

STATEMENT OF COMMON GROUND

APPEAL REFERENCE: APP/W1715/W/25/3366480

DATE OF HEARING: 3 September 2025

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. Development Plan (including relevant policies)
5. National Planning Policy
6. Matters of agreement between parties
7. Matters of disagreement between parties
8. Conclusion

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). The site is allocated for residential 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 owned by the applicant and public access is not authorised, although there is an area of hardstanding on the east side of the site which is currently used for parking by the residents of 1-3 Brookfield (at the informal agreement of the applicant).
- 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. Details of the planning application

- 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 resolved to be refused at the Bursledon, Hamble and Hound (BHH) Local Area Committee on 21 November 2024 and a decision was issued on 29 November 2024. The reasons for refusal were as follows:

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. Following refusal of the appeal application, a revised scheme was submitted to the Local Planning Authority (following pre-application), on 31 March 2025 (application ref. F/25/99169). This application was for a 68-bed care home and 3 close care cottages, and a resolution to grant planning permission was given at the Bursledon, Hamble and Hound Local Area committee on 19 June 2025. The resolution was subject to completion of a S106 Agreement, which is in progress.

- 2.5. 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 use of land due to excessive land take of the veterinary surgery and shortfall in housing provision; ▪ Poor quality layout and design and adverse visual impacts; ▪ Visual impact of veterinary surgery and failure to create a sense of place; ▪ Inadequate sustainable drainage system; ▪ Impact on trees and water quality of adjacent stream; ▪ Lack of developers contributions towards infrastructure; ▪ Lack of mitigation of the impacts on European protected sites.

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-0112 Rev. I – Lower Ground Floor Plan
- 6185-WLA-ZZ-00-DR-A-0113 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
- PRI24477-03A – Tree Protection Plan
- 6185-WLA-ZZ-XX-DR-A-0420 Rev. A – Elevations Cottages 1-3
- 6185-WLA-ZZ-XX-DR-A-0410 Rev. B – Floor Plans Cottages 1-3
- 6185-WLA-ZZ-XX-DR-A-0320 Rev. A – Elevations Cottages 4-5
- 6185-WLA-ZZ-XX-DR-A-0310 Rev. B – Floor Plans Cottages 4-5
- 2499-TFC-00-00-DR-L-5001 P04 – 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 following landscape plans were also submitted but were not final versions (refer to suggested condition 11 in Appendix 2):

- 2499-TF-XX-00-DR-L-1002 P07 – Landscape General Arrangement 1 of 2
- 2499-TF-XX-00-DR-L-1003 P11 – Landscape General Arrangement 2 of 2
- 2499-TF-00-00-DR-L-1001 P11 – Landscape Strategy

3.3. 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 Appendix 1, and includes the plans listed above, as well as supporting reports.

4. Development Plan

4.1. The site lies within the administrative boundary of Eastleigh Borough Council (EBC), where the development plan comprises the Eastleigh Borough Local Plan 2016-2036, adopted in April 2022, and the Hampshire Minerals and Waste Plan (2013)

4.2. The policies listed below are considered the most relevant to the determination of the appeal:

Policies referenced in the contested reasons for refusal:

- Policy DM1, General criteria for new development
- Policy DM13, General development criteria – transport
- Policy DM 11, Nature Conservation
- Policy DM38, Funding infrastructure

Relevant 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

Other relevant general development management policies

- Policy DM2, Environmentally sustainable development
- Policy DM3, Adaption to Climate Change
- Policy DM6, Sustainable surface water management
- Policy DM8, Pollution
- Policy DM12, Heritage assets
- 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
- BU1, Land north of Providence Hill (site allocation)

Supplementary Planning Documents

- 4.3. The following Supplementary Planning Documents are considered the most relevant to the considerations of the appeal:

- Quality Places (November 2011)
- Accommodation for Older People and Those in Need of Care (May 2011)
- Residential Parking Standards (January 2009)
- Planning Obligations (July 2008, updated 2010)

- 4.4. 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 appeal 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.

5. National Planning Policy and Other Guidance

- 5.1. 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
 Paragraphs 131 and 135 – Design
 Paragraph 137 – Design quality and community engagement
 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.

Reasons for refusal

- 6.2. It is agreed that the LPA will no longer be pursuing reasons for refusal 3 and 4, for the reasons set out in the LPA's Statement of Case. The appeal will therefore focus on the matters raised within reasons for refusal 1, 2, 5 and 6.

Principle of Development

- 6.3. 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, as supported by Policy DM25. Both parties agree that the principle of the development of a care home and C3 close care cottages on the site is acceptable, with the need for a care home required in the borough as supported by documents submitted by the appellant in relation to the subsequent application F/25/99169.

Layout and Appearance

- 6.4. The layout and design has been informed by physical, environmental and historical site constraints. It is agreed that the elevational design of the building is acceptable and appropriately considers design cues from the surrounding area.

Landscape and trees

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

Ecology and Environmental Impacts

- 6.6. The Council has no objection to the Appeal Proposal with regard to matters relating to ecology and biodiversity net gain.
- 6.7. Appropriate measures to secure Nutrient Neutrality and to address recreational impacts on the Solent and New Forest protected sites can be addressed and secured via a S106 Obligation. In relation to mitigation of the recreational impacts on the New Forest and monitoring, the Council has developed an interim strategy (dated December 2022) based on providing SANG in the Borough and contributing to measures within the New Forest National Park. The strategy requires a charge of £2,200 per dwelling (in this instance for the care cottages only) which is to be secured via a S106 obligation. A further payment of £696 per dwelling (care cottages) will be secured through the S106 as a contribution towards mitigation associated with the Solent and Southampton Water Special Protection Area as required by the Bird Aware Solent Strategy.

Heritage

- 6.8. It is agreed that the development would preserve and enhance the protected view of Bursledon Windmill (referred to in documents as the protected view cone).

Drainage and Flood Risk

- 6.9. It is agreed that matters relating to drainage and flood risk can be satisfactorily addressed.
- 6.10. It is noted that the Lead Local Flood Authority (LLFA) raised further comments following the issue of the planning decision. It is agreed that the additional points raised could be

addressed through a suitably worded condition to secure the required revision to the drainage strategy.

Pollution Impacts – noise, air quality and contaminated land

- 6.11. It is agreed that satisfactory information accompanied the application to address matters relating to noise, air quality and contaminated land and where necessary, an appropriate condition could be applied to ensure all matters are considered in full.

Conditions

- 6.12. The parties agree the list of planning conditions set out in Appendix 2 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

- 6.13. A draft Heads of Terms is set out in Appendix 3 and 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.
- 6.14. It is agreed that if a S106 Agreement is secured, this would address reasons for refusal 5 and 6. Should a S106 Agreement not be secured, then matters relating to a lack of developers contributions and absence of mitigation to offset impacts on European protected sites would remain in dispute.

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 – whether the proposed care home would represent a visually dominant, overbearing and intrusive form of development when viewed from the rear gardens of Nos. 1-4 Brookfield, to the detriment of the amenity of those residents.
 - Issue 2: Parking – whether the lack of on-site parking and the displacement of existing residents parking would result in increased pressure for parking on Providence Hill and increased risk of obstructive parking, to the detriment of 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, and those matters that remain in disagreement to be discussed at the hearing.

Signed on behalf of Appellant	Signed on behalf of Local Planning Authority
Date: 18.07.2025	Date: 18.07.2025
Position: Bryony Stala, Director MRTPI, Savills Planning (on behalf of Colten Care)	Position: Nicholas Parker, Planning Manager
	
S	Signature: