

NEW FOREST DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Miss Baker
Planning Issues Ltd
Churchill House
Parkside
Ringwood
BH24 3SG

Application Number: **21/10938**

Applicant: Churchill Retirement Living

Date of Application: 24 June 2021

THE NEW FOREST DISTRICT COUNCIL as the Local Planning Authority **REFUSES TO GRANT PERMISSION** for the following development:

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

Site Address: **Former Police Station, Southampton Road, Lymington SO41 9GH**

This decision has been taken in respect of the plans and particulars which were submitted with the application and numbered as follows:

LY01	EXISTING FLOOR 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(s) for Refusal:

- 1 The proposed development would not deliver sustainable development and not create a mixed or balanced community and is thereby contrary to local plan policy HOU1 of the Local Plan 2016-2036 Part One: Planning Strategy which seeks to create a mixed and balanced community by providing a mix and choice of homes by type, size, tenure and cost.
- 2 The proposed development is of a scale and mass that is considered to be inappropriate and out of keeping with the area resulting in an adverse impact on the character of the surrounding area and the existing character of the adjacent Conservation Area. In these respects the proposal is considered discordant with local plan policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy and saved policy DM1 of the Local Plan Part 2: Sites and Development Management.
- 3 The proposed development, by reason of the proximity of the proposed apartments to the maturing protected trees on site, would not allow for these trees to grow into their natural size and form. This is likely to result in the future unsympathetic pruning and potential loss of these trees which would be detrimental to the amenity of the area.
- 4 The proposal makes insufficient provision for on-site parking to serve the development and inadequate turning on site to enable emergency service vehicles to turn on site and leave in forward gear. The development is likely to lead to additional pressure on on-street parking within the surrounding local area, to the detriment of amenity of the area.
- 5 The proposed development has insufficient outdoor amenity space. Such a lack of outdoor amenity space would fail to meet the reasonable amenity needs and may consequently adversely impact the health and wellbeing of future residents, contrary to the provisions of policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy.
- 6 To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in new units of overnight residential accommodation which will potentially have an adverse impact through greater nitrates being discharged into the Solent catchment area thereby having an adverse impact on the integrity of the Solent Special Protection Area (SPA) and Special Areas of Conservation (SAC). A precautionary approach is required to be adopted and in the absence of a completed Section 106 Agreement an adverse impact on the integrity of the SPA and SACs cannot be ruled out. As such, the proposal does not accord with Regulation 63 of the

Conservation of Species and Habitats Regulations 2017 in that at present there is inadequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017, and New Forest Local Plan (2016-2036) Policy ENV1.

- 7 In the absence of a completed S106 Agreement to secure an appropriate contribution towards the provision of off-site affordable housing, the proposed development fails to accord with the provisions of policy HOU2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park.

Notes to applicant

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

4. Although the officer's recommendation was for approval, Members of the Planning Committee determined that the application was unacceptable for the reasons for refusal as set out above

Claire Upton-Brown

Date: 10 December 2021

Claire Upton-Brown
Executive Head of Planning, Regeneration and
Economy
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice online at <https://www.gov.uk/planning-inspectorate> or if you are unable to access the on line appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

(2) Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.

