MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. X/13/72498

DESCRIPTION/ ADDRESS	Relief of Condition 27 of outline planning permission O/10/67643 for Share Care Dementia Living Scheme to enable a surviving person to live within a shared care unit beyond a period of 12 months following the death of a dementia sufferer occupying the same unit. Land adjacent to Penarth House Otterbourne Hill Otterbourne Winchester SO21 2HJ

SITE VISIT DATE	20 May 2013			
ARE PLANS ACCURATE?	x	Yes		No. If not why not.....
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	x	Yes		No. If not why not.....

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	As above
SITE AREA	1.36 ha/35 residential units and 20 nursing beds
RESIDENTIAL DEVELOPMENT DENSITY (NET)	
SITE CHARACTERISTICS	Currently countryside adjacent motorway and Otterbourne Hill on edge of settlement and between Chandlers Ford and Otterbourne
CHARACTER OF LOCALITY	Urban fringe with motorway impacts

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
O/10/67643	Outline: Construction of shared care dementia living scheme comprising 35 no. shared care units and 20 no. bedroom nursing wing with associated vehicular/pedestrian access, car parking, amenity space, landscaping and secure perimeter fence. Change of use of 0.9ha grazing land to public open space.	Permitted 14.3.12

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Local residents	No comments received

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Allbrook Parish Council	No response

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Planning Policy and Design	No objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within countryside Outside/Within Built-up Area Boundary

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011) Saved policies
Accommodation for Older People and those in Need of Care SPD adopted May 2011

CHARACTER APPRAISAL AREA

None

SPECIAL POLICY AREA

None

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework seeks a positive and proactive approach to the delivery of sustainable development.

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity.

PLANNING OBLIGATION/CONSIDERATIONS

None relevant

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Condition 27 limits the occupancy of the development to those who are suffering from dementia and their partners. This is because the permission was granted on the basis of the specific need

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

for such accommodation and was otherwise contrary to the Local Plan which designates the site as countryside. The condition prevents occupation of the shared care apartments after the death of a partner with dementia (after a 12 month period of grace) to ensure that the development remains as proposed and does not become a general assisted living/nursing development in the countryside. The application seeks to lift the restriction on surviving partners on the basis that it is unreasonable to require a most likely eldery resident to move. The proposal does, however, offer an alternative condition which still requires initially the units to be occupied be at least one person with dementia. The apartments could not therefore be sold on the open market without this restriction. This still satisfies the overall justification for the development based on meeting specific needs relating to dementia and the amended condition is therefore considered acceptable and would assist in meeting the amenity needs of existing residents of the development.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the pre-submission Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

The recommendation is to permit subject to an alternative less restrictive occupancy condition.