

OPENING SUBMISSIONS ON BEHALF OF THE LOCAL PLANNING AUTHORITY

1. The Council of course acknowledges that both appeal schemes were recommended for approval by officers. Members nevertheless determined, as they were entitled to do, that the appeal proposals were unacceptable on planning grounds and their decision is now forcefully and professionally endorsed by the expert evidence of Mr Kiely.
2. In essence, the Council concluded that both schemes were unacceptable on grounds of
  - (1) their height, mass, scale and design which would cause harm to the character and appearance of the area, including two neighbouring conservation areas and many listed buildings;
  - (2) their presenting an over-developed hard edge along their south western boundary as a result of insufficient landscaping; and
  - (3) their adverse impact on neighbouring occupiersall resulting in conflict with development plan and national planning policies.
3. Neither amendments to the appeal A scheme nor the reductions in scale of the appeal B scheme are sufficient to mitigate these adverse impacts.
4. As Mr Kiely points out, the greater emphasis in recent years on the critical importance of the highest quality of design is of crucial significance in these appeals. This is underlined by the Secretary of State's very recent letter of 2 August 2021 to the Planning Inspectorate urging Inspectors to be "alive" to the policy changes in the NPPF requiring delivery of "beautiful places to live and work".
5. Also, as Mr Kiely says, the appellant's invocation of the "tilted balance" on account of the Council's housing supply/delivery position does not overcome the fact that policies requiring good design are equally important as the provision of housing and are manifestly up to date and consistent with NPPF policy. Similarly, the marked impacts on the settings of neighbouring heritage assets brings into play para. 11(d)(ii) of the Framework.

6. Again, the principle of the developments may not be in dispute but that does not mean that any extra care scheme should be approved despite doing demonstrable harm to interests of acknowledged importance, even if the need for such provision for older people is “critical” as so described in para. 001 of the relevant section of the NPPG. The desirability of meeting such a need cannot be at the expense of adverse and unacceptable impacts on townscape, heritage assets and neighbours’ residential amenity.
7. These issues will very much be a matter for the Inspector’s judgement, but the Council maintains that the very prominent positioning of the massive appeal buildings in numerous views from the surrounding streets and conservation areas will have severe, urbanising townscape impacts and will dilute and disrupt the significance of heritage assets, whether the conservation areas themselves or the significant listed buildings within them. Unlike the functional and recognisably institutional hospital buildings which they will replace, the alien form of the new buildings will dominate rather than complement their surroundings – a result driven by the desire to maximise the number of units.
8. Accordingly, the proposed developments represent poor design and should be refused for fail[ing] to take the opportunities available for improving the character and quality of the area and the way it functions” As set out in para. 134 of the NPPF.
9. The overdevelopment of the appeal site also manifests itself in the impacts identified in reason for refusal 2. As Mr Kiely says, the western building gives the impression of an excessively high, extremely bulky and extensive building that has been positioned as close as possible to the western boundary of the appeal site. Where the eastern building is concerned, he concludes that the building appears to be crammed into the space available, located as close as possible to the boundaries of the appeal site, with little regard to the relationship that is created between the development, its neighbours and the street scene.
10. These factors combine with the result that the extremely large footprints of the two buildings, their positioning very close to the site boundaries, the paucity of amenity space and landscaped areas, the dominance of car parking and manoeuvring areas and the avoidable loss of mature trees all clearly indicate that the two schemes represent an overdevelopment of this appeal site in the context of the low density, suburban area within which they are located.

11. This is again contrary to national and development plan policies and cannot be justified by any other material considerations.
12. Where reason for refusal 3 is concerned, Mr Kiely concludes that the relationship between the proposed developments and the neighbouring properties is one that shows little regard for their amenities. They would experience severe impacts in terms of overbearing by the very large appeal buildings, loss of privacy and outlook and their amenities will be significantly damaged if either of the appeal proposals are approved. This is unacceptable, contrary to the development plan and national policy and should be refused as a result.
13. So long as provision for affordable housing is made in accordance with the offers previously made by the appellant, then reason for refusal 4 falls away. As stated in Mr Kiely's evidence, the Council does not accept that there is any justification for revising the appellant's original and relatively recent viability assessment (save to take account of any pro rata reductions for amended Appeal A) and resists the appellant's application to submit a revised assessment to the inquiry.
14. The Council recognises that there would be benefits resulting from implementation of the appeal proposals. However none of these whether regarded cumulatively or individually are sufficient to outweigh the objections to the appeal proposals on townscape, heritage and amenity grounds. It is submitted generally in any event that the need for conventional housing or for extra care provision cannot outweigh objections to development on design, heritage or residential amenity grounds, least of all in the context of the greater emphasis on seeking beauty in and the highest quality of design.
15. The Council's objections are tellingly and appropriately reflected in the strength of local feeling against the development expressed in the third party representations which are based on proper planning grounds.

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