

Application Number: F/23/96629
Case Officer: Liz Harrison
Received Date: 11 January 2024
Site Address: Land at White Stork Road, adjacent to the roundabout with Winchester Road, Boorley Green

Applicant: Mr Ray Tod, Halebourne Care Group Ltd

Proposal: Erection of 70-bed C2 Care Home incorporating an ancillary Community Hub with new vehicular access to White Stork Road (Amended Description)

Recommendation: **Subject to completion of S106 legal agreement to secure:**

- **Release of site from planning obligations in Boorley Gardens S106 in relation to provision of Community Building and reserving of land for health and retail purposes;**
- **Provision of Community Hub within care home development;**
- **Community Hub Management Plan;**
- **Financial Contribution towards Public Art**

then delegate to the Planning Manager, Chair and Vice-Chair of HEWEB Local Area Committee to PERMIT subject to the following conditions:

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 and documents numbered:
 - H.21.61/(9-) 1 “Existing Site Location Plan”
 - H.21.61/(9-)3 “Topographical Layout”
 - H2161-ADG-ZZ-GF-DR-A-0001 rev 15 “Proposed Ground Floor Plan”
 - H2161-ADG-ZZ-01-DR-A-0002 rev 15 “Proposed First Floor”
 - H2161-ADG-ZZ-02-DR-A-0003 rev 13 “Proposed Second Floor”
 - H2161-ADG-ZZ-03-DR-A-0004 rev 6 “Proposed Roof Plan”
 - H2161-ADG-ZZ-XX-DR-A-0101 rev 7 “Proposed South and South East Elevations”
 - H2161-ADG-ZZ-XX-DR-A-0102 rev 8 “Proposed North East, North West and East Elevations”
 - H2161-ADG-ZZ-XX-DR-A-0103-rev 11 “Proposed North and West Elevations”

- H2161-ADG-ZZ-XX-DR-A-9002 rev AA “Proposed Site Plan”
- H2161-ADG-ZZ-XX-DR-A-9010 rev 2 “Proposed Bin Store”
- H2161-ADG-ZZ-XX-DR-A-9011 rev 2 “Proposed Cycle Store”
- H2161-ADG-ZZ-XX-DR-A-9020 “Proposed Site Sections Sheet 1”
- H2161-ADG-ZZ-XX-DR-A-9021 rev 1 “Proposed Site Sections Sheet 2”
- H2161-ADG-ZZ-XX-DR-A-9022 “Proposed Site Sections Sheet 3”
- PRI24389 11G “Soft Landscape Proposals”
- PRI24389 12C “Hard Landscape Proposals”
- ACD Environmental’s “Soft Landscape Specification” (reference PRI24389, dated December 2023)
- PRI24389-03E “Tree Protection Plan”
- ACD Environmental’s “Arboricultural Impact Assessment & Method Statement (Including Tree Survey Schedule) rev E (reference PRI24389aia_ams, dated 14.10.24)
- 23094/DS01 rev P3 “Drainage Strategy Layout”

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

3. The development hereby approved, excluding the Community Hub, shall be used only for purposes within Class C2 "Residential Institutions" of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that/those Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

Reason: In the interests of proper planning, highway safety, local amenity and in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).

4. No construction or demolition work shall start on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved management plan which shall include:
 - a) Means of access for construction work;
 - b) A programme and phasing of demolition and construction work, including access, car parking and landscaping;
 - c) Location of temporary site buildings, compounds, parking of site operatives and visitors, construction material and plant storage areas used during demolition and construction;
 - d) The arrangements for deliveries associated with all construction works, including lorry routing, loading / unloading of plant, machinery & materials and restoration of any damage to the highway (including vehicle crossovers and grass verges);
 - e) Protection of pedestrian routes during construction;
 - f) A noise and vibration assessment which takes into account the impact of demolition, piling works and noise generating plant on existing and proposed noise sensitive properties, including a scheme of mitigation measures for protecting from noise and vibration;

- g) Provision for storage, collection, and disposal of recycling / waste from the development during construction period;
- 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 the emission of dust and dirt during construction (having regard to the details contained in the IAQM's "Guidance on the assessment of dust from demolition and construction" (January 2024 Version 2.2) and the Mayor of London's "The control of dust and emissions during construction and demolition" Supplementary Planning Guidance (July 2014);
- j) Safeguards to be used within the construction process to ensure surface water contains no pollutants on leaving the site, including suspended solids, and measures to protect nearby waterways from pollution impacts;
- k) Protection of trees and ecology (to include Habitats Regulation Assessment requirements);
- l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) Temporary lighting;
- n) No burning on site during construction and fitting out of the development.

Reason: To limit the impact the development has on the amenity of the locality.

5. No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwellings.

6. No development shall take place until the following has been submitted to, and approved in writing by, the Local Planning Authority:
 - a) A site investigation report, documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation and in accordance with BS10175:2011, BS 8576:2013, BS 8485:2015+A1:2019, Claire RB17, CIRIA C665 and unless otherwise agreed with the Local Planning Authority;
 - b) If required, a detailed site-specific scheme for remedial works, and measures to be undertaken to avoid the risk from contaminants and / or gases when the site is developed, and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contamination for the safety of the future site users.

7. The development hereby permitted shall not be occupied / brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 6(b) that any remediation scheme required and approved under the provisions of condition 6(b) has been implemented fully in accordance with the approved details (unless varied with the written permission of the Local Planning Authority in advance of implementation). Unless agreed in writing with the Local Planning Authority such verification shall accord with UK Land contamination risk management (LCRM) national guidance. Typically such a report would comprise:

- A description of the site and its background, and summary of relevant site information;
- A description of the remediation objectives and remedial works carried out;
- Verification data, including - data (sample locations/analytical results), as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
- Certificates demonstrating that imported and / or material left in situ is free from contamination, confirmation of material removal, gas / vapour membranes have been installed correctly.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 6(b).

Reason: To minimise the risk from land contamination for the safety of the future site users.

8. The development must accord with the arboricultural report reference PRI24389aia_ams Rev E. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan reference PRI24389-03 Rev E. 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 Local Planning Authority.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

9. No excavation, demolition or development related works shall take place on site until an arboricultural monitoring statement proposal, detailing supervision for arboriculturally sensitive activity and reporting of monthly inspections of tree protection measures, has been submitted to and approved in writing by the Local Planning Authority. The approved arboricultural monitoring statement proposal must be adhered to in full, and may only be modified subject to written agreement from the Local Planning Authority. This condition may only be fully discharged upon completion of the proposed development,

subject to submission of all monitoring reports as detailed in the approved arboricultural monitoring statement.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

10. No development shall start on site until the access, including the footway and / or verge crossing has been constructed in line with a S278 agreement with Hampshire County Council

Reason: To provide satisfactory access and in the interests of highway safety.

11. No development shall start until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

12. The development hereby permitted shall be implemented in accordance with the recommendations outlined in the letter from Ecosupport to Lisa Malter dated 9.1.25, titled "RE: Ecology response 10/10/24 for F/23/96629 Land at Fieldfare Road, adjacent to the roundabout with Winchester Road".

Reason: To protect and enhance biodiversity.

13. No development above slab level shall commence until details of all heating, cooling, and ventilation plant and equipment to be installed have been submitted to and approved in writing by the Local Planning Authority. These details shall include any measures to minimise air emissions, in compliance with the Air Quality Objectives set out in the UK Air Quality Strategy and Eastleigh Borough Council's Air Quality Action Plan, and relevant DEFRA guidance. All equipment must be installed, operated, and maintained in accordance with the manufacturer's specifications for the approved details.

Reason: To ensure the development does not adversely affect local air quality and to safeguard public health and the environment.

14. No development above slab level shall commence until a fully detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Soft and Hard Landscape Proposals shown on drawings PRI24389_11G and PRI24389_12C and shall cover all soft and hard landscaping, including trees and detailed designs for the associated soil cells and soil volumes and provide large-scale details of all boundary treatments. Details of timings for all landscaping shall also be included. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.

Reason: In the interests of the visual amenity of the locality.

15. No development above slab level shall commence until a landscape management plan and maintenance schedule has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall thereafter be managed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

16. The tree pits shall be installed in accordance with the approved details, including soil cell and soil volume details, and, prior to surfacing of the car park, a verification report prepared by the installers of the soil cells confirming their correct installation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

17. Prior to the planting of the species-rich grassland in the areas shown on the approved Soft Landscape Proposals shown on drawing PRI24389_11G, details of the soil testing undertaken to establish the most appropriate meadow mixture for the soil conditions shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect and enhance biodiversity.

18. For a period of no less than 10 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Reason: In the interests of the visual amenities of the locality.

19. Prior to the occupation of the development hereby approved a BREEAM New Construction Post Construction certificate at 'Excellent' standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To support a comprehensive approach to high quality environmentally sustainable design.

20. The development hereby permitted shall not be occupied until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for which they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first

occupation of the development.

Reason: To mitigate the nutrient impacts arising from the development upon the European protected Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

21. Prior to the first occupation of the development hereby proposed, a scheme to demonstrate that the internal sound levels within habitable rooms will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, whilst providing satisfactory ventilation, shall be submitted to and approved in writing by the Local Planning Authority. In bedrooms the scheme must achieve noise levels of 35dB LAeq or lower between the hours of 07:00 and 23:00 and 30dB LAeq or lower between the hours of 23:00 to 07:00. In living / resting rooms the scheme must achieve a noise level of 35dB LAeq or lower between the hours of 07:00 and 23:00. The development hereby approved shall then be implemented in accordance with the approved details prior to occupation of the premises and retained as such thereafter.

Reason: In the interests of residential amenity.

22. The combined sound from all external plant, mechanical ventilation and flues shall be designed to achieve a rating level (LAr,Tr) 5dB below the measured background noise (LA90) as measured one metre from the nearest affected window of the nearest affected habitable room, unless agreed in writing by the Local Planning Authority, as defined in British Standard BS 4142: 2014 +A1:2019 'Methods for rating and assessing industrial and commercial sound'. An assessment to demonstrate that the design can achieve this standard shall be carried out for three separate periods of interest: 07:00 hours to 18:00 hours; 18:00 hours to 23:00 hours and 23:00 hours to 07:00 hour and submitted to the Local Planning Authority for approval. The external plant and flues shall be constructed in accordance with the approved details and retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

23. The development hereby permitted shall not be brought into use until the existing access(es) from the site to White Stork Road have been permanently stopped up and effectively closed with the footway provided or verge reinstated, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

24. The development hereby permitted shall not be brought into use until the car park has been constructed, surfaced and marked out, and the cycle parking installed, in accordance with the approved plans. The approved car parking area shall not thereafter be used for any purpose other than the turning, parking, loading and unloading of vehicles and the cycle parking shall be

retained thereafter for the purposes of parking of cycles and not used for any other purpose.

Reason: To make provision for off street parking and cycle parking for the purpose of highway safety and enabling sustainable travel.

25. The development hereby permitted shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the how the car park shall be managed to enable use by staff, care home visitors and community hub users and details shall include confirmation of the dedicated car parking space for the community hub, with details of how it is to be identified on-site, and details of the electrical vehicle charging points to be installed. The car park shall be managed in accordance with the approved details.

Reason: To provide satisfactory parking arrangements and in the interests of highway safety.

26. The development hereby permitted shall not be brought into use until a Refuse Collection Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall stipulate the maximum size of the refuse vehicle to be contracted to collect refuse internally from the site. This vehicle must be no larger than the Small Refuse Vehicle measuring 6.623m x 2.200m shown on the Swept Path Analysis plans contained in Appendix 3 of Connect Consultant's Transport Statement, dated June 2024. The refuse collection for the development shall be in accordance with the approved details.

Reason: To provide satisfactory access and in the interests of highway safety.

27. The development hereby permitted shall not be brought into use until a Signage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out the location, size and style of all signage related to the development and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

28. Any windows or balcony screens marked on the approved plans as obscure glazed shall be obscure glazed to Pilkingtons level 3 or equivalent with no more than a top-hung opening toplight. Once installed the windows and screens shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties.

Notes to Applicant:

In accordance with paragraph 39 of the National Planning Policy Framework, Eastleigh Borough Council take a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Due to the site's location please be aware of the requirements within the UK Civil Aviation Authority's CAP1096 "Guidance to crane users on the crane notification process and obstacle lighting and marking".

Report:

1. This application has been called-in to Committee by Cllrs Kinloch, Kyrle and Corben.

Relevant Planning History

2. The application site forms part of the wider Boorley Gardens development for which there have been a number of planning applications. The most relevant to this application are set out below. No detailed proposals have previously been submitted for this part of the site, however the outline planning permission identified this part of the site as a mixed-use local centre and the S106 legal agreement secured the provision of, or a financial contribution for, an on-site community building, together with the requirement for land to be reserved and marketed for retail and community healthcare purposes for 10 years.
 - **O/15/75953** - Outline application for up to 680 residential units, mixed use comprising of retail and/or community/healthcare use, land for two-form entry primary school, formal and informal open space and sports pitches. New access off Winchester Road, associated on-site roads, infrastructure and footpaths/cycleways. Detailed matters for determination access (all other matters reserved - scale, appearance, landscaping and layout). This application is the subject of an Environmental Impact Assessment, is a departure from the Development Plan, is Major Development and affects the setting of a Right of Way – allowed on appeal 30.11.16
 - **X/19/84943** - Variation of condition 3 of outline planning permission O/15/75953, as amended by X/18/82986, to allow revisions to the Parameter Plans for Movement & Access, Landscape, Density, Building Heights and Land Use - granted 1.3.21

The site and its surroundings

3. The Boorley Gardens development site is located within the parish of Botley and lies to the east of the Borough. The overall site is a large, irregular shaped site that is approximately 45 hectares in size and lies to the west of Winchester Road in Boorley Green and to the north east of the Portsmouth to London Waterloo railway line. The site adjoins Shamblehurst Lane North in the western corner, with Ford Brook/Moorgreen Stream forming the northern boundary of the site. Botley Footpath no. 1 runs through the site from Winchester Road to Shamblehurst Lane North. The settlement of Boorley Green lies to the east and south east of the site, with Hedge End railway station located to west of the site and the settlement of Hedge End to the west on the other side of the railway line.

4. Development is underway on the wider site but prior to that, with the exception of the buildings at Park Farm, the site was undeveloped and consisted of pasture and arable farmland with various hedgerows and tree belts on field boundaries and along the public right of way. The northern part of the site is relatively flat, but it rises up in the southern part of the site.
5. The site is not located within a Conservation Area, nor are there any listed buildings or designated sites of nature conservation interest within the site. However, the site is located within the 5.6km Solent Mitigation Disturbance Zone associated with the Solent and Southampton Water Special Protection Area (SPA) and the 13.8km catchment zone for the New Forest SPA, SAC and Ramsar site in relation to recreational disturbance.

Description of application

6. The application proposes the erection of a 70-bed care home (C2 use class), incorporating a 75m² community hub with associated storage and facilities, together with a car park containing 34 parking spaces (including 4 disabled bays) and a minibay. The 0.66ha site would be accessed via a new junction with White Stork Road to the south. A bin store and cycle store would also be provided.
7. The proposed building consists of three wings in an angled t-shape formation that would be 2 - 3 storeys in height. The care home would provide 60 en-suite single bedrooms of 16-23m², and 10 suites of 41-47m², together with communal facilities including lounge, dining and activity areas, café / bistro, cinema, private dining, hair and nail salon and gym. Outdoor amenity areas would be provided in the form of balconies to three of the lounges and two garden areas, to the north-east and west of the building. The application sets out that the care home would operate on the basis of 3 shifts a day of 21 staff.
8. The application is accompanied by the following reports and technical assessments, some of which have been amended during the consideration of the application. All documents are available on the Council's [website](#) :
 - Planning Statement and Addendum
 - Design and Access Statement
 - Preliminary Ecological Appraisal and Addendums
 - Biodiversity Net Gain calculations and reports
 - Nutrient Neutrality calculations
 - Arboricultural Impact Assessment & Method Statement and Tree Protection Plan
 - Soft Landscape Specification
 - Transport Statement and Parking Note
 - Noise Impact Assessment and Addendum
 - Flood Risk Assessment and Drainage Strategy
 - Phase 1 Desk Study and Preliminary Land Contamination Risk Assessment
 - BREEAM Pre-Assessment Report
 - Sustainability Statement
 - Marketing Report

- Care Home Needs Survey
9. Screening has been undertaken to establish whether a Habitat Regulations Assessment (HRA) is required. It is considered that due to the type and location of development the proposal would, without mitigation, have a likely significant effect on the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site in relation to water quality. An Appropriate Assessment has been completed setting out that mitigation to offset the increase in nitrogen load from the development would be required and the applicant has submitted an initial application to purchase credits from the Council's Nutrient Neutrality Offset Scheme. Additional mitigation would be required in the form of a construction environmental management plan, which could be secured via condition.
 10. Due to the care home nature of the proposed development (C2 Use Class) it is considered that it would not have a likely significant effect on the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, or the New Forest SPA, SAC and Ramsar site due to recreational disturbance.

Consultation Responses

Comments are summarised and where more than one set of comments has been received the latest comments have been summarised. All consultation responses are available, in full, on the Council's [website](#).

11. **Policy** - While the Council is keen to ensure that community facilities and local shops are provided alongside new development, it is recognised that there is a need for older peoples' accommodation in the borough and this proposal meets the specific criteria in DM25. Providing that the case officer is satisfied that retail, community and healthcare provision on the neighbouring Boorley Park development is sufficient, Planning Policy does not object to this development.
12. **Landscape** - The site is in a very prominent position at the entrance to a major new residential development. The proposed Care Home will be a dominant element in the streetscene with open views from both Winchester Road and White Stork Road. The scale and massing of the proposed 3 storey building means the proposal will be immediately apparent to the observer. To balance and soften the visual impact of the Care Home a robust and continuous landscape buffer is essential to ensure views of the facility are effectively softened.
13. Concerned that the building footprint results in insufficient space for tree planting on the boundaries to sufficiently soften views of the development. Brick wall and railings should be replaced with 1.8m high railings with evergreen hedge planted site side to provide greener edge to development and reduce required footings. Garden area layout lacks coherence and any meaningful focal point and an alternative landscaped entrance feature should replace the water feature.
14. Tree pit details and verification of their installation need to be conditioned.

15. **Urban Design** – No objection to height and design of proposed building. Amendments have been made to reduce the building mass & overall height of the building while introducing more variations of height to lessen the perceived scale and prominence of the building. The proposed outdoor amenity space has been improved significantly given that the eastern leg of the building has been angled further away. Improvements have also been made to the elevational treatment, use of materials, fenestration pattern and entrance to the Community Hub.
16. It is noted that an effort was made to soften the car park area, however the tree planting should be provided between parking bays in accordance with the Quality Places SPD, rather than on the periphery of the area. These trees will establish more easily if they are planted within generous soft landscape strips. A hedge planted behind the boundary wall and an additional long-term maintenance plan seems to be a good strategy to help to soften the area whilst avoiding that the hedge is not replaced in the future.
17. **Trees** – No objection subject to conditions. Revision E of the impact assessment/method statement and tree protection plan now demonstrate that the proposal can be theoretically achieved without significant harm to the retained trees. However, we will require a more specific supervision schedule prior to commencement.
18. **Ecology** – No objection subject to conditions.
19. **Environmental Health**
Noise - the amenity noise levels to common areas are within limits of BS 8233 but the report does not fully assess the noise levels to the proposed balconies, merely saying limits are not necessarily appropriate. The memo is correct in saying that use of the common amenity spaces by residents can balance out increased sound levels to the balconies, but they should demonstrate by how much and the percentage of balconies that fail the amenity limits. The noise risk posed by the Community Hub will depend upon the exact nature of the community functions to take place in this space. If managed by the Care Home provider it is perhaps possible to avoid conflicts occurring. However, if used for wider community events involving loud amplified music for example, or events occurring in the late evening or nighttime, the facility might disturb Care Home residents. Similarly there may be noise and disturbance from visitors accessing and leaving the site. Conditions required in relation to internal noise levels and external plant.
20. Air Quality & Odour - the proposed development is not located within an Air Quality Management Area (AQMA) and the air quality impacts are likely to be low and the provision of Electric Vehicle (EV) charging structure was recommended to promote sustainable ways of transportation. The proposed odour control system is acceptable provided it is installed and maintained in accordance with the manufacturer's specifications. Details of cooling and heating plant/equipment still required but could be conditioned.
21. Contaminated Land - No objection subject to conditions

22. **Direct Services** – No objection from Neighbourhood Green Open Spaces team, no response from Refuse team.
23. **HCC Highways** – No objection subject to conditions re: use of ‘Small’ refuse vehicle to service site. Whilst the quantum of parking is for EBC to assess, it has been reviewed and is considered to be acceptable based on sites of similar location and size, the TRICS database of trip survey sites, and Census Data.
24. **HCC Flood and Water Team** – No objection
25. **HCC Countryside Service** – No response received
26. **HCC Archaeology** – No objection
27. **Design Review Panel** – (N.B. comments on original submission only, no further comments provided). Concerns related to:
- Positioning of site access resulting in unnecessary constraints to the site layout.
 - Need to improve all elevations as equally visible from public realm.
 - Domination of parking & servicing area
 - Similar form and scale of building along its length, needs more variety
 - Disproportionate ratio of brick to windows
 - Size and design of amenity space
 - Need for boundary treatment to be suitable in wider public realm and maintain privacy for ground floor residents whilst ensuring attractive outlook.
 - Increasing levels of natural light and external views from within the building
 - Integrating community hub with care home
28. **Natural England** – Need to assess nutrient neutrality, recreational disturbance to New Forest SAC, SPA and Ramsar and Solent SPAs, plus any proposed mitigation measures. No response to Habitat Regulations Assessment received.
29. **Southern Water**
Foul and Surface Water Drainage - The sewers services at this location are the responsibility of Icosa Water Services Limited.
- Water Connection - Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.
30. **Icosa Water** - Any waste assets within the site boundary are currently owned by Miller Homes Ltd but have been offered to Icosa Water for adoption under S104 of the Water Industry Act 1991. Please contact the developer for the most recent as-laid information.

31. **Miller Homes** – Spurs in the chambers in the road have been provided to enable the care home parcel to connect to the infrastructure drainage for the wider site and a discharge rate for foul drainage has been set. Surface water storage is in the basins.
32. **NHS Hampshire & Isle of Wight Integrated Care Board (ICB)** – Residents of care homes often have complex health needs and therefore create additional operational pressures on GP services however rather than visiting the GP surgery for treatment they are visited at their place of residence. Therefore, on this occasion the ICB will not be requesting a contribution for additional infrastructure capacity. However, the ICB would like to highlight that if there is already sufficient Care Home capacity within the area then this development could lead to a population increase of patients who will have higher than average health and care needs.
33. **Southampton Airport** – No objection, but draw the applicant's attention to the crane users' guidance and the crane notification process and obstacle lighting and marking.
34. **Ramblers** – There would appear to be no public rights of way at this location so we have no comments to make.
35. **Botley Parish Council** – Comments on amended plans - Objection on the following grounds:
- This application is contrary to the original outline planning.
 - Members were concerned about the impact on NHS provision locally, public transport access and other services elderly residents will require.
 - This application will add to the existing waste water capacity problems in Boorley Green.
 - The Parish Council would prefer to see retention of the original retail element proposal. The change of use from the outline permission was considered to be an easier option for the developer.
 - Retail provision was an intrinsic part of the Boorley Gardens overall consent and should be maintained as a planning objective.
 - Parking provision and the impact on existing residents would have been of less concern with original retail proposal.
36. Comments on original plans – Some concern about size and mass of planned structure and considered this would be overbearing given flats on opposite side of roundabout and structures currently being built on edge of Boorley Park and on other side of Winchester Road. Generally, it was considered that there is a need for a care home but the original outline planning had been for retail/community/healthcare use.
37. **Hedge End Town Council** – Object as inappropriate location and the original planning permission was for community buildings.
38. **Curdridge Parish Council** – Council considered the above planning application and resolved Do Not Object.

39. **Durey Parish Council** – No response received
40. **Botley Parish Action Group (BPAG)** - BPAG does not wish to comment on this application

Representations Received

41. Comments relevant to the determination of the application have been summarised. All comments are available, in full, on the Council's [website](#).
42. 2 letters of objection received, objections raised on grounds of:
- Lack of need for care home (one in Fair Oak) and poor location given lack of services and poor public transport.
 - Insufficient parking for staff, visitors and mini-buses
 - Inappropriate entrance and car park layout for ambulance access
 - Increased traffic, noise and air pollution
 - Question what medical facility will serve residents.

Designations Applicable to Site

- Within Urban Edge boundary
- Within catchment area of Solent and Southampton Water SPA and SAC and River Hamble SAC
- Solent Recreation Disturbance Zone
- New Forest Recreation Disturbance Zone

The Development Plan

43. At the current time the Development Plan for the Borough comprises the Eastleigh Borough Local Plan (2016-2036) and the Hampshire Minerals and Waste Plan (October 2013), however the Minerals and Waste Plan is not relevant to this application.

Eastleigh Borough Local Plan 2016-2036

44. The relevant policies are:
- S1 - Delivering sustainable development
 - S2 - Approach to new development
 - S3 - Location of new housing
 - S9 - Green infrastructure
 - S10 - Community facilities
 - S11 - Transport infrastructure
 - DM1 - General criteria for new development
 - DM2 - Environmentally sustainable development
 - DM3 - Adaptation to climate change
 - DM5 - Managing flood risk
 - DM6 - Sustainable surface water management and watercourse management
 - DM8 - Pollution

- DM9 - Public utilities and communications
- DM10 - Water and waste water
- DM11 - Nature conservation
- DM13 - General development criteria – transport
- DM14 - Parking
- DM23 - Residential development in urban areas
- DM24 - Creating a mix of housing
- DM25 - Delivering older peoples housing
- DM29 - Dwellings with higher access standards
- DM33 - Provision of recreation and open space facilities with new development
- DM36 - Community, leisure and cultural facilities
- DM38 - Funding infrastructure

Supplementary Planning Documents

45. Relevant documents are:

- Accommodation for elderly people and those in care (May 2011)
- Biodiversity (December 2009)
- Environmentally Sustainable Development (March 2009)
- Planning Obligations (July 2008)
- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Trees and Development (April 2022)

National Planning Policy Framework December 2024

46. At a national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.
47. The three identified dimensions of sustainability should to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development appropriately responds to the different opportunities for achieving sustainable development in different areas.

Planning Practice Guidance

48. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Policy Commentary

49. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the Development Plan (policies detailed above) unless material considerations indicate otherwise.
50. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the form, layout and design of that proposed; its impact upon the street scene and character of the surrounding area; impact upon trees, nature conservation and biodiversity; environmental sustainability; parking and highway issues; local infrastructure, drainage and any impact upon the amenity of neighbouring properties.

Key Planning Issues

Principle of the Development

51. The application site is located within the urban edge and forms part of the wider Boorley Gardens development, which is identified as a strategic site with planning permission under Policy S3(1)(a)(v) of the local plan.
52. Policy DM25 of the local plan supports the development of older person's accommodation provided that it is located in sustainable locations with good access to the public transport network; close to local facilities and well integrated into the local community.
53. The "Accommodation for elderly people and those in need of care" SPD sets out that in the case of developments of purely nursing homes and / or rest homes (Class C2 uses) accessibility for residents is not as important as they tend to be less mobile and consequently more site-bound. However, the requirements of staff and visitors remain a consideration.
54. Paragraph 63 of the NPPF makes reference to the requirement to consider the need for housing for older people, including care home provision, when establishing local housing need. The applicant has provided information in support of the demand for care homes in the borough. The need for older person's accommodation within the borough is recognised and as the proposal is within a large new development, with access to bus and train connections serving Botley, Hedge End, Eastleigh and Southampton, and the nearby facilities (including retail) at Boorley Park, it is considered to be a suitable location for a care home in principle, however the planning history for this site is a key consideration.
55. Outline planning permission was originally granted on appeal in November 2016 for up to 680 dwellings together with a mixed use area comprising of retail / community / healthcare uses, open space and land for school. The application site was the part of the Boorley Gardens development identified for the mixed use area to create a new local centre. The S106 legal agreement secured as part of the outline planning permission secured the provision of, or a financial contribution for, an on-site community building,

together with the requirement for land to be reserved and marketed for retail and community healthcare purposes for 10 years. Therefore, whilst the site is within the urban area, where development is acceptable in principle, the planning obligations secured in the S106 legal agreement currently prevent the development of the site for a care home.

56. Since the application was first submitted it has been amended to include a community hub on the ground floor which consists of a 75m² hall, 18m² of storage, plus kitchen and toilets. The space has its own dedicated entrance, but is also accessible via the care home reception. It would be available for public hire and also use by the care home and their residents, and the applicant has indicated that this facility would be available to hire free of charge. Subject to a community hub management plan being secured via a S106 legal agreement, it is considered that this facility would be a suitable alternative to the community building originally envisaged for the Boorley Gardens development.
57. In addition to the need to provide a community building, the Boorley Gardens S106 legal agreement also required land to be made available and marketed for retail use for 10 years; for a GP surgery for 5 years; and for wider community healthcare use (but not excluding GP surgery) for the following 5 years. Information submitted in support of the application states that the site was offered to convenience store retailers and discount food operators; property developers (retail & local centre specialists and general developers); local commercial agents; care home and sheltered apartment operators and developers; and other uses/compatible operators to cover a wide spectrum of options. The NHS Clinical Commissioning Group (now Integrated Care Board) were also aware of the site's availability.
58. The results of the marketing strategy were that there was no interest from the convenience sector due to the convenience store under construction at Boorley Park with insufficient catchment to support two stores in such close proximity. In addition the site was considered to be too small for any other food retailers.
59. A limited number of offers were received from care home operators and flat providers and these were selected alongside two retail developers to submit best offers. The marketing report states that two developers were included to ensure the process covered all angles but were both unable to bid due to the lack of operator interest. From the interest and offers received the marketing strategy concluded that the only option was to consider a care-based scheme.
60. Given the results of the marketing strategy, the provision of a convenience store and 2 smaller retail units within 300m of the site and the lack of interest from the NHS, it is considered that it would be acceptable to remove the original planning obligations in relation the reserving of land for health and retail purposes and it is recommended this is secured through a new legal agreement.
61. The proposed care home, with the inclusion of the community hub, is considered therefore to be acceptable in principle, subject to compliance with the other relevant local plan policies.

Sustainable Development

62. The NPPF is a significant material consideration when assessing planning applications and 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.
63. Achieving sustainable development means that the planning system has three over-arching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways) that should be delivered through the preparation and implementation of plans and the application of policies in the Framework.
64. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account to reflect the character, needs and opportunities of each area. Each of the three dimensions of sustainable development is considered below.
65. The NPPF also states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given. A deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies.

Economic Sustainability

66. 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'.
67. The care home is proposed to meet a need for additional specialist accommodation for older people within the Borough, providing care for 70 residents and employing 3 shifts a day of approximately 21 people when operating, together with the temporary construction jobs. The proposed development would therefore bring economic benefits in the form of increased investment, employment opportunities and associated spending in the local area.
68. In conclusion it is considered that the proposed development would have economic benefits that should be considered in the planning balance and

overall it is considered that the development would be economically sustainable. However it should be noted that the general economic benefits arising from a new care home could arise from a similar development in a different location.

Social Sustainability

69. Chapter 5 of the NPPF 'Delivering a Sufficient Supply of Homes' states that, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. It goes on to state that 'Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) ...older people (including those who require retirement housing, housing-with-care and care homes)...
70. The proposed development would provide for a 70-bed care home and would accord with the aims of the NPPF to deliver a sufficient supply of homes to meet differing needs.
71. Concern has been raised about the impact the care home would have on local health services. The NHS Hampshire & Isle of Wight ICB were consulted on the application and have confirmed that they are not seeking a contribution towards additional infrastructure capacity as residents of care homes are visited at the home rather than visiting the GP surgery. It should also be noted that staff at the care home will include registered nurses who will be able to deal with a variety of medical issues. The NHS ICB did go on to state that if there is already sufficient care home capacity within the area then this development could lead to a population increase of patients who will have higher than average health and care needs. However, there is a recognised need for care homes within the area and it is not considered that sufficient capacity already exists. As such it is not considered appropriate to request any financial contributions towards health infrastructure in relation to this application.
72. It is considered therefore that the proposed development would have social benefits that should be considered in the overall planning balance. However, it should be noted that these benefits are not unique to this scheme and could be accrued from a development of this type and size in a different location.

Environmental Sustainability

73. The size and location of the application site is such that it has potential to impact on a number of environmental factors and these are discussed in detail below.

Highways, Transportation and Parking

Access and Layout

74. It is proposed that the development would be served by a vehicular access from White Stork Road to the south of the site, which is the main road into the wider Boorley Gardens development. The access will be in the form of a simple priority bellmouth with footways either side, extending into the site from the wider footway network. The car park wraps round the building from the site entrance, extending along the length of the western boundary. An additional pedestrian link is proposed from the western boundary linking across the car park to the community hub entrance on the western side of the building.
75. HCC Highways as the Local Highway Authority have been consulted on the application and have raised no objection in principle to the proposed access or car park layout, however they have noted that a 'Small' refuse vehicle was used for vehicle tracking purposes. Given the site is commercial and will require a private refuse contract to be in place, stipulation of the smaller vehicle could be made and the applicant has confirmed that this is possible. The size of the refuse vehicle servicing the site can be conditioned through a refuse collection management plan to ensure no adverse impact on highway safety and manoeuvring within the site.

Trip Generation

76. HCC Highways have confirmed that the original Boorley Gardens highway assessment included trip rates and onwards trip generation for the application site as a mixed use area. Those trip rates were higher than would result from the proposed development and therefore they raise no objection to the proposals in this regard.

Parking and sustainable travel

77. The car park provides a total of 34 parking spaces (including 4 disabled bays) and a minibay, together with delivery and drop-off zones. 5 of the parking spaces (including 1 of the disabled bays) are proposed to have Electrical Vehicle (EV) charging points.
78. The Residential Parking Standards SPD for care homes requires 1 car parking space per 6 bedrooms plus 1 space per staff member, together with 1 cycle parking space per 6 members of staff. This equates to a total of 33 car parking spaces (21 for staff and 12 for visitors) and 4 secure cycle spaces. There are no Council parking standards for community halls.
79. The application proposes that of the 34 parking spaces, 1 will be a dedicated space for users of the community hub, with the rest being communal for staff, care home visitors and other community hub users. The focus of the community hub is for the use by Boorley Gardens residents who would be within easy walking and cycling distance, so it is not anticipated that there would be a significant demand for parking spaces for those using the community hub. However, having a designated space for community hub users would be useful for anyone hosting an event at the hub requiring equipment, e.g. a fitness class and this could be secured in a Car Park Management Plan via condition.
80. An additional note on parking was submitted in support of the inclusion of the community hub. This states that given the location of the site, with access to

good pedestrian, cycle, bus and train links, there is a high likelihood that a number of trips to the care home will be undertaken by sustainable travel modes reducing the demand for on-site car parking. Local census data for the area suggests that 14% of residents travel to work sustainably and 5% car share, which would equate to 4 members of staff, potentially reducing the demand for staff car parking spaces to 17, leaving 17 for visitors and community hub users. Census data does not consider the specifics of the employment to which people are travelling, but the note also states that analysis of trip generation data for a 70-bed care home and a 110sqm community use would collectively require a maximum of 12 spaces across any hour period (weekday or weekend).

81. It is accepted that those on the night shift are less likely to choose sustainable travel modes, but these times would not coincide with peak parking demand from care home visitors or community hub users.
82. It is considered therefore that the proposed level of car parking is acceptable in this instance. Whilst the quantum of parking is for the Council and not HCC Highways to assess, HCC Highways did review the note and concluded that the figures and justifications outlined above are seen as reasonable, robust, and acceptable from a highway perspective.
83. The proposals include a cycle store that provides 8 cycle spaces in a covered and locked store for staff and 4 covered cycle spaces for visitors. This provision is considered to be acceptable.
84. No specific provision has been made for parking of mobility scooters; however the applicant has confirmed that the use of mobility scooters in their existing homes is very minimal, with only 1 or 2 of 70 residents likely to request them. The potential use of a mobility scooter within the care home would be assessed by staff, but care homes are not normally designed for mobility scooter use given the number of secure access doors and the fact they cannot be used in lifts. All residents would however have access to wheelchairs and walking aids / frames within the building and grounds. Generally residents are not permitted to leave the care home unaccompanied and / or in a scooter to visit the local area due to their health conditions. Given these circumstances it is considered to be acceptable that no specific provision has been made for mobility scooter parking.

Visual impact on the surrounding area

85. The application is in a prominent position at the entrance to the wider Boorley Gardens development and will be visible from Winchester Road to the east and from within Boorley Gardens to the north, west and south, with occasional glimpsed views from the public right of way that runs through Boorley Gardens further south and west. The proposed building consists of three wings in an angled t-shape formation that would be 2 - 3 storeys in height, with a maximum ridge height of approximately 12.75m.
86. The original parameter plans for the Boorley Gardens outline permission show this part of the site to be up to 3 storeys in height, with a maximum ridge height of 13m. Whilst this is a full application, and not a reserved matters

application linked to the original outline permission for Boorley Gardens, it demonstrates that a building of this size was anticipated on this part of the site, and also assessed and found to be acceptable by the Inspector in allowing the appeal.

87. To the south of the site, on entry to the Boorley Gardens development are a 2 ½ storey block of flats on the corner of Winchester Road and White Stork Road and two pairs of 2 ½ storey semi-detached dwellings facing White Stork Road, before the height of the dwellings drops to 2 storey as the road heads into the development to the south. Immediately to the north of the application site are 2 storey dwellings, with 2 ½ storey dwellings located beyond. 2 ½ and 3 storey buildings have also recently been constructed to the east as part of the Boorley Park local centre site on the other side of Winchester Road.
88. The proposed development is therefore considered to be in keeping with the size and scale of the surrounding development in the local area. It is considered that subject to an appropriate design for the building and boundary treatments then the impact on the surrounding area is acceptable given that the site forms part of the wider Boorley Gardens development.

Layout and Design

89. During the course of the application the layout of the proposed development has been amended to provide more space around the existing trees on site, improve the layout of the outdoor amenity space for the residents and rationalise the external storage buildings. It is now considered that the proposed layout makes an efficient use of the space available whilst also enabling provision of suitable outdoor amenity space and appropriate levels of parking.
90. The internal layout provides a community hub on the ground floor at the western end of the building with storage space, kitchen and toilets. The community hub has a dedicated entrance facing the car park to the west, but also has an internal access from the care home entrance foyer providing easy access for any care home residents using the space. The care home's entrance is proposed on the southern elevation, facing the main access into the site. Within the care home communal lounges, dining areas and patios / balconies are provided on all floors, with views out over the outdoor amenity areas or towards White Stork Road to the south enabling residents to observe the surrounding environment and passers-by from communal areas as well as their bedrooms. Other facilities available to the residents, but not publicly available, include cinema, private dining, café / bistro, hair and nail salon, activity space and gym. The internal layout and relationship between the community hub and care home is considered to be acceptable.
91. There are neighbouring properties to the north, west and south of the site, and further to the east on the other side of Winchester Road behind the tree line. It is considered that there is sufficient separation distance to ensure a satisfactory relationship with neighbouring properties and subject to the use of obscure glazing on one window and one balcony screen on the northern elevation there would be no significantly detrimental loss of privacy for them.

92. Since the application was considered by the Design Review Panel, amendments have been made to the design of the proposed building to break down the building's mass and reduce its perceived scale by proposing setbacks and changes in the materials and fenestration. The overall height of the building has been reduced and more variations of height have been introduced, with the eaves lowered lessening the perceived scale and prominence of the building. Improvements have been made to the treatment of the elevations by rationalising the rhythm and proportions of the proposed openings as well as the variation to the palette of materials and textures, which provides a better articulation and helps further break up the bulk of the building. All elevations of the building have now been treated equally and the care home and community hub entrances are legible and clearly defined.
93. It is considered that as now designed the proposed building would be in keeping with the design and style of the surrounding buildings in this part of Boorley Gardens and the character and appearance of the surrounding area.
94. Whilst the application has not been re-considered by the Design Review Panel, the Council's Urban Design Officer has assessed all the amendments to the application and now raises no objection to the proposed design of the building.

Trees and Landscape

95. There are several trees of significance on the northern boundary of the site that are of critical importance to amenity, ecosystem service provision and ecology. The trees are highly visible from the public realm and dominate the landscape of this area. Further, whilst there is no set definition, it is arguable that they contain some veteran features, and are at 'pre-veteran' stage, given the size of the stems, prevalence of deadwood habitat and physical attributes.
96. In accordance with Policy DM1 "General criteria for new development" and the Trees & Development SPD the application proposes to retain the existing trees on site. The Council's Tree team have confirmed that the amended layout is now acceptable subject to conditions related to the installation of tree protection and on-site arboricultural supervision being attached to any permission granted.
97. The proposed landscape scheme shows the site enclosed by a brick wall with railings above (1.8m in height overall) to the eastern, southern and western boundaries together with the northern boundary of the car park, with planting behind. The remainder of the northern boundary would be demarcated by 1.8m high railings with planting behind. It is noted that the Council's Landscape team consider that 1.8m high railings should be used on all boundaries with planting behind to provide a greener edge to development. However it is considered that the wall with railings above provides a more appropriate enclosure to the site's main boundaries, providing increased screening of the car park and privacy for the ground floor residents, particularly while any planting establishes and also should the planting fail in the future. It is considered acceptable to have just railings, without a wall, on the majority of the northern boundary as it minimises the impact on the important existing trees that are to be retained.

98. The landscape proposals show the retention of the existing trees on site, together with the planting of 25 new trees sited mainly along the eastern, southern and western boundaries of the site and around the car park. The Council's Quality Places SPD states that within car parks trees should be planted at an average of 1 tree per 6 spaces, breaking up rows of cars. For the 34 car parking spaces proposed, this would equate to 6 trees. Insufficient space is available within the car park to plant the trees between the parking spaces, but 16 trees are proposed on the edges of the car park. It is considered that the increased level of tree provision around the edge of the car park is an appropriate landscape response to the design of the car park on this occasion.
99. The Council's Landscape team have commented that a smaller or repositioned building would allow for a more continuous run of trees along the eastern and southern boundaries at the entrance into Boorley Gardens. It is accepted that additional tree planting would provide further softening of the appearance of the development in the streetscene, however it is considered that the proposed siting of the building and landscape scheme is an acceptable compromise between giving sufficient space to the important, mature trees on site that are to be retained, and sufficient space for new tree planting. Whilst there will be a gap in the run of new tree planting, the tree planting on the other side of White Stork will equally not be continuous around the bend facing the roundabout.
100. The concerns in relation to the proposed landscape scheme are noted, but in taking the proposals as a whole, it is considered that they present an acceptable approach to the landscaping of the application site and would provide an acceptable setting for the building and be in keeping with the landscape proposals for adjoining parts of Boorley Gardens. A landscape maintenance and management plan could be secured by condition and given the prominence of the site at the entrance to Boorley Gardens it would be appropriate to require any planting that fails within the first 10 years to be replaced.

Ecology

Protected Species

101. The site has been assessed as having moderate potential for foraging and commuting bats, with three mature oak trees which were only able to be surveyed for potential roost features at a distance. Other assessments included high potential for reptiles, moderate potential for foraging and commuting badgers, low potential for terrestrial great crested newts, and moderate potential along the northern boundary for breeding and nesting birds.
102. The Council's Ecology team have been consulted on the application and have confirmed that the proposed mitigation measures are appropriate to prevent harm to the protected species found on site. The implementation of the mitigation measures can be secured by condition.

Biodiversity Net Gain

103. The application was submitted prior to the statutory requirement for major applications to achieve 10% biodiversity net gain. However, it is still necessary for the proposed development to achieve a measure of biodiversity net gain in accordance with Policy DM11 "Nature Conservation". Details submitted with the application demonstrate that the proposals would achieve a 6.56% gain, which the Council's Ecology team have confirmed is acceptable. Conditions requiring the implementation of the landscape scheme and ecological enhancements would ensure the necessary measures are provided.

Nutrient Neutrality

104. Natural England has advised that the increase in waste water from new housing developments within the Borough is having a detrimental effect on the quality of water entering the Solent catchment area through nitrification. As such, all development for additional housing is required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development would use the Peel Common waste water treatment works, which discharges into the Solent and is required to achieve nutrient neutrality for nitrates.
105. A nutrient budget calculation has determined that the development would generate an increased nitrogen load of 18.54 kg/TN/year. To mitigate the increase in nutrients, the applicant intends to purchase nitrate credits through the Council's Mitigation Scheme, which takes land out of agricultural use and creates recreational spaces, thereby reducing the nutrient output of the land. This mitigation could be secured by condition.

Recreational impacts on the Solent SPA and New Forest SAC, SPA and Ramsar sites

106. The site is located within the 5.6km Solent Mitigation Disturbance Zone associated with the Solent and Southampton Water Special Protection Area (SPA) and the 13.8km catchment zone for the New Forest SPA, SAC and Ramsar site in relation to recreational disturbance. In accordance with advice from Natural England, a net increase in housing development within these catchment areas is likely to result in impacts to the integrity of these sites through an increase in recreational pressure / disturbance. However, given that the proposed development is for a C2 Use Class care home it is not considered that it would result in any additional recreational pressure or disturbance as the residents would not be leaving the care home independently and nor would they own cars or pets.

Drainage and Flood Risk

107. The site is located in Flood Zone 1 where there is a low probability of flooding. The surface water from the site would feed into the sustainable drainage system (SuDS) approved for the wider Boorley Gardens site that achieves appropriate levels of natural filtration and water quality. HCC Flood & Water were consulted on the application and have raised no objection to the proposals.

108. Similarly the foul drainage will connect into the infrastructure for the Boorley Gardens development and it has been confirmed that appropriate connections and capacity exist to accommodate the proposed development.
109. Southern Water have confirmed that they can provide a water supply to service the proposed development.

Noise

110. The Council's Environmental Health team have raised concerns about the road traffic noise levels that could be experienced by residents using the proposed balconies or parts of the outdoor amenity areas. It is accepted that some of the balconies and outdoor spaces would experience higher levels of noise than may otherwise be considered acceptable if they were the only outdoor amenity spaces available. However these are not the residents' only form of outdoor space, therefore on occasions when they are considered to be too noisy other, quieter, areas can be utilised. As such, given there are a variety of locations available and the fact that the majority of residents will not leave the care home it is considered appropriate to retain the balconies, rather than removing them from the scheme, to keep a variety of outdoor spaces available to residents allowing choice depending on weather and noise conditions. Similarly it is not considered necessary to redesign the layout to try to reduce the noise levels experienced in parts of the outdoor space given that suitable, quieter areas exist, particularly around the northern wing of the building, to which all residents would have access.
111. The Council's Environmental Health team have also suggested that measures could be required to ensure appropriate internal noise levels are achieved, but these could be secured via condition. It is also acknowledged that noise from the use of the community hub could have an impact on the amenity of care home and surrounding residents. Issues such as hours of operation and the times during which amplified music can be used could be controlled through the Community Hub Management Plan to be secured through the S106 legal agreement.

Air Quality & Odour

112. The site is not located within an Air Quality Management Area and the Council's Environmental Health team have confirmed that the air quality impacts are likely to be low and that the provision of electrical vehicle charging points is supported.
113. As the proposal will require various plant and equipment associated with heating, cooling and cooking, appropriate control of odour and emissions is required and this can be secured via condition.

Contaminated Land

114. The Council's Environmental Health team were consulted with regard to land contamination and raise no objection to the application subject to conditions relating to a site investigation and remediation measures being attached to any permission granted.

Sustainability and Climate Change

115. 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.
116. 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.
117. Policies S1, DM2 and DM3 of the Local Plan require new development to be sustainable in terms of resource use, climate change and energy use. The application is accompanied by a Sustainability Statement, which sets out the various measures that could be put in place to enhance energy efficiency and contribute to minimising the impacts of climate change.
118. In accordance with local plan Policy DM2 “Environmentally Sustainable Development” the development is required to achieve BREEAM “Excellent”. A BREEAM Pre-Assessment Report was submitted with the application setting out a suggested route to achieving this standard and confirming that a BREEAM rating of “Excellent” is considered to be viable for the proposed scheme. A condition can be attached to any permission granted to secure the submission of a final stage certificate showing that this rating has been achieved.

Human Health

119. Human health relating to ground conditions, noise and air quality has been considered and subject to conditions relating to contaminated land, noise standards, and heating, cooling and ventilation plant and equipment being attached to any permission granted it is not considered that there would be any other significantly harmful impacts on human health.

Conclusion on environmental sustainability

120. For the reasons set out above it is considered that, subject to various mitigation measures that could be conditioned, the proposed development would be environmentally sustainable and would not have a significantly

detrimental impact on the character and appearance of the surrounding area, the local highway network, areas of ecological or landscape importance, drainage and residential amenities. In addition it would not result in an increase in flooding, noise or pollution.

Planning Obligations

121. In accordance with the guidance contained within the NPPF, Policies DM1, DM28 and DM38 of the Eastleigh Borough Local Plan (2016-2036) the Council's Planning Obligations SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need / pressure on existing facilities. This is in addition to any necessary ecological mitigation measures.
122. Contributions / obligations towards the provision of the following infrastructure, community and environmental facilities or mitigation measures have been identified as being required if permission were to be granted
- Public art provision
 - Provision and management of the Community Hub
123. In addition, as explained above, it is necessary for the planning obligations in the original Boorley Gardens S106 legal agreement in relation to the provision of the Community Building and the reserving of land for health and retail purposes to be released in order for this development to proceed. This could be secured as part of a S106 legal agreement associated with this application.
124. The projects and measures identified for contribution expenditure would comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards the projects which are directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects / measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

Equalities Implications

125. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states: -
- (1) 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.

126. It is considered that this application does not raise any equality implications.

Planning balance and Conclusion

127. The proposed development is considered to be economically, socially and environmentally sustainable. The proposal would see the development of a site that is within the urban edge and part of the wider Boorley Gardens development. It would contribute positively towards the provision of accommodation for older persons in the Borough and provide a community hub for local residents, and is considered to be an appropriate location for the proposed uses. The layout has been designed to take account of a variety of site constraints and although the building would be significant in size, it has been sited and designed to minimise visual impacts on the surrounding area, important trees and neighbouring residential amenities.
128. The vehicle access is acceptable and the parking proposals are considered appropriate and justified. The development is not considered to have an adverse impact on the operation of the local highway network or highway safety. Other technical matters and policy requirements including drainage, tree protection, prevention of impacts on nature conservation, pollution, biodiversity net gain have been taken into account and satisfactorily addressed. The proposal is considered to accord with the Development Plan and is therefore recommended for permission.

F/23/96629



EASTLEIGH
BOROUGH COUNCIL



Address: Land at White Stork Road, adjacent to the
Roundabout with Winchester Road

Date: 15/01/2025

Scale: 1:1250