
PLANNING STATEMENT

**Site at Former Greenfinch Public House, 108 Palatine Road, West
Didsbury, M20 3ZA**

Erection of 37 Retirement Living apartments for older people (comprising 24 no. 1 bed and 13 no. 2 beds) including communal facilities, access, car parking and landscaping. Reconfigured parking arrangement for Wren House.

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TOWN PLANNING AND ARCHITECTURE

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EXECUTIVE SUMMARY

- i. This Planning Statement has been prepared in support of a detailed planning application for the erection of 37 Retirement Living apartments for older people (comprising 24 no. 1 bed and 13 no. 2 beds) including communal facilities, access, car parking and landscaping.
- ii. The UK faces a rapidly growing and ageing population. The Government aims to 'significantly boost the supply of housing'. The PPG *is unequivocal in its message that "the need to provide housing for older people is critical"*.
- iii. The proposal is on a vacant brownfield site. In accordance with the NPPF (para 120c) substantial weight should be given to *the value of using suitable brownfield land within settlements for homes*.
- iv. The site is in a highly sustainable location within 60metres of a local parade of shops on Lapwing Lane and 400metres of the amenities on Burton Road. The site is also on a principal bus route and circa 60metre from the West Didsbury tram stop. Substantial weight should be given to delivering development in a highly sustainable location.
- v. The site was part of the curtilage of a public house in the recent past, however planning permission was granted in 2022 (App Ref: 130831/FO/2021) for change of use of the public house to ground floor offices and apartments, with houses in the rear parking area. The principle of infill residential development on the former parking area is therefore established.
- vi. The scheme has been designed to reflect the character and scale of the surrounding area whilst making efficient use of this sustainable brownfield site. Moderate weight should be afforded to the efficient use of land as required by para 124 of the NPPF.
- vii. The provision of retirement housing releases under occupied family homes back into the housing market. This should be afforded significant weight in the determination of the application.
- viii. There are numerous economic, social and environmental benefits associated with the application. These should collectively be afforded substantial weight in the determination of the application.
- ix. The scheme is considered to meet the requirements of the development plan when read as a whole. Paragraph 11c of the NPPF provides that proposal which accord with the development plan should be approved without delay.

1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Planning Issues Limited, on behalf of Churchill Retirement Living, in support of a detailed planning application for the proposed retirement living development on the site of the Former Greenfinch Public House, 108 Palatine Road, West Didsbury, M20 3ZA,
- 1.2 The proposal is to redevelop the site for 37 Retirement Living apartments for older people (comprising 24 no. 1 bed and 13 no. 2 beds) including communal facilities, access, car parking and landscaping. Reconfigured parking arrangement for Wren House.
- 1.3 This Statement accompanies a detailed planning application. It should be read in conjunction with the following supporting Reports and Plans:

Forms & Reports	
Name	Author
Application Form & Certificate B	Planning Issues Ltd
Design & Access Statement	Planning Issues Ltd.
Planning Statement	Planning Issues Ltd
Report on Affordable Housing & Viability	Planning Issues Ltd
Air Quality Assessment	Air Quality Consulting
Arboricultural Impact Assessment & Method Statement	Barrells
Manual for Managing Trees on Development Sites	Barrells
Preliminary Ecological Assessment	e3p
Biodiversity Metric Report	e3p
Biodiversity Metric	e3p
Noise Impact Assessment	e3p
Heritage Statement	Ecus Ltd.
Transport Statement	Paul Basham Associates
Flood Risk & Drainage Technical Note	AWP
Statement of Community Involvement	DevComms
Ground Investigation Report	Soiltechnics

Proposed Plans			
Name	Drawing no.	Scale	Author
Site Location Plan	50013DB_PL01	1:1250 at A3	Planning Issues Ltd
Site Plan	50013DB_PL02	1:200 at A1	Planning Issues Ltd.
Ground Floor Plan	50013DB_PL03	1:100 at A1	Planning Issues Ltd.
First Floor Plan	50013DB_PL04	1:100 at A1	Planning Issues Ltd.
Second Floor Plan	50013DB_PL05	1:100 at A1	Planning Issues Ltd.
Roof Plan	50013DB_PL06	1:100 at A1	Planning Issues Ltd
Elevations Sheet 1	50013DB_PL07	1:100 at A1	Planning Issues Ltd
Elevations Sheet 2	50013DB_PL08	1:100 at A1	Planning Issues Ltd
Contextual Elevations Sheet 1	50013DB_PL09	1:100 at A1	Planning Issues Ltd
Contextual Elevations Sheet 2	50013DB_PL10	1:100 at A1	Planning Issues Ltd
Perspectives	50013DB_PL11	n/a	Planning Issues Ltd
Buggy Store	50013DB_PL12	1:50 at A3	Planning Issues Ltd
Topographic Survey	SSL:20162:200:1:1:PROV	1:200 at A1	Survey Systems
Tree Protection Plan	23112-2	1:200 at A1	Barrells
Landscape Strategy	JBA 23 - 329 - SK02	1:250 at A1	JBA
Landscape Planting Palette	JBA 23 - 329 - SK03	1:250 at A1	JBA

2. THE APPLICANT

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

2.2 The housing proposed is specifically designed to meet the needs of independent retired people and provides self-contained apartments for sale. A key aspect of the design is that the units are in a single block. This is essential for control over access, with safety and security being a key concern for individuals as they age. It also provides much greater benefits for social interaction. This is enhanced through the provision of communal facilities in particular the owner's lounge, coffee bar and gardens.

2.3 The type of housing proposed is defined as retirement living or sheltered housing within the PPG. It sets out:

“Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.”

2.4 The communal facilities proposed are:

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

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

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

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

2.6 Notwithstanding the age restriction, the average age of purchasers of the apartments is 79 years old, with the average age of all occupiers being in the late 80s. Typically 70% of apartments are single occupancy, often occupied by a widow/widower. The decision to purchase this type of development is predominantly needs based, with residents prompted to move as their existing property is no longer suitable or they can no longer access the shops or services that they need.

3. BENEFITS OF RETIREMENT LIVING

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

Economic

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

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

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

On a selection of national well-being criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing to housing specially designed for later living.'

- 3.3 Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year (*Homes for Later Living September 2019*). More detail on these financial savings is set out within the report.
- 3.4 With 37 units proposed, at a ratio of 1.3 people per apartment, there will be around 48 occupants. At a saving of £3,500 each per year, this equates to a saving of £168,000 per year in local NHS and social care costs, in comparison to mainstream housing. This is a significant economic benefit.
- 3.5 A recent report entitled *Silver Saviours for the High Street* (February 2021) found that retirement properties create more local economic value and more local jobs than any other type of residential development. For an average 45-unit retirement scheme, the residents generate £550,000 of spending a year, £347,000 of which is spent on the high street, directly contributing to keeping local shops open.
- 3.6 Retirement housing releases under-occupied family housing and plays a very important role in recycling of housing stock in general. There is a 'knock-on' effect in terms of the whole housing chain enabling more effective use of existing housing. In the absence of choice, older people will stay put in properties that are often unsuitable for them until such a time as they need expensive residential care.
- 3.7 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)

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

3.9 Substantial weight should be afforded to these economic benefits.

Social

3.10 Retirement housing gives rise to many social benefits:

3.11 Specifically designed housing for older people offers significant opportunities to enable residents to be as independent as possible in a safe and warm environment. Older homes are typically in a poorer state of repair, are often colder, damper, have more risk of fire and fall hazards. They lack in adaptations such as handrails, wider internal doors, stair lifts and walk in showers. Without these simple features everyday tasks can become harder and harder

3.12 Retirement housing helps to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs by providing safety, security and reducing management and maintenance concerns.

3.13 Churchill developments offer a formal coffee morning as well as a number of informal coffee gatherings. Residents often organise bridge clubs, gardening clubs and weekly film nights in the communal lounge. There are also group trips into the town centre for coffee and shopping. Churchill also organise a number of events each year such as summer garden parties, cheese and wine nights, musical nights with tribute acts.

3.14 The *Housing for Later Living Report* (2019) shows that on a selection of wellbeing criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing into housing specifically designed for later living.

3.15 The requirement of the NPPF at paragraph 91 to achieve healthy, safe and inclusive places are a fundamental part of the scheme proposed. These are key benefits that residents are looking for when they seek to move to a Churchill Retirement Living scheme.

3.16 Substantial weight should be afforded to these social benefits.

Environmental

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

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

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

3.19 Moderate weight should be afforded to these environmental benefits.

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

4. OLDER PERSONS HOUSING NEED

National Need for Retirement Living

- 4.1 It is well documented that the UK faces an ageing population. Life expectancy is greater than it used to be and by 2032 the number of people in the UK aged over 80 is set to increase from 3.2 million to five million (ONS mid 2018 population estimates).
- 4.2 Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. The *Homes for Later Living Report* notes the need to deliver **30,000 retirement and extra care houses a year** in the UK to keep pace with demand (September 2019).
- 4.3 Currently in the UK, we build around 8,000 retirement properties a year. This is despite the PPG setting out that the need to provide housing for older people is 'critical'. This is distinctly below the level of demand and need.
- 4.4 A recent report '*Too Little, Too Late?*' sets out that downsizing is key to tackling the national housing crisis. It acknowledges that under occupation is greatest among the elderly population but current housing stock in the UK limits their options. If more family homes are freed up by downsizing, the benefits would be felt across the housing market, with families being able to 'upsize' and smaller homes becoming available for first time buyers. This is further supported by a report '*Chain Reaction*' (August 2020) which finds **circa 3 million older people in the UK aged 65+ want to downsize**.
- 4.5 A recent report by Knight Frank acknowledges that whilst there is an increase in the number older people's housing units being developed, this rate is still dwarfed by the rapidly ageing population. By 2037, population projections suggest that one in four of us will be over 65. Thus, even while delivery of older people's housing may increase, in real terms the numbers of older people housing units per 1,000 individuals is expected to drop. A step change in new delivery is required if the huge imbalance between need and supply is to be addressed.
- 4.6 In addition, the majority of existing retirement housing is within the social rented sector, thus only available for those in need of affordable housing. A large proportion of older people are owner occupiers, and particularly own without a mortgage. They are therefore unable to apply for social rented housing, and in many cases wish to retain equity and so would be looking for a property to buy.
- 4.7 More recently, in the House of Lords Built Environment Committee (published 10th January 2022) '*Meeting House Demands*' paragraph 90-91 communicates '*There will need to be a mix of more suitable, accessible 'mainstream' housing and specialist housing for the elderly if the housing market is to be sustainable in the coming years as the population ages... **Little progress has been made on housing for the elderly, a more focussed approach is needed***'. This presents a contemporary and rising need for a greater focus on Older Persons Housing.

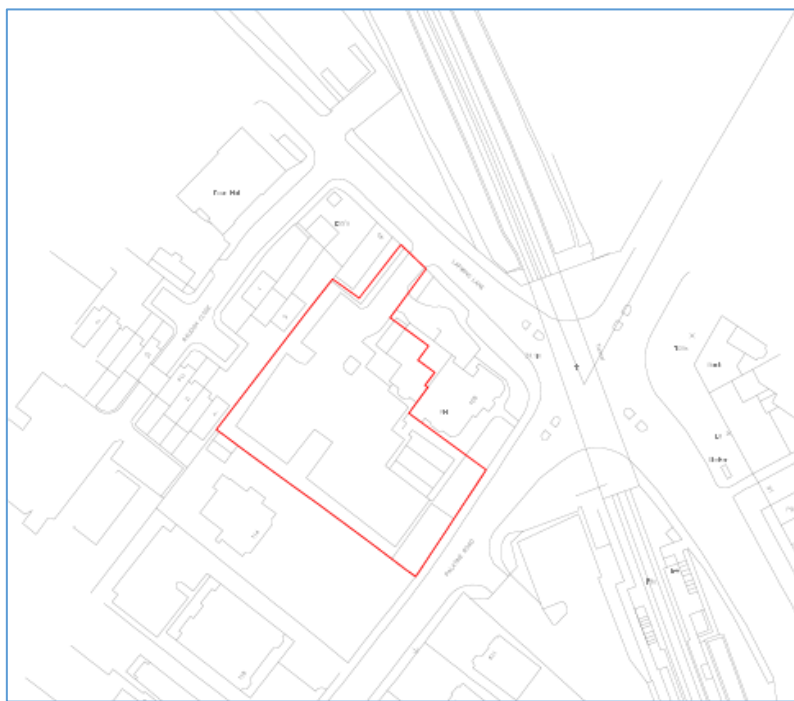
Local Need for Retirement Living Housing

- 4.8 The Planning Practice Guidance acknowledges that the need to provide housing for older people is 'critical'. This is significant as no other specific form of development is referred to as 'critical' in either the NPPF or the PPG.
- 4.9 The age profile of the City can be determined by the 2021 Census data which advises that there are 52,168 people aged 65 and over in the City. The population aged 80 and over, who are generally more likely to be frail and in need of long-term assistance, comprised of 12,663 persons in 2021.
- 4.10 The ONS Population projections (2018) advise that population aged 65+ will increase to 73,101 by 2043, an increase of 20,933 individuals (40.1%). The population aged 80+ is projected to increase more sharply over the same period, with an additional 7,335 persons (57.9%), with a resultant total of 19,998.
- 4.11 While the evidence base underpinning the Manchester Core Strategy is out of date, the Strategy does identify the City's growing elderly population and state that there is a shortage of suitable housing for older people. Policies H1: Overall Housing Provision and Policy H8: Affordable Housing refers to the need to provide additional housing for older people. This need is also frequently referred to in supporting text of the Core Strategy.
- 4.12 The PPG is clear: *"where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need."* From all of the above it can be concluded that there is a need for retirement living apartments in the Borough. The proposed development would provide these much-needed older people homes.
- 4.13 In this context, **the benefits of this scheme in delivering older people's housing against the identified needs must be given substantial weight in the determination of this application.**

5. SITE AND SURROUNDS

Site Location

- 5.1 The site is located within the suburb of Didsbury in south Manchester.



Above: Location Plan

- 5.2 The site is within 400m of the shops and services at the district shopping centre of Burton Road, and there is a local shopping parade on the opposite side of the Lapwing Lane / Palatine Road junction. An overview of local amenities is provided in the table below:

Local Amenity	Address	Distance (miles)	Distance (metres)
Foodstore	Tesco Express, Burton Road	0.249	400m
	Fusion Deli, Lapwing Lane	0.05	80m
Post Office	West Didsbury Post Office, Lapwing Lane	0.05	80m
GP Surgery	Midland Health, The Parade	0.18	300m
Pharmacy	Sterling Pharmacy, Lapwing Lane	0.05	80m
Bus Stop	Palatine Road	0.08	130m
Tram Stop	West Didsbury Tram Stop - Lapwing Lane	0.04	60m

Above: Distance from key Local Amenities

- 5.3 The site is highly accessible by public transport with bus stops on Palatine Road which provide frequent services to the City Centre and Manchester Airport. The West Didsbury Tram Stop is located circa 60m to the east of the site, which links the site to the Greater Manchester tram network and provides frequent services to locations such as the City Centre, the Trafford Centre and Manchester Airport.

Site Description

- 5.4 The site is 0.3 hectares in area and is irregular in shape. It comprises of the parking area for the former Greenfinch public house which has since been redeveloped into offices and apartments under Application Ref: 133740/FO/2022. The former Greenfinch public house (now Wren House) does not form part of the application site.
- 5.5 Given the historic use as a parking area, most of the site comprises of hardstanding broken up by small areas of landscaping. These largest areas of landscaping are on the Palatine Road (eastern) frontage and the northern boundary with no. 114 Palatine Road, with the latter more heavily planted with trees and shrubs than the former.
- 5.6 The site benefits from established trees and hedges to all its boundaries, with the most established trees and hedges on the northern boundary but with large trees also present on the other boundaries.
- 5.7 The site is located on the junction of Palatine Road (B5167), one of the principal thoroughfares connecting the south Manchester suburbs with the City Centre, and Lapwing Lane. The carriageway of Palatine Road is adjacent to the site's western boundary, and beyond this, the entrance to the Northern racquet club and West Didsbury tram station. The Lapwing Lane is to the south of the site, and beyond the Metrolink tramline and its embankment.
- 5.8 The west of site is occupied by the modern housing development of Rayleigh Close and beyond this the Grade II Listed Withington town hall. To the north of the site is 114 Palatine Road, a detached villa set in a large plot.

Planning History

5.9 Planning application history for the site principally relates to its historic use as a public house and works to protected trees. Applications for comprehensive mixed-use re-development of the site have been submitted and approved in the past two years.

5.10 An overview of the site's planning history is provided in the table below. In the interest of brevity this table excludes applications for Conservation Area Consent, Discharge of Conditions and applications solely for the purposes of providing signage / advertisements.

Ref:	Description	Decision	Date
040317	Change of use from disused school to public house with dining facility including conservatory and kitchen extensions on the ground floor, office use on the first floor and managers flat on the second floor	Approved	24.03.1992
073161/FO/2004/S2	Alterations to external patio area involving landscaping and the installation of 2 No. 3.3 metre high umbrellas.	Approved	05.11.2004
073544/AO/2004/S2	Installation of non illuminated house name letters, two Hyde Park lanterns, two post mounted clip frames, two wall mounted clip frames, two non illuminated freestanding signs and one illuminated pole sign.	Approved	21.12.2004
077261/TCA/2005/S2	Notification of intent to carry out works to trees within Albert Park Conservation Area. - Cut back 2 ash trees from roof	Approved	14.11.2005
081224/FO/2006/S2	Erection of awning to form external smoking area	Approved	01.05.2007
091825/TCA/2009/S2	Various works to trees	Approved	30.11.2009
097789/FO/2011/S2	Proposed demolition of existing conservatory extension and construction of replacement lounge extension. Extension to kitchen and bar area, alterations to external beer garden and construction of new play area.	Approved	30.01.2012
105953/TCA/2014/S2	Works to trees - proposed pruning of a Willow, Ash and Sycamore.	Approved	22.07.2014
113573/FO/2016	Alterations and extension of existing external pergola including timber infill side panels with wall art, booth seating and decorative timber parapet and lighting.	Approved	08.12.2016
130831/FO/2021	Change of use and conversion of former Greenfinch Public House including selective demolition to provide office accommodation (Use Class E) and 3 apartments (Use Class C3), and redevelopment of site to provide 8 dwellings (Use class C3) with associated works including landscaping and car parking'.	Approved	14.01.2022
133740/FO/2022	Change of use and conversion of former Greenfinch Public House including selective demolition to provide office accommodation (use class E) and 3 apartments (use class C3), and redevelopment of site to provide 9 dwellings (use class C3) with associated works including landscaping and car parking.	Approved	09.08.2022
134922/FO/2022	Installation of an air conditioning (AC) unit to accompany the change of use and conversion of former Greenfinch Public House	Approved	07.11.2022

- 5.11 Redevelopment of the former Greenfinch Public House into office accommodation (Use Class E) and three apartments (Application Ref: 133740/FO/2022) has been implemented and is now largely complete. Works to bring the redevelopment of the parking area surrounding the former public house into 9 dwellings have not progressed significantly and it is this component of the site which is the subject of this application.

6. THE PROPOSED DEVELOPMENT

- 6.1 The proposal is for the erection of a development of 37 Retirement Living apartments for older people (comprising 24 no. 1 bed and 13 no. 2 beds) including communal facilities, access, car parking and landscaping.
- 6.2 The site retains the existing vehicular access off Lapwing Lane which is shared with the offices and apartments with the apartments at the former public house but separated by an automatic gate. The proposed development provides 13 car parking spaces. A dedicated parking courtyard providing 8 parking spaces will serve Wren House
- 6.3 The owner's lounge is located to the north which benefits from a communal resident's terrace, there are landscaped garden areas to the west and south.
- 6.4 Further details of the proposed development can be found in the **Design & Access Statement** and [Chapter 9](#) of this Statement.

7. PLANNING POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (2021)

- 7.2 The revised National Planning Policy Framework was updated on 5th September 2023 and sets out the government's planning policies for England and how these are expected to be applied.
- 7.3 Paragraph 8 of the revised NPPF highlights three dimensions to sustainable development being economic, social and environmental objectives.
- 7.4 The revised NPPF at paragraph 11 states that for plans and decisions should apply a presumption in favour of sustainable development which for decision making this means:
- c) *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*
- 7.5 Paragraph 47 identifies that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless longer period has been agreed by the applicant in writing.
- 7.6 The Government's policy, as set out in the revised NPPF, is to boost significantly, the supply of housing. Paragraph 60 reads:
- "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, **that the needs of groups with specific housing requirements are addressed** and that land with permission is developed without unnecessary delay."*
- 7.7 The revised NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, and type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including older people.
- 7.8 Paragraph 69 of the revised NPPF acknowledges that small and medium sized sites 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.
- 7.9 The revised NPPF identifies at Paragraph 120(c) that 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.

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

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

7.11 Relating to design, Paragraph 130 of the revised NPPF acknowledges that planning policies and decisions should ensure that developments:

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

7.12 The proposal is within a Conservation area and within the setting of several heritage assets. The Heritage Statement submitted with this application concludes that the proposed development will result in 'less than substantial harm' and as such Paragraph 202 of the NPPF is relevant which advises that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

7.13 The public benefits derived from the scheme are substantial (see [Chapter 3](#)) and carry substantial weight in the planning balance (see [Chapter 12](#)).

Planning Practice Guidance

- 7.14 The Planning Practice Guidance (PPG) is a material consideration when taking decisions on planning applications. The PPG provides guidance on how policies in the NPPF should be implemented.
- 7.15 In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising its importance. Paragraph 001 states:
- “The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”*** (emphasis added).
- 7.16 Paragraph 003 recognises that “the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.” Thus a range of provision needs to be planned for.
- 7.17 Paragraph 006 sets out “plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.” Therefore, recognising that housing for older people has its own requirements and cannot be successfully considered against criteria for general family housing.
- 7.18 Paragraph: 016 sets out that “Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people”. It goes on to clearly state: **“Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need”** (emphasis added).

Development Plan

- 7.19 The development plan for the Council currently comprises of the [Core Strategy](#) (2012). As the Local Plan is now over five years old, its policies need to be read in conjunction with the NPPF.
- 7.20 The relevant policies in relation to the redevelopment of the site for older persons' housing are listed below:

The City of Manchester Core Strategy (2012)

- ❖ Policy SP1: Spatial Principles
- ❖ Policy DM1: Development Management
- ❖ Policy H1: Overall Housing Provision
- ❖ Policy H6: South Manchester
- ❖ Policy H8: Affordable Housing
- ❖ Policy EN1: Design Principles & Strategic Character Areas
- ❖ Policy EN3 Heritage
- ❖ Policy EN4: Reducing CO2 Emissions by Enabling Low and Zero Carbon Development
- ❖ Policy EN 8: Adaptation to Climate Change
- ❖ Policy EN 14: Flood Risk
- ❖ Policy EN 15: Biodiversity and Geological Conservation
- ❖ Policy EN 16: Air Quality
- ❖ Policy PA 1: Developer Contributions
- ❖ Policy DM 1: Development Management

- 7.21 The emerging '[Places for Everyone](#)' is a Joint Local Plan that is being prepared by the Greater Manchester Combined Authority (GMCA) including the City of Manchester Council. The Plan was submitted to Examination in Public (EiP) in February 2022 and a consultation on the post Examination modifications is live at the time of writing. The Plan is expected to be adopted in early 2024.
- 7.22 Places for Everyone is a strategic plan for the Greater Manchester Region and does not specifically consider the site. Policies relevant to the proposal are however listed below:

Places for Everyone (including Post EiP Modifications) (2023)

- ❖ Policy JP-Strat9: Southern Areas
- ❖ Policy JP-Strat14: A Sustainable and Integrated Transport Network
- ❖ Policy JP-S1: Sustainable Development
- ❖ Policy JP-S2: Carbon and Energy
- ❖ Policy JP-S5: Flood Risk and the Water Environment
- ❖ Policy JP-S6: Clean Air
- ❖ Policy JP-S7: Resource Efficiency
- ❖ Policy JP-H1: Scale, Distribution and Phasing of New Housing Development
- ❖ Policy JP-H2: Affordability of New Housing
- ❖ Policy JP-H3: Type, Size and Design of New Housing
- ❖ Policy JP-H4: Density of New Housing
- ❖ Policy JP-G7: Trees and Woodland
- ❖ Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity
- ❖ Policy JP-P1 Sustainable Places
- ❖ Policy JP-P2: Heritage
- ❖ Policy JP-C1: An Integrated Network
- ❖ Policy JP-C7: Transport Requirements of New Development

Supplementary Planning Documents

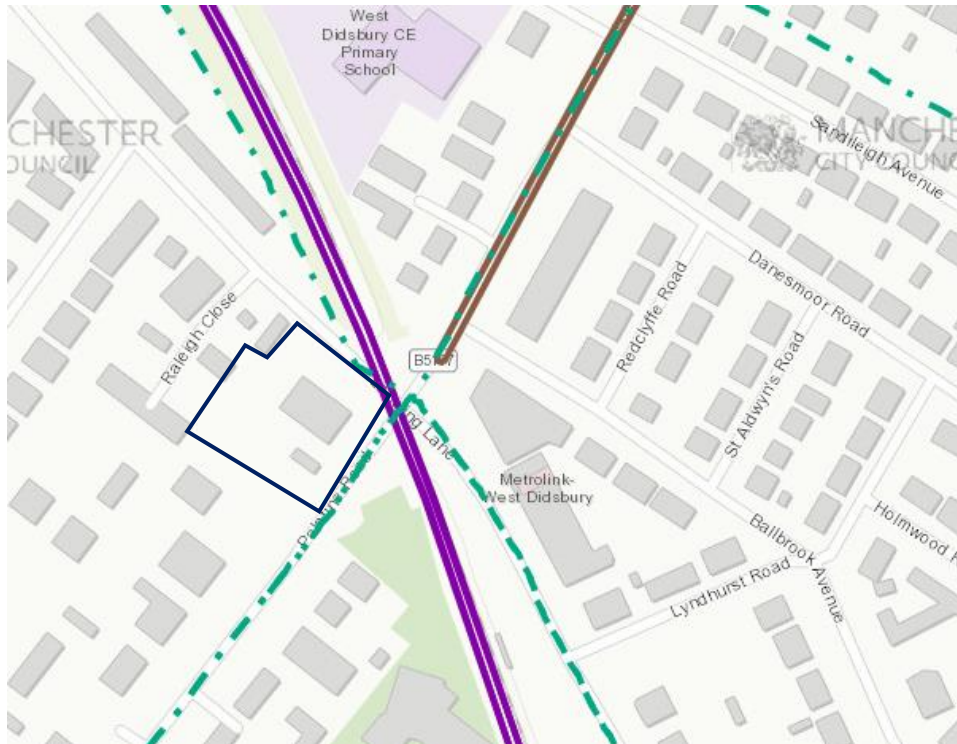
7.23 The proposal will also give due consideration to the following Supplementary Planning Documents (SPD):

- ❖ Guide to Development in Manchester SPD (2007)
- ❖ Providing for Housing Choice SPD (2008)
- ❖ Special Needs and Supported Housing SPG (1998)

8. PLANNING CONSIDERATIONS

Principle of Development

- 8.1 The site is located within the south Manchester suburb of West Didsbury and is not allocated for a specific land use in either the adopted Core Strategy or the emerging Place for Everyone plan.



Above: Excerpt from the [Local Development Framework Area Map Browser](#)

- 8.2 The Site is within the Albert Park Conservation Area, and within 50m of the Blackburn Park and Ballbrook Conservation Areas. The proposal's impact on the character and appearance of the Conservation Area, and setting of other nearby heritage assets, is a key requirement of *Policy EN3: Heritage* and is considered in depth in the **Heritage Statement** and [Chapter 10](#) of this report.
- 8.3 The housing delivery target in *Policy JP-H1: Scale, Distribution and Phasing of New Housing Development* details a requirement to deliver 175,185 homes across Greater Manchester between 2022-2039 with an annual target of 10,305 dwellings per annum. The City of Manchester is required to deliver 60,061 of those homes, 3,533 homes per annum.
- 8.4 *Policy JP-Strat9: Southern Areas* states that 'There will be a strong emphasis on prioritising the re-use of making as much use as possible of suitable previously developed (brownfield) land'. The site does comprise previously developed land within an urban area of West Didsbury and accords with this policy and NPPF guidance that states decision makers should give substantial weight to the value of using suitable brownfield land within settlements (para 120c). In addition, paragraph 123 sets out that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs.

- 8.5 The proposed development is aligned with the Core Principles of Policy *SP1: Spatial Principles* in that it creates a well-defined space that enhances local character and meets a critical need for specialist older persons' housing in the City.
- 8.6 The site was a public house in the recent past, however planning permission was granted in 2022 (App Ref: 130831/FO/2021) for change of use to ground floor offices and apartments, with houses in the rear parking area. The principle of infill residential development on the former parking area is therefore established.
- 8.7 The change of use of the former public house is nearing completion and is not the subject of this application.
- 8.8 *Policy 10: Housing for people with additional support needs* states proposals for appropriately designed accommodation which enables people with additional needs to maintain an independent lifestyle will be supported subject to additional criteria. *Policy H6: South Manchester* advises that housing development in south Manchester should prioritise identified shortfalls of which housing that meets the needs of the elderly is specially referenced.
- 8.9 *Policy JP-H3: Type, Size and Design of New Housing* reiterates the need to incorporate specialist housing for older households and vulnerable people where appropriate. The supporting text to this policy highlights the need to provide suitable housing to meet the needs of older people by stating that:
- 7.32 *The ageing population will necessitate a renewed emphasis on ensuring that a diverse range of housing is available to meet the needs of older people and households. This will require new dwellings to be more adaptable, and designed with potential care needs in mind, so that older people can remain in their homes if they wish as their circumstances change. There also need to be much better options for those who would like to move, perhaps to a dwelling of a more appropriate size in a location that enables them to easily access local services and facilities, and this could help to release some existing houses for families with dependent children.*
- 8.10 The proposal provides much needed retirement living accommodation (See [Chapter 4](#) of this Statement) in a sustainable location (see [Chapter 5](#) of this Statement) and as such enjoys the support of this policy.
- 8.11 The principle of development to retirement living accommodation is therefore considered acceptable.

9. DESIGN CONSIDERATIONS

Introduction

- 9.1 This section looks to review the proposal against the local context, scale, massing, and appearance.
- 9.2 The *National Design Guide* illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Guide sets out ten characteristics of well-designed places which elaborate on the themes of good design set out in the NPPF. The National Design Guide lends some objectivity to the inherently subjective issue of 'good design', with Paragraph 64 stating that:
- "Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context."*
- 9.3 The PPG clarifies that the National Design Guide does not attempt to establish a 'one-size fits-all' approach to design for the whole Country, rather it encourages the preparation of Local Design Guides.
- 9.4 *Policy EN1: Design Principles & Strategic Character Areas* and *Policy DM 1: Development Management* of the adopted *Core Strategy* set out a range of criteria that new development must meet. Due consideration has been given to emerging policies within the *Places for Everyone Plan* for Greater Manchester, particularly *Policy JP-H3: Type, Size and Design of New Housing* and *Policy JP-P1: Sustainable Places*.

Siting, Layout and Relationship to surroundings

- 9.5 The development potential of the site was assessed with several configurations considered. The evolution of the design is detailed in the supporting **Design and Access Statement**.
- 9.6 As a response to the site constraints and opportunities, a broadly linear building footprint is proposed running east to west across the site. Parking is provided in a courtyard to the north of the site, with vehicular access via Lapwing Lane.
- 9.7 Paragraph 130(a) of the NPPF advises that good design needs to function well for its intended end users function well, not just for the short term but over the lifetime of the development. The proposed building has been specifically designed with older people in mind, with the main entrance located off the parking courtyard. This provides a safe, level, welcoming access for residents when entering the scheme.
- 9.8 A communal patio is located on the northern elevation with a south-facing landscaped communal gardens to the rear and supplemental amenity green space to the east.
- 9.9 The proposed building layout constitutes a careful approach to the context of the site, with a balance of landscaping and private amenity space. The layout as proposed provides suitable access into the site, with private access for pedestrians directly onto Lapwing Lane to the north and Palatine Road to the east. Appropriate provision of car parking as is detailed in the **Transport Statement** and Chapter 10 of this Statement.

Neighbour Amenity

- 9.10 The site is bounded by Lapwing Lane and Palatine Road to the north and east respectively. Land uses immediately opposite the site on these carriageways are non-residential.
- 9.11 Raleigh Court is located to the west, however elevations on properties overlooking the site are either blank or have secondary windows.
- 9.12 114 Palatine Road is located to the south of the site and does have windows overlooking the site on its north elevation, which is circa 8metres from the boundary and with window-to-window distances of circa 20m with the proposed development. There is established screening on the boundary to the site which will mitigate overlooking and this will be enhanced with supplemental planting.
- 9.13 The Greenfinch has been renovated to provide office space on the ground floor with 3 apartments on the upper floors. No habitable windows from these apartments overlook the south of the site, and loss of privacy is not considered an issue accordingly.
- 9.14 The proposed development therefore protects the amenity of existing and proposed residents. Further details are provided in **Design & Access Statement**.

Scale, Height and Massing

- 9.15 The scale and design of the building has been strongly influenced by the character of the surrounding area.
- 9.16 Palatine Road (B5167) is one of the principal roads connecting the south Manchester suburbs with the City Centre and the site sits on a prominent junction within West Didsbury accordingly. There is a cluster of municipal, community and leisure buildings, both historic and modern, in close proximity to this junction which further reinforces its importance in the surrounding townscape.
- 9.17 Beyond the principal roads are historic Victorian and Edwardian suburbs, which are typically detached and semi-detached villas in good sized plots. Villas on Palatine Road are however larger in scale with wider frontages and are more typically 2½ to 3 storeys in height.
- 9.18 Buildings orientated around the Palatine Rd. / Lapwing Lane junction accordingly are larger in scale, with wide frontages. Prominent examples include the local parade of shops at comprising no.'s 97-113 Lapwing Lane (59m in width) and the Danesmoor Court (57m in width).
- 9.19 The proposed retirement living development has a 27m wide frontage on the Palatine Road elevation which is commensurate in size to nearby buildings such as Calluna Mew (29m) and Trafalgar Place (22m). The massing of the building is broken up through the use of setback and gables, which add articulation and interest to the building.
- 9.20 While the site is located on a prominent junction, the proposed building has been carefully designed so as to not be perceived as overbearing or dominant. Given the sympathetic renovation of the former Greenfinch public house, the proposal has been designed to appear subservient from the wider streetscene. To that end, both the eaves and ridge height of the proposal are lower than the former Greenfinch.
- 9.21 It is strongly considered that the design and nature of the scheme, will create a building that integrates well into its surroundings.

Density

- 9.22 The National Design Guide states at paragraph 62 that well-designed places have compact forms of development. At page 20 'compact' is defined as relatively high density and an urban layout.
- 9.23 The scheme has demonstrably addressed the constraints and opportunities of the site and had regard to the local context including heritage assets and their setting. The scheme proposes an urban, compact form of development that reflects the pattern and grain of Didsbury.
- 9.24 The numerical density is at 123 dwellings per hectare, a product of the character and nature of retirement living developments. This is appropriate for a site with good accessibility to the town centre which good access to local amenities.
- 9.25 *Policy JP-H4: Density of New Housing* advises that new housing built within 400m of a metro-link stop, as is the case for this site, must be built to a minimum density of 70 dwellings per hectare. Were the 9 dwellings proposed under the extant consent (Ref: 130831/FO/2021) to be built out then density would be 30 dwellings per hectare, significantly under the minimum density requirement.
- 9.26 The proposed development can be comfortably and appropriately accommodated on site without causing harm to amenity for existing and proposed residents and is considered an appropriate density for such a sustainable location.

Appearance and Materials

- 9.27 The area immediately surrounding the site is largely Victorian and Edwardian in character, comprising mainly of detached and semi-detached villas in good sized plots but with community, commercial and municipal buildings clustered around the Palatine Road / Lapwing Lane junction.
- 9.28 There are some gap sites within the immediate vicinity of the site that have been infilled by 20th and 21st century development and the more successful of these developments reference or provide contemporary interpretations of the established 19th Century detailing.
- 9.29 The proposal therefore looks to emulate the Victorian / Edwardian buildings in the surrounding area, in particular the former Greenfinch public house. This is accomplished through the symmetrical positioning of gables and the rhythm of the fenestration, as well as the incorporation of architectural detailing, such as blue brick banding and stone cills and headers that are frequently found in the surrounding area.
- 9.30 The materials proposed have been chosen to compliment the former public house, with a buff brick for the walls and grey slate effect tiles for the roof.
- 9.31 A more detailed analysis of the site, its context and the design response are provided in the **Design & Access Statement**.

Amenity Space

- 9.32 The applicant has considerable experience in delivering retirement living developments nationally and a subsequent clear understanding of the use and need for amenity space. The experience of the applicant is that high quality amenity space is far more important than quantity. Residents use the space in a passive way. Active use of external amenity space tends to be relatively limited and mainly involves sitting out. Large, lawned areas are just not required.

- 9.33 In addition, there is the internal communal lounge and coffee bar. This is a highly valued space, where residents often meet and is useable all year round. Experience has shown that older people derive considerable pleasure and enjoyment from interacting with others as a community in the communal lounges and terraces. This is something residents chose to buy into when they purchase a property.
- 9.34 Notwithstanding this, the proposal provides a large amount of amenity space for the residents to enjoy with a landscaped garden and terrace to the east of the site. Ground floor apartments will have their own private patios and, where appropriate, balconies are provided to apartments.
- 9.35 A **Landscape Strategy** has been submitted in support of this application which shows that landscaping and planting that will be provided on the site. Native species will be used to enhance biodiversity. Borders are included with species chosen to add visual interest but also to encourage pollinators.
- 9.36 Overall, given the balance of achieving efficient use of land as set out in para 124 of the NPPF combined with a clear understand of the needs of the residents and the emphasis on high quality landscaping, it is strongly considered that the proposed amenity space will meet the needs of the residents.

10. TECHNICAL CONSIDERATIONS

Highways and Parking

- 10.1 A Transport Statement by **Paul Basham Associates** has been submitted as part of the planning application.
- 10.2 The site is in a highly sustainable location being within 75metres of a local parade of shops on Lapwing Lane and with bus stops and a metro-link tram stop on Palatine Road (See Chapter 5.1).
- 10.3 It is proposed that the existing vehicular access on Lapwing Lane will be utilised to provide access as per the consented scheme, with the access in the form of a bellmouth measuring 5.5m. Two-way vehicle movement and sufficient visibility is achievable at the access in both directions.
- 10.4 Pedestrian access will be provided in the form of a 1.0m wide footway along the western side of the vehicle access, which would be a continuation of the existing footway along Lapwing Lane.
- 10.5 As set out in the **Transport Statement**, the experience of Churchill is that 0.3 spaces per apartment meets the required demand. Parking surveys show a demand for 0.28 spaces per unit. Residents often move into a retirement development so they are closer to local services and facilities and so can give up reliance on their cars. The typical pattern is that residents move in and then give up their car within 6 months as they no longer need it. Many no longer wish to drive and others find the cost of taxing, insuring and maintaining a car unnecessary for the occasional trip, especially given public transport is available.
- 10.6 From a sales perspective, Churchill would not want to provide a development with insufficient parking as it would upset residents and deter future purchasers. As such a thorough understanding has been obtained from existing schemes.
- 10.7 The provision of 13 spaces for the retirement living units at a ratio of 0.35 spaces per apartment is therefore considered suitable to ensure that development does not lead to any overspill parking on the local road network.
- 10.8 The NPPF promotes sustainable transport and developers should not be expected to provide more parking than required unless there are clear and compelling justifications, taking into consideration the accessibility, type, mix and use of the development. The policy accords with *Policy JP-C1: An Integrated Network* and *Policy JP-C7: Transport Requirements of New Development* accordingly.

Flood Risk and Drainage

- 10.9 The proposed development is located within Flood Zone 1 and is not known to be susceptible to flooding from fluvial and tidal flooding. The site is within the Didsbury Critical Drainage Area where a flood risk assessment is required. A **Flood Risk and Drainage Technical Note** has been provided by AWP.
- 10.10 Small areas of the site are however identified as being at 'low' risk from pluvial (surface water) flooding. This is associated with surface water runoff from within the site boundaries and does not comprise incoming flows and this will be mitigated by the proposed surface water management plan.
- 10.11 Infiltration is not considered a suitable method of surface water disposal and as such the proposal utilises attenuated discharge into the combined sewer beneath Palatine Road,

which is currently receiving unattenuated discharge from the site. Cellular tanks with silt traps and high-level vent pipes are proposed (See Appendix K of Flood Risk and Drainage Technical Note). Attenuated peak flows will be limited to 2.7 l/s peak, as agreed with United Utilities providing a 96% betterment compared to the existing site.

- 10.12 The proposed development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment. As such the proposals accords with adopted *Policy EN 14: Flood Risk* and emerging *Policy JP-S5: Flood Risk and the Water Environment*.

Trees

- 10.13 The application is accompanied by an **Arboricultural Assessment, Tree Survey** and **Landscaping Strategy**.
- 10.14 The site includes a good number of mature and semi-mature trees, particularly on its southern boundary, albeit there are mature trees present on the other boundaries.
- 10.15 The proposal requires the loss of four trees on site, which are all identified as being low quality Category 'C' trees. No trees identified as being of moderate or high quality will be lost.
- 10.16 The historic recent consent for the redevelopment of the public house and 8 dwellings on the car parking area (Ref: **130831/FO/2021**) established the loss of 16 trees on site and 1 off-site, 14 of which were 'Category C' with the remaining 2 'Category B'. Most of these trees were on the site's western boundary or within the car parking area, including all of the trees proposed for this application. The Officer's Report confirms the loss of these trees is acceptable provided that there is a commitment to provide 3 replacement trees for every 1 tree lost.
- 10.17 The proposed scheme provides betterment in this respect as fewer trees need to be felled and, saliently, the Category B willow on the western elevation is retained.
- 10.18 The proposal does propose the loss of a cypress hedge on the western boundary to accommodate a pedestrian footway. The cypress has become overgrown and would appear unsightly if cut back, as such a replacement hedge is proposed in this location.
- 10.19 The **Arboricultural Assessment** concludes that the significant and sustainable boundary tree cover is being retained, and none of the trees proposed to be removed are prominent as skyline features in the wider setting. There is scope on site for replacement and supplemental tree planting as is demonstrated by the proposed **Landscaping Scheme**. The proposal therefore meets the criteria of *Policy JP-G7: Trees and Woodland*.

Noise

- 10.20 The site is located on a well trafficked junction and within 70m of a metro-link line and the amenity of future residents in the development has been considered against noise generated from the surrounding areas. A **Noise Impact Assessment** has been submitted with the application accordingly.
- 10.21 This concludes that internal maximum noise levels of 45 dB L_{Amax} should also not be exceeded and that no facades are subject to levels higher than 74 dB L_{Amax}. Standard thermal double glazing will be sufficient across the site.
- 10.22 In respect of external amenity space, for most of the site, this does not exceed the upper criterion of 55 dB however this will not be the case for areas immediately adjacent to Palatine

Road. While acoustic fencing could potentially mitigate this, application in the recent past (130831/FO/2021 and 133740/FO/2022) have consistently shown that planners at Manchester City Council wish to avoid fencing on this boundary. To that end a dense hedgerow is proposed to supplement the existing masonry wall on Palatine Road.

Air Quality

- 10.23 The junction of Palatine Rd. / Lapwing Lane is an AQMA which the site is partially within. An **Air Quality Assessment** has been submitted as part of the application.
- 10.24 The proposed development will lead to changes in vehicle flows on the local road network; however, the assessment has shown that these flows will be below recognised screening thresholds and thus the effect of the proposed development upon local air quality will be 'not significant'. It is worth noting that the Transport Statement concludes that the traffic generated by the proposal will be lower than the site's historic use as a public house.
- 10.25 The suitability of the site for its proposed residential use has also been considered. Pollutant concentrations will be below the air quality objectives and air quality for future residents will thus be acceptable.
- 10.26 Overall, the operational air quality effects of the proposed development are judged to be 'not significant'. The site accords with adopted *Policy EN 16: Air Quality* and emerging *Policy JP-S6: Clean Air*.

Biodiversity

- 10.27 The application is supported by a **Preliminary Ecological Appraisal Report** undertaken by e3p which incorporates a **Biodiversity Net Gain** calculation.
- 10.28 The site is not covered by any statutory or non-statutory sites for nature conservation. Due to the scale of the development and distances from the site, it is considered that there is no potential for adverse effects to any of the identified designated sites during the construction or operational phase of the proposed development.
- 10.29 The site comprises of the parking area for the former Greenfinch public house and as such the habitats on site predominantly comprise of hardstanding and bare ground with some areas of amenity grassland, scattered trees and shrubs. The habitats on site range from negligible to local ecological importance.
- 10.30 All of the trees assessed on site were deemed to have negligible potential for roosting bats and limited value for foraging bats. No further surveys for any other protected or notable species are recommended.
- 10.31 The **Biodiversity Metric Report** concludes that there is a biodiversity net gain of 23.65%, with an increase in hedgerow units of 714%.
- 10.32 The proposals therefore fulfils the requirements of *Policy EN 15: Biodiversity and Geological Conservation* and *Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity*.

Heritage

- 10.33 The Site is within the Albert Park Conservation Area, and within 50 m of the Blackburn Park and Ballbrook Conservation Areas. The Grade II Listed Former Withington Town Hall is located c35m to the north-west of the site and the Grade II Former District Bank is located c70m to the east.
- 10.34 There are no World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields or Listed Buildings within 250m of the Site. The former Greenfinch public house is neither listed nor locally listed but was identified as making a positive contribution to the Conservation Area in the historic applications.
- 10.35 A **Heritage Impact Assessment** has been prepared which concludes that the proposed development results in 'less than substantial harm' and would equate to less than substantial harm (lower end at the threshold with no harm) to the Conservation Area. This is the same level as harm attributed to the previous permissions at this location (130831/FO/2021 and 133740/FO/2022).
- 10.36 The public benefits arising from the proposal, including securing its optimum viable use, must be considered against the significance of the heritage asset, as per Paragraph 202 of the NPPF. The public benefits derived from the scheme are substantial (see Chapter 3) and carry substantial weight in the planning balance (see Chapter 12). Moreover, the site comprises vacant, brownfield land in a highly sustainable location and is ideally located for higher density development.
- 10.37 As such, the public benefits derived from the proposal outweigh the less than substantial harm to the conservation area in the planning balance. The proposal accords with adopted *Policy EN3 Heritage* and emerging *Policy JP-P2: Heritage*.

Affordable Housing

- 10.38 *Policy H8: Affordable Housing* requires 20% affordable housing on sites on eligible sites, where it is financially viable to do so.
- 10.39 A **Report on Affordable Housing and Viability** accompanies the application. There are additional costs associated with delivering retirement housing as opposed to standard open market housing. Around 25% of floor space is for communal facilities such as the owner's lounge and guest accommodation. This is unsaleable floor area which therefore reduces income. Local Plan viability assessments do not take this into account.
- 10.40 In addition, retirement accommodation has a reduced sales rate, due to the smaller section of the market that is eligible, increasing borrowing and empty property costs. Further detail is set out in the **Report on Affordable Housing and Viability** accompanying the application.

Pre-Application Community Engagement

- 10.41 The NPPF sets out in paragraph 39 that 'Early engagement has significant potential to improve efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'.
- 10.42 The Applicant is committed to engaging with local stakeholders on their proposed planning applications and has a strong track record in consulting with members of the local community, specialist groups, local councillors and other relevant third-party stakeholders in an open, transparent and comprehensive way.

- 10.43 An online public consultation was held between 20th and 26th November 2023, where plans were available to view, and the applicant asked for feedback from the local community. By way of advertising the consultation, letters were sent to over 297 nearby residents and local businesses with the addition of key stakeholders. An advertisement was also published in the Manchester Evening News.
- 10.44 The Didsbury micro project website was viewed 196 times over the consultation period, however only one feedback response was received. This indicates most local residents who visited the website either liked the proposals or did not feel the need to comment, which suggests a neutral opinion on the proposals.
- 10.45 The feedback response received was wholly negative about the proposal, questioning the need for a retirement living development at this location. Conversely however project information office also received one telephone call from a local resident calling on behalf of themselves and a friend, both interested in acquiring a flat within the development in the future. Given the very early stage of the proposals, this indicates that there is an unmet demand for retirement living apartments in this area.
- 10.46 Representatives of Churchill Retirement Living also presented the proposal to Ward Councillors and representatives of the West Didsbury Residents Association, with further meetings scheduled in the near future.
- 10.47 Further details are provided in the **Statement of Community Involvement** by Devcomms.

11. BENEFITS & PLANNING BALANCE

Appeal Precedent

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

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

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

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

"The following benefits would arise: (i) much needed housing for older people...significant weight should be given to this benefit; (ii) the development is of previously developed land (substantial weight); (iii) the development would be in a sustainable location (substantial weight); (iv) the development would make optimum use of the site (moderate weight); (v) the development would provide 31 market dwellings and is a clear benefit (substantial weight); (vi) the provision of the appellants payment to the delivery of affordable housing would be a significant benefit (substantial weight); (vii) there is a benefit releasing under occupied housing stock (substantial weight); (viii) the site would provide economic benefits by generating jobs, in the construction and operation phases of the development and by residents spending locally (substantial weight); (ix) there would be social benefits in specialised age friendly housing (substantial weight); (x) the environmental benefits of the scheme are a clear benefit (moderate weight). Cumulatively, these 10 benefits weight heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at national level in the NPPF and PPG and at a local level."

- 12.4 The Inspector goes on to state at para 71:

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

- 12.5 A copy of the decision is included at **Appendix A**.

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

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

"The proposal would provide much needed housing for older people. In this respect, I note from the evidence that there is a shortfall within the Borough for the provision of this type of accommodation and that there are no specific allocations for such development. Therefore, the Council is reliant on windfalls for their delivery. Such provision of specialist housing also allows for the release of under-occupied housing

stock.....In light of the advice contained within Paragraph 59 of the Framework to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements, it is appropriate to give significant weight to these benefits.

- 12.7 The proposal would involve the re-development of previously developed land, which is located within close proximity to the town centre and all the associated services and facilities that this has, thereby making the site sustainable in this respect. It is therefore appropriate to attach substantial weight to these benefits.
- 12.8 The proposal would provide economic benefits through the generation of jobs, during both the construction, but also once the development has been completed. Further benefits would also be delivered through increased spending by residents locally. Given the scale of the development proposed, it is appropriate to attached substantial weight to these benefits.
- 12.9 Further benefits would also be delivered through the optimum use of the site for new development, along with some environmental improvements through the reduction in hardstanding within the site. It is appropriate to afford these benefits moderate weight.
- 12.10 The Inspector goes on to conclude:
- “In this instance, there is clear and convincing evidence with regards to the suitability of the proposal. The delivery of specialist housing weighs substantially in favour of the appeal scheme, especially given the critical need identified at national level in both the Framework and the National Planning Practice Guidance (NPPG), along with the identified shortfall in terms of the delivery at local level. As a result, even if I had reached a different conclusion in relation to the heritage issues and found there to be harm to the identified designated heritage assets, any harm would have been clearly outweighed by the significant public benefits of the scheme. Therefore, in this case, I find no reasons to withhold planning permission”.*
- 12.11 A copy of the decision is included in **Appendix B**.

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

- 12.12 At a recent appeal in Wigginton (July 2023), for 45 retirement living units, the Inspector concluded:
- The provision of housing against no 5 year land supply attracted significant weight (paragraph 113).
 - The provision of older persons housing to the existing unmet and critical need attracts significant weight (paragraph 113).
 - The release of underoccupied housing stock attracts significant weight (paragraph 113).
 - The site is in a sustainable location which attracts significant weight (paragraph 114).
 - The redevelopment of the brownfield part of the site together with the environmental benefits of more suitable landscaping would also enhance the biodiversity and should attract significant weight (paragraph 114).
 - Redevelopment of an underutilised site which attracts moderate weight (paragraph 114).
 - The economic benefits attract significant weight (paragraph 115).

- The health and social benefits attract significant weight (paragraph 116).

12.13 The Inspector concludes at paragraphs 118 and 119:

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

12.14 A copy of the appeal decision is included in **Appendix C**.

Planning Balance

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

12.16 From the supporting documents, plans and reports of the planning application, it can be concluded unequivocally that the site is appropriate for older people housing and in a sustainable and accessible location.

12.17 Through a review of the planning application, it can be confirmed that the proposal is in accordance with the Development Plan. The development is wholly acceptable in terms of the footprint of the building in relation to the scale of the site and surrounding locality. It is therefore concluded that the development is of a scale, mass, bulk and design that is acceptable and will not harm the character and appearance of the locality whilst providing a high-quality development.

12.18 In review of the other technical considerations, it can be concluded from that the planning application proposal complies in all aspects with the relevant Development Plan policies and the NPPF.

12.19 The recent appeal decision at Former Fleet Police Station in Fleet (APP/N1730/W/20/3261194) identifies the weight to be given to benefits in relation to older people housing (see **Appendix a**). This is summarised in the table below:

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

Economic Benefits of the Proposed Scheme	Significant
Social Benefits of the Proposed Scheme	Significant
Environmental Benefits of the Proposed Scheme	Moderate

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

Didsbury Planning Benefits	Weight
Provision of 37 residential dwellings	Significant
Redevelopment of a Previously Developed Site	Significant
Redeveloping a Sustainable Site	Significant
Effective and Efficient use of Land	Significant
Meeting local housing need for older persons	Significant
Meeting local housing need for affordable housing	Significant
Visual enhancement of the townscape	Significant
Freeing up under occupied local housing stock	Significant
Economic Benefits of the Proposed Scheme	Significant
Social Benefits of the Proposed Scheme	Significant
Environmental Benefits of the Proposed Scheme	Moderate

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

12. CONCLUSION

- 13.1 This full planning application seeks permission to redevelop the site for 37 Retirement Living apartments for older people (comprising 24 no. 1 bed and 13 no. 2 beds) including communal facilities, access, car parking and landscaping. A reconfigured parking courtyard will be provided for Wren House.
- 13.2 This planning statement demonstrates how the development proposals will deliver a sustainable development in accordance with the Development Plan and the National Planning Policy Framework.
- 13.3 When considering the above considerations highlighted within this Planning Statement and apply them against the Development Plan and paragraph 11 of the NPPF. It can be concluded that:
- ❖ The principle of residential development is acceptable.
 - ❖ The proposed development would bring basket shoppers/footfall to the area which would increase local spending.
 - ❖ The proposed development would be sensitive to and conserve the surrounding townscape and landscape character.
 - ❖ The proposed development would not result in detriment to highway safety and the site can be safely accessed on foot via a separate pedestrian access.
 - ❖ The site is located in a sustainable location with good connections to services and facilities.
 - ❖ The proposal would contribute to economy of the local area through the number of new residents who would use and facilitate existing local services.
- 13.4 It is evident that there **is critical need for the delivery of older people housing** in the district and a significant pressing need within the administrative boundary of the Council. This planning application proposal will contribute towards delivering these much-needed homes, including older people housing. That contribution can be considered as a significant benefit which weighs strongly in favour of this planning application.
- 13.5 From the supporting documents, plans and reports of the planning application, it can be concluded unequivocally that the site is appropriate for older peoples housing and in a sustainable and accessible location.
- 13.6 Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration and confirms that the development plan is an essential component of the plan-led system.
- 13.7 The development is wholly acceptable in terms of the footprint of the building in relation to the scale of the site and surrounding locality. It is therefore concluded that the development is of a scale, mass, bulk and design that is acceptable and will not harm the character and appearance of the locality whilst providing a high-quality development.
- 13.8 In review of the other technical considerations, it can be concluded from that the planning application proposal complies in all aspects with the relevant Development Plan policies and the NPPF.
- 13.9 It has been concluded that there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, as a whole and that the benefits that are provided are significant and therefore planning permission should be granted without delay

APPENDIX A

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

Appeal Decision

Inquiry Held on 16-18 March 2021

Site visit made on 19 March 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

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

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

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

Decision

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

Procedural Matters

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

¹ Paragraph 2.9

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

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

Main Issues

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

² Suitable Alternative Natural Greenspace

³ Strategic Access Management and Monitoring

Reasons

The Appeal Site

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

Description of Development

10. The description of development of the appeal is:

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

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

12. The submitted Planning Statement (para. 2.10) states:

"The developments consist of 1- and 2-bedroom apartments and are sold by the Applicant with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development."

13. The development would have a lodge manager who would be on call during normal working hours and would have an office. There is no warden living on site and no specialist medical support would be provided.
14. The scheme would consist of a single three storey building fronting Crookham Road. The main entrance to the building would be to the west and would also provide access to a car park for 20 vehicles. Vehicular access would be from Crookham Road as per the arrangement for the former police station.

Planning Policy

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

⁴ HLP32 page 32

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

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

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

⁵ Paragraphs 128-131 of HLP32

⁶ Paragraph 137 of HLP32

⁷ Paragraph 156 of HLP32

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

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

⁸ Inset Map 10.1

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

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

¹⁰ Paragraph 16

¹¹ Mr Moorhouse Appendix 1

¹² Appendix 1, page 12

¹³ Dr Kruczkowski's POE paragraph 2.53-2.54

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

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

¹⁴ UCDS Appendix 1 page 10 Area D: Fleet Road

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

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

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

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

Second Issue - Effect on Thames Basin Heaths SPA

Assessment of likely significant effects

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

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

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

Appropriate Assessment

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

¹⁵ CD3.6

¹⁶ Mr Moorhouse's Appendix 4

¹⁷ D 2.7

¹⁸ Mr Moorhouse's Appendix 5

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

¹⁹ Taylor Wimpey Developments Limited

²⁰ Ibid

²¹ Document 4

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

Other Matters

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

Planning Obligation

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

²² NPPF paragraph 54

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

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

Planning Balance

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

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

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

²³ Figures 14.8 and 14.10 page 212

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

²⁵ NPPF paragraph 80

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

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

Planning Conditions

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

Conclusion

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

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-17)

Standard Conditions

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

Approved Drawings

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

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

Pre-commencement Conditions

Demolition and Construction Management Plan

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

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

Detailed Surface Water Drainage Strategy

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

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

Contamination Strategy

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

Pre-above Ground Works Conditions

Materials

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

Hard Landscaping

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

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

Refuse Storage and Management

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

Photovoltaic Panels

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

Ecology (Swift Bricks)

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

Pre-occupation Conditions

Surface Water Drainage System Maintenance

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

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

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

Wastewater

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

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

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

Compliance Conditions

Age Restriction

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

Soft Landscaping

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

Parking Provision and Retention

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

Sustainable Water Use

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

Construction Hours

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

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Saira Kabir Sheikh QC

Instructed by Hart DC

She called:

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

Director, Urban Design Doctor Ltd

Mr Rob Moorhouse BSc, MSc, MRTPI

Principal Planning Officer, Hart DC

FOR THE APPELLANT:

Mr Sasha White QC
Ms Evie Barden of Counsel

Both instructed by Stuart Goodwill,
Planning Issues Ltd

They called

Robert Jackson BArch, MArch, RIBA

Design Director, Planning Issues Ltd

Matthew Shellum BA (Hons), Dip TP

Head of Appeals, Planning Issues Ltd

DOCUMENTS SUBMITTED AT THE INQUIRY:

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

APPENDIX B

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



Appeal Decision

Hearing Held on 27 April 2021 and 18 May 2021

Site visit made on 29 April 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

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

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

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

Decision

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

Application for costs

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

Preliminary Matters

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

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

Main issues

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

Reasons

Character and appearance

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

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

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

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

Designated Heritage Assets

Basingstoke Town Conservation Area

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

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

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

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

White Hart Public House

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

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

Cycle parking provision

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

Waste and recycling provision

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

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

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

Provision of Infrastructure

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

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

Planning Balance

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

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

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

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

Planning Conditions

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

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

Conclusion

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

Adrian Hunter

INSPECTOR

APPEARANCES

FOR THE APPELLANT

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

FOR THE LOCAL PLANNING AUTHORITY

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

Schedule of Conditions

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

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

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

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

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

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

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

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

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

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

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

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

And

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

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

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

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

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

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

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

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

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

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

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

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