
APPLICATION NO.	21/03748/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	07.01.2022
APPLICANT	LifeCare Developments Limited
SITE	Grove Place, Upton Lane, Nursling, NURSLING AND ROWNHAMS
PROPOSAL	Erection of specialist nursing and dementia care home and close care apartments
AMENDMENTS	Drawings / responses to officer comments – Feb/March 2022 Ecological assessment – May 2022 Drainage / Ecology Appraisal – May / June 2022
CASE OFFICER	Sarah Barter

Background paper ([Local Government Act 1972 \(Section 100D\)](#))
[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee as the proposal represents a departure from the development plan and objections have been received from third parties.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site lies within the grounds of Grove Place, which is a Grade I listed building, an Elizabethan Manor House, set in an estate of approximately 11 hectares in size. The Manor House building was formerly in use as a school and is now in use as part of a retirement village complex, with two-storey buildings providing residential accommodation having been constructed in the grounds to the east of the listed building.

2.2 The application site lies to the south-east of Grove Place itself, and is a recently cleared area between the residential accommodation to the north and Upton Lane to the south. The M271 lies to the east of the site, in an elevated position, with Upton Lane passing underneath the motorway adjacent to the south-east corner of the site. The site is bordered to the west by pasture. Parts of the wider site and part of the woodland to the south of the site lie within Tree Preservation Order, TPO 146, designated in 1962. The site has a change in levels of approximately 7.30m across the site, with the highest point in the northeast corner, and a gradual drop towards the southwest.

3.0 PROPOSAL

3.1 Erection of specialist nursing and dementia care home and close care apartments.

3.2 This proposal seeks to alter the existing and commenced planning permission 17/02954/FULLS which was granted in early 2018 (see para 4.3 below). The approval was for a 30 bed care home but also 10 assisted living units (Nine 2-beds and One 3-bed) with accompanying service and communal areas. That permission, granted in 2018, was itself a revision of an approved planning application from 2014 which was for a 54 bed care home (see para 4.6 below) and later altered to a 52 bed care home by a variation application in 2016 (see para 4.4 below) that made various other changes.

3.3 This new application would continue to provide the 30 specialist nursing and dementia care home bedrooms but will now have 20 close care apartments (Eighteen 1 bed and Two 2-bed) all within the C2 Use Class. The nature of the apartments has changed to be less like the accommodation in the existing site and will instead cater to those with higher levels of care dependency. It will be an intermediary step between enabled independent living for older people in need of care and a residential care home.

4.0 **HISTORY**

4.1 20/02575/VARS - Vary condition 11 of 18/02774/VARS (Vary conditions 2 and 8 of 17/02954/FULLS (Erection of a specialist nursing and dementia care home and assisted living apartments in the C2 Use Class (Revision of planning application ref 14/01899/FULLS)) to amend and phase previously approved details relating to the parking and manoeuvring on site of contractors and delivery vehicles during the construction period – Permission subject to conditions - 23.12.2020.

4.2 18/02774/VARS - Vary conditions 2 and 8 of 17/02954/FULLS (Erection of a specialist nursing and dementia care home and assisted living apartments in the C2 Use Class (Revision of planning application ref 14/01899/FULLS)) To switch the approved drawing no. AJA.2314-03 with drawing no. 9861-KC-XX-YTREE-PP01Rev0 ('Planting Plan') - Permission subject to conditions – 04.12.2018.

4.3 17/02954/FULLS - Erection of a specialist nursing and dementia care home and assisted living apartments in the C2 Use Class (Revision of planning application ref 14/01899/FULLS) – Permission subject to conditions – 20.02.2018.

4.4 16/00970/VARS. Vary condition 1 of 14/01899/NMA1 (Add condition listing approved drawing numbers - Amendment to planning permission numbered 14/01899/FULLS (Erection of 2 storey 54 bed care home to provide specialist nursing and dementia care facilities with ancillary cycle store, servicing, amenity space and landscaping, including woodland management and tree planting, provision of 28 car parking spaces plus relocation of 4 existing car parking spaces; construction of access drive from Upton Lane) to substitute the approved drawings to show a revised internal layout and reduction to 52 no. bedrooms, elevational alterations and amended footprint. - Permission subject to S.106, conditions and notes - 19.07.2016.

4.5 14/01899/NMA1 - Add condition listing approved drawing numbers - Amendment to planning permission numbered 14/01899/FULLS. Approved - April 2016.

4.6 14/01899/FULLS - Erection of 2 storey 54 bed care home to provide specialist nursing and dementia care facilities with ancillary cycle store, servicing, amenity space and landscaping, including woodland management and tree planting, provision of 28 car parking spaces plus relocation of 4 existing car parking spaces; construction of access drive from Upton Lane. Permitted - Aug 2015.

5.0 **CONSULTATIONS**

5.1 Policy – Comment

The scheme does not accord with any of the policies listed within criterion a). Criterion b) relates to whether it is demonstrated that it is essential for the proposal to be located in the countryside. It is considered that the proposal does not satisfy the requirement of this criterion; therefore the proposal would not accord with this policy. Consideration therefore needs to be given as to whether there are material considerations that would justify departure from the Development Plan. The planning history and the extant permission would be a material consideration relevant to the determination of the application.

5.2 Trees – No Objection subject to conditions

5.3 Landscape – Comments with suggested conditions

5.4 Housing – No Objection

5.5 Highways – No Objection

5.6 Ecology – Comment with suggested condition

5.7 Environment Agency – No Objection

5.8 HCC Flood Water Management – Final comments awaited

5.9 Archaeology – No Comment

5.10 Conservation – Comment

In most views from the immediate surrounds of the mansion it should either be largely screened behind the modern buildings or seen in oblique views in the context of those buildings. As is noted in the Historic England response to the 2014 application, the site should be predominantly screened from views from the main entrance drive and the mansion forecourt by the established tree belt. This is still shown to be retained in the submitted drawing.

5.11 Environmental Protection – Comments and suggested conditions

5.12 Natural England – Final comments awaited now nitrate budgeting is complete.

6.0 **REPRESENTATIONS** Expired 03.08.2022

6.1 Nursling and Rownhams Parish Council – Objection (Feb 2022)

- Traffic movements
- Impact on Heritage Asset
- Ecology
- Parking
- Lack of Detailed Drainage Strategy
- Overdevelopment
- Impact on trees
- Impact on rural character of Upton Lane
- Swift Boxes

6.2 Further comments received on the 4th May 2022

- It is still not clear if there is sufficient parking on site for all of the new staff working at the nursing home. There are no details provided of the existing use of parking other than a number of photographs. This is clearly an issue for local residents. It is not clear if the plans show that there is adequate turning space for a large family car. No information on constriction traffic. No traffic management information.

6.3 28 x letters / emails – Objection

- Overdevelopment
- Character of the area
- Security and general rural ambiance would be at risk
- Highway safety
- Additional traffic generation on site
- Parking spaces
- Sewage concerns
- Noise and pollution
- Disturbing wildlife
- Agree with the erection of the nursing home but not the change in vehicle movement
- Further pressure on Grade 1 listed Manor House
- Swift bird boxes required

6.4 1 x letter / email – Support

- Will provide much needed dementia care on site close to friends and family
- This development has been promised for almost ten years
- Trust that plans will be approved so that work can start in the near future

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement Hierarchy

E1 – High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 – Biodiversity

E7 – Water Management

E8 - Pollution

E9 – Heritage

COM7 – Affordable Housing

COM15 - Infrastructure

LHW1 – Public Open Space

T1 – Managing Movement

T2 – Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Affordable housing
- Design, layout, and landscape character and strategy
- Heritage Assets
- Trees
- Amenity
- Pollution
- Highway safety and parking provision
- Water management
- Ecology
- Nitrate Neutrality
- Archaeology
- The planning Balance
- Other matters

8.2 **Principle of development**

The application seeks full planning permission for a complex comprising a specialist nursing and dementia care home with a range of ‘close care’ apartments to supplement the existing elderly care and support community at Grove Place, which currently provides approximately 115 units and accommodation for approximately 145 residents. The current application follows previous permissions for additional care home accommodation, at a very similar position within the site. There is an extant permission for a substantial care home development (17/02954/FULLS) at this location. This has been varied by subsequent consents (including more recent consents in 2018 and 2020, see para 4.0 onwards above) and has been partially implemented (with the construction of the access drive).

- 8.3 Adopted Local Plan Policy COM2 (and Map 5)
The application site lies outside the defined settlement boundary as defined by COM2 and associated Inset Map 5. It therefore falls within the countryside. On this basis the proposal should be considered against criteria a) and b) of this policy. The scheme does not accord with any of the policies listed within criterion a). Criterion b) relates to whether it is demonstrated that it is essential for the proposal to be located in the countryside. It is considered that the proposal does not satisfy the requirement of this criterion; therefore the proposal would not accord with this policy.
- 8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 2, amongst others, of the NPPF, which is itself a material consideration in the assessment of planning applications. In light of the above, it is necessary to consider whether there are any other material considerations that would justify an exception being made to Policy COM2 in this instance.
- 8.5 COM1 and Test Valley Strategic Housing Market Assessment (SHMA)
Policy COM1 of the TVBRLP sets the minimum housing requirement of 10,584 homes for the Borough between 2011 and 2029. Supporting text contained in Paragraph 5.31 under Policy COM1: Housing Provision 2011- 2029 states that: *The new homes built over the plan period should provide a mix of sizes and types to meet the demographic changes of the Borough and the results of the Strategic Housing Market Assessment. The SHMA identified a need for a variety of house types. It also identified a number of household groups which may have particular housing needs. This includes: older people...*
- 8.6 Local Plan Paragraph 5.33 provides another reference to housing for older people,
"In common with the rest of the country Test Valley has an increasingly ageing population. To help support older people there will be an increased demand in sheltered, extra care housing and housing specifically designed to meet the needs of older people. The Council will consider proposals positively if they help meet the Council's Housing Strategy aims"
- 8.7 An updated SHMA was finalised in January 2022. This confirms that the need for specialist care provisions to meet the ageing population of the Borough will continue to increase into the future.
- 8.8 Need
The need for specialist accommodation for older people is acute and demonstrable at a local and national level. References to housing for older people in the TVBRLP is borne out of the analysis contained in the 2014 SHMA (the 2022 SHMA continues to highlight this need) and is made within supporting text only. The Local Plan contains no specific policies relating to the need, quantity, type, or location for specialist C2 accommodation for older people, but nevertheless acknowledges the need to provide specialist accommodation. The Council's 2022 SHMA identifies that the Borough has a slightly older age structure than seen regionally or nationally, with 22% of the

population estimated to be aged 65 and over in 2020 (compared to a national average of 19%). The 2022 SHMA also sets out the relatively high level of population growth can also be seen in ONS projections (which are trend based), with the 2018-based version showing higher projected changes in Test Valley than other areas (including the County and region). Population growth is projected to be concentrated in older age groups (those aged 65 and over) – this age group accounting for 87% of all projected population change (2020-40).

8.9 The 2022 SHMA particularly highlights the large increases in the number of older people with dementia (increasing by 72% from 2020 to 2040) and mobility problems (59% increase over the same period). The provision of the proposed nursing and dementia care facility would be in accordance with the aims of the NPPF, Local Plan and SHMA, in terms of providing residential accommodation that would meet a demonstrable need for older people and those in need of specialist care. This is a material consideration which weighs significantly in favour of the proposals, when set against Policy COM2, in this instance.

8.10 Planning History and Extant Permission

The planning history and the extant permission is a material consideration relevant to the determination of the application. The Council has previously permitted a 2 storey 54 bed care home (14/01899/FULLS) and a 52 bed care homes) 16/00970/VARS). A further application for a 40 bedroom assisted care / care home was permitted in /2018 (17/02954/FULLS) which has been implemented with the access route from Upton Lane provided. This history and implementation also weighs significantly in favour of the proposal.

8.11 Benefits of the proposals

Benefits which must be taken into account in the determination of the application include:

- Location of the site – the site is in close proximity to the existing Grove Place care village
- Benefits to the housing market – People moving into a care facilities may release larger family homes back into the community.
- Creation of a social 'hub' – the proposals would add to the 'hub' at Grove Place which fulfils an increasing need for older people living at the site, in addition to those living within the care village.
- Impacts on the wider community – Wider community benefits include faster discharges from hospital and benefits to families in relieving them of the pressure to care.
- Social Inclusion – It is widely recognised that older age groups with reduced mobility increasingly suffer from social exclusion. Care villages can offer opportunities for both companionship and social interaction which can occur both formally within organised clubs or activities and informally within communal areas. This can have consequential benefits to health, well-being, and quality of life.

These benefits must weigh in favour of the proposed development.

8.12 **Affordable Housing**

Consideration must be given to the requirement for and delivery of affordable housing provision associated with the proposed development. Policy COM7 of the RLP relates to the provision of affordable housing and states that on sites with a net gain of 15 units or more, the Council will seek 40% affordable housing provision. However, based on the C2 use of the proposed development, there would be no affordable housing requirement in this instance and the Housing Officer has raised no objection to the proposals on these grounds.

8.13 **Design, layout, and landscape character**

Existing site context

The application site is situated within the wider site of Grove Place Retirement Village which comprises more than 11 hectares. The application site is around 1.3 hectares in size including the current access into the main site and approach road to the development. The application site slopes down towards Upton Lane and is largely bounded to the east, south and west by TPO trees. The boundary with the M271 is to the east. Grove Place itself is Grade 1 Listed located to the north west of the application site over 100m away.

8.14 Changes seen in the current proposal compared with the previous permission 17/02954/FULLS

- The overall width of the building is the same as the approved, however the position has shifted 4m to the west.
- The overall depth of the plan has increased by 2.4m in length, with the front (north facade) remaining in line with the approval.
- The ground floor level has been raised 600mm above the approved level.
- The overall building height including the raised ground level and increases to the first and second floor level result in an overall height increase of approx. 2.4m from the approved scheme noting that this is the highest point of increase of the ridges on the sloping roof areas.
- Road access from Upton Lane remains very similar to that consented and car parking numbers are the same but laid out differently, but in the same general area to the south of the proposed building.
- A newly proposed maintenance workshop/stores building and substation/refuse store/staff welfare building, are located close together in the north east corner of the site.
- The materials palette for the main building is the same as 2017; red brick with traditional red tile. The maintenance building and refuse store/staff welfare building would be traditional clay tile and timber boarding.
- The external spaces in the proposed scheme now include a dementia garden to the east of the main building; this was previously incorporated in the courtyard. Other external garden spaces are similar to the 2017 scheme with the intention of creating a domestic scale landscape of rural character.
- The main woodland belts remain, with the exception of a minor area of further tree loss just to the south east of the proposed building. These

belts are all proposed to be rejuvenated and reinforced, as before, with an appropriate mix of native species.

- The proposed boundary treatments are as per the 2017 application, but with the addition of a 2.4 m high timber acoustic fence on the eastern and south eastern site boundary.

8.15 Landscape character

The submission includes an updated Landscape Visual Impact Assessment (LVIA) has focussed solely on the anticipated degree of change between the two schemes with reference back to the 2014 LVIA for the originally approved scheme. This does not identify significant visual effects from the proposed development compared with the consented 2017 scheme. Furthermore no change in the visual setting of the heritage assets at Grove Place would be created due to the approved main woodland belts on the site which would be retained and reinforced in a similar way to that set out in the 2017 consented application, ensuring the enclosure of the new building.

- 8.16 Residents in Paget House would continue to experience a similar level of visual effect as that anticipated in the 2017 consented scheme. The new building would still be well set back from this neighbouring building, and although higher, the intervening specimen trees south of the yew hedge would break up the view of the new building. A number of individual trees to be planted in front of the new building will further filter views. Views given from the public realm at Upton Lane would be minimal due to the existing retained boundary treatment and the winding nature of the access point. With views only visible when stood directly in front of the access point. It is considered that subject to appropriate conditions securing detailed landscape information and external lighting detail the proposed development would be acceptable in landscape and visual terms, complying with the policies E1 and E2.

8.17 Design and Layout

The shape of the building changes but the position is very similar. Whilst there is a minimal change in the height of the building, there will be an increase in the built footprint of around 22%. This will be achieved by projecting the building closer to Upton Lane to the south. The building does not extend as far east as the previously approved development and no parking is proposed on that eastern side of the site. The building would project no further to the north and minimally to the west. The proposed shape of the building means that there will be a south-facing courtyard. The building will be accessed from the north and the south to allow for the efficient operation of the building. Staff and service engineers will mainly access the building from the north from the existing estate.

- 8.18 It is proposed to use red brick referencing the colour seen on Grove Place, plain tiles and standing seamed metal roof finishes where appropriate. Also proposed are projecting balconies and powder coated metal framed doors and windows. All of which are considered to be high quality and well related to the existing buildings in the wider site. The design and materials, are considered to be of a high quality in terms of design and local distinctiveness and in accord with TVBRLP policy E1.

8.19 In summary, the proposal is considered well sited in relation to existing buildings of the wider site, from where it would be glimpsed through trees and other planting. From Upton Lane, it would comprise a large building glimpsed through woodland, but seen in the context of other large institutional buildings. The scale of the building will sit comfortably against the retained and proposed tree planting and will not result in any detrimental impact to the setting of the listed building (Heritage impacts discussed further below). It is considered that the development can, subject to appropriate conditions, be successfully assimilated into the wider site in accordance with policies E1 and E2 of the Revised Borough Local Plan 2016.

8.20 **Heritage Impacts**

The site incorporates the Grade I listed Elizabethan Manor House known as Grove Place (list entry number 1339157) which for more than 40 years was used as a school before being developed as a community for older people as described above. The manor sits to the west, around 150 metres from the application building. Within the grounds there are four other listed assets including two individual walls, a fountain and the entrance gates to the main building. The site is not in a Conservation Area.

8.21 Since the 2017 application the physical change is an increase in height by 2.4 metres. The building has also moved 4 metres to the west slightly closer to the main listed building and the depth of the building has increased by 2.4 metres coming closer to the Upton Lane to the south. There is a slight increase in footprint and accommodation is placed on the second floor at the northern end which was not the case in the past.

8.22 Another change relevant to heritage is that small dormer windows have been added on the west and north elevations (these are also on the east elevation and inner courtyard). Four of these are proposed on the west elevation and four on the north. They provide natural light to corridors and storage areas only. The design has also changed with a simpler and cleaner external appearance, more in keeping with Paget House and the other more recent buildings to the north. In terms of detailing one particular feature of note is the addition of a chimney to the central gable facing north.

8.23 In most views from around the manor it should either be largely screened behind the modern buildings or seen in oblique views in the context of those buildings. As is noted in the Historic England response to the 2014 application, the site should be predominantly screened from views from the main entrance drive and the mansion forecourt by the established tree belt. This is still shown to be retained in the submitted drawing. The new building has moved slightly closer to the tree belt, and would have balconies on the elevation facing it. The Conservation Officer has highlighted that the new scheme would be more visible from this direction which is not ideal. The applicant has confirmed that the combination of existing mature trees and shrub vegetation and modern residential accommodation screen almost all views of the site from principal rooms in the Mansion. In this context, the magnitude of visual change brought about by the slight increase in height of the proposed nursing home over the 2017 consent would be negligible.

8.24 The development is considered to comply with policy E9 and the NPPF as the proposal will have a neutral impact on the significance of the heritage assets.

8.25 Trees

The application includes an Arboricultural Method Statement dated February 2022 and associated tree protection plan (1741-KC-XX-YTREE-TPP01RevA). This document provides a reasonable interpretation of the relevant tree issues on this site. There would be some tree loss around the inside edges of the site, but these are low quality trees with limited life expectancy and amenity value. Their losses can be mitigated as part of the landscaping proposals. The Tree Officer is satisfied that adequate provision has been made for the protection of the remaining retained trees on this development proposal and this is the subject of a planning condition.

8.26 The tree information has been updated to include details for minimising harm from installation works of the acoustic fence which is acceptable. It is noted that some small trees may be required to be removed. Replacements would need to be secured within the Landscape requirements condition. This detail has been added to condition 5 within the recommendation. Subject to this condition and a further condition to ensure development is carried out in accordance with the method statement and protection detail provided it is considered that the development accords with TVBRLP policy E2 requirement to enhance, manage and maintain landscape character.

8.27 Amenity

Amenity impacts are addressed within TVBRLP policy LHW4: Amenity. This requires development to provide adequate privacy, open space, light and sun light to the future occupants and existing neighbouring properties.

8.28 Paget House

The closest block of residential accommodation to the application site is Paget House which forms part of the Grove Place Care Home. Paget Home would be located between 40 and 50m from the closest part of the application site to the south. Due to this separation distance it is not considered that the proposed development of the main care home building or proposed outbuildings would create any significant adverse impacts in terms of overlooking, loss of light or overshadowing.

8.29 Future Occupiers

Some mutual overlooking and overshadowing would occur between units but it is considered that due to the nature of the development these impacts would not result in significant adverse harm with regards to overlooking, overshadowing and loss of daylight in the creation of this village community. In accordance with policy LHW1 of the Revised Borough Local Plan 2016.

8.30 Pollution

Noise from surrounding area (M271 / M27) at the proposed care building

The application is accompanied by 24 Acoustics report R8988-1 Rev 1. The report recommends that habitable rooms are protected from excessive transport noise using glazing with enhanced sound insulation performance with

different specifications set for two zones according to the expected noise levels. So that such windows can remain closed most of the time, to provide acoustic comfort alternative ventilation is also proposed in the form of passive trickle vents, again specified differently for the two different zones. Overall, the form of protection proposed is similar to that proposed and accepted by the Council in 2017. The Councils EHO considers the information satisfactory and recommends conditions ensuring adequate windows and ventilators are provided.

- 8.31 Noise from the surrounding area (M271 / M27) at the external amenity space
External amenity space is to be provided in the form of communal gardens to the east of the building and to the north of the central courtyard area. The submission advises that noise levels in these locations would be around 55-56dBA during the daytime. The general aim in this location should be to achieve noise levels less than 55dBA, unless this is not practicable and overall, the development is desirable. The report advises that these are the lowest levels that can be achieved on the site. Paragraph 2.3 makes reference to a 2.5 metre high acoustic barrier on the Eastern boundary of the site and a 1.8 metre high barrier around the garden area to the East of the building. The approximate effect of the barrier can be seen in the noise model outputs for ground level in Appendix C of the submitted report.
- 8.32 This approach is somewhat different from that in 2017 where the external amenity space considerations were confined to the central courtyard. The position in respect of this courtyard area is not much different from 2017. It seems apparent that amenity value is now also expected from the eastern landscape area in. The EHO comments that the acoustic barrier is a reasonable approach for protecting this area. It is recommended to secure a condition for the details of the barrier is proposed.
- 8.33 Cooking Odours
The ground floor plan shows provision for a large kitchen area in the North-East part of the building. The commercial kitchen is provided for preparation of food to be served in the restaurant for the residents of the building. This will be fitted with an air extraction unit. The main extract plant equipment will be located in the external plant well at roof level on the east side of the building as shown on the 2nd floor plan. This plant area is concealed by the surrounding pitched roof areas and therefore not seen above the ridge line. While the equipment is yet to be designed by specialists, based on previous experience the maximum height of any plant will be around 2.2m and therefore not visible from outside the building. As noted on the 2nd floor plan, the plant area and mechanical equipment will be designed with noise attenuation detailing to avoid noise disturbance to residents from airborne or vibration.
- 8.34 External Light
External lighting can give rise to excessive illumination impacting upon amenity and glare as well as having other environmental consequences. A condition forms part of the recommendation that any consent is conditional upon approval of the external lighting scheme.

8.35 Construction Phase

The EHO recommends that the development phase impacts be managed through conditions limiting the time of such work and ensuring appropriate consideration has been given to managing the impact of such work. These form part of the recommendation.

8.36 Contamination

There is potential for some contamination to be present on site. It is considered appropriate to apply a condition for contamination investigation to the recommendation.

8.37 Pollution conclusion

Subject to appropriate conditions securing appropriate information and mitigation it is considered that the development can be provided in accordance with the policy E8 which concerns pollution.

8.38 **Highway safety and parking provision**

Highway safety

A standing objection was initially raised by HCC Highways with regards to issues with PIA data, vehicle tracking, assessment of existing use/access against the proposal, assessment of pedestrian usage, impact of delivery and servicing and volume of likely trips associated with delivery and servicing. Subsequently, the applicant has submitted additional information in the form of a response to the Highway Authority's comments, amended site plan, details of gate access and photographs. Following review of the submitted information, the clarification in regard to delivery and servicing is welcomed along with clarification of proposed and existing usage. This overcomes the initial concerns. Additional/revised vehicle tracking has been provided for a vehicle in excess of the highway authorities requirements. Following review, this is considered to be acceptable. Updated PIA data has been obtained from Hampshire Constabulary. Following review, the Highway Authority is satisfied that there are no existing recorded accident trends that this proposal would likely exacerbate. In line with the above, the Highway Authority is satisfied to offer no objections to the proposal and is content that the development would not result in any material detrimental impact upon the safety and efficiency of the public highway network. Subject to appropriate conditions it is considered that the development can be provided in accordance with policy T1.

8.39 Traffic use on road adjacent Paget House

A number of comments have been received concerned by additional traffic movements on the existing access route to the north of the application site adjacent to Paget House. The proposed development will have very similar traffic characteristics to the scheme which was approved in 2018, and therefore the very minor increases in vehicle movements will be imperceptible to what would have been experienced were the 2018 scheme constructed (18/02774/VARS).

8.40 The applicant has confirmed that in terms of the distribution of vehicles across the site, the same principles adopted for the 2018 consent will apply. The majority of vehicles associated with the nursing home will use the new access on Upton Lane, whilst the majority of vehicles associated with the close care apartments will use the existing Grove Place access. It is likely that vehicles using the existing access through Grove Place would amount to approx. 13 additional two way vehicles across the course of a day This equates to one extra vehicle entering and exiting the site every two hours during typical operation (e.g. 07:00-19:00). It is considered the effects of these will be imperceptible, and it is also important to note that the nature of these vehicles will be different to those associated with the nursing home. Vehicles associated with the apartments are likely to be owned by residents and therefore will be parked on site for longer periods of time, whereas the nursing home staff and visitors (using the Upton Lane access) will be more transient, staying for shorter periods of time and resulting in more frequent vehicle movements.

8.41 Parking provision

In the previous scheme (2017), there were 17 spaces to the south (served from the new Upton Lane access) and 25 to the north (served from the existing Grove Place access), totalling 42 spaces. It is now proposed that 15 are provided to the south and 27 to the north, resulting in two additional spaces to the north and two fewer to the south. Very similar arrangements are proposed in terms of the physical location of these spaces and their proximity to existing parking, roads and buildings, and the total number of spaces remains unchanged. In light of the information presented it is considered that the development provides for ample parking across the site to accommodate the requirements of the future residents, staff and visitors.

8.42 **Water management**

Surface Water Drainage Strategy

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application as statutory consultee on surface water drainage for major developments. The applicant has actively engaged with the Surface Water Drainage Officers and an acceptable proposal is expected shortly. The recommendation is made subject to the receipt of a satisfactory response from HCC LLFA. An update will follow.

8.43 Environment Agency

The Environment Agency have no objection to the proposals. A note is recommended in respect of requirements for a permit.

8.44 **Ecology**

This application is supported by a Preliminary Ecological Appraisal (ECOSA, December 2021), which the Council Ecologist is satisfied has been conducted in a thorough, professional manner, and represents the current condition of the site. This report has been produced to assess the ecological impacts from the revised scheme on this site. Following initial concern from the Council Ecologist the applicant has provided further comments. This confirms that the additional habitat being lost in this revised scheme consists of ruderal vegetation and saplings, which will be compensated for within the previously approved

woodland compensation scheme and new planting on site. The dates of the reptile survey have been clarified, and that the acoustic fence will follow the existing line of the chain link fence and therefore considered to have limited impacts to the woodland or protected species.

- 8.45 The previously obtained EPS licence would need to be modified to reflect the current scheme. An EPS licence can only be granted if the development proposal is able to meet three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).
- 8.46 1. The development proposal is considered to meet an acknowledged need for specialist housing provision for the elderly. In addition, there is an extant permission for a similar development on the same site. The proposal is made in answer to changing specific needs for specialist C2 housing provision, compliant with the overriding public interest requirement of Regulation 53(2) (e).
- 8.47 2. The development proposal is made as the current preferred alternative for developing the site, and is considered preferable to that permitted, in that it meets current specified need, in accord with Regulation 53(9) (a).
- 8.48 3. The Council's Ecologist confirms that the development as proposed: including the submitted compensatory woodland planting plan; and the proposed condition to avoid, mitigate and compensate appropriately in respect of protected species, 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9) (b)).
- 8.49 The development proposal would require a licence for works likely to breach the Conservation of Habitats and Species Regulations 2017. However, the Council's Ecologist confirms that Natural England is not unlikely to grant a licence for this works, based on the measures contained in the ecology report, including the provision of additional habitat suited to dormice, on land in the wider site area. The development is also in accord with all other material biodiversity issues arising, and considered in accord with TVBRLP policy E5, subject to conditions and a note.
- 8.50 **Nitrate Neutrality**
The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of

development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

8.51 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.

8.52 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. The mitigation off-setting land is within the catchment area for the River Test and a management plan has been produced for its long term maintenance and monitoring to ensure that the nitrates are offset in perpetuity. This will be secured through a 106 legal agreement. Subject to the completion of this legal agreement the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.53 **Archaeology**

The site lies adjacent to 16th century Grove Place house and to the east of the probable location of the medieval manor house which preceded the existing building. 125m to the south-east of the proposed development area, a Mesolithic flint scatter has been identified, indicating some prehistoric activity in immediate vicinity. Whilst the known archaeology from the surrounding area indicates that the site has an archaeological potential, archaeological investigations undertaken immediately to the north of the proposed

development area have identified no significant in situ archaeological remains. This does not mean that the site has no archaeological potential, but it is likely a significantly lower potential than previously thought. As such, the Council Archaeologist does not believe the burden of an archaeological condition can be justified in this case.

8.54 **Planning Balance**

The proposed care facility, due to its countryside location, is in conflict with policy COM2 of the RLP and is thus not considered acceptable in principle. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 2, amongst others, of the NPPF, which is itself a material consideration. In light of the above, it is necessary to consider whether there are any other material considerations that would justify an exception being made to policy COM2.

In this instance, it is considered that there are other material considerations which together, weigh heavily in favour of permitting the proposed development as an exception from policy COM2. These are summarised below.

- Housing Need – the proposed development would provide housing for a group which have a particular housing need, in this case, for older people for which there is a need within Test Valley. The proposals would help to meet this need and would contribute to the provision of a mix of housing sizes and types to meet the demographic changes of the Borough. This is in accordance with policy COM1 of the RLP and advice contained within the NPPF.
- Previous extant Planning Permission- The site benefits from several previous planning permissions for similar development. The 2017 application has begun with the implementation of the southern access.
- Benefits to the economy – The proposed development would result in significant benefits to the local economy through both the construction and operational phases.
- Ecology - The proposed development would provide ecological enhancements to the site, which would not otherwise be provided if the existing uses at the site were to remain.
- Trees / woodland – The proposed development would provide for the management of on-site trees and secure a significant planting scheme for future retention which would not have otherwise been provided.

8.55 It is also considered that the layout and details submitted with the application satisfactorily demonstrates that the amount and scale of development could be implemented on the site whilst satisfactorily integrating with both the landscape character of the surrounding area and the overall character and appearance of the surrounding area. The proposals, subject to conditions and a legal agreement would not result in any adverse impacts on residential amenity, ecology, trees, highways, flooding or drainage and would be in accordance with the relevant policies contained within the RLP which relate to these considerations.

8.56 As a result, whilst the proposals are contrary to policy COM2 of the RLP, there are other, material planning considerations which weigh heavily in favour of granting permission as an exception from policy COM2. It is considered that the benefits of the proposed development would outweigh the harm of the proposals being contrary to COM2 and so on balance, permission is recommended.

9.0 **CONCLUSION**

9.1 It is recommended that subject to the receipt and consideration of amended and additional information which address the outstanding concerns in respect of surface water drainage, as well as the receipt of updated consultation responses on these issues and nitrate neutrality from Natural England and the completion of a legal agreement, that planning permission be granted. An update will be provided on the areas identified within the report.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building to secure a Legal agreement for:

- **Care Home obligations with specific care home package**
- **Nitrogen Neutrality mitigation**
- **Monitoring fee**

and

- **The receipt of a satisfactory consultation reply from Natural England in respect of additional evidence for Nitrate Neutrality**
- **The receipt of a satisfactory consultation reply from HCC Lead Local Flood Authority.**

Then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**

AA5856-2000 Site location Plan

AA5856-2010 A Proposed Site Plan

AA5856-2021 Proposed North and East Elevation

AA5856-2022 Proposed South and West Elevation

AA5856-2011 A Proposed Ground Floor

AA5856-2012 A Proposed First Floor

AA5856-2013 A Proposed Second Floor

AA5856-2023 Proposed Section

AA5856-2020 Street Scene

AA5856-2032 Proposed Elevation Out building

1741-KC-XX-YTREE-TTP01REVA Additional Tree Protection Plan

AA5856-2036 Additional gate access

AA5856-2033 Additional Planting Plan

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

3. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

4. **The residential apartments located on the first and second floors, the subject of this permission, shall be occupied only by residents requiring Class C2 accommodation; and for no other purpose of the Schedule of to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the affordable housing requirements and local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies COM7 and LHW4.

5. **No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; retained historic landscape features and proposals for restoration, where relevant.**

Soft landscape works shall include: planting plans including replacement tree planting where removed for acoustic fence placement; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

6. **No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule.**

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

- 7. Development shall proceed in accordance with the measures set out in the Grove Place Retirement Village, Ecological Impact Assessment (ECOSA, June 2022) and Compensatory Woodland Planting Plan (Anthony Jellard Associates, February 2015), and plan 9861-KC-XX-YTREE-PP01RevA PLANTING PLAN dated October 2018 (received 23 June 2022) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the compensation, mitigation and enhancement features shall be permanently maintained and retained in accordance with the approved details.**

Reason: To ensure the favourable conservation status of dormice and other protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.

- 8. Prior to the first occupation of the development, details of the fenestration to be provided to each habitable room (including private and communal areas) shall be submitted to the Local Planning Authority for approval. The submitted details shall include manufacturer's data showing that the expected sound insulation performance for the fenestration (including frames), will match or exceed the sound insulation specification set out in Table 2 and Table 3 of the 24Acoustics Noise Impact Assessment R8988-1 Rev1 dated 19/10/21. The approved fenestration shall be installed prior to the first occupation of the development.**

Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 9. Prior to the commencement of construction activity including site clearance or groundworks, a Construction Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The CEMP shall detail the significant risks posed to amenity from the emission of noise, vibration, light and dust and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on sensitive land uses. Unless otherwise agreed by the Local Planning Authority, construction activity shall only take place in accordance with the approved CEMP.**

Reason: To protect the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 10. Prior to the first occupation of the development, details of the background ventilators to be provided to each habitable room (including private and communal areas) shall be submitted to the Local Planning Authority for approval. The submitted details shall include manufacturer's data showing that the expected sound insulation performance for the ventilators, will match or exceed the sound insulation specification set out in Table 4 of the 24Acoustics Noise Impact Assessment R8988-1 Rev1 dated 19/10/21; adjusted for the number of ventilators (N) in any particular room by $10\log N$. The approved ventilators shall be installed prior to the first occupation of the development and thereafter retained in perpetuity. Any replacements shall be equal to or better than the details and specifications approved.**

Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 11. Prior to the first occupation of the development, details of the acoustic barriers to be provided at the positions shown on the Site Layout Plan (Reference updated site plan) shall be submitted to the Local Planning Authority for approval. Acceptable barrier design shall have a minimum surface density of 12kg/m^2 . The approved acoustic barriers shall be constructed prior to the first occupation of the development and thereafter maintained and retained.**

Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 12. The cumulative rating noise levels for all plant, at the nearest residential property, as assessed in accordance with BS 4142:2014, shall not exceed 56 dB LAr, 1 hr during the hours 07:00-23:00 and 47 dB LAr, 15 min during the hours 23:00-07:00.**

Reason: To protect the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 13. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the buildings are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the amenities of the area and the ecological interests of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5 and E8.
- 14. No work relating to the construction of the development hereby approved, including deliveries, collections or works of demolition or preparation prior to operations, shall take place before the hours of 07.30 nor after 18.00 on Mondays to Fridays; before the hours of 08.00 nor after 13.00 on Saturdays; and at all on Sundays and Public Holidays, unless otherwise agreed with the Local Planning Authority.**

Reason: To protect the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

15. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2016 policy E8.

16. Prior to the commencement of development full details of the layout for the parking and manoeuvring on site of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

17. At least the first 12 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

18. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and these spaces shall thereafter be reserved for such purposes at all times.

Reason: To prevent an increase in parking pressure elsewhere including the highway network and to provide parking in accordance with the standards set out in Test Valley Borough Revised Local Plan (2016) Annexe G and Policy T2.

- 19. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Keen Consultants Arboricultural Method Statement reference 1741-KC-XX-YTREE-MethodStatement-Rev0 dated February 2022 and its associated tree protection plan (1741-KC-XX-YTREE-TPP01RevA).
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 20. Prior to the commencement of any ground clearance, tree works, demolition or development, a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures and agree that all tree protection measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 21. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 22. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
- 23. Prior to the first occupation of the development, details of the extract plant equipment on the roof shall be submitted to the Local Planning Authority for approval. The submitted details shall include manufacturer's data showing the specification and the expected noise levels. The approved extractors shall be installed prior to the first occupation of the development.
Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

24. Each unit of the accommodation hereby permitted shall be occupied only by:

- **Persons over the age of 60.**

Reason: The units of the accommodation have been designed for occupation by persons who satisfy the above criteria and are suitable for family housing and to ensure accordance with Test Valley Borough Revised Local Plan (2016) policy COM2.

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 2. Attention is drawn to the legal agreement dated xxxx**
 - 3. Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us. Further information can be found on the gov.uk website - <https://www.gov.uk/topic/environmental-management/environmental-permits> The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.**
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