

DELEGATED OFFICER REPORT

Application Ref: F/24/97713

Site Address: Garnier Drive Access, Bishopstoke Park Continuing Care Retirement Community, Bishopstoke, SO50 6HE

Case Officer: Rebecca Altman

Description: Alterations to Garnier Drive/Church Road access to Bishopstoke Park Continuing Care Retirement Community.

Particular Site Constraints?	Yes ☒	No ☐
• Urban edge • BIFOH Character Area 32 • Great crested newt amber/red zone • The Mount Hospital historic park and gardens register • Locally listed buildings nearby within care site • Breach and Gully Copses SINCs nearby to the west • Foul sewers along Church Road • TPO Trees / Area Preservation Order		

Planning History?	Yes ☒	No ☐
• F/17/80513 – construction of 53 assisted living units (in connection with hybrid permission O/12/71007) – permission 01/02/2018 • F/17/80804 – construction of 12 parking spaces to provide additional parking associated with Phase 1 – permitted 03/11/2017 • F/13/73226 – construction of 51 assisted living units as an extension to Bishopstoke Park continuing care community with changes to planning permission O/12/71007 – permission 02/12/2013 • O/13/72892 – outline application for residential development, community allotments and orchard, open space, car parking and vehicle access arrangements – outline permission 18/02/2014 • O/12/71007 – hybrid application for continuing care community development – permission 22/10/2012 • O/07/61221 – outline application for construction of continuing care community – outline permission 22/07/2010		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	<u>Objection comments:</u> 1 representation received, objecting on the following grounds: - Concern about damage to protected tree T7, particularly from large heavy vehicles; - Unsure of the need for the proposal as the existing access appears to work; - Concern about visibility of the access point for people travelling towards the site; - Query as to where additional signage would be located; - Existing flag pole signage is unsightly and may not have been formally approved. <u>Support comments:</u> 67 representations received in support of the application, raising the following points: - It is difficult currently with people entering and exiting the same access;		

	- The entrance should have opened when the community was built; - Existing entrance is dangerous as not wide enough for two vehicles, resulting in vehicles reversing onto Church Road, creating a hazard and causing congestion; - There is restricted visibility at the existing entrance/exit; - Problems often arise when large vehicles are entering or exiting (e.g. delivery vans, emergency vehicles); - The Tree report confirms no damage will be caused to the adjacent tree; - Proposal is essential for safety of residents of Bishopstoke Park; - The works would improve access for emergency vehicles; - Improved safety for both vehicles and pedestrians; - May be a need for some measures to slow down vehicles entering the new entrance, e.g. rumble strips or speed humps; <u>Other comments:</u> 7 representations received, commenting as follows: - A highway safety audit is needed for both the existing and proposed access layouts; - Existing access plan in Appendix 2 to the Highway Technical note is an error as does not show the existing alignment; - Appendix 3 to the Highway Technical note contradicts Appendix 2, and appears to show restricted visibility for vehicles entering the site; - Concern that the Track movements in Appendix 4 are inaccurate; - Concern about vehicles using pedestrian footway; - Potential impacts on veteran tree; - An existing street light opposite 76A/B Church Road causes light pollution and should be changed; - Existing flagpole sign is visually intrusive and noisy; - Concern about noise from maintenance (leaf blowing); - Query as to whether a previous issue with unregistered land has been resolved to allow use of the southern entrance; - The works are needed for safety and will be an improvement; - Query why the original access design was changed. Officer note – concerns raised about existing signage / flagpoles and lighting are not directly relevant to the current application.
Bishopstoke Parish Council:	Objects to the application on the grounds that the risk of further damage to the protected tree is too great.
Ecologist:	The site lies approximately 350m from the River Itchen SAC and 300m from the Gully Copse SINC. The site is also in the red and amber impact risk zones for great crested newts. There are records of slow worms, bats, invertebrates, badgers and hedgehogs in the area and nesting birds may be present in the overhanging trees. The Arboricultural Report mentions the potential for protected species to be using the trees and recommends that any tree works should be avoided between March and August. If works cannot be avoided during these times, then it should only be carried out after a check for birds and bats by a suitably qualified ecologist. Site photographs have been reviewed and it is concluded that no protected or notable species would be affected by the proposed works, subject to precautionary working methods which can be secured through a CEMP. Biodiversity enhancements are also required.

Highway Authority:	No objection. The submitted information demonstrates that due to the geometry of the existing in/out junction, at times there can be conflict of movement between vehicles. By making the northern access and egress only and the proposed southern access, access only, this will alleviate the issues accordingly. Applicant is advised that the works will require S278 agreement.
Southern Water:	There is a water main asset in the vicinity of the site, the exact position of which must be determined by the developer. This water main requires a clearance of 6m either side. No excavation, moulding or tree planting should be carried out within 6m without the consent of Southern Water. All existing infrastructure should be protected during the course of construction works.
Landscape Officer:	No objection.
Tree Officer:	No objection other than the proposal to lift tree canopies by 5.4m. The canopies should not be lifted more than 4m. Request amendment to Arboricultural Statement. Subject to this amendment, the proposal would be acceptable subject to compliance with the submitted Arboricultural Statement.

Site Visit:	Yes ☒	No ☐
10 July 2024 – 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: DM1 (General Development Criteria), DM11 (Nature Conservation), DM12 (Heritage Assets), and DM13 (Transport). Supplementary Planning Documents: BIFOH Character Area 32 – area described as: <i>‘1990s to present day detached development on a cul-de-sac on the northern western edge of Bishopstoke’</i>.
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Assessment: Site and proposal The application relates to the access point for the Bishopstoke Park Retirement Village, which is on the east side of Church Road, just north of the junction with Longmead Avenue. The existing access comprises a single access/egress, and the proposal is to create a separate access point south of the existing one, to create a one way in, one way out arrangement. The new access would be created in the location of the original site access, which was temporarily used as a construction access when the retirement village was being built and then subsequently stopped up. This former access is blocked off by a low wooden rail and comprises an area of bare earth. The works would involve the installation of new hard surfacing, which is proposed via a no-dig method of construction to protect adjacent trees. A pedestrian footpath to the site would be retained adjacent to the southern side of the new entrance.
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Highway safety

The applicant's Agent has explained in the covering letter that the proposals have been put forward following a number of concerns being raised by residents of the retirement village about the safety of the existing access arrangement, which is not considered sufficient to serve two-way traffic. These concerns have been raised in multiple representations received in support of the application.

The proposal is to retain the existing entrance/exit as an 'exit only', and to reinstate a new 'entrance only' section to the south. This would be located in the same position as the original access to the site, which was formally used as a construction access and subsequently stopped up. A separate footway would be retained for pedestrians to ensure that they would not need to walk in the carriageway.

The Highway Authority has reviewed the proposals and determined that they are acceptable, and would alleviate some of the issues associated with the current access arrangement. It is noted that the works will require separate consent from the Highway Authority via S278 agreement, and an informative can be added to the decision notice to make this clear.

In response to some comments raised in representations about the accuracy of the existing access plan and tracking details, the applicants submitted an updated plan drawn to the most recent topographical survey and updated tracking plans. The Highway Authority has reviewed the updated plans and confirmed they are acceptable.

Visual impact and impact on heritage assets

The new access point would be created on an existing bare patch of land, adjacent to a planted area where the sign for the retirement village is located. It is not considered that the creation of a formal entrance in this location would have any adverse visual impact on the character of the area.

The retirement village lies within the Mount Hospital historic park and garden and there are locally listed buildings within the site. The proposal would comprise amendments to an existing access at the edge of the site and would have no adverse impact on these heritage assets.

Impact on protected trees and ecology

There are protected trees either side of the proposed access, including a veteran tree. All existing trees are proposed to be retained and protected as part of the works. The new hard surfacing is proposed to be installed using a no dig methodology and load bearing geocellular confinement system.

The Council's Tree Officer has reviewed the submitted Arboricultural Statement and has confirmed agreement to the proposed works subject to ensuring that tree canopies are not lifted any more than 4m (rather than the 5.4m originally outlined in the Statement). The applicants have agreed to this amendment and an updated Statement has been submitted. On this basis, no objection is raised from the Tree Officer subject to adherence to the Arboricultural Statement, which can be secured by condition.

The Council's Ecologist has also raised no objection to the proposals, but has requested that precautionary working methods are implemented to ensure protected species are not harmed by the works. This can be secured within a Construction Environmental Management Plan (CEMP). Biodiversity enhancements are also required and an informative note will be added to make the applicants aware of this requirement.

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. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

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:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. 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.

Conclusion: The access proposals are acceptable in terms of highway safety and would not harm protected trees or have an adverse visual impact on the character of the area. The proposal accords with the relevant policies of the Local Plan.

Recommendation:	PERMIT ☒	REFUSE ☐
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1. The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be implemented in accordance with the following plans numbered:
 - 6027/301 A – Site Location Plan
 - 6027/001 B – Existing Access Plan
 - 6027/002 B – Proposed Access Plan
 - 6027/201 B – Refuse Proposed Access Tracking
 - 6027/202 A – Car Proposed Access Tracking

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall start on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority, which shall include:
 - (a) A programme and methods of construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (e) Access and egress for plant and machinery;
 - (f) Protection of pedestrian routes during construction;
 - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - (h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process;
 - (i) Measures to control dust, dirt and vibration generated by construction;
 - (j) Precautionary working methods to avoid harm to protected species, in line with the recommendations set out in the Arboricultural Statement (Landarb Solutions, ref. LAS_763_A, dated 15.08.24).

Construction work shall only take place in accordance with the approved CEMP.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and wildlife, in accordance with Policies DM1, DM8 and DM11 of the Eastleigh Borough Local Plan (2016-2036).

4. The access works hereby permitted shall be carried out in accordance with the approved plan ref. 6027/002 B, unless any variation (e.g. as a result of the S278 process) is first agreed in writing by the Local Planning Authority prior to commencement.

Reason: To ensure that the access is acceptable in terms of highway safety, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

5. The development must accord with the details set out in the Arboricultural Statement (Landarb Solutions, ref. LAS_763_A, dated 15.08.24). No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA.

Reason: To retain and protect existing trees which form an important part of the amenity of the locality, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

Southern Water Informative:

Note to applicant: There is a 100mm diameter water main in the vicinity of the site. This requires a 6m clearance on either side to protect it from construction works and to allow for future maintenance. No excavation, mounding or tree planting should be carried out within 6m of the external edge of the public water main without consent from Southern Water. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. Please refer to [Microsoft Word - DS Stand off distances V1.1NEW.docx \(southernwater.co.uk\)](#). For further advice,

please contact Southern Water: [Home - Southern Water](#); email: SouthernWaterPlanning@southernwater.co.uk.

Highway Informative:

Note to applicant: The proposed works will require consent from Hampshire County Council Highway Authority via a S278 legal agreement. For further information, please refer to: [Section 278 agreement | Hampshire County Council \(hants.gov.uk\)](#). This will require the existing land ownership details for the full access route into the site that will be served by the southern access. Should any changes to the access proposals be required as a result of the S278 process, approval of the amended plan will need to be sought from the Local Planning Authority.

Note to applicant: The applicant is advised that measures to enhance biodiversity on the site should be implemented, e.g. through planting or provision of bat or bird boxes. Please review the Council's Ecologist comments for links to further advice.