

HEWEB – Hedge End, West End and Botley Local Area Committee Monday 23 June 2025.

Application Number: F/24/97945
Case Officer: Liz Harrison
Received Date: Thursday 1 August 2024
Site Address: Land adjacent to Oak Cottage, Winchester Road, Boorley Green, SO32 2DH
Applicant: B O'Neill
Proposal: Erection of 52 retirement living apartments with associated communal facilities and car parking; the erection of a pair of detached dwellings; improved vehicular access and new pedestrian access to Winchester Road.

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

- **Financial Contributions towards**
 - **Solent Recreation Disturbance Mitigation;**
 - **New Forest Recreation Disturbance Mitigation;**
 - **Sustainable Transport**
 - **Health**
 - **S106 monitoring;**
- **Inclusion of a viability review mechanism to capture any future favourable uplifts in viability if practical completion not reached 24 months after commencement;**

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

Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure) (England) Order 2015

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:
 - SO_2977_03_AC_001 "Location Plan"
 - SO_2977_03_AC_002 "Existing Site Survey"
 - SO_2977_03_AC_010 rev F "Proposed Site Layout (Roof)"
 - SO_2977_03_AC_011 rev B "Proposed Ground Floor"
 - SO_2977_03_AC_012 rev B "Proposed First Floor"
 - SO_2977_03_AC_013 rev A "Proposed Second Floor"

- SO_2977_03_AC_020 rev C “Proposed Elevations 1of2”
- SO_2977_03_AC_021 rev C “Proposed Elevations 2of2”
- SO_2977_03_AC_022 rev B “Proposed Houses”
- SO_2977_03_AC_023 “Sub Station”
- SO_2977_03_AC_030 rev B “Bay Studies – Red Brick”
- SO_2977_03_AC_031 rev B “Bay Studies – Render”
- SO_2977_03_AC_032 rev A “Bay Studies – Buff Brick”
- SO_2977_03_AC_035 “Garden Sheds to Houses”
- SO_2977_03_AC_040 rev B “Proposed Elevations – Clean”
- SO_2977_03_AC_041 rev B “Proposed Elevations – Clean”
- SO_2977_03_AC_100 “Cross Sections”

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

3. 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) Measures to minimise impact on air quality, in accordance with the mitigation included in Section 6 of Stantec's "Land North of Oak Cottage, Boorley Green – Air Quality Assessment" (Reference 332611606/300, dated July 2024);
- k) 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;
- l) Protection of trees and ecology (to include Habitats Regulation Assessment requirements and need for routine checking of the small animal escape ramps added to the trapped gullies on site);
- m) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- n) Temporary lighting (to include measures to avoid disturbance to bats and other biodiversity receptors);
- o) 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.

4. No development shall commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Gain Plan shall be prepared in accordance with Somerset Wildlife Trust Consultancy's "Biodiversity Net Gain Assessment" version 2, dated August 2024. Development shall be implemented in accordance with the approved Biodiversity Gain Plan and written evidence of the purchase of any required off-site credits shall be provided to the Local Planning Authority prior to occupation.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with paragraph 2 Schedule 7A of the Town and Country Planning Act 1990 and Eastleigh Borough Local Plan 2016-2036 Policy DM11.

5. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with Somerset Wildlife Trust Consultancy's "Biodiversity Net Gain Assessment" version 2, dated August 2024, has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation. Thereafter those habitats shall be managed and maintained in accordance with the approved details for a minimum period of 30 years following completion.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with paragraph 2 Schedule 7A of the Town and Country Planning Act 1990 and Eastleigh Borough Local Plan 2016-2036 Policy DM11.

6. Notice shall be given to the Local Planning Authority when:
 - (a) Habitat creation and enhancement works as set out in the approved HMMP have commenced.
 - (b) Habitat creation and enhancement works as set out in the approved HMMP have been completed.

Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with paragraph 2 Schedule 7A of the Town and Country Planning Act 1990 and Eastleigh Borough Local Plan 2016-2036 Policy DM11.

7. No construction or demolition work shall start on site until an updated walkover survey for badgers has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any necessary mitigation measures identified as a result of the updated survey.

Reason: To protect and enhance biodiversity and ensure that no setts have been established on site since the surveys referred to in Ecosupport Ltd.'s "Ecological Impact Assessment - Land at Oak & Apple Tree Cottages, Boorley Green" (rev 1, dated 17.2.25).

8. The development hereby permitted shall be carried out in accordance with Section 6.0 – Mitigation, Compensation & Enhancements and Appendix II – Habitat Enhancement Plan of Ecosupport Ltd.'s Ecological Impact Assessment rev 1, dated 17.2.25. Prior to first occupation of the development, a verification report prepared by a suitably qualified ecologist confirming the correct implementation of the biodiversity enhancements listed in section 6.9 and Appendix II – Habitat Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance biodiversity.

9. 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.

10. A watching brief should be followed at all times during construction works and confirmation of this shall be submitted to by the Local Planning Authority (LPA) prior to completion. In the event that previously unidentified contamination is found during the watching brief it must be immediately reported to the Local Planning Authority. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme, has been submitted to and approved in writing by the Local Planning Authority. Where a remediation scheme is required by the Local Planning Authority, the development shall not be brought into use until a verification report for the remediation work has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken by a competent person in accordance with UK Land contamination risk

management (LCRM) national guidance and best practice as outlined in BS10175:2011+A2:2017. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers.

11. Prior to the use of any imported soil required for the development hereby approved, details demonstrating its suitability for its intended end use shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the risk from land contamination for the safety of the future occupiers of the development.

12. The development must accord with Keen Consultant's "Tree Survey and Impact Assessment" (reference 2249-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA, dated 25.7.24) and Keen Consultant's "Technical Note 001" (reference 2249- Adjacent Oak Cottage, Boorley Green, dated 28.11.24).

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

13. Notwithstanding the information submitted to date, no development related works shall take place on site until a detailed Arboricultural Method Statement and updated Tree Protection Plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), are submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the Local Planning Authority.

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

14. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the approved tree protection plan. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area unless otherwise stated in the approved arboricultural method statement. 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.

15. No development shall commence on site until the access, including the footway and/or verge crossing has been constructed with lines of sight in accordance

with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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

16. The foul drainage and sustainable drainage system serving the development hereby permitted shall be implemented in accordance with the details set out in Scott White and Hookins' "Land at Winchester Road, Boorley Green - Drainage and Flood Risk Statement – December 2024" (Reference SO-2977-03-CE-RP-0500, Revision 06). Prior to first occupation a management and maintenance plan, and a verification report prepared by the installers of the drainage systems confirming their implementation in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall be based on the details contained in the approved Drainage and Flood Risk Statement and also include details of routine checking of the small animal escape ramps added to the trapped gullies on site and details of those responsible for implementing the management and maintenance plan. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory drainage for the development to prevent flooding and pollution and to protect and enhance biodiversity.

17. No development above slab level 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 submission shall include details of a protective outer coating layer for any areas of render, the corridor AOVs shown on the approved plans shall be glazed, and the materials shall be in accordance with the details shown on drawings SO_2977_03_AC_030 rev B "Bay Studies – Red Brick", SO_2977_03_AC_031 rev B "Bay Studies – Render" and SO_2977_03_AC_032 rev A "Bay Studies – Buff Brick". 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.

18. No development above slab level shall commence until a fully detailed 1:200 landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the proposals shown on drawings SO-2977-03-LA-002 rev P14 "Landscape General Arrangement" and SO-2977-03-LA-003 rev P08 "Planting Strategy" and shall cover all soft and hard landscaping, including trees and detailed designs for the associated tree pit details, soil cells and soil volumes and provide large-scale details of all boundary treatments, including walls, fences and gates. 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.

19. 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.

20. With the exception of the Traditional Orchard habitat to be created on site, which is to be managed in accordance with the approved Habitat Management and Monitoring Plan, the approved landscaping scheme shall be managed and maintained in accordance with Terrafirma's "Winchester Road, Boorley Green - Landscape Management Plan (0-5 years) (Ref: 2505-TFC-00-ZZ-RE-L-8001, dated December 2024.

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

21. 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.

22. No development above slab level shall commence until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with Stantec's "Land North of Oak Cottage, Boorley Green – Lighting Strategy & Assessment" (Reference 332611606, Revision 03, Dated 11.4.25) and include a lighting diagram showing modelled lux values and the positions of exterior lighting together with the positions of vegetation and ecologically sensitive areas. The approved lighting strategy shall be implemented in full and retained as such thereafter.

Reason: To protect and enhance biodiversity.

23. No development above slab level shall commence until details of the proposed external meter boxes have been submitted to and agreed in writing by the Local Planning Authority. The meter boxes for the pair of semi-detached dwellings shall be located on the side elevations of the dwellings. Development shall be carried out in accordance with the approved details.

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

24. Prior to their installation details of the balcony privacy screens on the retirement living accommodation shall be submitted to and agreed in writing by the Local Planning Authority. The privacy screens shall be installed in

accordance with the approved details prior to first occupation of the retirement living accommodation and shall thereafter be retained.

Reason: To minimise the impact of overlooking from the proposed balconies.

25. The development hereby approved shall be carried out in accordance with Focus Consultants' "Energy Statement" (July 2024, rev 2, reference R3996) and prior to installation of the solar panels on the roof of the retirement living apartments full details including the number of panels, proposed location, manufacturer's specification and level of energy reduction resulting from the use of solar panels, shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall thereafter be installed in accordance with the approved details.

Reason: In the interest of visual amenity.

26. Details (including, size, appearance, materials and location) of any plant, equipment, structures, balustrades, roof access points or lift over-runs to be constructed, installed or fixed to the roof of the retirement living apartments shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

27. The rating level of noise emitted from all fixed mechanical plant and equipment at the development shall not exceed the proposed plant noise emission limit (L_{Ar}, Tr dB) of 42dB daytime (07:00 – 23:00 hours) and 30dB Night-time (23:00 – 07:00 hours), as referenced in Santec's Noise Impact Assessment (reference 332611606, dated July 2024) Table 5.5, measured at 1m from the nearest noise sensitive residential receptor windows.

Reason: To protect the amenities of the occupiers of the proposed and nearby properties.

28. 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).

29. Prior to the occupation of the dwellings hereby approved evidence that the following standards of the building regulations for new build residential development (or future equivalent) have been met shall be submitted to and approved in writing by the Local Planning Authority:
- 48 retirement living apartments comply with Part M4(2) standard (Accessible and adaptable dwellings); and
 - 4 retirement living apartments comply with Part M4(3) standard (Wheelchair user dwellings).

The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the development meets higher national access standards in accordance with Policy DM29 of the Eastleigh Borough Local Plan 2016-2036.

30. Prior to the first occupation of the approved dwellings, evidence to confirm that the predicted mains water consumption will achieve a maximum level of 110 litres/person/day shall be 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 support a comprehensive approach to high quality design and to achieve water efficiency.

31. The development hereby permitted shall not be brought into use until the existing access(es) from the site to Winchester 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 by the Local Planning Authority.

Reason: In the interests of highway safety.

32. The development hereby permitted shall not be brought into use until the car park has been constructed, surfaced and marked out, and the mobility scooter and 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 mobility scooter and cycle parking shall be retained thereafter for the purposes of parking of mobility scooters and 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.

33. Each unit of retirement living accommodation hereby permitted shall be occupied only by:
- persons of 60 years or older; or

- persons living as part of a single household with such a person or persons; with any other person in the single household being 55 years or older.
- persons who were living as part of a single household with such a person or persons who have since died.

The guest suite, as shown on drawing SO_2977_03_AC_011 rev B “Proposed Ground Floor” shall only be occupied by visitors of residents at the retirement living accommodation and at no time shall be occupied as a permanent residence.

Reason: Reduced standards have been applied to the proposal to reflect the nature of the proposed development.

34. Any windows 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.

No vehicles, machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works shall be left on or near to Botley Footpath 1 at any time, as to cause obstruction, hindrance or a hazard to pedestrians. The public retain the right to use the Public Right of Way at all times.

There must be no surface alterations to Botley Footpath1, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and the applicant is encouraged to contact HCC as soon as possible to discuss any works of this nature.

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or

Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

All site operatives must be oriented to signs of young shoots of Japanese knotweed and remain vigilant. If suspected, work in that area must stop and any suspected Japanese knotweed must be reported to the ecological consultants to be checked immediately.

Environment Act 2021

1. Development may not be begun unless:
 - (a) a biodiversity gain plan has been submitted to the Local Planning Authority; and
 - (b) The Local Planning Authority has approved the plan.

Report:

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

Relevant Planning History

2. The relevant planning history is as follows:
 - **F/19/85604** - Construction of 31no. dwellings, associated landscaping, amenity areas and a means of access from Winchester Road following demolition of 1no. dwelling and associated outbuildings – dismissed at appeal 7.10.21
 - **F/21/89989** - Erection of 25no. dwellings, associated landscaping, amenity areas and new access from Winchester Road following demolition of 1no. existing dwelling and associated outbuildings - refused 31.3.23

The site and its surroundings

3. This 0.9 hectare site is located to the west of Winchester Road (B3354) and south of Botley Footpath No.1, which runs from Winchester Road to Shamblehurst Lane North. It sits to the north and west of Oak Cottage and Apple Tree Cottage. The site is generally flat, with a gradual slope down towards the north western corner and is currently occupied by various outbuildings and areas of open storage, grassland and scrub, bound on all sides by mature hedge and tree cover.
4. The site forms the large majority of the 1.1ha site allocated under local plan Policy BO4 for the development of approximately 22 dwellings. To the north and west of the site is the Boorley Gardens development of 680 dwellings, on

which construction is underway. To the north-east is the Boorley Park Local Centre site that is also under construction. To the east is the Botley Park Hotel and to the south is ribbon development fronting Winchester Road.

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, Special Area of Conservation (SAC) and Ramsar site in relation to recreational disturbance.

Description of application

6. The application proposes the erection of 52 retirement living apartments (C3 use class) with associated communal facilities and car parking and the erection of a pair of detached dwellings that are not proposed to be age-restricted. The site would be accessed via an improved vehicular access from Winchester Road and new pedestrian accesses to Winchester Road and Chaffinch Gardens.
7. The retirement living apartments form the main part of the proposals and would be provided in a U-shaped building that would be 2 ½ - 3 storeys in height and sit in the northern and central part of the site. The building would face out onto Winchester Road, the public footpath to the north of the site and towards the southern part of the site. A communal garden would be provided on the inside of the U-shaped building in the western part of the site. 32no. x 1-bed apartments and 20no. x 2-bed apartments would be provided together with a reception, residents lounge, mobility scooter & cycle store and guest suite.
8. The two proposed 3-bed dwellings would be 2 storey in height and sit at the southern end of the site adjacent to Appletree Cottage to the east and Myrtle Cottage to the south.
9. 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
 - Design and Access Statement
 - Preliminary Ecological Appraisal and Ecological Impact Assessment
 - Nitrate Statement
 - Biodiversity Net Gain Assessment
 - Tree Survey & Impact Assessment and Tree Protection Plan
 - Landscape Statement and Landscape Management Plan
 - Transport Statement
 - Noise Impact Assessment
 - Drainage & Flood Risk Assessment and Drainage Strategy
 - Air Quality Assessment

- Ground Condition Assessment and Desk Top Study
 - Energy Statement
 - Lighting Strategy & Assessment
 - Financial Viability Assessment
 - Statement of Community Involvement
10. 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; and the New Forest SPA, SAC and Ramsar site. An Appropriate Assessment has been completed setting out that mitigation to offset the increase in nitrogen load from the development and the recreation disturbance on Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site and the New Forest SPA, SAC and Ramsar would be required. Financial contributions towards the Solent Recreation Mitigation Strategy and the Council's interim New Forest Recreation Mitigation Strategy could be secured via S106 legal agreement 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 and sustainable drainage scheme, which could be secured via condition.

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** – No objection. Policy BO4 is an allocation for development to include approximately 22 dwellings subject to meeting criteria as set out in the policy. Paragraph 4.13 provides supporting text to Strategic Policy S3 "Location of new housing" and advises that the site allocations provide an indicative number of dwellings for each site. The Council will consider whether higher numbers can be justified when determining a planning application, following more detailed work and provided the proposal is in accordance with other policies in the plan. As this proposal is an allocated site, adjacent to development currently under construction at Boorley Gardens and close to recent development and facilities in Boorley Park, it is considered acceptable for retirement living accommodation in accordance with Policy DM25. Previous objections that the proposal did not meet all of the detailed criteria of Policy BO4 have now been addressed with changes to the proposals and conditions.
12. **Landscape** – No objection subject to conditions re: detailed landscape plans and future management and maintenance.
13. **Urban Design** – No objection subject to conditions re: materials.

14. **Trees** – No objection subject to conditions re: arboricultural works and method statement and tree protection.
15. **Ecology** – No objection subject to conditions re: Biodiversity Net Gain, landscaping, lighting, and drainage.
16. **Environmental Health** – No objection subject to conditions re: construction environmental management plan, unexpected contamination, importation of soils and noise limits.
17. **Housing** - This site would be a qualifying site for affordable housing provision and in line with our adopted Affordable Housing SPD would need to provide 35%, which based on 54 dwellings overall would equate to 19 affordable homes.
18. A viability report has been submitted as part of the application and the planning statement advises that the conclusion is that there is no headroom for a financial contribution towards Affordable Housing. We will therefore await the outcome of a review of this information to determine the affordable housing provision.
19. **Direct Services** – No response.
20. **HCC Highways** – No objection subject to conditions re: construction method statement, access construction, closure of existing access and parking provision; and financial contribution towards sustainable travel improvements and Traffic Regulation Orders.
21. **HCC Flood and Water Team** – No objection.
22. **HCC Countryside Service** – No objection subject to an informative re: no obstruction to public right of way.
23. **HCC Archaeology** – No objection.
24. **HCC Children Services** – Below threshold of 10 eligible dwellings for seeking financial contribution for education, therefore no contribution required.
25. **Natural England** – Objection. As submitted, we consider it will have an adverse effect on the integrity of the New Forest SAC, SPA and Ramsar site from increased recreational disturbance. The impacts are also likely to affect the features of the associated Sites of Special Scientific Interest which underpin the above habitats site designations. We have reached this view due to the reliance on an unproven mitigation approach which has a significant level of uncertainty regarding its effectiveness at avoiding recreational impacts on the New Forest designations. Based on the information provided, we advise it would not be currently possible to conclude no adverse effects on the integrity of the New Forest designated sites through an appropriate assessment under the Conservation of Habitats and Species Regulations, 2017 (as amended). Natural England is a statutory consultee on

the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

26. **Nature Space (Great Crested Newt district licensing)** – No objection subject to an informative re: applicant's responsibilities under Conservation of Habitats and Species Regulations 2017 (as amended).
27. **Southern Water** - No objection. There is currently adequate capacity in the local sewerage network to accommodate the development's foul flow.
28. **NHS Hampshire & Isle of Wight Integrated Care Board (ICB)** – No objection subject to a financial contribution towards increasing primary care infrastructure.
29. **Southampton Airport** – No objection. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.
30. **Ramblers** – The proposal affects the setting of Footpath No 1 Botley but not materially. The application shows the retention of the trees along the northern boundary which is an important feature of the path. The drainage plan does propose the construction of a 2 metre deep trench through the tree belt to connect a 150mm pipe to the ditch on the north side of the footpath. Please give detailed consideration to the impact of that on the preservation of the trees. The application boundary does not include the works across the footpath and that will be necessary to be able to include conditions regarding the construction and reinstatement of the footpath that has only recently been reopened having been resurfaced to suit its new role as a semi-urban footpath.
31. **Botley Parish Council** – Object:
 - A resident commented and objected regarding the pavement locations and car parking places and sewage capacity issues. Along with concerns regarding NHS provision for elderly care.
 - This is a remote location with minimal access to public transport services.
 - Members requested that the application is taken to the HEWEB LAC for decision.

Representations Received

32. Comments relevant to the determination of the application have been summarised. All comments are available, in full, on the Council's [website](#).
33. 7 letters of objection received, objections raised on grounds of:
 - No requirement for further housing - already sufficient retirement homes in surrounding areas.
 - Contrary to local plan in terms of type and number of units – overdevelopment.

- Remote site, poorly served by public transport and insufficient health and retail provision.
- Accept need for retirement homes, but better location on local plan site BO2 (Land north east of Winchester Street, Botley).
- Understand applicant's previously rejected site opposite due to remoteness from Botley, retail, doctor's etc. - what's changed?
- Poor pedestrian links to Botley & Hedge End for shops, doctors, dentists & pharmacies.
- Would exacerbate existing problems with waste water provision and surface water drainage.
- Out of keeping with streetscene.
- Insufficient parking for residents, staff and visitors. Likely impact on visitor parking in Chaffinch Gardens.
- Increase in sewage dumped in rivers and unsustainable water abstraction from River Itchen.
- Noise and pollution.
- No renewable energy or grey water recycling.
- Query re: rerouting of existing electricity pylon crossing site.

34. 6 letters of support received:

- Boorley Green is a fast-growing area, but limited options for older generation. Need to ensure there are homes for everyone, to promote generational growth and ensure people don't have to move away from family and friends.
- Great opportunity to create hub for older residents.
- Quality appearance, lots of green space and variety of materials in development.
- Good footpath link and plenty of parking.
- Ecological enhancements.
- Will provide more jobs and residents will contribute towards local businesses.

Designations Applicable to Site

- Local Plan housing site BO4 "Land north of Myrtle Cottage, Winchester Road"
- 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

35. 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

36. 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
- S12 – Strategic footpath, cycleway and bridleway links
- DM1 - General criteria for new development
- DM2 - Environmentally sustainable development
- DM3 - Adaptation to climate change
- DM4 – Zero or low carbon energy
- 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
- DM28 – Delivering affordable housing
- DM29 - Dwellings with higher access standards
- DM30 – Internal space standards for new residential development
- DM33 - Provision of recreation and open space facilities with new development
- DM36 - Community, leisure and cultural facilities
- DM38 - Funding infrastructure
- BO4 – Land north of Myrtle Cottage, Winchester Road

Supplementary Planning Documents

37. Relevant documents are:

- Accommodation for elderly people and those in care (May 2011)
- Affordable Housing (December 2023)
- 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)

Other documents

- EBC's Public Art Strategy 2023-2028

National Planning Policy Framework December 2024

38. 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.
39. 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

40. 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

41. 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.
42. 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

43. The application site forms the majority of the housing site allocated under Policy BO4 "Land north of Myrtle Cottage, Winchester Road" of the local plan. The policy allocates approximately 1.1ha of land for approximately 22

dwellings. The application site measures 0.9ha and excludes the land occupied by the existing properties Appletree Cottage and Oak Cottage in the south-eastern corner of the allocated site. Some of the land currently associated with Oak Cottage is included within the application site.

44. The application seeks approval for 52 age-restricted retirement living apartments and 2 general market dwellings. The retirement living apartments are designed for independent living, albeit in a building that includes a communal residents' lounge and an office for the one full-time equivalent member of staff. Residents would not be required to sign up to any type of care package and as such the proposed retirement living apartments are considered to be C3 dwellings, rather than a C2 residential institution. All of the proposed units would therefore be considered to be C3 dwellings and the proposed development of the site for residential dwellings is considered to be acceptable in principle.
45. Policy BO4 allocates the site for approximately 22 dwellings and the proposed application would provide 54 dwellings, an increase of 32 dwellings. Paragraph 4.13 provides supporting text to Policy S3 "Location of new housing" and advises that the site allocations provide an indicative number of dwellings for each site and that the Council will consider whether higher dwelling numbers can be justified when determining a planning application, following more detailed work and provided the proposal is in accordance with other policies in the plan. Therefore as the principle of residential development on site is acceptable the impact of the increase in number of dwellings will need to be assessed against the other policies in the local plan to determine if the additional dwellings can be accommodated without having a significantly detrimental impact on the surrounding area, infrastructure and environment.
46. 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.
47. Paragraph 63 of the NPPF makes reference to the requirement to consider the need for housing for older people, including retirement housing, when establishing local housing need. The need for older person's accommodation within the borough is recognised and as the proposal is located in close proximity to large new developments within Boorley Green, 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 retirement living accommodation, and general market housing, in principle.
48. The proposed retirement living apartments and 2 general market dwellings are considered therefore to be acceptable in principle, subject to compliance with the other relevant local plan policies.

Sustainable Development

49. 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.
50. 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.
51. 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.
52. 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 sustainable development applies.
53. The Council's latest published Calculation of Five-Year Housing Land Supply (November 2024) concludes that the Council cannot currently demonstrate a five year housing supply of deliverable housing sites, with the latest housing supply figures demonstrating 4.3 years supply. For the purpose of calculating the current position, the revised NPPF (December 2024) requires a 5% buffer to be applied. This reduces the supply for Eastleigh borough from 4.3 years (as set out in the five year supply report) to 4.1 years. As such the tilted balance of paragraph 11d) of the NPPF in favour of the sustainable development applies.

Economic Sustainability

54. 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'.

55. The construction of the proposed development is anticipated to generate approximately 50-80 jobs and would also result in associated spending on materials, goods and other services. In addition, future occupiers of the residential properties would be likely to support local services and facilities.
56. It is considered therefore 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 the proposed development could arise from a similar development in a different location.

Social Sustainability

57. 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...)...'
58. The proposed development would provide for 52no. one and two-bed retirement living apartments and 2no. three-bed general market dwellings and would accord with the aims of the NPPF to deliver a sufficient supply of homes to meet differing needs.
59. Concern has been raised about the impact the proposed development would have on local health services. The NHS Hampshire & Isle of Wight ICB were consulted on the application and commented that the current medical centres providing primary care have insufficient capacity and would not be able to absorb the increased patients arising from the proposed development. As such they have requested that a financial contribution towards primary care infrastructure is secured, should be permission be granted, to provide the appropriate mitigation for the increase in demand for local primary care facilities.
60. Ordinarily a development of this size would be required to provide affordable housing in line with Policy DM28. A financial viability assessment (FVA) has been submitted in support of this application (and updated during the consideration of the application) demonstrating that it would not be viable for the development to provide any affordable housing. As discussed in more detail below, this FVA has been independently reviewed and the conclusions in relation to affordable housing have been accepted. As such it is not considered reasonable to require the proposed development to provide affordable housing. However the provision of a solely open market housing scheme should still be viewed as a social benefit of the scheme.

61. It is considered that the proposed development would have social benefits in terms of the provision of older persons and general market housing 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

62. 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

63. With regard to highways and transportation matters Policy BO4 of the local plan requires the development of the site to include the following:
- the provision of vehicular access from Winchester Road (B3354)
 - the provision of contributions to, or delivery of, off-site highway improvements considered necessary to serve the development;
 - the provision of pedestrian and cycle links both within the site and to connect the site with the surrounding area, including enhancement of connections with Boorley Green, with the permitted development to the west and to Hedge End Railway Station in accordance with strategic Policy S11(1)(b);

Access and Layout

64. It is proposed that vehicular access for the development would be via Winchester Road with the existing bellmouth junction being widened from 5m to 6m wide to allow for two-way vehicle movements. Two pedestrian accesses to the site are proposed. One via a new footpath connection leading from the north-eastern corner of the site onto Winchester Road, in close proximity to the eastern end of Botley Footpath No.1. The second is in the north-western corner of the site and links through to Chaffinch Gardens on the Boorley Gardens development and onwards to the footpath /cycleway network in Boorley Gardens and Botley Footpath No.1. The connecting link on the Boorley Gardens side of the boundary has already been installed. The internal access road wraps around 3 sides of the apartment building and leads to the 2 detached dwellings at the southern end of the site. Car parking is proposed to the north, east and south of the apartment building.
65. HCC Highways as the Local Highway Authority have been consulted on the application and have raised no objection to the proposed access or car park layout. Concern was expressed that the footpath link to the west is stepped, however it is now understood that a ramped link onto Chaffinch Gardens is not reasonably feasible due to the length of ramp that would be required as a result of the level changes. Similarly, the link in the north-eastern corner has been proposed instead of a direct link onto the public right of way in order to

minimise tree and vegetation loss. Given the limited additional distances involved this is considered to be acceptable.

66. It is noted that Policy BO4 makes reference to cycle links and these are not provided, however given the changes in levels, the need to minimise vegetation and tree loss and the short distances involved to get onto the wider network from the main site access; it is not considered that there would be a significantly detrimental discouragement to those cycling if the connections to the north-east and west are only designed to serve pedestrians.

Trip Generation

67. The proposed development would result in 97 additional vehicle trips over a daytime 12 hour period, with 4 in and 4 out movements in the AM peak and 4 in and 3 out in the PM Peak. HCC Highways have confirmed that subject to a financial contribution towards sustainable travel improvements and traffic regulation orders the impact on the local highway network would be acceptable and therefore they raise no objection to the proposals in this regard.

Parking and sustainable travel

68. The car park provides a total of 43 parking spaces (including 4 disabled bays) and two drop-off zones. All parking spaces are proposed to have access to Electrical Vehicle (EV) charging points.
69. For retirement living schemes with more than 50% of the parking spaces being unallocated (as is proposed), the Residential Parking Standards SPD requires 0.5 car parking space per dwelling and 1 cycle space per dwelling. For the 3-bed general market dwellings 2 spaces per dwelling are required, together with parking for 2 cycles per dwelling. A 20% uplift in parking spaces for visitor parking and a minimum of 5% of parking spaces to be disabled spaces are also required.
70. This equates to the need for a total of 36 car parking spaces, including visitor spaces, of which 2 should be disabled parking spaces.
71. The Transport Statement submitted with the application confirms that the applicant's own research across numerous retirement living developments identifies an average car parking provision of 0.45 spaces per unit and a further 0.1 spaces per apartment for visitors equating to 0.55 car parking spaces per unit. This results an anticipated demand for 29 car parking spaces associated with the retirement living apartments. Using this figure, together with the parking required for the 2 houses and a 20% uplift for additional visitor parking equates to 40 parking spaces in total.
72. The 43 parking spaces proposed equates to 0.75 car parking spaces per apartment, which exceeds both the Council's own car parking standards and those resulting from the applicant's own research.
73. Sheds are proposed in the rear gardens of the 2 dwellings to provide the required level of cycle parking. For the retirement living apartments a

combined mobility scooter and cycle store is proposed on the ground floor adjacent to the main entrance. This space could be flexibly used to accommodate both cycles and mobility scooters depending on the residents' needs. In addition cycle stands providing parking for 6 cycles are proposed outside the entrance for short-term cycle parking by visitors.

74. Whilst the Council's Residential Parking Standards indicate that 52 cycle parking spaces would be required for the retirement living apartments, the applicant's own research across numerous developments indicates that a scheme of this size would generate the need for 4 scooters and 2 cycles, which could be easily accommodated within the space shown on the floor plan.
75. It is considered therefore that although the development would not meet the Council's standards for cycle parking the proposed level of provision is acceptable, given the evidence submitted in support of the application.
76. It is noted that objections have been made on the basis of potential overspill parking in Chaffinch Gardens to the west, with the site then accessed via the pedestrian link. Given that the proposals over-provide for car parking it is considered that the risk of this occurring is minimised. If any parking was to occur it is not considered that it would be of a level that would have an adverse impact on highway safety given the road layout and availability of formal and informal parking opportunities within that part of the Boorley Gardens development. As such it is not considered appropriate to refuse the application on these grounds.

Visual impact on the surrounding area

77. The application site is located to the west of Winchester Road, to the south of Botley Footpath No.1, to the east of Chaffinch Gardens (within the Boorley Gardens development) and to the north and west of the gardens of adjoining properties along Winchester Road.
78. Due to the existing boundary trees and vegetation, views of the site are generally short distance views gained from the adjoining sections of Winchester Road, Botley Footpath No.1 and Chaffinch Gardens. When views are gained, the site is generally seen or experienced in the context of the new development at Boorley Park Local Centre and Boorley Gardens.
79. The apartment block has been designed as a U-shaped building that is 2 ½ storey in height on the outer face of the building where it faces Winchester Road and the public right of way; 2 storey where it faces south towards the neighbouring dwellings and 3 storeys in height on the inner side of the U-shaped building facing onto the communal gardens and Chaffinch Gardens beyond. The two dwellings at the southern end of the site are 2 storey in height.
80. The older properties on Winchester Road tend to be 2 storey in height, with a few 1 ½ storey properties. Similarly those in Chaffinch Gardens are 2 storey

properties. To the north of the site there is 2 ½ and 3 storey development at Boorley Gardens and the Boorley Park Local Centre, including larger apartment buildings. The character of the surrounding area has been changing in recent years and the proposed development reflects that with the mix of 2, 2 ½ and 3 storey development. The proposed development is therefore considered to be in keeping with the size and scale of the surrounding development in the local area.

81. The proposed apartment building is set back approximately 20m from Winchester Road, approximately 28m from the public right of way and approximately 30m from the nearest properties in Chaffinch Gardens. It is considered that setting the apartment building in this central position within the site would ensure that it would not have an overbearing impact on the local streetscene or surrounding area. In addition it provides space for additional tree and shrub planting on the boundaries that would help to further screen views of the development from the wider area.
82. From Winchester Road there would be limited views of the 2 proposed dwellings due to the set back position behind Oak Cottage and Appletree Cottage. Whilst views would be gained from Chaffinch Gardens it is considered that the proposed dwellings would not have a significantly detrimental visual impact on the surrounding area given their size and scale.
83. Urban Design have considered the proposals and concluded that they provide a successful balance between the built form, parking and landscape such that the scheme sits comfortably within the site.
84. 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 the nature and form of the surrounding development.

Layout and Design

85. As noted above the development consists of a U-shaped apartment building sited centrally within the site, set in from all the boundaries. The 2 detached dwellings are located at the southern end of the site, adjacent to the boundaries of Appletree Cottage and Myrtle Cottage.
86. It is considered that the proposed development would make an efficient use of the site, with a density of 60 dwellings per hectare, and would be laid out in a manner that would allow for suitable outdoor amenity space, landscaping and levels of parking, such that it would not appear cramped or overdeveloped.
87. The proposed development is considered to meet the private residential amenity standards set out in the Council's Quality Places SPD. The communal gardens are accessible for all residents of the retirement living apartments and all but 4 of the apartments would also be provided with either an individual patio area or balcony. In addition the 2 dwellings have suitably sized gardens. Similarly, appropriate internal space standards and higher access standards would be met.

88. There are neighbouring properties to the east, south and west of the site, and further to the north on the other side of the public right of way behind the two lines of trees. It is considered that there would be sufficient separation distances 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 south-east corner of the apartment building there would be no significantly detrimental loss of privacy for them.
89. It is considered that the breaking up of the apartment building into what appears to be separate buildings when viewed from the street works well in reducing the overall scale and massing of the building. A more traditional architectural approach is proposed for the outward facing wings of the building. The elevations facing the inner courtyard and communal garden are more contemporary in design, but it is considered that the mix of design approaches is acceptable and would not have a detrimental visual impact. Amendments have been made to the application since submission to improve the palette of materials proposed.
90. The 2 detached dwellings have been designed to reflect the architectural style of the southern wing of the apartment building that they face, with similar hipped roof, fenestration style and materials.
91. It is considered therefore that the proposed layout and design of the building are acceptable; would be in keeping with the character and appearance of the surrounding area and would not have a detrimental impact on residential amenities.

Trees and Landscape

92. The site is largely tree free, but there are significant trees to the north, adjacent to the public right of way. There are also some important features, such as the hedgerows and the tree line adjacent to Winchester Road. These trees form important linear features and provide high amenity value, such that their retention and protection during construction is key.
93. The Council's Tree Officer has raised no objection to the proposed development but has requested that conditions be attached to any permission granted to ensure that the development would be constructed in a manner that does not harm these important features. There are also some smaller trees within the site that would be lost as part of the development but no objection has been raised to their loss.
94. The proposed landscape scheme shows the enhancement of the site boundaries with additional tree and shrub planting to create stronger green infrastructure links around the site and connecting to the wider area. Within the site landscaping is proposed on all sides of the building and amongst the parking spaces helping to break up the appearance of the car parking and provide a landscaped setting to the development. Part of the landscape scheme includes two areas of orchard trees (one on the eastern boundary

and one on the western boundary) to compensate for the on-site orchard trees that would be lost. Within the west-facing communal garden area for the apartment building a variety of different areas are provided including outdoor seating areas, informal gardens and raised beds.

95. With the conditions requested by the Council's Tree Officer and the proposed landscape scheme & its future maintenance it is considered that the proposals meet the relevant requirements of Policy DM1 and the Trees & Development SPD.

Ecology

Protected Species

96. The site has been assessed and the presence of bats, reptiles and badgers on-site was recorded. In addition the site was assessed as having moderate potential for nesting and breeding birds, a low potential for dormice and a negligible potential for great crested newts. The site has also been assessed as supporting common invertebrates but unlikely to support rare species.
97. 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

98. The application is required to meet the statutory requirement for a 10% biodiversity net gain. Details submitted with the application demonstrate that whilst some enhancements can be provided on-site, an off-site solution is also required in order to achieve the 10% gain. A site that is on the national biodiversity gain sites register has been identified and the applicant has entered into a Biodiversity Unit Allocation Agreement with the provider of the off-site habitat bank to secure the necessary units of mitigation required. The Council's Ecology team are satisfied with the proposed approach and appropriate details to ensure the provision and maintenance of the on-site measures and purchase of the off-site units can be conditioned.

Nutrient Neutrality

99. 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.
100. A nutrient budget calculation has determined that the development would generate an increased nitrogen load of 36.65 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

101. 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.
102. The applicant has agreed to pay a financial contribution towards the Solent Recreation Mitigation Strategy managed by Bird Aware Solent and towards the Council's interim New Forest Recreation Mitigation Strategy to secure the necessary mitigation.
103. Natural England have objected to the application on the grounds that they consider the proposed development would have an adverse effect on the integrity of the New Forest SAC, SPA and Ramsar site from increased recreational disturbance; and that the impacts are also likely to affect the features of the associated Sites of Special Scientific Interest which underpin the above habitats site designations.
104. They reached this view on the basis that they consider the Council's interim strategy to be an unproven mitigation approach that has a significant level of uncertainty regarding its effectiveness at avoiding recreational impacts on the New Forest designations. As such they advise it would not be currently possible to conclude no adverse effects on the integrity of the New Forest designated sites through an appropriate assessment under the Conservation of Habitats and Species Regulations, 2017 (as amended).
105. The Council is aware of Natural England's concerns about the interim strategy. However, as the competent authority determining the application, the Council maintains its position that the interim New Forest Recreation Mitigation Strategy does provide sufficient and appropriate mitigation such that there would be no adverse effects on the integrity of the New Forest SAC, SPA and Ramsar site.

Drainage and Flood Risk

106. The site is located in Flood Zone 1 where there is a low probability of flooding. A sustainable drainage system is proposed that ensures surface water from all areas will go through two forms of naturalised filtration as required by Policy DM6 "Sustainable surface water management and watercourse management" before discharging into an existing drainage ditch to the north of the site. As such the Council's Ecology team are content that the development would achieve appropriate levels of natural filtration and water

quality. HCC Flood & Water were also consulted on the application and have raised no objection to the proposed development.

107. The foul drainage will connect into the existing infrastructure on Winchester Road. Whilst the history of foul drainage problems in Boorley Green is acknowledged, Southern Water were consulted on the application and have raised no objection. Southern Water have a duty to ensure sufficient capacity is available for new developments, subject to payment by the developer for any improvements required. However in this instance they have confirmed that there is adequate capacity in the local foul sewerage network to accommodate development. It would therefore be unreasonable to refuse the application in relation to concerns about foul drainage.

Noise

108. A noise impact assessment was submitted with the application and this demonstrated that with appropriate glazing and ventilation specifications, internal noise levels would be within acceptable limits. Whilst it is acknowledged that some of the balconies facing Winchester Road would exceed recommended noise levels due to traffic noise, this is balanced out by the provision of a large area of communal outdoor space that is below the required noise levels. As such the Council's Environmental Health team have raised no objection to the proposed development subject to noise limits for any plant and equipment being secured via condition.

Air Quality

109. The site is not located within an Air Quality Management Area and the energy strategy for the proposed development is all-electric, utilising mechanical ventilation with heat recovery (MVHR), electric panel heaters and solar photovoltaics, all of which are zero-emission technologies. In addition it is not considered that there would be a significantly detrimental impact on air quality arising from the anticipated traffic levels. As such there is no requirement for any mitigation in relation to the occupation of the development. However, Council's Environmental Health team have recommended that a Construction Environmental Management Plan be secured should permission be granted to ensure appropriate controls are in place during construction to minimise any impacts. They also support the provision of electric vehicle charging and measures to promote and improve sustainable travel modes.

Contaminated Land

110. 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 unexpected contamination and importation of soils being attached to any permission granted.

Sustainability and Climate Change

111. 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.
112. 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.
113. 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 an Energy Statement and a Drainage and Flood Risk Assessment, which set out the various measures that are proposed to enhance energy efficiency and contribute to minimising the impacts of climate change.

Human Health

114. Human health relating to ground conditions, noise and air quality has been considered and subject to conditions relating to contaminated land, noise standards and construction methods 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

115. 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.

Viability and Planning Obligations

116. The application has been submitted on the basis that it would not be viable to provide any affordable housing as part of the proposed development. A financial viability assessment was submitted in support of the application.
117. Policy DM28 states that residential developments should provide 35% affordable housing. However, sub-section (1)(a)(iii) sets out that it does not need to be provided if it can be demonstrated that this proportion of affordable housing would have an unacceptable impact on the economic viability of the proposed scheme, and a reasonable lower proportion is justified by evidence and that the lower proportion proposed is not below that which would be viable.
118. The submitted financial viability assessment has been independently assessed on the Council's behalf. The Council's consultants have reviewed the document and undertaken their own assessment. They have agreed that the proposed development would not produce what would be considered to be a reasonable level of profit for a development of this nature, if any affordable housing is proposed.
119. As such they have advised that it is appropriate to apply the flexibility provided within Policy DM28 and not require the provision of affordable housing. However they have also advised that should the Council wish to grant permission for the proposals then an affordable housing review mechanism could be secured as part of a S106 legal agreement. This would enable the viability of the scheme to be reviewed again at a later stage allowing the Council to benefit from any favourable uplift in viability at a later stage.
120. Whilst reviewing the viability of the scheme in relation to the provision of affordable housing the overall viability of the scheme has been assessed, taking into consideration all likely financial contributions and the costs associated with achieving nutrient neutrality and biodiversity net gain, and ensuring compliance with the Habitat Regulations.
121. In accordance with the guidance contained within the NPPF, Policies DM1, DM28 and DM38, 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 would be required for development of this type and size:
 - Community Infrastructure
 - Off-site Public Open Space provision
 - Public Art
 - Sustainable Transport

- Traffic Regulation Orders (TROs)
 - Health provision
 - New Forest Recreation Disturbance Mitigation
 - Solent Recreation Disturbance Mitigation
 - S106 monitoring fee
123. The purchasing of credits from the Council's Nutrient Neutrality Offset Scheme and off-site Biodiversity Net Gain units would also be required to ensure compliance with the Habitat Regulations.
124. In reviewing the Financial Viability Assessment the Council's consultants also agreed that even without the provision of affordable housing the proposed development would not produce what is considered to be a reasonable level of profit if it provided all the financial contributions and costs required by policy and legislation.
125. Given the site's location and the nature of the development, planning permission could not be granted without securing all the necessary mitigation measures set out in the Appropriate Assessment. Without these mitigation measures it would not be possible to conclude that there would be no adverse effect on the integrity of the designated sites of the Solent Complex and the New Forest. The required mitigation measures are:
- New Forest Recreation Disturbance Mitigation
 - Solent Recreation Disturbance Mitigation
 - Nutrient Neutrality offsetting credits
 - Off-site Biodiversity Net Gain units
126. The need to secure these measures is recognised by the applicant but the financial viability assessment shows that the proposed development would not produce what is considered to be a reasonable level of profit even if just these costs were incurred, without any of the other financial contributions related to public open space, community infrastructure, public art, sustainable transport, TROs, health and S106 monitoring.
127. Despite this lack of viability the applicant has indicated they would be willing to agree to the Appropriate Assessment related contributions and costs, together with financial contributions towards sustainable transport and health and the S106 monitoring fees. This would mean that if granted permission on this basis the development would not be contributing towards community infrastructure, off-site public open space, public art or TROs.
128. However, the applicant has also agreed to a viability review clause to be included in the S106 legal agreement setting out that should the development not have reached practical completion within 24 months from commencement then a revised viability assessment will need to be submitted and agreed. If the development is then showing a surplus, contributions will be made to those areas not provided for in the original S106 legal agreement.
129. If a full set of financial contributions and ecological mitigation measures are not to be secured it would need to be considered if the impacts of the

development on the local area and infrastructure would be appropriately mitigated. This is set out in the Planning Balance section below.

Equalities Implications

130. Section 149 of the Equalities Act 2010 created the public sector equality duty. It 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.

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

Planning balance and conclusion

132. With the lack of a 5 year housing land supply the tilted balance set out in paragraph 11d) of the NPPF is engaged. As such it is necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
133. The proposal would see the development of a site that is allocated within the local plan for residential development, albeit the application is for more dwellings than suggested in Policy BO4. It is considered to be an appropriate location for the proposed uses and the scheme would contribute positively towards the provision of accommodation for older persons in the Borough and make a small contribution towards general market housing at a time when there is a recognised need for older persons accommodation and the Council cannot demonstrate a 5 year housing land supply. These are benefits that should be given significant weight in the planning balance.
134. The fact that the development is considered to be acceptable in terms of design, layout, landscape, access, drainage, tree protection, prevention of impacts on nature conservation, pollution and biodiversity of net gain are also benefits but should be given limited weight given that all developments should be achieving good design and avoiding harm to the local area and environment. Similarly, the economic benefits arising from the construction jobs and associated spending together with the likely support of local services

and facilities from occupiers should be given limited weight as they would be forthcoming from any residential development of this size.

135. On the opposite side of the balance, harm is caused by the lack of provision of affordable housing. However, Policy DM28 allows for this scenario if it has been satisfactorily demonstrated that it would have an unacceptable impact on the economic viability of the scheme. Given the Council's consultant agrees that it would be unviable to provide affordable housing, the lack of its provision as part of this application carries neutral weight.
136. As set out above the Council's consultant has also agreed that the financial viability assessment demonstrates that the proposed development would not provide what is considered to be a reasonable level of profit if all the financial contributions and costs required by local plan policies, the Council's Planning Obligations SPD and legislation were to be provided.
137. In response to the viability issues the applicant has offered to pay / secure the following at a level that is in accordance with the Council's requirements:
 - New Forest Recreation Disturbance Mitigation financial contribution
 - Solent Recreation Disturbance Mitigation financial contribution
 - Nutrient Neutrality offsetting credits
 - Off-site Biodiversity Net Gain units
 - Sustainable Transport financial contribution
 - Health provision financial contribution
138. The provision of these contributions and mitigation measures are benefits of the scheme but should be given limited weight as they would be forthcoming from any residential development of this size and, in the case of the first 4 items are statutory requirements needed to ensure compliance with the Habitat Regulations and Environment Act 2021. The contributions towards sustainable transport and health provision would be directly related to the increase in population and the resultant need to increase capacity in local primary care infrastructure and provide enhanced opportunities for sustainable travel to minimise the impact on the surrounding highway network arising from an increase in traffic.
139. If permission was to be granted on this basis it would mean that contributions would not be secured for the following:
 - Off-site Public Open Space
 - Community Infrastructure
 - Public Art
 - TROs
140. It is therefore necessary to consider whether the proposed development would be adequately mitigating for its impact on the surrounding area and local facilities if these contributions were not secured.
141. It is considered that new residential development of the form proposed would result in an increase in demand for use of public open space and community

infrastructure in the local area. It is recognised that the majority of the development is for older persons accommodation but the occupiers are still anticipated to want to use local facilities and the projects for which contributions would be sought could be tailored according to the likely needs of the occupiers, such that the contributions would meet the three tests set out in Regulation 122 of the Community Infrastructure Levy 2010.

142. Policy DM1, the Planning Obligations SPD and the Council's Public Art Strategy set out that residential developments of this size are required to contribute to public art. Given the extent of new development in the local area in recent years the Public Art Vision for Hedge End, West End and Botley intends to use the contributions secured from the various developments to enhance the connection between the existing and new communities through various means including seating, wayfinders, play space enhancements, etc.
143. Hampshire County Council as Local Highway Authority requested that a contribution be secured towards Traffic Regulation Orders, which could be used for parking restrictions at the site access junction and on Winchester Road.
144. It is considered that these contributions would be directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development and that without them the proposed development would not be appropriately mitigating for the increased need or pressure on existing facilities.
145. However, recognising the engagement of the tilted balance it is necessary to consider whether the harm arising from the lack of these four contributions significantly and demonstrably outweighs the benefits of the development.
146. The site is located adjacent to the Boorley Gardens development to the west, with access provided via the pedestrian link in the north-western corner. Residents would therefore be in close proximity to the public open space proposed as part of the Boorley Gardens development for informal recreation. In addition the public open space at Boorley Park would also be in reasonable walking distance. It is anticipated that space for informal recreation would be the main demand of the majority of occupiers, as such it is not considered that the extent of public open space in the immediate area would need to be enlarged to accommodate the increase in population arising from the development, rather it would be the increased pressure on it that space that would need to be managed. As such, it is considered that the harm would be of moderate weight.
147. The retirement living apartment building also includes a communal residents' lounge and the approach in such developments is for the office manager to arrange various activities for the residents to take part in. As such the residents would have easy access to the type of activities that might take place in the various community facilities within the local area. In addition there are community facilities and events available at the Boorley Park community centre. A resolution to grant planning permission also exists for a

community hub to be provided as part of the care home proposed at the entrance to the Boorley Gardens development a short distance away. As with the open space provision, it is not considered therefore that the extent of community infrastructure in the immediate area would need to be enlarged to accommodate the increase in population, rather it would be the increased pressure on the space that would need to be managed, albeit this would be reduced for the residents of the retirement living apartments given the in-house activities that would be likely to be taking place. As such, it is considered that the harm would be of moderate weight.

148. It would be important for the new development to be integrated into the enlarging settlement of Boorley Green and increased contributions to the public art vision for the local area would enhance what could be provided. However, the proposed development is one of the smaller schemes coming forward in the area and therefore it is considered that the harm would be of moderate weight.
149. There can be concerns that if new developments do not provide sufficient car parking there could be a subsequent impact on highway safety if overspill parking occurs in inappropriate locations. The proposed development overprovides for car parking when compared to the Council's own standards and the applicant's research into parking levels across their developments, minimising the risk of overspill parking onto Winchester Road or other neighbouring roads. There are limited opportunities for additional informal parking within the internal layout, but given the number of formal parking spaces provided it is considered that the harm resulting from not securing a contribution towards TROs would be of moderate weight.
150. As the development is considered to be acceptable in all other regards it is considered when applying the tilted balance that the harm caused by the lack of financial contributions towards public open space, community infrastructure, public art and TROs would not significantly and demonstrably outweigh the benefit arising from the delivery of 52 retirement living apartments and 2 general market houses in a well designed scheme making effective use of a site allocated for residential development in the local plan under Policy BO4.
151. The recommendation is therefore that subject to the completion of a legal agreement to secure contributions towards New Forest Recreation Disturbance Mitigation, Solent Recreation Disturbance Mitigation, sustainable transport and health provision, plus nutrient neutrality offsetting credits and off-site Biodiversity Net Gain units, planning permission should be granted subject to the conditions listed above.

F/24/97945



Address: Land Adjacent to Oak Cottage, Winchester Road,
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