

Application Number: 21/10938 Full Planning Permission

Site: Former POLICE STATION, SOUTHAMPTON ROAD,
LYMINGTON SO41 9GH

Development: Demolition of existing building and redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking and landscaping

Applicant: Churchill Retirement Living

Agent: Planning Issues Ltd

Target Date: 14/10/2021

Case Officer: Warren Simmonds

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of development, sustainability and wider policy implications including affordable housing and other development related contributions
2. The need for new homes, and this type of housing
3. Impact on local character, appearance and setting of designated Heritage Assets, including matters relating to site layout and design
4. Highway access/egress and parking
5. Impact on local residential amenities
6. Surface water drainage
7. Biodiversity on-site and off-site ecological mitigation
8. Nitrate neutrality and potential ecological harm

This application is to be considered by Committee because of the objection by Lyminster and Pennington Town Council.

2 SITE DESCRIPTION

The application relates to the former Police Station, located on the western side of Southampton Road, between Queen Elizabeth Avenue to the north, and Eastern Road to the south. The application site forms an approximately rectangular parcel of land of approximately 0.22 hectares in area.

The application site is relatively flat, although is set approximately 200mm higher than Southampton Road. The eastern boundary along the main road is set back from the pavement beyond a grass verge and currently marked by a low wooden picket fence. The roadside boundary with Queen Elizabeth Avenue currently consists of a wide grassed verge (set behind the pavement) low picket fence with

occasional shrub planting, and trees (mature trees towards Southampton Road, less mature extending to the west).

The southern (internal) boundary between the site and the adjacent block of flats at Buckland House comprises a brick wall, which it appears also provides a retaining function as the land to the south is set approximately 200-300mm lower than the general proposal site level. To the west of the site is The Old Police House (now a private dwelling), the internal boundary between the sites comprises partially of an approx 1m tall brick wall on which a close board wooden fence is attached and in other areas the rear walls of existing police garage buildings.

3 PROPOSED DEVELOPMENT

The application seeks permission for the demolition of the existing building and redevelopment of the site to form 32no. retirement living apartments including communal facilities, access, car parking and landscaping, as detailed in the submitted application documents. The mix of the proposed development comprise 21no. one bedroom apartments and 11no. two bedroom apartments.

A vehicular access is proposed from Queen Elizabeth Avenue, creating a new vehicular and pedestrian access (the existing access to Southampton Road from the site is to be closed up and pedestrian footpath and grass verge to be constructed). The proposed development will provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking.

The proposed development is 2.5-3.5 storeys in height under pitched roofs. The third floor is located within the roof space as dormered accommodation. The external facing materials proposed comprise of brick and render.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
03/77391 Installation of 1 airwave collinear antenna mounted on existing pole	01/04/2003	Granted Subject to Conditions	Decided
01/71136 Install one Collinear Antenna at 13m for RNL	14/03/2001	Granted Subject to Conditions	Decided
XX/LYB/09582 Erection of garage and cycle shed and alterations to store.	02/11/1964	Granted	Decided
XX/LYB/00844 Erection of a police station, dwelling house, garages and kennels.	21/03/1951	Granted	Decided
XX/LYB/00347 Use of land for police station.	20/07/1949	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness
Policy HOU1: Housing type, size, tenure and choice
Policy HOU3: Residential accommodation for older people
Policy IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy STR1: Achieving Sustainable Development
Policy STR3: The strategy for locating new development
Policy STR4: The settlement hierarchy
Policy STR5: Meeting our housing needs
Policy STR8: Community services, Infrastructure and facilities

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Core Strategy 2009

CS7: Open spaces, sport and recreation

Supplementary Planning Guidance And Documents

SPD - Lymington Local Distinctiveness

SPG - Lymington - A Conservation Area Appraisal

SPD - Parking Standards

Ecology and Biodiversity Net Gain – Interim Advice and Information Note (July 2021)

Relevant Advice

NPPF July 2021

Constraints

Plan Area

Conservation Area: Lymington Conservation Area

Tree Preservation Order: TPO/0006/15/G2

Plan Policy Designations

Built-up Area

6 TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

PAR 4: Recommend Refusal.

- This development is out of character for the area and out of keeping with the SPD Lymington Local Distinctiveness.
- Overdevelopment – the scale of this development is vastly out of keeping with the majority of buildings on Southampton Road or with the current building on the site.
- The design is poor and bulky with smooth rendering, which is prone to staining.
- There is a lack of adequate outdoor communal space.
- There are too few parking spaces (12 spaces for 32 units) and no turning space for deliveries to service 32 units. Nearby on or off road parking is inadequate.
- There is already in excess of 60 retirement properties for sale in the Town and another 44 will come onto the market when the recently approved Stanford Hill development is completed.
- Of the 35 properties in the Town that are at a price of £250,000, or less, 32 of those properties are retirement properties. The Local Plan 2016 to 2036

Part 1, sets out to provide more homes for local people, including a range of choices by type, size, tenure and location and states that particular provision must be made for younger households. Page 57.6.3 states that the objective is to sustain a mixed and balanced community requiring the provision of a variety of houses to rent and buy, specifically for families with children, couples and single households and designed for older people.

- The building still has an inherent use and value and could be re-used in line with the United Nations Climate Report – Red Alert.
- Proper consideration of sustainability with the use of green energy sources appears to be absent from these plans, with no space being set aside for communal heating with for instance a ground source heat pump system.
- The proposed off-site contribution of £434,500 is totally inadequate and Councillors propose this should be subject to the provision of an off-site housing contribution, based on the land value of an equivalent site in the town.
- This site has a restrictive covenant, which appears to remain undischarged, registered on its title. This covenant appears to restrict development within 240 feet of Southampton Road and could hamper the proposed development of this site, adversely affecting its ability to deliver the number of dwellings the developer proposes.
- Councillors propose this building, which has significant local character should be identified as a Local Heritage Building and heritage asset.
- Local facilities, including medical facilities will be overstretched.
- A lack of privacy – the height of the proposed development with balconies will overlook neighbouring properties.
- Impact to the amenities of neighbours - the siting of a large refuse store and an electric sub-station on the boundary fence may lead to smells or rat infestations and noise.
- There is no covered space for bikes.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees (comments are available in full on the Council's website):

Developer Services, Southern Water, Southern House

Standard letter of advice and recommendation for Informative

HCC Countryside Services

Public Rights of Way are unaffected by the proposals. We therefore have no objection.

NFDC Conservation officer

The existing building is considered to constitute a non-designated heritage asset - Its loss is regrettable and will need to be assessed against paragraph 203 (recently changed para number) of the NPPF in relation to non-designated heritage assets.

Does not support the proposal on grounds of design issues and consequent adverse impact(s) on the adjacent conservation area.

NFDC Tree officer

Objects

HCC Highways

No objection

Environmental Health Contaminated Land, Appletree Court

No objection in principle, subject to a condition

Environmental Health (Pollution)

No objection, subject to condition

NFDC Ecologist

No objection, subject to condition(s)

NFDC Building Control

Building control have no adverse comments to make at this stage

HCC Flood and Water Management

Request detailed drainage strategy

Hampshire Swifts

Welcome the proposed incorporation of 2 bird (swift chamber) boxes, but request more (at least 20) are provided and integrated as part of the development.

Hampshire & IOW Fire & Rescue

Standard letter of advice

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 76

Broad summary of views:

- Excessive scale, out of character,
- Insufficient outdoor space,
- Insufficient affordable housing provision,
- Development should provide housing for young people,
- Insufficient parking provision,
- No need for additional retirement homes in the area,
- Amenity impacts for neighbours (overlooking, overshadowing, noise, odours from bins),
- Highway safety,
- Adverse impact on trees,
- Existing buildings should be retained for their own architectural merit

A petition has also been submitted to the local planning authority consisting of 1410 signatures in opposition the proposed development on the grounds that Lymington needs affordable homes for young people to rent or buy, rather than more retirement flats.

10 PLANNING ASSESSMENT

Principle of Development and housing policy assessment

a) General principle

The settlement hierarchy as set out within the adopted local plan provides a guideline to where new development proposals of different types and scales can best be accommodated in a sustainable way, taking into account existing facilities and future potential. The towns and villages in the Plan Area have been classified into a settlement hierarchy based on the availability within the settlement, or ease of access to, the following services, potentially reducing the need to travel:

- Shops and 'high street' facilities
- Schools, health and community facilities
- Proximity to employment locations and main settlements
- Public transport

The settlement hierarchy identifies three tiers of settlements and sets out the nature and scale of development that would be appropriate for each type of settlement. Development which is not in accordance with the settlement hierarchy will normally be resisted. The town of Lymington is identified as being within the top tier of the settlement hierarchy (local plan policy STR4 refers) whereby such settlements offer access to a wider range of employment, facilities and services. They are the most sustainable locations for large-scale residential, retail, leisure, cultural and business development to improve their self-containment and to support and consolidate their local service offer. The site of the proposed development is therefore considered to be within an inherently sustainable location where, in the broadest of planning policy contexts, the principle of development can be considered acceptable, subject to accordance with relevant local and national planning policy and guidance.

In respect of the potential for the continued use of the application site as an employment use, officers note the buildings/site is vacant and accept the former Police Station and does not readily lend itself to conversion to offices or other businesses uses and therefore not viable for continued use for employment use. Furthermore, when it was operational as a police station, it could not be said the site/use offered a supporting service to businesses or to the workforce in the local area and the general configuration and condition of the building renders it unsuitable for any other realistic employment use. It is noted that the property was marketed openly by Lambert Smith Hamptons in 2018, however all of the interest generated was for traditional residential or retirement development schemes and no employment related users were interested in acquiring the site.

The former Police Station use, under the parameters of the Local Plan Part 1 is not considered to fall within the definition of 'community facilities'. Paragraph 4.34 of the Local Plan Part 1 sets out that community facilities are sports and leisure facilities, community centres, libraries, places of worship, crematoria and burial space. Notwithstanding this, it is noted that rather than being lost, the Police Station use has been relocated to a new location within Lymington.

b) 5-year housing land supply

The Council cannot demonstrate a five-year supply of deliverable housing land and the Council Planning Policy team is currently engaging with developers in order to produce an updated five-year housing land supply figure that takes into account last year's delivery of new homes along with the latest information about sites coming forward. It is anticipated this will be published early November 2021 and will be the

formal position of the Council. However, it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing (and affordable housing).

c) Affordable Housing

Policy HOU2 now requires developments outside the Waterside area of 11 dwellings or over to provide 50% affordable housing on site with a tenure mix target of 70% affordable rent and 30% intermediate or affordable home ownership including shared ownership. The NPPF provides a wider definition of affordable housing which includes discount market sales and starter homes.

There are two ways in which affordable housing is normally realised i.e. on-site delivery or off-site financial contribution to acquire a serviced plot. The applicants have stated that on-site provision is not possible because of the particular housing model for assisted living. This has been accepted on other schemes throughout the Council's area (and across the country) and is not disputed in this case. That leaves consideration that an off-site financial contribution should be made.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. Vacant Building Credit (VBC) is a consideration in this case and reduces the affordable housing requirement for the proposed development from 50% to 39.5% (equating to 12.64 units of affordable housing).

In relation to assessing off site contributions, the applicant has referred to an older publication 'Advisory Note on the Implementation of Core Strategy Policy CS15' which was published in 2012 and relates to the former Core Strategy (since superseded by HOU2 of the Local Plan 2016-2036 Part One: Planning Strategy). On the basis of this, the applicant initially made an offer of £434,500 as a contribution towards the off-site provision of affordable housing. However, the document was published as an Advisory Note, to provide 'a basis for negotiations' rather than as a prescriptive policy document and the figures quoted within the advisory note are now some 9 years old. Following a request from officers to provide a revised (in effect index-linked) update to the applicants proposed contribution, the applicant subsequently increased their off-site affordable housing contribution figure to £584,837.

d) Older person housing needs

The Local Plan expresses an evidence based approach which indicates that the Council's area includes a population which is ageing and likely to be in need of older person accommodation both in terms of specialist housing and purpose designed housing types that allow occupiers to maintain their independence. The Plan states it is likely that over the plan period up to 2036 an increase of 12,800 persons will be over the age of 75. Policy HOU3 encourages housing types designed to be suitable for older persons be included in development proposals where appropriate, along with more specialist extra care and C2 care home type facilities. The supporting text to the policy states the significant need in this sector is likely to be more towards specialist care rather than the type of sheltered accommodation proposed here but nevertheless officers have no evidence to rebut the applicant's proposal.

The evidence for Older Persons housing need comes from the Report for New Forest District Council 'Demographic Projections' (JGC Consulting, July 2017) and the NFDC Local Plan Review Topic Paper SD16 Housing Mix (October 2018). The data shows that New Forest (in line with other areas) is expected to see a notable increase in the older person population with the total number of people aged 55 and over expected to increase by 28% over 20 years to 2036. Topic Paper SD16 highlights a projected need for specialist housing for older persons (2016-36) in the south of the District of 952 bed spaces (and a total projected need of 3,146 across the Plan Area).

The recent appeal decision relating to the erection of 44 sheltered apartments for the elderly at Stanford Hill, Lymington (planning reference 20/10481) forms a material consideration in the determination of the current application. The appeal was conducted in the form of an Inquiry where matters relating to whether there is a need for specialist housing for older people in the area were thoroughly examined. The Inspector made reference to paragraph 6.24 of the Local Plan Part One which identifies a 'significant need' to provide for new specialist accommodation during the Local Plan period (2016 to 2036), and made reference to the Government's Planning Practice Guidance (PPG) advice (Housing for Older and Disabled People, June 2019) that the need to provide housing for older people is 'critical'.

The Inspector also had regard to the views of interested parties referring to the availability of older people's properties in Lymington and the perceived slow sales of some of the available stock, noting the market for age-restricted housing is necessarily smaller than that for general needs housing subject to no age restrictions, which acts as another factor which could influence sales rates for such dwellings. The Inspector concluded that these matters did not materially undermine either the appellants or the Council's assessments in terms of the underlying need for this type of accommodation over the plan period.

Notwithstanding the recent approval at appeal of the Stanford Hill scheme under planning reference 20/10481 (and the 44 sheltered apartments for the elderly the scheme would bring forward), it is considered there remains a demonstrably pressing need for additional specialist housing for older people in the area.

Design, site layout and impact on the character and appearance of the area

The Council has a range of policy advice covering design, local distinctiveness and local impact. Policy plan policy ENV3 and the Lymington Local Distinctiveness SPD are key considerations in this case along with Section 12 of the NPPF and the more recent Government Design Guidance.

The proposed development takes the form of a predominantly L-shaped development situated approximately centrally within the site, with access off Queen Elizabeth Avenue to the north west with an internal driveway running southwards across the rear of the site to a rectangular parking area at the south west corner.

The proposed main building is of three storey form, with third floor dormered accommodation provided within the roof. The building includes attached two storey elements to the rear (west), also with dormered accommodation within the roof - reading as a three storey element from the western perspective.

The materials proposed for the main building consist predominantly of Weston Red multi brick, with areas of coloured render (brick on edge lintel features) under a dark coloured concrete tile roof.

The proposed building, whilst larger than the existing buildings it would replace, is considered to be of a generally appropriate scale, mass and design within the context of the application site and surrounding area, and to propose appropriate external facing materials and finishes. In terms of form, the proposed building carries through a comparable eaves and roof height to that of the modern apartment building (Buckland House) situated to the immediate south. The proposed building is wider in form than the adjoining apartments, however this is considered commensurate with the larger plot size of the application site.

The scale and mass of the proposed building are mitigated by the principal facing elevations being set away from the roadside boundaries of Southampton Road and Queen Elizabeth Avenue, and are further mitigated in terms of the visual impact of the proposal on the surrounding area by reason of the retained mature trees along the length of the eastern boundary with Southampton Road and partially along the northern boundary with Queen Elizabeth Avenue.

The Police Station as a Non-Designated Heritage Asset

The Conservation officer considers the existing Police Station buildings to be a non-designated heritage asset (NDHA). Its loss is regrettable and will need to be assessed against paragraph 203 of the NPPF 2021 in relation to non-designated heritage assets, whereby the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the proposal is for total loss of the asset this sits at the highest end of the harm scale and as such the benefits of any scheme should be equally balanced.

In this case, the proposed redevelopment of the site is for the provision of housing, in a context where (i) the Council is currently unable to demonstrate a 5 year housing supply (see above), and (ii) there is an existing and projected demonstrably pressing need (see above) for the type of housing being proposed. It is therefore considered in this case that these matters are sufficient to justify the loss of the existing buildings constituting a NDHA.

Impacts on the listed buildings along Southampton Road

While there are some changes in longer views it is not felt that this causes any meaningful degree of harm to the setting of the listed buildings which forms part of their significance. The Conservation officer did consider this matter and has not raised any objections on this basis.

Impacts on the setting of the adjacent Conservation Area

The Council in assessing and determining proposals should have regard to the affect of the proposal on the character, appearance and setting of designated heritage assets (in this case the adjacent Lymington Conservation Area, located to the immediate south of the application site).

The views of the Conservation officer are set out in his detailed consultee response, in which he raises concerns in respect of the impact of the scheme in views into and out of the conservation area (and wider views), and also raises concerns in respect of the massing and bulk of the proposal which he considers would create some harm to the prevailing character of the area and have a degree of impact on the setting and significance of the adjacent conservation area.

The judgement of the Conservation officer (under the criteria set out within the NPPF) is a finding of *less than substantial harm* to the setting of the conservation area and its significance for the reasons given in his consultation response. The Conservation officer acknowledges the northern and eastern surroundings of the site are varied in terms of character and built form and have other large developments within the context. The Conservation officer also acknowledges the harm identified is mitigated to a degree by mature trees and at a lower level when considered in light of the wider overall significance of the Conservation Area. The Conservation officer concludes the harm is at the lower end of the scale and therefore suggests, as set out in paragraph 202 of the NPPF, 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.

Again, in this case, the re-use of the site for the provision of housing where (i) the Council is currently unable to demonstrate a 5 year housing supply, and (ii) is an existing and projected demonstrably pressing need (see above) for the type of housing being proposed, is considered sufficient to outweigh the less than substantial harm to the significance of the adjacent conservation area.

Highway safety, access and parking

Hampshire County Council as the relevant Highway Authority have provided a consultation response which identifies the good existing pedestrian and cycle links to the town centre, together with bus links and the availability of rail links from the town to the wider surrounding area. The Highway Authority accept the Trip generation data submitted with the application, and accept the proposed access arrangements for the site (with comments and advice in respect of servicing (bins) and emergency vehicular access to the site.

The Highway Authority requested additional survey data which has been subsequently provided by the applicant and passed on to HCC. The further/final comments of HCC Highways in relation to this proposal are 'No objection'.

In respect of parking provision for the proposed development, the Council's adopted Parking Standards Supplementary Planning Document (SPD), outlines a requirement in respect of older people's housing (active elderly with warden control) for 1 car parking space per residential unit (with an additional 1 space per unit for cycle parking or parking for mobility scooters).

Whilst the proposed development would provide 12no. car parking spaces for residents, together with parking and charging spaces for recharging battery buggies and cycle parking and is therefore significantly less than the standards set out within the SPD, it is material to the consideration of the proposals that the site of the proposed development is located within an inherently sustainable location close to Lymington town centre with its wide range of services and facilities, accessible via a generally flat and level walk, and there are a good range of public transport links within and beyond the locality and surrounding area. In this respect it is considered that, by reason of the particularly sustainable location of the proposed development, a reduced level of on-site parking provision can be considered acceptable in this case.

Residential amenity

The application site is within the built-up area of the settlement of Lymington, where new development can be considered acceptable in principle, subject to accordance with the policies of the Development Plan and other relevant local and national planning policy guidance. The immediately surrounding area is predominantly residential and therefore a residential use of the application site can be considered a compatible use in principle.

Local plan policy ENV3 deals with design quality, local distinctiveness and has regard to the impact(s) of development on the amenity of adjoining occupiers and uses. In particular, policy ENV3 requires new development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

In respect of the existing dwellings surrounding the application site, the most sensitive in terms of amenity impacts are considered to be the apartment at Buckland House to the south and the dwelling known as The Old Police House to the rear (west). Impacts on other dwellings to the north and east are mitigated substantially by the separation distance to the site (separated by roads) and the mitigating impact of retained mature trees along the east and (partial) north boundaries.

It is considered the main proposed building is set-in within the site boundaries sufficiently far to avoid the undue overshadowing of the adjacent Buckland House (which is on the south side) and The Old Police House and would not have an unduly overbearing impact on these adjoining properties.

In terms of overlooking, from the perspective of Buckland House the south facing elevation of the proposed building is formed by two distinct elements - the closest element to the southern boundary is approximately 4.2m from the shared boundary and approx. 6.3m from the north facing elevation of Buckland House. This element of the building is of three storey height but has limited fenestration above ground floor level (1x kitchen window on each of the first and second floors), and other glazing serving internal communal corridors which can be conditioned to be fitted with obscure glazing to preserve the amenity of adjoining occupiers. The more western element of the south facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 17.3m) and is behind (to the west) of the Buckland House apartments. It is considered the separation distance and relationship between the proposed building and the Buckland House apartments is sufficient that no undue overlooking would result.

From the perspective of The Old Police House, the west facing elevation of the proposed building is staggered in distance from the shared western boundary, increasing from approx. 7m at its closest on the northern end, then setting back sequentially to approx. 10m and finally 24m at the southern end. The closest elements (7m distant and 10m distant from the western boundary) at the northern end of the west facing elevation have no windows above ground floor level, except for glazing to provide light to internal communal corridors (which can be conditioned to be obscure glazed). The more southern element of the west facing side elevation includes more glazing and small balconies, but this element is set back from the shared southern boundary (by approximately 24m). It is considered the separation distance and relationship between the proposed building and The Old Police House is sufficient that no undue overlooking would result.

Along the western boundary of the site are proposed bin store and cycle/mobility scooter stores which, by reason of their modest single storey scale are not considered likely to result in undue amenity impacts.

A Noise Assessment (24 Acoustics, August 2021) has been submitted by the applicant to demonstrate that road traffic noise and noise from the proposed substation would not have undue amenity impacts on future occupiers (and existing adjoining neighbours). The Noise Assessment concluded that the proposed electrical substation would present a very low risk of disturbance and performance specifications have been provided for acoustic double-glazing and ventilation to habitable rooms in the proposed apartments to mitigate traffic noise.

The Council's Environmental Health Officer (EHO) notes in his consultation response that any noise generated from the substation is predicted to be substantially below the existing background sound level and therefore no specific mitigation is required to control noise.

The impact of traffic noise from adjacent roads upon the development is predicted to be significant and likely to exceed desirable internal noise criteria for the new dwellings; therefore mitigation has been proposed which includes minimum specifications for glazing and ventilation on façades along the roadside, to protect the amenity of intended occupiers.

The EHO considers that providing the proposed mitigation measures are implemented, it is expected that desirable internal noise levels could be achieved. The EHO recommends that a suitable planning is attached to any granted permission requiring that proposed measures are implemented in full prior to first occupation.

Impact on trees

The site of the Police Station, Southampton Road, Lymington is subject to a Tree Preservation Order (TPO/0006/15) and includes 2 groups of trees. These groups consist of 5 Silver Maples that are situated on the front eastern boundary marked as G1 within the TPO and 2 Silver Maples and 1 Cedar tree that are situated on the northern boundary towards Queen Elizabeth Avenue and marked as G2 within the TPO.

The applicant has submitted an Arboricultural assessment & method statement (Barrell Tree Consultancy, May 2021).

The comments of the Council's tree officer are as follows:

'There are 2x group tree preservation orders, 1x on the eastern boundary and 1x on the northern boundary of this site. These trees contribute to the amenity of the area and are considered a constraint to development.

In support for this application a Barrell Tree Consultancy Arboricultural Assessment and Method Statement dated 28th May 2021 ref 18327-AA-JB. I am broadly in agreement with the assessment of the trees using BS5837:2012 categorization, 3 out of the 5 protected trees in the eastern group are graded 'B' trees, and all the protected trees (2x Silver Maple trees and 1x Cedar) are graded 'B' trees.

A total of 4 trees have been shown to be removed in order to accommodate this proposal, it is suggested within the submitted tree report that "Loss can be mitigated by new planting". Given the intensity of the development proposed there is very little

opportunity for further tree planting. The submitted Landscape strategy drawing JBA 21-183-SK02 only appears to show 2x trees 'Boundary Courtyard trees' given the constraints of the layout these trees would have to be of relatively small stature and are unlikely to contribute to the amenity of the area.

The proposed retirement apartments are shown to be within 6m of the eastern group of trees. This layout is currently outside the crown spread and root protection areas of these trees although specialist precautionary measures have been specified in the submitted tree report. However, these trees are all 'maturing' they are young trees and will grow significantly more than their current dimensions. Silver Maple trees (*Acer saccharinum*) is very vigorous deciduous tree and grows to an ultimate height of greater than 12m with an ultimate crown spread greater than 8m.

These trees will need future management to prevent encroachment/interference with the building. Routinely pruning these trees will reduce the amenity of the trees and may have a detrimental impact on the health of the tree.

Shading from the eastern group of trees is going to be a problem. These trees will block the natural light to the living rooms of the units on the eastern wing. It is likely to cause a future pressure from occupants to with remove or significantly prune the trees fronting along Southampton Road. Given that the proposed building is for retirement accommodation it is not unreasonable to assume that the residents are likely to spend more daytime hours within the living spaces of the apartments and the impact of natural light obstruction will significantly affect the enjoyment the resident has in their home. The internal layout of the apartments show that the windows of the living rooms and bedrooms will be immediately adjacent to these trees, that will not only be blocking morning light but also will be continually encroaching the building. The counter argument is often that local authorities can resist applications to fell or prune where there are important protected tree/s. However, this is not the case where the applicant can demonstrate that enjoyment of their home is significantly affected by a tree/s.

There is a similar relationship between the group of trees on the northern boundary, adjacent to Queen Elizabeth Avenue although there is a slightly larger separation. A limb from the Cedar tree will need to be removed in order to facilitate the construction of the building. Again, the Cedar trees have wide spreading canopies and this tree is likely to have to be continually pruned in order to be contained within a confined space.

Therefore, I object to this proposal on tree grounds as the proximity of the apartments is too close to the maturing protected trees on site and does not allow for these trees to grow into their natural size and form. This is likely to result in the future loss/unsympathetic pruning of these trees and would be detrimental to the amenity of the area. Recent changes to the National Planning Policy Framework has highlighted the importance of trees in the street scene.'

The comments and objection of the Tree officer are noted, however these comments are made specifically in respect of the protection of trees only and must be considered 'in the round' within the context of the development as a whole and in the light of local and national planning policy and guidance. The Tree officer accepts that the proposed development can be built without affecting the viability of the existing protected trees that are scheduled for retention. The Tree officer's concerns and objection relate to the potential for future pressure to prune the trees, possibly resulting in the curtailment of their natural size and form. Whilst this would be regrettable if it were to happen, taking into consideration the positive benefits of the proposed development - making best use of a redundant/vacant site for much

needed housing for older people and the background context of the Council's current lack of a 5 year housing land supply, it would not be considered reasonable or appropriate in this case to refuse the application on the stated tree protection grounds.

Ecological impact

On site protected species

The applicant has submitted an Ecological Appraisal for the site (Tetra Tech, June 2021) and a subsequent Bat Emergence Survey report (Tetra Tech, 23.08.2021) which recorded that during the survey no emergences or other roosting activity was observed and consequently the buildings are considered unlikely to support roosting bats. The report concluded that no further mitigation or actions are required in terms of bats.

The report(s) also put forward a scheme of ecological enhancements which, subject to the conditions recommended by the Council's Ecologist, will ensure the development achieves a suitable level of Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG)

BNG essentially is measured using a DEFRA metric as the site currently exists. It is then re-measured in accordance with a development proposal. The site as developed needs to show a 10% net gain in biodiversity value over the site as exists and undeveloped. This can be achieved in a number of ways such as planting and introduction of bird and bat boxes for example. This concept has been recently introduced through the Environment Bill, and more recently through the new Local Plan and Cabinet Report of July this year which requires schemes of this size to demonstrate BNG. This has pre-empted the Environment Bill enshrining the need to demonstrate BNG into law. Policy STR1 of the Local Plan refers.

Habitat mitigation and off-site recreational impact

Recreational impact from the occupiers on protected areas and species can be managed by a S106 legal agreement or Unilateral Undertaking offering to pay the appropriate contributions. The applicants have agreed to do so in the event of an approval recommendation. Subject to a S106 legal agreement or Unilateral Undertaking being submitted in the event of any appeal no objections are raised.

Nitrate neutrality and impact on Solent SAC and SPAs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4 September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the

additional nutrient load imposed on protected European Sites by the development. To ensure the required mitigation is provided, a Grampian style condition is proposed.

Surface water drainage

The applicant has submitted a Surface water Drainage Strategy (Awcock Ward Partnership Consulting Limited, May 2021).

Officers are informed the clay content of shallow strata and raised groundwater at the site precludes the use of soakaways. There are no nearby watercourses and therefore runoff will need to be discharged to a surface water sewer in Southampton Road. It is believed that there is an existing surface water connection to a manhole in Southampton Road.

The proposed drainage strategy for Surface Water as submitted attenuates via cellular storage on site and released to the surface water sewer at a reduced rate. Foul flows generated by the development will benefit from the existing connection to the main foul sewer in Southampton Road.

The applicant proposes that the drainage on site will remain in private ownership once the development is completed and therefore will fall into the responsibility on the Management Company (Millstream Management) who will be responsible for the long-term maintenance of the drainage system as part of the wider management of the site.

HCC Flood and Water Management Team have assessed the submitted Surface Water Drainage Scheme and whilst accepting this in principle, have requested a detailed drainage strategy is submitted for subsequent approval. It is considered in this case the submission and subsequent consideration/agreement of the requested detailed drainage strategy can be suitably covered by a pre-commencement planning condition.

Developer Contributions

As part of the development, the following would be required to be secured via a Section 106 agreement (or unilateral undertaking):

- Air Quality monitoring contribution of £2,720
- Infrastructure contribution of £93,422
- Non-infrastructure contribution of £14,016
- Bird Aware Solent contribution of £13,323
- An appropriate Affordable Housing contribution

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	2882.1	569.5	2312.6	2312.6	£80/sqm	£236,952.55 *
			0	0		£0.00 *

Subtotal:	£236,952.55
Relief:	£0.00
Total Payable:	£236,952.55

11 CONCLUSION

The proposed development is considered acceptable in principle in that it would provide 32 new units of accommodation for older people (for which there is a clear demonstrable need) in a sustainable town centre location, and would make an appropriate (financial) contribution towards the provision of affordable housing in the area.

The proposal is considered acceptable on balance in terms of its scale, mass and appearance and its consequent impact on the existing character of the surrounding area (and adjacent Conservation area) and would not result in undue impacts in terms of amenity, Highway safety or other material considerations relevant to the proposal.

In these respects the proposed development is considered accordant with relevant local plan policies and national planning policy and guidance.

12 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i) the completion by the applicant/land owner of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate habitats mitigation contributions (as identified in the officer report), measures to achieve Biodiversity Net Gain for the development and an appropriate contribution towards the off-site provision of affordable housing; and
- ii) the imposition of the conditions set out below:

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

PA 01 REV B	PROPOSED SITE PLAN
PA02 REV B	PROPOSED GROUND FLOOR PLAN
PA03 REV B	FIRST FLOOR PLAN
PA04 A	PROPOSED SECOND FLOOR PLAN
PA05 A	PROPOSED THIRD FLOOR PLAN
PA06 A	PROPOSED ROOF PLAN

PA09 A PROPOSED ELEVATIONS 3
10109LY-PA00 SITE LOCATION PLAN
10109LY-PA08 PROPOSED ELEVATIONS 2
JBA 21/183 - SK01 CONSTRAINTS & OPPORTUNITIES
JBA 21-183 - SK02 LANDSCAPE STRATEGY
10109LY-PA07 PROPOSED ELEVATIONS 1

HERITAGE STATEMENT
TRANSPORT STATEMENT
DRAINAGE STRATEGY
ARBORICULTURAL ASSESSMENT & METHOD STATEMENT
TREE PROTECTION PLAN
ARCHAEOLOGICAL DESK-BASED ASSESSMENT
STATEMENT ON AFFORDABLE HOUSING
GEO DESK STUDY APPRAISAL
DESIGN & ACCESS STATEMENT
PLANNING STATEMENT
ECOLOGICAL APPRAISAL
TOPOGRAPHICAL SURVEY
NOISE ASSESSMENT (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021)

Reason: To ensure satisfactory provision of the development.

3. No development shall take place, (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall include scaled drawings illustrating the provision for:

- 1) The parking of site operatives' and visitors' vehicles;
- 2) Loading and unloading of plant and materials;
- 3) Management of construction traffic and access routes;
- 4) Details of construction access and construction vehicle tracking;
- 5) Storage of plant and materials used in constructing the development;
- 6) Details of the method of cleaning wheels and chassis of all HGVs, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction.

The agreed CMS shall then be adhered to for the duration of construction of the development hereby permitted.

Reason: In the interests of amenity and Highway safety, in accordance with the provisions of local plan policy ENV3.

4. Prior to demolition of the existing houses at the site, the tree protective measures recommended by the Barrell Tree Consultancy Arboricultural Assessment and Method Statement (reference: 18327AAJB dated 28 May 2021) and the Tree Protection Plan (reference: 18327-3) shall be installed and thereafter retained for the duration of the construction period for the development hereby approved. No fires, building operations, storage of goods including building materials, machinery and soil, or discharge of any chemical substances, including petrol and diesel, shall be undertaken within the tree protection zones or within the canopy spreads, whichever is the greater, nor shall any change in soil levels or routing of services within those defined areas be carried out.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Before development commences, details of all materials to be used in external facing walls, roofs, doors, windows and balustrades shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Prior to occupation of the development hereby approved the parking spaces, access(es), manoeuvring space, visibility splays, bin store and cycle/motorised scooter store (with electric charging points) shown on the approved plans shall be provided. The parking spaces shall be retained and kept available for the parking of residents and their visitors only.

Reason: In the interests of amenity and Highway safety, in accordance with policies ENV3 and IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

9. The first floor and second floor window(s)/openings serving internal corridors within south and west facing elevations of the approved building shall be permanently glazed with obscured glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. The building shall not be first occupied until

- (a) details of the treatment of the southern and western boundaries have been approved in writing by the Local Planning Authority, and
- (b) these means, of enclosure/details have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

11. The sheltered apartments comprising the development hereby permitted shall only be occupied by persons of sixty years or over, and the spouse or partner of such a person and in the event of the death of such person, the spouse or partner of such person shall be permitted to remain within the retirement apartments irrespective of whether they are aged sixty years or over.

Reason: To ensure that occupancy is in accordance with the approved details and identified need and to ensure that the parking provision is sufficient to meet the demand of this type of use thereby complying with the Parking Standards SPD and Policy HOU3 and of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. Before development commences, a detailed scheme of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

13. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The submitted details shall include:
- a. Maintenance schedules for each drainage feature type and ownership;
 - b. Details of and timescales for implementation of protection measures;

The agreed maintenance and protection measures shall be implemented thereafter in accordance with the approved details, schedules and timescales.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

14. The rating noise level from the proposed substation, determined in accordance with the requirements of BS 4142: 2014 + A1:2019 *Methods for rating and assessing industrial and commercial sound* shall not exceed the prevailing representative background noise level by more than minus 10 dB in any external amenity space or at the nearest habitable room window (under free-field conditions) at The Old Police House or any apartment at Buckland House.

Reason: In the interests of amenity, in accordance with local plan policy ENV3.

15. No construction works above damp proof course level shall take place until a Biodiversity Net Gain (BNG) Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The management plan should include:

- Methods and timetable for delivering BNG;
- Responsibilities for delivering BNG – during and after construction;
- Description of the habitats to be managed;
- Clear timed and measurable objectives in the short, medium, and long-term for BNG - Detail objectives for all habitats (target condition);
- A commitment to adaptive management in response to monitoring to secure the intended biodiversity outcomes;
- Details for a formal review process when objectives are not fully reached / roles and responsibilities;

The agreed BNG and management plan shall be implemented and maintained in accordance with the agreed timescales and schedules unless otherwise agreed in writing with the local planning authority.

Reason: To ensure biodiversity net gain for the development, in accordance with local plan policy ENV1, saved local plan policy DM2 and the aims and objectives of the NPPF.

16. No clearance of vegetation clearance (e.g. trees, shrubs and scrub) or building demolition that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation/building for active birds' nests immediately before the vegetation is cleared or works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest(s) on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

17. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the LPA for the inclusion of integral Swift Bricks within the building(s). The agreed scheme shall show the number, specification of the Swift Bricks and where they will be located, together with a timetable for implementation and commitment to being installed.

Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral Swift Bricks have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and in accordance with saved local plan policy DM2 of the Local Plan Part 2: Sites and Development Management.

18. Prior to first occupation of any flat, electric vehicle charging points shall be installed in accordance with a scheme that shall have been submitted to and approved in writing by the LPA. The approved scheme shall be retained and maintained in perpetuity unless otherwise agreed in writing by the LPA.

Reason : To ensure suitable provision is made for Electric vehicle charging, in accordance with the requirements of Policy IMPL2 of the Local Plan 2016-2036 Part One: Planning Strategy.

19. Prior to the occupation of approved development the mitigation measures set out within chapter 5 of the approved noise assessment (ref: R9201-1 Rev 0, 24 Acoustics Ltd dated 27 August 2021) shall be implemented in full and maintained for the life of the approved development.

Reason: In the interests of amenity, in accordance with the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.

20. The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Further Information:

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New Forest

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PLANNING COMMITTEE

October 2021

Former POLICE STATION
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