

APPELLANT DRAFT STATEMENT OF COMMON GROUND

APPEAL REFERENCE: To be confirmed

DATE OF INQUIRY: To be confirmed

SITE ADDRESS: Land adjoining 4 Brookfield, Providence Hill, Bursledon

DESCRIPTION OF DEVELOPMENT:

Construction of Residential Care Community, comprising a 69-bed care home (Use Class C2) and 5 x 2-bedroom close care cottages (Use Class C3 age restricted), with associated access, internal access road, parking, landscaping and infrastructure (amended description) (updated plans and further information received October 2024).

PLANNING APPLICATION REFERENCE: F/24/97312

APPELLANT: Colten Care Limited

LOCAL PLANNING AUTHORITY: Eastleigh Borough Council

This statement addresses the following areas of common ground:

1. Description of the site and surrounding area (including planning history)
2. Details of the planning application
3. List of plans that informed the decision
4. List of information not previously seen by the LPA
5. Development Plan (including relevant policies)
6. Relevance of any supplementary planning guidance published by the LPA
7. National Planning Policy
8. A table setting out matters of agreement/disagreement
9. List of agreed conditions and draft Heads of Terms of any Section 106 Obligations

1. Description of the site and its surround (including the proposed development and planning history)

- 1.1. The application site comprises a roughly triangular parcel of land located on the northern boundary of Providence Hill (A27) measuring 1.1 hectares (ha). 'Brookfield', which comprises four semi-detached properties that front onto the north side of Providence Hill, lies to the south east of the site. The site is allocated for development under policy BU1 of the Eastleigh Borough Local Plan 2016-2036
- 1.2. The site is undeveloped land. It is currently characterised by overgrown brambles to the westerly corner of the site, with the remainder being generally grassland.
- 1.3. The site is bordered by mature trees along the northern, south-western and part of the eastern boundaries, with those along the north and part of the east boundary being subject to an area Tree Preservation Order. There is a brook that runs adjacent to the northern boundary of the site, and the Windmill Fields Site of Importance for Nature Conservation (SINC) lies to the east. The site also borders the Bursledon Windmill Conservation Area, which extends to the north and incorporates part of the adjacent residential development of Goslings Turning, along with the Grade II* listed Bursledon Windmill and Grade II listed Granary further to the north. Views of Bursledon Windmill can be gained across the application site from Providence Hill.
- 1.4. The topography of the site is notable with the land falling from south to north from Providence Hill down to the level of the brook, beyond which it then begins to rise again through the Goslings Turning development and then beyond towards Bursledon Windmill.
- 1.5. Vehicular and pedestrian access into the site are currently available from two positions on the north side of Providence Hill.
- 1.6. The site is in owned by the applicant and public access is not authorised.
- 1.7. The surrounding area is characterised predominantly by residential development, with the exception of a telephone exchange building adjacent to the eastern site boundary. Along Providence Hill, the nearest residential properties are Nos 1-4 Brookfield, which comprise two pairs of two-storey semi-detached dwellings with their rear gardens bordering the application site. On the southern side of Providence Hill, the properties are generally set back from the road with landscaped frontages, and comprise a mix of detached and semi-detached two-storey houses and some three-storey flats. Further to the east is a higher density residential development at Oakley Vale. To the north of the site, beyond the row of trees and a stream, Goslings Turning is a low density residential development characterised by a mix of detached, semi-detached and terraced two-storey housing in a landscaped setting.

2. Relevant Planning History

- 2.1. The planning application subject of the appeal was submitted on 29 April 2024 seeking approval for a 73-bed C3 residential nursing care home, five age restricted C3 cottages and associated infrastructure. Pre-application was had with the Local Planning Authority prior to the submission of the application.
- 2.2. Amendments made during the course of the application sought to address consultee comments relating to the design and scale of the building, with a reduction in bed spaces and amendments to the design of the building. The resultant description of development at the time of determination reads as follows:

"Construction of Residential Care Community, comprising a 69-bed care home (Use Class C2) and 5 x 2-bedroom close care cottages (Use Class C3 age restricted), with associated access, internal access road, parking, landscaping and infrastructure (amended description) (updated plans and further information received October 2024)."
- 2.3. The application was refused on 29 November 2024 for the following reasons:

1) Residential Amenity

The proposed care home, due to its excessive height and bulk and close proximity to the rear garden boundaries of Nos 1-4 Brookfield, would represent a visually dominant, overbearing and intrusive form of development when viewed from the adjacent rear gardens, resulting in an unacceptable impact on the amenities of the existing residents. The proposal would therefore be contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

2) Parking

The proposed development would have insufficient on-site parking and would result in the loss of existing parking for adjacent residents, which would result in increased pressure for parking on Providence Hill, leading to increased highway safety risks from obstructions caused by unauthorised parking. The proposal would therefore be contrary to Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

3) Impact on health care services

Insufficient information has been provided to demonstrate that a care home of the proposed scale would not place undue pressure on healthcare services in the local area. The proposal is therefore contrary to Policy S10 of the Eastleigh Borough Local Plan (2016-2036).

4) Highway safety

Due to the speed and volume of traffic on Providence Hill, the increased level of vehicles entering and leaving the site from the proposed new access for such a large scale development, would pose increased risk to highway safety on the local highway network, contrary to Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

5) Developer contributions

In the absence of developer's contributions towards public art, community infrastructure, public open space, sustainable transport and a traffic regulation order, the development would not make provision for the infrastructure improvements necessitated by the proposed development. The proposal would therefore be contrary to Policy DM38 of the Eastleigh Borough Local Plan (2016-2036).

6) Impact on protected European sites

In the absence of mitigation, the development would fail to offset its impacts on the European protected sites from nutrient loading and recreational pressure. The proposal would therefore be contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and The Conservation of Habitats and Species Regulations 2017.

- 2.4. Prior to the submission of application F/24/97312, two applications had been submitted and considered by the LPA, the details of which are provided in Table 1.

Table 1: Relevant Planning Applications

Application Reference	Date of Validation	Description of Proposal	Decision	Comments
O/17/80899	22/06/2017	Erection of up to 20no. dwellings with associated parking, creation of new access from Providence Hill substation and attenuation pond (landscaping reserved).	Withdrawn by the applicant	The Local Area Committee of Eastleigh Borough Council resolved that the application be granted subject to conditions.
F/22/93160	29/06/2022	Mixed-use development comprising veterinary surgery and 14no. dwellings with vehicular access off Providence Hill and associated car parking, cycle storage, sustainable drainage system, substation, hard and soft landscaping, acoustic fencing and pedestrian/cycle links to Providence Hill.	Refused	Reasons for refusal: ▪ Inefficient land use considering the housing allocation in Policy BU1 ▪ Poor quality development with adverse visual impact ▪ Veterinary surgery and associated car park would fail to create a sense of place. ▪ Lack of S106

3. List of plans that informed the decision

3.1. The following plans list is agreed as the plans on which the Council made its decision to refuse the application:

- 6185-WLA-ZZ-XX-DR-A-0005 Rev. A – Location and Block Plan
- 6185-WLA-ZZ-XX-DR-A-0010 Rev. K – Proposed Site Plan
- 6185-WLA-ZZ-00-DR-A-00112 Rev. I – Lower Ground Floor Plan
- 6185-WLA-ZZ-00-DR-A-00113 Rev. G – Ground Floor Plan
- 6185-WLA-ZZ-01-DR-A-0114 Rev. G – First Floor Plan
- 6185-WLA-ZZ-02-DR-A-0115 Rev. G – Second Floor Plan
- 6185-WLA-ZZ-XX-DR-A-0220 Rev. F – Elevations East and West

- 6185-WLA-ZZ-XX-DR-A-0221 Rev. F – Elevations North and South
- 6185-WLA-ZZ-XX-DR-A-0222 Rev. E – Courtyard Elevations
- 6185-WLA-ZZ-XX-DR-A-0050 Rev. D – Site Sections Sheet 1
- 6185-WLA-ZZ-XX-DR-A-0051 Rev. C – Sections Through Site Sheet 2
- 6185-WLA-ZZ-XX-DR-A-0052 Rev. C – Sections Through Site Sheet 3
- 6185-WLA-ZZ-XX-DR-A-0017 Rev. A – Proposed Street Scenes
- 197.5004-0002 P04 – Proposed Drainage Strategy Layout
- 197.5004-0011 P01 – Site Entrance: Plan/long section
- 197.5004-0012 P01 – Site Entrance : RPA Carriageway Construction Details
- 2499-TF-XX-00-DR-L-1004 P03 – Landscape – Lower Ground Floor
- 2499-TF-XX-00-DR-L-1005 P03 – Landscape – Ground Floor
- 2499-TF-XX-00-DR-L-1006 P03 – Landscape – First and Second Floor Terraces
- HCC10/C/155 – Carriageway detail for construction within the root protection area of retained trees
- PR124477-03A – Tree Protection Plan
- 6185-WLA-ZZ-XX-DR-A-0420 Rev. A – Elevations Cottages 1-3
- 2499-TFC-00-00-DR-L-5001 – Retaining Wall Elevations
- 6185-WLA-ZZ-XX-DR-A-0060 – Verified View – Existing and Proposed
- 6185-WLA-ZZ-XX-DR-A-0070 – Clay Render – Aerial View from south east
- 6185-WLA-ZZ-XX-DR-A-0071 – Clay Render – Aerial View from east
- 6185-WLA-ZZ-XX-DR-A-0072 – Clay Render – Aerial View from north
- 6185-WLA-ZZ-XX-DR-A-0073 – Clay Render – Aerial View from north west

3.2. The drawings and documents submitted with the planning application (as part of the original submission and as supplemented during the course of the considerations), are those to which any grant of planning permission will relate. The agreed drawings list is attached, as provided within the core documents and includes the plans listed above, as well as supporting reports.

4. List of Documents not previously seen by the LPA

- Healthcare Briefing Mote – Savills Environment and Infrastructure, May 2025
- Care Home Needs Assessment – Healthcare Property Consultants Limited, May 2025

5. Development Plan

5.1. The site lies within the administrative boundary of Eastleigh Borough Council (EBC), where the lead planning policy document is the Eastleigh Borough Local Plan 2016-2036, adopted in April 2022. It sets out the policies and plans to guide future development to 2036 and replaces the 'saved' policies in the Adopted Local Plan 2001-2011.

5.2. The policies listed below are considered the most relevant to the determination of the planning application:

Overarching strategic policies

- Strategic policy S1, Delivering sustainable development
- Strategic policy S2, Approach to new development
- Strategic policy S3, Location of new housing
- Strategic policy S4, Employment provision
- Strategic policy S8, Historic Environment
- Strategic policy S11, Transport infrastructure
- Strategy policy S10, Community facilities
- Strategic policy S12, Strategic footpath, cycleway and bridleway links

General development management policies

- Policy DM1, General criteria for new development
- Policy DM2, Environmentally sustainable development
- Policy DM3, Adaption to Climate Change

- Policy DM6, Sustainable surface water management
- Policy DM8, Pollution
- Policy DM11, Nature conservation
- Policy DM12, Heritage assets
- Policy DM13, General development criteria – transport
- Policy DM14, Parking
- Policy DM23, Residential development in urban areas
- Policy DM24, Creating a mix of housing
- Policy DM25, Delivering older peoples' housing
- Policy DM29, Dwellings with higher access standards
- Policy DM30, Internal space standards for new residential developments
- Policy DM38, Funding Infrastructure
- BU1, Land north of Providence Hill (site allocation)

Supplementary Planning Documents

- 5.3. The following Supplementary Planning Documents are considered relevant to the considerations of the application:

- Quality Places (November 2011)
- Accommodation for Older People and Those in Need of Care (May 2011)
- Residential Parking Standards (January 2009)
- Environmentally Sustainable Development (March 2009)
- Biodiversity (December 2009)
- Planning Obligations (July 2008, updated 2010)
- Bursledon, Hamble and Hound Character Area Appraisal (Area 15)
- Hampshire Minerals and Waste Safeguarding in Hampshire SPD (February 2016)

- 5.4. Policy DM 1 supporting paragraph 5.6 states that all applications should be accompanied by a Planning Statement which explains the basis of the design of the scheme in accordance with Local Plan policies, supplementary planning guidance and the NPPF. Relevant to the consideration of this application is supplementary planning document Quality Places SPD (November 2011) which provides detailed information on the principles of design to be applied by applicants in a submission and considered by officers when determining a planning application.

National Planning Policy and Other Guidance

- 5.5. The following paragraphs of the NPPF are considered relevant to the determination of this appeal:

Paragraph 8 – The three dimensions of sustainable development
 Paragraph 11 – Presumption in favour of sustainable development
 Paragraph 39 – The approach to decision making
 Paragraph 56 – The use of planning conditions
 Paragraph 58 – Planning obligation tests
 Paragraph 61 – Delivering a sufficient supply of homes
 Paragraph 63 – Establishing the appropriate need, size, and tenure of housing required
 Paragraph 78, 79 and 80 – Housing land supply trajectory and delivery
 Paragraph 115 - considering development proposals
 Paragraph 116 – Highways considerations
 Paragraph 118 – Provision of a travel plan
 Paragraph 129 – Making efficient use of land
 Paragraph 135 – Design
 Paragraph 139 – consideration of local design guidance and supplementary documents
 Paragraph 210 – consideration of heritage assets

6. Matters of Agreement Between Parties

- 6.1. This section sets out the matters that are agreed between the parties with regards to the full planning application.

Principle of Development

- 6.2. The appeal site is allocated for development under policy BU1 of the EBC Local Plan, with the proposal providing a form of residential development which will contribute to meeting the borough's need for older persons housing. This is supported by Policy DM25, which seeks to increase the supply of specialist accommodation for older persons, identified in the borough-wide 'Democracy Background Paper' and 'Assessment of Affordable Housing and Other Housing Types'. Both parties agree that the principle of the development of a care home and C3 close care cottages on the site is acceptable.

Layout and Appearance

- 6.3. The layout and design has successfully considered the physical, environmental and historical site constraints to achieve a layout and design that is appropriate within the context of the site. The appearance of the building is acceptable and appropriately considers design cues from the surrounding area, including the view cone which was a significant consideration in the final layout and design. Both parties agree that the layout and appearance of the building is acceptable.

Landscape and trees

- 6.4. The Council has no objection to the Appeal Proposal with regards to matters relating to landscape, including landscape design and the protection of trees.

Ecology and Environmental Impacts

- 6.5. The Council has no objection to the Appeal Proposal with regard to matters relating to ecology and biodiversity net gain.
- 6.6. Appropriate measures to off-site Nutrient Neutrality and the requirement to secure Solent Recreation Mitigation payments can be addressed and secured via a S106 Obligation prior to the issue of a planning consent.

Heritage

- 6.7. The design gives careful consideration to the siting of the building, use of materials and landscaping to preserve and enhance the protected view of Bursledon Windmill (referred to in documents as the protected view cone).

Drainage and Flood Risk

- 6.8. Matters relating to drainage and flood risk have been met, with comments issued by the LLFA following the refusal notice having been addressed.

Pollution Impacts – noise, air quality and contaminated land

- 6.9. Satisfactory information accompanies the application to address matters relating to noise, air quality and contaminated land and where necessary, an appropriate condition will be applied to ensure all matters are considered in full.

Conditions

- 6.10. The parties agree the list of planning conditions set out in Appendix 1 are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects in the event the Appeal is allowed.

Planning Obligations

- 6.11. A draft Heads of Terms has been agreed by both parties with a S106 to be progressed as part of the appeal process. The parties agree that no further planning obligations are necessary in the event the Appeal is allowed.

7. Matters of Disagreement Between Parties

- 7.1. Issues that remain in dispute between the Appellant and the Council relate to the main issues set out within the Reasons for Refusal as follows:

- Issue 1 Impact on Residential Amenity
- Issue 2 Parking
- Issue 3 Impact on Health Care Services
- Issue 4 Highway Safety

8. Conclusion

- 8.1. The Statement provides an accurate summary of the agreed matters between the Appellant and the LPA in respect of the Appeal. Matters relating to the areas of disagreement will be addressed within the respective Proofs of Evidence.

Signed on behalf of Appellant	Signed on behalf of Local Planning Authority
Date:	Date:
Position:	Position:
Signature:	Signature: