housing

18. CS Policy CS5 requires that residential developments integrate land for affordable housing to ensure this is provided and comes forward in parallel with market homes to meet the needs within the Borough. Where, as in the case of this proposal, the development site is above 0.3 hectares and provides for more than 10 dwellings then Policy CS5 requires 30% of the dwellings shall be affordable. There was no dispute between the parties over the general need for affordable housing in this area and this is a consideration to which I attach significant weight.
19. Paragraph 215 of the Framework requires that the weight given to CS Policy CS5 be proportionate to the degree of consistency with its policies. In this respect I find CS Policy CS5 to be broadly consistent with paragraph 50 of the Framework over meeting a need for affordable housing and is given significant weight in this decision.
20. The Framework is supported by the national Planning Practice Guidance (PPG) and as Government policy I afford both very considerable weight. Paragraph 021 of the PPG explains the availability of vacant building credit (VBC) whereby national policy provides an incentive for brownfield development on sites containing vacant buildings. VBC represents Government policy for incentivising brownfield development, as originally set out in the Written Ministerial Statement (WMS) of 28 November 2014 and more recently reinstated by the Court of Appeal. Where a vacant building is replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution.
21. The appellant has calculated that applying VBC would reduce the proportion of affordable housing required by CS Policy CS5 from 30% to 12%. This follows the process for determining VBC set out in the PPG and the Council has not challenged the calculation, which I also accept. The parties do not dispute that the proposal relates to previously developed land where there is no extant consent for redevelopment and the existing buildings have not been abandoned; all of which are considerations in the applicability of VBC as set out in the PPG.
22. The PPG requires consideration of whether the existing care home had been made vacant for the sole purpose of redevelopment. The evidence is that the former Magistrates Court and social care buildings were vacated as part of a move to more modern, better quality office accommodation and the day centre premises closed along with the adjacent Place Court care home when residents were moved to new accommodation. Whilst a future sale of the site for redevelopment might have been a factor in these decisions I am persuaded by

this evidence that this was not the sole purpose for vacating these buildings as this would, by definition, have had to be the single and only reason.

23. Consequently I consider that VBC as defined in the PPG would properly apply to this proposal. CS Policy CS5 requires 30% affordable housing provision but where demonstrated or proven necessary permits the consideration of development viability and mix which includes the additional costs associated with the development of brownfield sites.
24. The policy set out in the WMS and reflected in the PPG post-dates the Council's CS. CS Policy CS5 is clearly worded to include consideration of the additional costs associated with the development of brownfield land such as the appeal site. As VBC addresses the additional costs associated with the development of brownfield sites I consider it reasonable that CS Policy CS5 be applied in the light of this more recent Government policy measure. The consideration of the additional costs involved in a brownfield development, allowed for by CS Policy CS5, would support the application of VBC and the reduction from 30% to 12% of the proportion of affordable housing provided. I am satisfied on the basis of a rounded calculation this would then require the two affordable housing units proposed.

Unilateral Undertaking

25. Consideration has been given to the UU dated 25 August 2017 made by Churchill Retirement Living, Emlor Homes and Suffolk County Council to St Edmundsbury Borough Council. I have considered the comments made by the Council at the hearing and I am satisfied that the UU comprises an obligation meeting the requirements of Section 106 of the Town and Country Planning Act 1990. The obligations made in respect of the provision of affordable housing and library and primary education contributions meet the three tests set out in Regulation 122(2) Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework and have been given weight in arriving at the appeal decision.

Conditions

26. The Council's suggested conditions were discussed at the hearing. I have considered these, and those recommended by the highway authority, against the tests set out in paragraph 206 of the Framework and have made amendments in the interests of succinctness and clarity. In addition to the standard time limits for the submission of reserved matters and commencement (1-3) it is necessary in the interests of certainty that a condition refers to the revised plan defining the site to which outline planning permission is granted (4).
27. To meet the standards sought by the highway authority a condition (5) requires the reserved matters to include detailed specifications for the construction of the new estate roads and footways. As explained above a condition is required which ensures the provision of a footway on the adjacent side of the shared site access (6). A condition is necessary that before development proceeds above slab level that facing materials are agreed, in the interests of the satisfactory appearance of the development (7). To ensure adequate landscaping, conditions are necessary setting out the requirements for and future management of this reserved matter (8, 9). In the interests of

the living conditions of neighbouring occupiers a condition is necessary restricting construction hours (10).

28. To ensure further critical requirements are met further conditions prevent development taking place until the relevant details have been agreed. To ensure that the Council's sustainable construction standards are met it is necessary that a condition requires the details to be first agreed (11). Conditions are necessary to agree arrangements to record any site archaeology and that these are then put in place (12, 13). To prevent pollution a condition is necessary to ensure any site contamination is investigated and the remediation required takes place (14). To ensure acceptable means of surface water drainage a condition is necessary that these details be first agreed (15). Agreement to a Construction Method Statement is necessary to ensure that these works proceed in a manner compatible with surrounding uses (16).

Balance and Conclusion

29. The evidence persuades me that this site could accommodate the up to 17 dwellings proposed in a manner that would be compatible with surrounding uses, provide adequate on-site parking and amenity space and offer acceptable living conditions for future occupiers. Any residual conflict with the operation of the car parking and the use by others of the shared access would be satisfactorily addressed by the development securing a footpath on the opposite side of the road by means of the Grampian condition proposed. Consequently, I am persuaded that through the controls the Council retains over the approval of reserved matters the high quality design required to meet the CS policies could be achieved.
30. Significant weight is placed on the adequate provision made for affordable housing through CS Policy CS5. This is consistent with paragraph 50 of the Framework whereby the Council is expected, where there is an identified need for affordable housing, to set policies for meeting this on site. However, Policy CS5 allows consideration of issues of development viability and mix, including the additional costs associated with the development of brownfield sites. It is in regard to the latter that very considerable weight is given to national policy to incentivise the development of brownfield sites, through the application of a VBC.
31. Whilst applying a VBC would reduce the provision made towards affordable housing I place the greater weight on this supporting the redevelopment of a previously-developed site in Haverhill and thereby helping generally to boost the supply of housing in a location close to the town centre where future residents would have good access to and help support local services.
32. Therefore, for the reasons given I conclude that the appeal should be allowed subject to the conditions set out in the Schedule below.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/E3525/W/16/3161303
Former Haverhill Magistrate's Court, Camps Road, Haverhill, Suffolk CB9
8HF

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall relate to the site area defined in the following approved plan: 40022HH-PL21 Rev 2.
- 5) The details of the access required under condition 1 (above) shall include constructional specifications for the estate roads and footpaths including layout, levels, gradients, surfacing and means of surface water drainage.
- 6) No dwelling forming part of the development hereby permitted shall be occupied until a 1.8m wide footway laid out to an adoptable standard has been provided along the western side of the access road serving Place Farm Primary Academy running from Camps Road north to the existing access with Place Court.
- 7) No development other than demolition above slab level shall commence until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the local planning authority.
- 8) The details of the landscaping required under condition 1 (above) shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the local planning authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the local planning authority gives written consent for any variation.
- 9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all soft landscape areas (other than privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, shall be submitted to the local planning authority at the same time as the details of the soft landscaping (referred to in Condition 8 above). The landscape management plan shall be carried out in accordance with the approved details and timetable.

- 10) No site preparation and construction works, including road works and the use of external generators, shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 - 1330 Saturdays without the prior written consent of the local planning authority.
- 11) No development shall commence until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with the approved timetable.
- 12) No demolition/development shall take place until a Written Scheme of Investigation in respect of archaeology shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 13) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 12.
- 14) No development shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii) is submitted and approved, in writing, by

the local planning authority. The long term monitoring and maintenance plan in iii) shall be updated and be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- 15) No development excluding demolition shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. This shall include the means to prevent the discharge of surface water from the development onto the highway. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; a construction surface water management plan. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

---End of Conditions---

DOCUMENTS SUBMITTED AT THE HEARING

Site plan – 40022HH – PL21 Rev. C
Hand written wording of suggested wording of Grampian condition
Appellant’s rebuttal of Council costs application

APPEARANCES

FOR THE APPELLANT:

Neil Cameron QC	Counsel, instructed by Andrew Burgess MRTPI, Planning Issues Limited
Chris Geddes, BSc (Hons), DipTP, MRTPI	Associate Director, Planning Issues Limited
Damien Lynch BSc (Hons)	Associate Director, Planning Issues Limited
Gideon Lemberg BA DipArch RIBA	Eastern Design Director, Churchill Retirement Living
Daniel Friel BA MA CMILT	Principal Transport Planner, Mott MacDonald

FOR THE LOCAL PLANNING AUTHORITY:

Gary Hancox	Principal Planning Officer, Forest Heath and St Edmundsbury Borough councils.
David Burkin	Planning Obligations Officer, Forest Heath and St Edmundsbury Borough councils.

INTERESTED PERSONS:

Hen Abbott	Highways Engineer, Suffolk County Council
Neil McManus	Development Contributions Manager, Suffolk County Council
Councillor John Burns	St Edmundsbury Borough Council
Councillor Barry Robbins	St Edmundsbury Borough Council

APPENDIX B
PRE APPLICATION RESPONSE



Rosie Roome
Planning Issues
Churchill House
Parkside
Ringwood
Hampshire
BH24 3SG

Case Officer: Gary Hancox
Direct Line: 01284 759258
Email: gary.hancox@westsuffolk.gov.uk

Reference: PREAPP/19/523

Today's date: 28.02.2020

(by e-mail)

Dear Mrs Roome

Pre application response

Proposal:

Location:

Thank you for your pre-application enquiry received on 22nd November 2019. This letter outlines the discussions of our meeting held on 9th January 2020. I apologise for the delay in replying.

The following comments are made on the basis of the information provided. The issues raised may not be exhaustive, and should you submit a planning application, other issues may arise which could affect the outcome of any application.

All planning applications are assessed against the policies within the Statutory Development Plan for the district, which currently comprises: the Core Strategy 2010; the Haverhill Vision 2031; the Joint Development Management Policies Document (Feb 2015); and the Site Allocations Local Plan (Adopted September 2019). Copies of the plans and their policies can be found on the Council's website using the following link:

http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/stedmundsburylocalplan.cfm

On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were dissolved and became a single Authority, West Suffolk Council. The development plans for the two local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development

Planning and Regulatory Services, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU

Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application/appeal with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

The policies which are most relevant to your proposal are:

St Edmundsbury Core Strategy 2010

- CS1 - Spatial Strategy
- CS2 - Sustainable development
- CS3 - Design Quality and Local Distinctiveness
- CS5 - Affordable Housing

Joint Development Management Policies Document 2015

- DM1 - Presumption in favour of sustainable development
- DM2 - Development Principles and Local Distinctiveness
- DM6 - Flooding & Sustainable Drainage
- DM7 - Sustainable Design & Construction
- DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
- DM22 - Residential Design
- DM45 - Transport Assessments and Travel Plans
- DM46 - Parking Standard

Haverhill Vision 2031

- Policy HV1 - Presumption in favour of sustainable development
- Policy HV2 - Housing development within Haverhill

Relevant regard must also be had to the NPPF. In line with the Council's housing supply policies, this gives support in principle inter alia to the residential development of sites within the settlement boundaries.

Principle of development

The site is located within the settlement boundary, and as your letter points out, the site benefits from an outline consent for 17 dwellings (allowed on appeal (APP/E3525/W/16/3161303)). The Council has accepted the need for a development suited for older persons, remembering of course that what is proposed are retirement flats and accordingly treated as residential dwellings. The principle of the proposed development is considered acceptable.

Traffic and Transportation

The current outline permission on this site is for 17 dwellings with an appropriate level of parking. The proposed development represents a significant increase in

the number of units (33), albeit as retirement dwellings rather than family houses. Parking provision at a ratio similar to that approved on the adjacent Churchill scheme may be acceptable, but this would be subject to consultation with SCC Highways who will have regard to the updated 2019 Parking Standards and may require additional parking.

The cumulative highway impact must also be considered, taking into account the adjoin Churchill development, the existing school site and the ambulance station that all share an access onto Camps Road. Consideration should also be given the provision of electric vehicle charge points for staff and residents as this will be required by our Environment Team to improve air quality.

I would advise that further advice from SCC Highways is obtained before submission.

Townscape, street scene and design

Generally speaking, the proposed design and appearance of the buildings have taken account of their context and appear acceptable. As discussed at the meeting, improvements could be made to the gable elevation of the building at the junction with Camps Road, particularly having regard to the change in levels of the site. The reduced roof height adjoining the neighbouring church building is also acknowledged and this needs to be carried forward to any submitted scheme.

Issues surrounding the 3 separate terrace units were discussed at the meeting. The issues centred around the proximity of the dwellings to the adjacent trees and associated potential for overshadowing and future pressures for their removal. The lot adjoining the north boundary of the site could have significant reduced levels of amenity as a result. Consideration should be given to providing adequate levels of amenity taking into account the size, height, crown spread and RPA of the trees. The location of the dwellings adjacent the ambulance station in terms of noise and general disturbance also needs to be considered, as indeed it was in the consented scheme on the site.

Refuse bins and storage areas

Consideration should be given to the provision of waste management on the site, including provision for the storage and collection of waste. Reference should be made to The Suffolk Waste Partnership document *Waste Technical Guidance for Residential and Commercial Developments February 2019* - https://www.westsuffolk.gov.uk/planning/planning_applications/upload/Waste-Guidance-v-20-policy.pdf

Contaminated land

Any formal application should be accompanied by a Phase I Contaminated land report. The Environment Team will advise on any further investigative work

required and you may wish to engage with the team prior to submitting an application.

Affordable Housing

Acknowledging the previous application of VBC, the same approach can be taken with the new proposal. Depending on what the floorspace reduction does to the required % of affordable housing this should be applied to the 33 units, PROVIDING that the affordable housing is on-site. Otherwise, the % of affordable housing should be applied to total number of dwellings on site.

Ideally the details of the affordable housing will be provided up front with the application, otherwise they would be required to be provided by condition. A S106 legal agreement would secure their affordability in perpetuity.

S106/Planning Obligations

Apart from affordable housing, provided that the 33 dwellings are age restricted, then apart from enhanced library provision, there should be no other planning obligations.

Conclusion

The above list of planning considerations is not exhaustive and matters such as flood risk and drainage will need to be addressed. As with any proposal, the only way to fully test the merits of the proposed development would be through the submission of a formal planning application. However, based on the information provided and taking into account the above, the principle of the development is likely to be supported by officers.

Please see the attached list of relevant documents required, this is to be used as guidance only. It maybe when an application is submitted it comes to light further information is required, that has not been highlighted on this list.

The above comments are made at Officer level only and do not prejudice any future decision, which may be taken by this Planning Authority. I hope this information is useful to you, and if you require any further advice please do not hesitate to contact me. The information contained in this letter is based on the information provided and the current policy context. Any future changes in National and Local Policies will not be reflected in this response.

Yours faithfully

Gary Hancox

Gary Hancox
Principal Planning Officer

SUBMISSION CHECKLIST

You will need to provide the following information in order for your application to be validated (Please use the corresponding validation checklist when submitting your application)

- Completed application form, signed and dated
- Completed Ownership Certificate (A, B, C or D as applicable) as required by Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010

N.B. In addition, where Ownership Certificates B, C or D have been completed, notices as required by Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 must be given and/or published in accordance with this Article

- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North. The site should be edged in red and any other adjoining land owned or controlled by the applicant edged in blue. Location plans should be to a scale of either 1:1250 or 1:2500 (*If based on OS data, the Plan needs to contain the relevant OS licence information as required by copyright law*)
- A copy of other plans and drawings or information necessary to describe the subject of the application, this may include:
 - Block plan of the site showing any site boundaries to a scale of 1:100 or 1:200
 - Existing and proposed elevations to a scale of either 1:50 or 1:100
 - Existing and proposed floor plans to a scale of either 1:50 or 1:100
 - Existing or proposed site sections and finished floor and site levels to a scale of either 1:50 or 1:100
 - Roof plans to a scale of either 1:50 or 1:100
- The appropriate fee

In addition, you may be required to provide the following:

Draft Heads of Terms (S106) Officer	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<hr/>		
	Notes	

Design statement/development brief Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Design & Access Statement Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Heritage statement / Heritage Impact Assessment Officer	Notes	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<hr/>					
Transport Statement / Assessment Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Daylight / Sunlight assessment Officer	Notes	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Landscaping details Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Flood risk assessment Officer – if site area is over 1ha. Notes _____		YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Retail / Leisure impact assessment Officer	Notes	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<hr/>					
Open space assessment Officer	Notes	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<hr/>					
Landscape & Visual impact assessment Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Tree survey / Arboricultural impact assessment Officer – if trees are affected. Notes _____		YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

Biodiversity survey and report Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Noise impact assessment / Acoustic report Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Air quality assessment Officer	Notes	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Sustainable Drainage Strategy Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Horse racing industry impact assessment Officer – yes as part of the transport assessment in this case. Notes _____		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Ventilation, Extraction details and Refuse disposal details Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Structural survey Officer	Notes	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Lighting scheme / Light pollution assessment Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Affordable housing statement Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Environmental Impact Assessment Officer	Notes	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Existing and proposed car parking and access arrangements Officer	Notes	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Land contamination assessment Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Statement of community involvement Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Planning Statement Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Energy Statement Officer	Notes	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Viability Assessment Officer	Notes	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<hr/>					
Marketing Assessment Officer	Notes	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<hr/>					
Joinery, window and door details Officer	Notes	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<hr/>					
Travel plan Officer	Notes	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<hr/>					

If you require guidance on the context of the above reports/information, please view the Guidance on our website (http://www.westsuffolk.gov.uk/planning/planning_applications/chooseplanningapp.cfm)

APPENDIX C
RELEVANT PARAGRAPHS FROM THE NPPF

Relevant Paragraphs from the NPPF

Paragraph 8 highlights three dimensions to sustainable development being economic, social and environmental objectives.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision taking 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 taken as a whole.”**

Paragraph 38 looks for Local Planning Authorities to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 56 sets out that planning obligations should only be sought when they meet all of the following tests:

- “a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*

The Framework clearly sets out the Government’s objective to significantly boost the supply of housing. Paragraph 59 states:

“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” (emphasis added).

Paragraph 61 identifies that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including housing needed older people.

Paragraph 68 acknowledges that small and medium sized sites and make an important contribution to meeting housing requirement of an area, and are often built-out relatively quickly. To promote the development of good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

Promoting healthy and safe communities, paragraph 91 identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

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** (emphasis added) as set out in Paragraph 109.

At Paragraph 117 the NPPF identifies that planning policies and decisions should promote **an effective use of land** in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that **makes as much use as possible of previously-developed or 'brownfield' land**.

The NPPF identifies at Paragraph 118(c) that decision makers should give **substantial weight to the value of using suitable brownfield land within settlements for homes** and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (emphasis added).

The Government recognises at paragraph 122 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."*

The NPPF further identifies at paragraph 123 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make **optimal use of the potential of each site** (emphasis added).

Paragraph 124 is clear that the creation of high quality buildings and places is fundamental to what the planning and development process. Paragraph 127 goes on to state that decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to the local character and history; establish or maintain a strong sense of place; optimise the potential of the site; and create places which are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.

APPENDIX D

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

¹⁹ Taylor Wimpey Developments Limited

²⁰ Ibid

²¹ Document 4

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

Other Matters

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

Planning Obligation

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

²² NPPF paragraph 54

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

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

Planning Balance

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

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

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

²³ Figures 14.8 and 14.10 page 212

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

²⁵ NPPF paragraph 80

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

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

Planning Conditions

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

Conclusion

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

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-17)

Standard Conditions

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

Approved Drawings

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

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

Pre-commencement Conditions

Demolition and Construction Management Plan

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

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

Detailed Surface Water Drainage Strategy

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

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

Contamination Strategy

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

Pre-above Ground Works Conditions

Materials

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

Hard Landscaping

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

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

Refuse Storage and Management

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

Photovoltaic Panels

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

Ecology (Swift Bricks)

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

Pre-occupation Conditions

Surface Water Drainage System Maintenance

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

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

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

Wastewater

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

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

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

Compliance Conditions

Age Restriction

- 13) The age restricted dwellings hereby permitted shall be occupied only by:
1. Persons of 60 years or over.
 2. Persons of 55 years or over living as part of a single household who is a spouse or partner of a persons of 60 years or over.

Soft Landscaping

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

Parking Provision and Retention

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

Sustainable Water Use

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

Construction Hours

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

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Saira Kabir Sheikh QC

Instructed by Hart DC

She called:

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

Director, Urban Design Doctor Ltd

Mr Rob Moorhouse BSc, MSc, MRTPI

Principal Planning Officer, Hart DC

FOR THE APPELLANT:

Mr Sasha White QC
Ms Evie Barden of Counsel

Both instructed by Stuart Goodwill,
Planning Issues Ltd

They called

Robert Jackson BArch, MArch, RIBA

Design Director, Planning Issues Ltd

Matthew Shellum BA (Hons), Dip TP

Head of Appeals, Planning Issues Ltd

DOCUMENTS SUBMITTED AT THE INQUIRY:

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