

DELEGATED OFFICER REPORT

Application Ref: F/22/94241 and F/22/94242 (duplicate applications)

Site Address: Land adjacent to Boorley Park Primary School, Nairn Road, Botley, SO32 2SH

Case Officer: Rebecca Altman

Description: Erect single-storey children's nursery with off road car parking

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Aviation safeguarding area (for taller buildings) • In SPA recreational disturbance zone (but not relevant to the proposal)		

Planning History?	Yes ☒	No ☐
• F/19/85348 – Erection of 81 place nursery together with associated access, car parking and landscaping – permitted 26/05/2020 • F/18/83300 – Erection of a building for use as a pre-school nursery, with associated access and parking – withdrawn 03/07/2018 • CS/18/82664 – Hampshire County Council application for 2-form entry primary school, including grass sports pitch and hard courts and staff parking – permitted 28/02/2018 • R/16/79470 – Reserved Matters for 889 dwellings, community building, games area, allotments, open space, infrastructure, drainage, landscaping, car parking, levels and boundary treatment and diversion of footpath no.2 – approved 13/10/2017 • R/15/77552 – Reserved Matters for spine road, infrastructure, drainage and landscaping; diversion of footpath no.2 – approved 19/02/2016 • O/12/71514 – Outline application for 1,400 homes, extension to existing hotel, creation of new local centre, primary school, community building, sports and open space facilities – outline permission 28/11/2013		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Two representations received. One representation in support of providing a nursery facility within Boorley Park. One representation raising no objection in principle but noting the following concerns: • Nursery should not be allowed until roads are adopted; • The nursery will exacerbate highway safety issues on Nairn Road and Wallace Avenue; • Surrounding roads need safety measures including signage and crossings.		
Botley Parish Council:	Objection on the following grounds: • Design is extremely bland; • Access road too narrow for additional vehicles generated by the development;		

	• Dead end car park layout would lead to increased congestion and safety issues for parents and children; • Concern about increase in unsafe parking on surrounding roads; • Increased traffic problems would have a negative impact on existing residents; • Insufficient number of parking and drop-off spaces; • Insufficient space for vehicle turning; • Traffic control/management measures should be considered; • Query about future use of the land to the south of the application site; • Concern about capacity of drainage systems and potential increased flood risk.
Curdridge Parish Council:	Objection due to insufficient parking and concerns about width of access road. Suggest that drop-off spaces need turning space extended to the west.
Tree Officer:	No objection due to lack of significant trees on the site.
Environmental Health Officer – Noise	Noise at drop off and pick up times would be noticeable to the nearest dwellings. Recommend close boarded fencing be increased in height to 2.4m and designed to minimise noise (15kg/m² surface density and inner face lined with absorptive material). Any fixed plant or equipment would need to meet noise limits of 10dB below background noise levels. A CEMP would be required to reduce pollution during construction.
Environmental Health Officer – Contaminated Land	No objection subject to condition for gas remediation (as per previous planning permission).
Highway Authority:	No objection subject to conditions. Revised plans provided showing access link to Nairn Road and tracking drawings. Query about how the three drop off spaces would be managed when more than three drop offs occur at the same time. Suggest drop offs being restricted during adjacent school drop off and pick up times and note that additional parking is available at the nearby sports complex, which could serve as a park and stride facility. Satisfied that capacity exists within the local highway network to support the nursery. Recommend conditions to secure the parking provision, provide a drop-off/pick up servicing management plan, and a Construction Management Plan.
HCC Flood Authority:	Insufficient information within Drainage Report. Proposed discharge rate seems small and unclear how it would be achieved. Queries raised about calculations. Further information required: • Location plans

	• Detail to show how the development connects to the surrounding area • Topographical information • Other hydrological features in the vicinity • Assessment of flood risk • Confirmation of who is responsible for the surface water sewer • Further detail regarding maintenance plans • Comparison of pre and post development exceedance
Southern Water:	Formal connection will be required to the public foul and surface water sewer and water supply. Plan required showing the final connection point for the surface water disposal. Conditions required to secure full drainage details and long term maintenance.
Urban Design Officer:	Concerns raised about proposed building position, layout and design. Building design is uninspiring and bland and internal spaces would be gloomy and be overly reliant on artificial light. View of the building from the entrance would be dominated by tarmac and car parking. Exclusion of land outlined in blue creates a constraint to the development. Concerns about pedestrian movements around the parking area and potential conflict with vehicles. Suggest that the scheme could be improved with a reorientation of the building and amendments to the internal and external layout. If the building is to remain in the position shown, recommendations for improving the scheme include: • Building entrance should be made more prominent with a larger paved area outside of it; • Roof lights incorporated and high level or slot windows to provide more light to the north facing rooms; • Bi-fold doors to the rear elevation to enhance movement between indoor and outdoor play; • Provide rubber surfaces to outdoor play areas; • Consider option of creating an additional pedestrian link to the west; • Recommend brick and natural slate for the building elevations with additional brick detailing to add interest; • Review level of fenestration on front elevation; • Provision of additional landscaping within parking area; • Consider sedum roof for flat roof to add visual interest and enhance biodiversity; Request extended site plan showing access and a roof plan.
Ecologist:	Objection. The submitted Ecological Appraisal is incomplete and insufficient to assess the ecology impact of the development or the potential for biodiversity net gain. Further assessment is required to rule out the presence of protected species including slow worms and badgers. Site photographs show tussocky grassland which is suitable habitat for reptiles, along with habitat for nesting birds and well used badger trails. There is also dense bramble on site that could contain a badger sett. Further work required: • Obtain data from the Local Environmental Records Centre

	• Further assessment of the surrounding areas and nearby habitats • Further assessments to rule out the presence of badger setts • Reptile survey • Provision of a Phase 1 Habitat map to include marked badger trails • Quantification of the loss of brambles and grassland • Further assessment of grassland to determine if it is ecologically significant • Further information regarding existing hedgerows and potential presence of dormice • Further consideration of mitigation measures to include replacement habitats
Landscape Officer:	Insufficient landscaping details to assess the scheme. Planting shown is inadequate; further details required on plan to define all landscaped areas including hard landscaping. Landscaping adjacent to the site should also be shown on the plans.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 29 th March 2023 – photographs on file		

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are: • S1 – Delivering sustainable development • S2 – Approach to new development • S9 – Green infrastructure • S10 – Community facilities • S11 – Transport infrastructure • DM1 – General criteria for new development • DM2 – Environmentally sustainable development • DM3 – Adaptation to climate change • DM6 – Sustainable surface water management and watercourse management • DM8 – Pollution • DM11 – Nature conservation • DM13 – General development criteria – transport • DM36 – Community, leisure and cultural facilities • DM38 – Funding infrastructure Supplementary Planning Documents: • Biodiversity SPD (December 2009); • Quality Places SPD (November 2011); • Trees and Development SPD (April 2022).
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Assessment: Principle of the proposal The application site lies within the Boorley Park development and the principle of providing a nursery on the site was established through the previous planning permission ref. F/19/85348. Whilst the original outline planning permission for Boorley Park did not
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explicitly refer to a pre-school / nursery in its description and there was no specific requirement for its delivery within the S106, it would be considered an appropriate and positive addition to the development.

Sustainable Development:

Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways). Each of the three dimensions of sustainable development is considered below.

Economic Sustainability:

Section 2 of the NPPF, when discussing economic sustainability, seeks to '*help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*'.

The proposed nursery would contribute to economic sustainability by providing direct employment opportunities, and the provision of additional childcare facilities can also help support working parents.

Social Sustainability:

The social objective of sustainability is defined as supporting strong, vibrant and healthy communities. The nursery would provide a new community facility, which would benefit the Boorley Park development and wider local community. The development is therefore considered to meet the objectives of social sustainability.

Environmental Sustainability:

There are a number of different components to Environmental Sustainability, which relates to the protection and enhancement of the natural, built and historic environment, including improving biodiversity, minimising pollution and adapting to climate change. These matters are considered within this report under relevant headings.

Design, Layout and Appearance:

The application is a revised scheme to that previously approved in 2020. The proposal is for the same size of nursery, but with a revised design, orientation and layout. Policy DM1 of the Local Plan requires new development (among other things), to make efficient use of land and be compatible with adjacent uses in terms of mass, scale, materials, layout, design and siting.

The building would be orientated with its frontage facing south and the children's rooms and external play areas on the northern side adjacent to the existing school playground. The Council's Urban Design Officer commented that the east/west orientation of the building previously approved was more effective and appropriate from an urban design perspective, as it would have allowed for more natural light to the children's rooms and outdoor play areas and better surveillance of the building frontage. However, the applicants have explained that the layout and orientation now proposed is appropriate to meet their needs, and is similar to the way in which their existing nurseries in other parts of the country are designed. In response to the Council's concern about north facing play rooms and outdoor space, the applicants have explained that from their point of view, south facing rooms can be problematic in terms of overheating and over reliance on cooling, and shaded outdoor play spaces help to ensure comfort and safety of the children.

The applicants have also made some changes to the building design to seek to address some of the Council's design concerns. Amendments have included an increase in the

size of windows in the south and north elevations and additional windows to side elevations to increase internal natural light and improve the external appearance. The external wall material has also been amended from render to red brick and the entrance has been amended to create more of a 'feature' of the corner of the building, with an angled glazed lobby. It is considered that the amended red brick design would complement the red brick of the surrounding houses and the alternations to the fenestration and entrance feature have enhanced the buildings overall appearance. The proposed building is considered to represent an appropriate design in accordance with Policy DM1 of the Local Plan.

Landscape matters

Policy DM1 of the Local Plan requires new development to incorporate landscape schemes and requirements to enhance green infrastructure are set out within Policies S9 and DM11.

The plans originally submitted with the application provided limited detail of landscaping and were not sufficient for meaningful comments to be made by the Council's Landscape Officer. A more detailed Landscape Plan was received at a very late stage in the application process and has not been subject to detailed review, although it does provide further information regarding planting species, locations and management procedures, and also indicates options for enhancing biodiversity including bat and bird boxes. It is noted that the Landscape Plan does not show a hedge along the western boundary, which was one of the elements originally shown on green infrastructure/ landscape plans for the wider Boorley Park site, to link to other landscape features to the north and south. Instead, the plans indicate new hedgerow planting along the other site boundaries and shrub and tree planting on the north, west and eastern sides of the site. Whilst the Landscape Plan has not been formally reviewed or agreed, it is considered that the information provided on the more detailed plan provides a better basis for discussions and negotiations that could be dealt with by condition.

Access, Parking and Transport Matters

The nursery would have vehicle access via Nairn Road, at the south-eastern corner of the site. There would be a parking area on the south side of the site providing a total of 12 parking spaces comprising 7 spaces for staff and 5 drop-off spaces for visitors. Two of the drop-off spaces would be located adjacent to the site entrance and would be for disabled parking. The parking spaces are of an acceptable size and the applicant has provided tracking plans confirming that both cars and refuse vehicles would be able to access and turn within the site.

Nairn Road provides access to the adjacent school and some residential properties to the south of the site, and concerns have been raised by the Parish Councils that the proposed nursery could worsen existing traffic issues that occur during school drop-off and pick up times. The Highways Officer has also queried how the drop-off spaces would be managed and has recommended that a drop-off/pick-up and Delivery Management Plan be prepared, which should include a restriction on parents accessing the site during the adjacent school drop-off and pick-up periods. During these times, it is recommended that parking is accommodated at the nearby sports facility with a 'park and stride' procedure put in place. The applicants have confirmed agreement in principle to the Highway Officer recommendations, and a detailed Drop-Off/Pick-Up and Delivery Management Plan could be secured by condition.

With regard to traffic movements, the Highway Officer has commented that the original outline planning application for the wider Boorley Park development included an assessment of vehicle trip rates associated with the proposed education and community facilities, and the road network was designed accordingly. Planning permission has also previously been granted for a nursery on the site of the same size as that currently proposed. It is recognised that many vehicle movements associated with the nursery are not likely to be 'new' movements on the network but instead would be linked trips, e.g.

drop-offs prior to travelling to work, or shared with the drop-off of a sibling to the adjacent school. Given the location in a residential area, it is also expected that a proportion of new trips would be on foot or by other alternative means to the private car (e.g. cycles, scooters). Having regard to the above points, the Highway Authority has raised no concerns regarding the impact of the nursery on the operation of the surrounding highway network.

The Council's Urban Design Officer raised concerns about pedestrian flow through the car park area, noting that parents and children accessing the site on foot would need to cross the car park to get to the entrance. However, the plan includes a marked pedestrian crossing leading to the entrance, and given the slow speed that vehicles are likely to be moving, it is not considered that the layout would pose undue highway or pedestrian safety concerns. The Site Layout Plan has also been updated to clearly show how the footway into the site would link to the existing footway along Nairn Road.

In summary, the proposed access and parking arrangements are considered to be acceptable (subject to conditions should permission have been granted), and the development would not result in significant impacts on the local highway network or highway safety.

Impact on residential amenity – outlook, light or privacy

Policy DM1 of the Local Plan requires all development to be designed to avoid an unacceptable impact on the amenities of new and existing residents.

The proposed nursery is located in a predominantly residential area adjacent to an existing school. The nearest residential properties are located to the east of the site, with the nearest one being approximately 10.5m from the south-west corner of the proposed building. However, the new building would be set at a lower land level to the neighbouring dwelling and would not have any windows directly facing towards it. The proposed fence and planting on the western boundary of the site would also provide further screening between the residential dwelling and the nursery. Given the single-storey height of the proposed nursery and the boundary treatment, it is not considered that the dwellings to the east would be adversely impacted by loss of outlook, light or privacy.

To the south of the site, the nearest dwelling is located approximately 37m away from the proposed building. These properties would be separated from the development by the intervening land shown edged in blue on the site plan and it is not considered that the proposal would harm the living conditions of these residents by way of loss of outlook, light or privacy. Potential noise impacts are addressed in the following section of this report.

Noise Impacts

The Council's Environmental Health Officer has commented that to reduce potential noise impacts on neighbouring residents, the proposed 1.8m boundary fence should be increased to 2.4m in height and built to certain specification to reduce noise. However, from a design point of view, a 2.4m high fence around the site would appear visually dominant and intrusive. It is also noted that the site lies in an area that already experiences noise and activity from the Primary School, and that the existing school playground is not bound by an acoustic fence. Following further liaison with the Environmental Health Team, it has been confirmed that the main concern regarding noise impacts relates to the use of the outdoor play areas. However, these areas would be located on the north side of the site adjacent to the school playground, and would be screened from residential properties by the proposed building and boundary fencing.

Whilst the nursery would also generate some increased noise and disturbance from vehicle and pedestrian movements, it is not considered that this would be significantly greater than already experienced from the school. Therefore, when taking account of the surrounding environment and the proposed boundary treatment, it is not considered that

the use of the nursery would result in an adverse impact on neighbouring residents in terms of noise disturbance.

Drainage and Flood Risk

The site is not in an area at risk of flooding, but it is important to ensure that a suitable drainage system is implemented to ensure that the development would not result in increased surface water run-off to the surrounding area or have an adverse impact on water quality. Specific requirements for sustainable drainage systems for new developments are set out in Policy DM6 of the Local Plan, and Policy DM3 also outlines requirements for satisfactory drainage to manage flood risk in the interest of adapting to climate change.

A Drainage Strategy Report was submitted with the application and has been reviewed by the Lead Local Flood Authority (LLFA), but is not considered to provide sufficient information to determine that the proposed drainage system is acceptable. Further drainage information is required, including information to determine how the proposal connects to the surrounding area, topographical information, assessment of flood risk and responsibilities for maintenance. The LLFA has also queried the information given regarding discharge rates. Given the extent of missing information, it is not possible for the Local Planning Authority to determine that an adequate drainage scheme can be achieved to manage flood risk and protect water quality. The proposal therefore fails to demonstrate suitable drainage, contrary to policy DM6 of the Local Plan.

Ecology and Trees:

Policy DM11 of the Local Plan states that development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the ecological network, unless it can be demonstrated that: there are no alternative solutions; the adverse effects are unavoidable; measures are taken to mitigate or, as a last resort, compensate for the adverse effects; there is an overall biodiversity net gain; and if there is residual adverse effects, the benefits of the development clearly outweigh the adverse effects.

The site is currently vacant and comprises predominantly grass and scrub. An Ecology Statement was provided at the time of the previous application, but this was dated 2019 and the site has remained undeveloped since that time. On the site visit it was confirmed that the site was overgrown with grassland and scrub and an updated Ecological Appraisal was therefore required to assess the current condition of the site. An Ecological Appraisal was subsequently submitted and reviewed by the Council's Ecologist, who raised a number of concerns about the content and recommendations set out in the report. Reptile surveys were also requested as the report indicated that the grass and scrub offered potential habitat for slow worms. Some specific concerns raised by the Council's Ecologist include lack of background data checks, lack of a habitats map to identify and compare existing and proposed habitats, inadequate assessment of surrounding areas and habitats, inadequate badger survey, and concerns about the timing of vegetation surveys.

No further information has been received to address the queries of the Council's Ecologist, and no firm confirmation has been provided as to when reptile surveys would be undertaken. Therefore, on the basis of the current information, it is not possible to determine the ecological condition of the site and whether the proposed development would impact on protected species or habitats. It is also not possible to determine if the development will achieve a biodiversity net gain. The development is therefore contrary to Policy DM11 of the Local Plan and to the Wildlife and Countryside Act 1981 (as amended).

With regard to trees, there are no significant existing trees on the site and the Council's Tree Officer has raised no objection.

Land contamination

The Council's Environmental Health Officer has recommended conditions for gas remediation as per the previous planning permission, to ensure that contamination is satisfactorily dealt with.

Energy efficiency and Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. Policy DM2 specifically requires buildings of over 500m² to achieve BREEAM 'excellent standard'. The proposed building has an external floor area of just under 500m² and therefore this requirement does not apply. However, the application details state that the building would be designed to reduce water consumption and that thermally efficient materials would be used to achieve energy efficiency. On this basis, it is considered that the development would meet the general objectives of the climate change policies, although as noted previously in the report, there is currently a lack of information to confirm that suitable drainage would be provided to mitigate future flood risk.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

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When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion: The principle of development is acceptable and various elements of the scheme have been agreed as acceptable including the general layout and design, access and parking matters. However, the application does not include sufficient information to properly assess the ecological condition of the site and determine if the development would impact on protected species and whether appropriate mitigation could be achieved. There is also a lack of information regarding the drainage scheme and it cannot be determined that an adequate drainage system could be achieved to prevent increased flood risk to the site and surrounding area. Further information to address these two matters has not been forthcoming despite a number of requests and follow up communication. The application is therefore contrary to policies DM6 and DM11 of the Local Plan and to the Wildlife and Countryside Act 1981.

Recommendation:

PERMIT ☐

REFUSE ☒

1. In the absence of sufficient information to assess the ecological condition of the site and the ecological impact of the proposed development, it is not possible to determine that the development would not have an adverse effect on protected species or priority habitats. The proposal is therefore contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and the Wildlife and Countryside Act 1981 (as amended).
2. In the absence of sufficient drainage information, it is not possible to determine that the proposed development would incorporate appropriate drainage to manage flood risk and protect water quality. The proposal is therefore contrary to the requirements of Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).