
APPLICATION NO.	18/03235/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	10.12.2018
APPLICANT	Hamberley Development Ltd
SITE	Bargain Farm, Frogmore Lane, Nursling, SO16 0XS, NURSING AND ROWNHAMS
PROPOSAL	Erection of a care home scheme comprising of an 80 bedroom nursing home to provide nursing, personal and dementia care and a 61 bedroom nursing home for people with neurological conditions with access and parking
AMENDMENTS	Transport Statement. 18.12.18 Policy Rebuttal; Contaminated Land further report; Marketing Update 30.01.19; Revised Plans & elevations; Tree Pit details; Structure planting plan; landscape layout; Needs Assessment rebuttal; Marketing update; Highways Technical Note; Landscape Rebuttal; Drainage plans and appendices; site sections; 15.18.02.19 Design Review Panel Rebuttal; Artists Impressions; Gable Study; Shadow Analysis; Marketing Update, 03.05.19.
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site lies in the countryside and comprises of 1.4 Ha of undeveloped agricultural land towards the Southern edge of the Borough of Test Valley and within the Parish of Nursling.
- 2.2 The site is relatively flat, with two storey residential development to the north and west of the site and The David Lloyd Tennis Centre to the Northeast of the site. The Centre is elevated above the application site, with mature landscaping between it and the application site which has the effect of screening the Centre from the site.
- 2.3 The boundary to Southampton City Council cuts across the open fields in a west to east direction, with fields to the south of the application site in the administrative area of Southampton City Council.

- 2.4 Open fields lie to the Southwest of the application site, (south of the new residential estate at Bargain Farm). These open fields, with the application site, combine to form the allocated employment site referred to in Policy LE5: Land at Bargain Farm, Nursling of the RLP. This employment allocation is specifically allocated for B1 and B2 employment uses. A small southern section of the application site is also included in the allocated site referred to in policy T3 in the RLP. This allocation is for a Park and Ride Facility.

3.0 **PROPOSAL**

- 3.1 The proposal comprises the erection of two separate blocks providing for an 80 bedroom nursing home to accommodate nursing, personal and dementia care in one block and a 61 bedroom nursing home for people with neurological conditions in the second block. The proposal also includes a new highway access from Frogmore Lane, landscaping and parking for 105 cars and 10 bicycles.
- 3.2 The design comprises 2x 3 storey buildings, both in a vaguely 'H' form, in a north/south layout. Apexes project from elevations at set intervals and square bay windows or balconies are provided at the four northern ends. The shared access area between the buildings provides for servicing of the buildings and this is set behind a fence. A landscaping scheme has been submitted with the application to provide formal amenity areas and structural landscaping towards the perimeter of the site.
- 3.3 The application was accompanied by the following documents:
- Travel Plan and Transport Statement;
 - Alternative Site Assessment Report;
 - Aborigicultural Impact Assessment;
 - Drainage Strategy;
 - Ecological Appraisal;
 - Employment Land Report;
 - Flood Risk Assessment;
 - Ground Investigation;
 - Heritage Statement;
 - Landscape Visual Impact Assessment;
 - Market Report;
 - Planning Needs Assessment;
- 3.4 The submitted plans and supporting technical information sought to justify why development of the site for the uses proposed was appropriate and led to a policy compliant development.
- 3.5 The application documentation puts forward the case that though the site is not allocated within the RLP for the uses proposed, the proposal does accord with the development plan when read as a whole. Particular emphasis is placed on Policy LE10 and Policy LE5 of the RLP and the employment allocation at the site and the fact that this policy allows alternative uses to be permitted on allocated employment sites where specific criteria are met.

- 3.6 The applicant is also of the view that the proposal complies with the relevant policies in relation to detailed matters such as access, landscape, design, heritage and biodiversity. Taking these matters and the other benefits of the scheme, the applicant is of the view that permission should be granted.

4.0 **HISTORY**

- 4.1 16/03171/FULLS- Creation of a new access from Frogmore Lane and access spur road into Bargain Farm to serve future development. Withdrawn 12.07.2017.
- 4.2 17/01773/SCRS Screening opinion under the Town and Country Planning (Environment Impact Assessment) Regulations 2017 - Erection of a care scheme comprising 80 bed care home and 61 bed rehabilitation centre, access and parking. EIA not required 21.08.2017.
- 4.3 17/01741/FULLS- Erection of a care scheme comprises an 80 bed Care Home providing nursing and dementia care and a 61 bed Neuro Rehabilitation Centre for people suffering with severe neurological conditions requiring long term support as well as respite or day care, together with access and parking provisions. Withdrawn 28.09.2017.
- 4.4 17/01600/FULLS- Creation of a new access from Frogmore Lane and access spur road into Bargain Farm. Refused 08.02.2018 for the following reason:

The proposed vehicular access onto Frogmore Lane represents unjustified development in the countryside in that it has not been demonstrated that it is essential for the development to be located the countryside. The proposal therefore is contrary to Policy COM02(b) of the Test Valley Borough Revised Local Plan (2016).

- 4.5 18/01484/FULLS Creation of a new access from Frogmore Lane and access spur road into Bargain Farm. Refused 06.08.2018 for the following reason.

The proposed vehicular access onto Frogmore Lane represents unjustified development in the countryside in that it has not been demonstrated that it is essential for the development to be located the countryside. The proposal therefore is contrary to Policy COM02(b) of the Test Valley Borough Revised Local Plan (2016).

5.0 **CONSULTATIONS**

- 5.1 **Planning Policy:** Comment. (Summarised)

The Local Plan was adopted by the Council on 27 January 2016.

- Policy SD1 – sustainable development. There are no plan policies specific to the development proposed, although there are relevant and up to date policies which apply to the site (Policy LE5) and retention of employment sites (Policy LE10). The first part of the policy is therefore not relevant as the proposed development does not accord with the Local Plan. The second part of the policy is not engaged, as the relevant policies are not out of date.

Justification for each of the two elements of the care home development: specialist neurological care facility and nursing home, as an overriding need (to address the conflict with Policy LE5 and Policy LE10 unless this is satisfied).

- Policy LE5 – the site is allocated for Class B1 and Class B2 uses. (2ha). The proposed development would be for an alternative use (Class C2) which is contrary to this allocation. Sufficient justification is therefore required in order to demonstrate a departure from this policy.

- Policy LE10 – retention of employment land. Alternative use will be permitted provided that it conforms to criteria, including that it is no longer required for economic development needs of the area, and would not have a detrimental impact on the operation of the remaining occupiers of the site.

- 5.2 The policy presumption (Policy LE10) is that employment land be retained as such, and the site is allocated to meet the requirement for employment land over the plan period (to 2029) and as an allocation it is considered to be an existing employment site. Sufficient justification is therefore required in order to demonstrate a departure from this policy: material considerations in this respect would include overriding need and economic and employment benefits.

It is considered that the Park & Ride allocation, TVBRLP policy T3, is still required. This requires securing via a S.106 Agreement.

Appeal matters.

The Local Plan was found sound and recent PIns decisions and High Court challenge found that land at Adanac for class B1 use, in respect of TVBRLP policy LE6 was upheld. An appeal for a hospital at Adanac on allocated B1 land was allowed by PIns in 2011.

- 5.3 **Southampton City Council:** Objection

Lack of full detailed plan; staffing overall numbers suggested is 190 persons, in a shift pattern- parking facilities & trip generation questioned; [no staff hand over included in numbers where duplicate staff numbers required]; cumulative impact with regards Brownhill Way; design ensures overshadowing of amenity space for the majority of the day considered detrimental to occupants.

- 5.4 **Design Review Panel:** Objection

Panel response 2.

Detailing: Amended entrance detailing insufficient to enhance the approach to either building. The proposed gabbling is considered a critical element of the concept of the design, requiring detailing currently lacking.

Scale: Sections are required to clarify levels. Potential height reduction to be considered.

Layout and orientation: there is a fundamental issue with the position and arrangement of the buildings on site. The car park receives the sunlight leaving some rooms potentially devoid of sunlight.

Greater contextual analysis required. The present scheme does not respond to its context. It is essential that a full site analysis is undertaken. No initial site constraints or contextual analysis were presented.

- 5.5 **Panel response 1.**
Featureless sense of arrival; confusing entrances to buildings; detailing is confused; cross sections required with regards rooflines, ridges and eaves heights & adjacent existing development; could a basement be utilised to provide accommodation for utilities and decrease building scale and massing above ground?
- 5.6 **Conservation & Design Officer:** Objection. (Summarised).
Proposed screening would not provide a substantial screen for the listed farm house in relation to the proposed development, with potential further harmful impact arising for its setting & therefore the significance of the listed building. No site sections or street elevations which include the heritage assets; Encouragement given for use of natural materials and high quality materials
- 5.7 **Highways England:** No objection.
- 5.8 **Southampton City Clinical Commissioning Group:** Comments. As an application which abuts Southampton City land, it has direct implications for the health and care services of the City. The proposal would have benefits:- increased nursing home beds for complex clients; for which there is an acknowledged need and for which a number of developments are planned to increase capacity; there are related concerns in relation to both primary care services and scarce clinical and care staff.
- 5.9 **HCC Highways:** No objection subject to conditions and a contribution towards a Traffic Regulation Order to restrict parking on and in the vicinity of Frogmore Lane.
- 5.10 **Local Lead Flood Authority:** No objection.
- 5.11 **Southern Water:** No objection subject to a condition.
- 5.12 **Tree Officer:** Comment.
- 5.13 **Landscape Officer:** Comment. (Summarised)
Proximity of large native trees to the development and existing development; lack of information in the LVIA with regards the existing adjacent residential development; lack of shadow diagrams; lack of landscaped space appropriate to a development of this scale/use.
- 5.14 **Natural England:** No response.
- 5.15 **HCC Ecologist:** No objection. Given the scale of the development it is recommended that Natural England is consulted.
- 5.16 **Environmental Protection Team:** Comment: Monitoring results required for ground gas due to proximity to Landfill.

6.0 **REPRESENTATIONS** Expired 10.04.2019

6.1 **Nursling Parish Council:** Objection. (Summarised).

Contrary to the Local Plan allocation. Similar to the previous application but on a larger footprint and closer to houses on Bargain Close. Access from Frogmore Lane has been previously refused.

6.2 **Southampton University Hospital NHS (UHS NHS):** (Summarised).

In principle the scheme is supported subject to reservations in respect of scarce resources in particular scarce existing NHS staff.

6.3 **Objections: Lordshill Health Centre Primary Care Centre** – the local GP Practise does not have the capacity for such a development.

Further objections have been received from occupants of **1,3 & 4 Bargain Close, 47 Gover Road, Southampton**, and **18 Tate Mews, Tate Road, Old Redbridge**.

Objections raised are in respect of: overlooking; scale and bulk result in loss of light, trees and wildlife; noise; highways impacts; design; amenity; in-combination impacts arising from other current applications related to the site; infrastructure costs; overlooking.

6.4 **Support: Dr CA Eynon**, Whiteparish. Consultant in Neurosciences Intensive Care to UHS.

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), LE5 (Land at Bargain Farm, Nursling), LE10 (Retention of employment Land and Strategic Employment Sites), LE17 (Employment sites in the countryside), T1 (Managing Movement), T2 (Parking Standards), T3 (Park and Ride at Bargain Farm, Nursling) 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), LHW4 (Amenity)

7.3 Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions

New Forest SPA Mitigation- Interim Framework

Solent Recreation Mitigation Strategy

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of the development
- Loss of employment land
- Amenity of Existing Residents

- Highways impacts
- Contaminated Land
- Ecology
- Design
- Landscape
- Heritage impacts
- Trees
- Flooding and Drainage
- Highways

8.2 **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

- 8.3 COM2 presents the way the settlements, classified in the settlement hierarchy, will develop in the future. COM2 seeks to promote a sustainable pattern of development and sets out how the site identification process for strategic sites was undertaken. As a matter of fact the site is an allocation within the RLP Policy LE5 (Land at Bargain Farm, Nursling). Subject to compliance with this policy and the RLP as a whole, development can be supported.
- 8.4 The policy creates a presumption in favour of sustainable development within the defined limits of development and on allocated sites, with housing and residential institutions outside these limits of development only being brought forward subject to a number of exceptions which do not apply to this application.
- 8.5 In relation to limits of development, the RLP Inspector supported these in order to provide plan-led clarity, and saw no reason to extend these further due to the level of committed developments and proposed allocations set out in the RLP.
- 8.6 The applicant suggests that the proposal can be supported by virtue of Policy LE10 of the RLP as the land is no longer required to meet economic development needs. This position is not accepted and is examined in detail later in the report.
- 8.7 As an allocated employment site in the countryside, the development proposal is assessed under COM2a) and Policy LE10. RLP Policy LE10 states that employment land which has not yet been fully implemented, can be developed for alternative uses provided that the land is no longer required to meet the economic needs of the area.
- ## 8.8 **Loss of Employment Land**
- RLP Policy LE5 requires the site to provide 2 Ha of employment land for B1 & B2 purposes. An area of 2017m² in the Northern portion of the allocation has been developed for housing and was permitted by planning application 14/00138/FULLS.

- 8.9 The remainder of the application site does not benefit from any extant permissions though planning application 19/00374/OUTS (Development of a park and ride, B1 and B2 uses; hospital, nursing home and residential education and training centre uses (C2); clinic, health centre, consulting room, day centre and non-residential education and training centre, retail and restaurant and cafe (A1 and A3) uses; storage and distribution (B8) uses) has been submitted to the Council for the remainder of the allocation and is pending consideration.
- 8.10 As the application is not for B1 or B2 use the proposal is not in accordance with the requirements of RLP Policy LE5.
- 8.11 In order to overcome the policy conflict with RLP Policy LE5 the applicants are seeking to justify the proposal through RLP Policy LE10 a) and have undertaken a marketing exercise. This exercise attempts to demonstrate that for the last 6 months, there has been insufficient demand for employment use on the site and that the land should be released for alternative uses.
- 8.12 The content of the report is noted. However, the recently submitted application on the adjacent site would indicate that there is a market for B1 and B2 units in the locality. Furthermore, there is no extant planning permission in place for B1 or B2 uses on the site, because the earlier consent has expired, which is a matter that may have discouraged businesses expressing an interest in the site.
- 8.13 It is also important to note that the Local Plan was only recently adopted and its purpose is to plan for development until 2029. During the examination of the local plan examining Inspector supported the Council's position on job creation and need for employment floor space. Notwithstanding the marketing information provided it is considered that there are factors, as discussed above, that demonstrate the release of this land at such an early time in the plan period would seriously undermine the strategic employment provision of the RLP. For the reasons set out above the planning application is considered to conflict with RLP policy LE10.
- 8.14 **Amenity of Existing Residents**
Policy LHW4 of the RLP sets a number of criteria against which development proposals will be assessed in order to safeguard the amenity of existing and future residents, particularly in terms of overlooking, loss of privacy and any adverse impact in terms of loss of daylight/sunlight.
- 8.15 Overlooking
In terms of the potential for overlooking and loss of privacy to the existing properties in Bargain Close, the layout provides a separation distance of less than 20m (from the rear wall of Number 1 to the rear wall of the proposed Specialist Care Unit) taking into consideration the size (3 stories in height) and the use of the proposed accommodation it is considered that this will result in significant adverse harm to the residential amenities of existing properties in Bargain Close.

- 8.16 It is accepted that the separation distance increases to 23 meters for the occupant's of number 3 but the scale of the proposal and number of windows overlooking these properties is also considered to be harmful to their residential amenities and this increased distance is not sufficient to overcome the harm identified. Furthermore, the proposal will directly overlook the private amenity space for these properties, which will also result in harm.
- 8.17 The supporting documentation places emphasis on the type of accommodation being provided and the nature of it being greatly different to a C3 unit due to the level of care provided. This is acknowledged, but it doesn't preclude overlooking or perceived overlooking from visitors, staff or occupants. Furthermore, the nature of the care is more likely to result in the use and activity in rooms at greater frequency and during all hours.
- 8.18 For the reasons set out above it is considered that by virtue of the size and scale of the proposal and the proximity of proposed windows to the rear elevations of 1-5 Bargain Close will result in loss of residential amenity to these properties and thereby conflict with policy LHW4 of the RLP. It is also noted that there are discrepancies in the plans showing the length of gardens of numbers 1-5 Bargain Close that purport to show the proposed building further away from the dwellings than that described above.
- 8.19 Overbearing Impact
The proposed Specialist Care Unit will be 6m from the rear boundary fence of 1 Bargain Close and 14m from the rear fence of number 5. Taking into consideration that this proposed block is a continuous, unbroken monolithic block measuring 53m in length and between 12 and 12.5m in height it is considered to have a significant overbearing impact on 1-5 Bargain Close.
- 8.20 Not only will the proposal harm the residents in terms of use of their gardens but it is also considered to be harmful and overbearing from these properties habitable rooms as well. The outlook from the gardens and rooms will be oppressive and will result in extremely poor living conditions for the inhabitants of these properties by virtue of a significant sense of enclosure. For this reason the development is considered to conflict with policy LHW4 of the RLP.
- 8.21 **Heritage Impacts**
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the setting of listed buildings.
- 8.22 The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting.

- 8.23 The heritage statement submitted with the application indicates that some views of the proposal from the listed building (Bargain Farmhouse) will be possible, this observation is not disputed.
- 8.24 A comparison between the application submission, the existing property and the recently built out Bargain Close shows the significantly greater height of the proposed development in comparison with the heritage asset and the recently constructed properties. The sheer scale of the proposal (three stories and a sizeable roof) is at odds with the modest scale of the listed building.
- 8.25 A planning permission for residential development in close proximity to Bargain Farmhouse, involving the construction of new residential units, has been implemented and nearing completion. It is considered that this is a sympathetic approach to development in close proximity to a listed building and has ensured that it can still be fully appreciated within the public domain. Although the site has, inevitably, taken on a more domestic 'feel', the impact upon the immediate area, and thus the setting of the listed buildings is considerably less than that of the application scheme, which would introduce a substantial, poorly designed block in close proximity to a heritage asset incorporating materials which are at odds with the character of the area.
- 8.26 Currently the listed house is seen in the context of views over the fields and the recently approved residential development has retained that to some extent. As proposed, the new building will fill this view, and will be seen above the new housing in Bargain Close. The landscaping would not provide adequate screening and, given the proximity of the proposed building to the boundary at this North-western point, the listed house would no longer have any form of rural setting and the street scene would be somewhat dominated by this structure.
- 8.27 A distinction must be made between the impact that the housing in Bargain Close has had on the setting, and therefore its significance, and the potential further harmful impact of a development of the scale and proximity proposed in this application. It is acknowledged that the land is allocated in the RLP for employment uses (B1/B2) and so it is reasonable to anticipate some change to the setting of the Listed Building will arise in the future. The issue in relation to this scheme is that the proposal does not accord with the RLP in terms of anticipated uses and the sheer scale and relationship with the Listed Building is harmful. The harm caused by the development proposed is real and is entirely avoidable.
- 8.28 For the reasons set out above, less than substantial harm would be caused to this heritage asset. Paragraph 195 of the NPPF confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy E9 of the RLP is consistent with this requirement.

- 8.29 This harm could easily be avoided through the redesign of the proposal and changing the siting within the site and its scale. The benefits in providing a care home and nursing home are noted but are not considered to be a public benefit that would outweigh the harm identified.
- 8.30 Were the principle of development to be considered acceptable on this accommodation could be provided without resulting in harm to a heritage asset therefore the public benefits put forward do not outweigh the harm identified and thus contrary to the NPPF and Policy E9 of the RLP. This is a matter that must weigh against the proposal in the planning balance.
- 8.31 **Contaminated Land**
Further evidence has been provided by the applicant to demonstrate that gas protection measures were not required. The monitoring results contained within the amended contaminated land report conclude that the site can be classified as Low Risk, according to the (now revised) British Standard 8485, and that gas protection is not required. Taking into consideration the content of the report it is concluded that there is no conflict with Policy E8 of the RLP.
- 8.32 **Ecology**
The development will result in a net increase in C class (residential type) accommodation within 13.6km of the New Forest Special Protection Area (SPA) and within 5.6km of the Solent and Southampton Water SPA. To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues.
- 8.33 Taking into consideration the nature of the accommodation provided further clarification is being sought from the County Ecologist as to whether these payments are required and would meet the relevant CIL tests. Members will be updated on this matter via an Update Paper prior to the Southern Area Planning Committee meeting.
- 8.34 **Design**
The design of the proposal is addressed within RLP Policy E1, which requires development to integrate, respect and complement the character of the area, not detract from the dominance of key landmark buildings, whilst also laid out to provide connectivity between spaces, whilst respecting the character of the surrounding area and neighbouring uses. Development will not be permitted if it is of poor design and fails to improve the character, function and quality of the area.
- 8.35 The approach adopted by the applicant is disappointing and appears to have not adequately assessed the site constraints, opportunities and character of the area in reaching the design solution proposed.

- 8.36 The site layout and orientation is ill-conceived . The car park occupies the southern, sunnier location, with the accommodation wings of nursing homes to the north, due to the orientation of the site and sheer size and scale of the proposed development it will result in heavily shaded living environment for habitable rooms and the amenity space provided to the units. Furthermore the reorientation/redesign of the units is likely to take built development away from the listed building and thus reducing the harm to its setting.
- 8.37 Moving onto the height of the building and proximity to adjoining properties this is clearly out of context with the site and immediate neighbouring uses. The scale of the buildings are imposing and out of scale with the adjacent dwellings at Bargain Farm and the surrounding area. This is further compounded by the confused pallet of materials proposed and the lack of consideration towards the sensitivities of the site and use of appropriate materials.. As such, it is considered that the proposal is in conflict with RLP Policy E1.
- 8.38 **Landscape**
Landscape matters are addressed in terms of RLP Policy E2, which requires developments to protect, conserve and enhance the landscape character of the Borough.
- 8.39 The submitted arboricultural impact assessment, and landscape visual impact assessment indicate the provision of quantities of landscaping and planting, however they are lacking in certain respects. Drain runs and manholes/inspection chambers are clearly shown within rooting zones and cell structures for trees in hard landscaping which is likely to cause conflict and may later necessitate tree removal which would be detrimental to the scheme. Attenuation tanks are also shown where tree rooting cell areas are and therefore likely to cause conflict.
- 8.40 It is not considered that the proposal is accompanied by a landscaping scheme required to help a building of this size integrate easily into the environment.
- 8.41 As set out earlier in the report, the proposed units are large monolithic blocks lacking in any design quality, articulation, detailing or local distinctiveness. Due to the sheer size and scale of the units it is unlikely that landscaping in the short or medium terms will assist in assimilating the development into the local landscape. Though the quality of the landscaping in isolation may be acceptable it is not appropriate for the development proposed. For the reasons set out above it is considered that the proposal will result in harm to the character and appearance of the area and thus conflict with RLP Policy E2.
- 8.42 **Trees**
A large, mature and visually significant Oak is located off site but close to the northern corner of site. This represents the only arboricultural constraint with regard to the development. The extent of new tree planting as proposed, including landscape the buffer to north and east, tree and hedge planting around other margins and proposed tree planting within parking areas, is supported in principle.

8.43 Discrepancies still exists with regard to proposed tree planting between that shown upon the Harrisirwin Proposed Site Plan 2313 HIA ZZ DR A 0102 rev P6 15.2.19 and that on the TPM landscapes Tree Pit Details plan 3155 301 14.02.19 revision A. The former is a preferable scheme allowing for more comprehensive planting program. Were the application to be supported this matter could be controlled by condition. There is therefore no concern, subject to conditions with regards to tree protection and the scope of the proposed tree planting. In this regard only the development is considered to conform with RLP Policy E2.

8.44 Flooding and Drainage

During the consideration of the application additional evidence and details have been submitted by the applicant to demonstrate that the proposal does not have an adverse impact on surface water drainage and localised flooding. Having considered the revised information officers are satisfied that the proposal would comply with Policy E7 of the RLP and suitable conditions could be added to control the final detailed design of the drainage.

8.45 Highways

Highways matters are assessed within RLP Policies T1 Managing Movement, T2 Parking Standards and T3 Park and Ride at Bargain Farm, Nursling.

8.46 Parking Provision

Adopted parking standards would dictate a minimum of 1 space per member of staff plus 1 space per 4 units plus an additional 1 space per 5 units for visitors. However, the submitted application makes a case that the spaces allocated per units is not relevant to this application as the residents/patients at the care facility would not have access to a car on-site. This presumably is due to the nature of their respective care needs.

8.47 The submitted application makes the case that it is unreasonable to provide 1 space per member of staff due to the nature of shift pattern working and due to the case, that not every member of staff would drive to and from the development and require a car parking space in this regard. The total parking provision is proposed at a level of 105 spaces which includes 10 dedicated disabled bays plus the addition of 1 mini-bus parking bay. This results in a provision of 28 spaces for visitors and 77 spaces for staff plus one mini-bus parking bay. In addition, 20 covered cycle spaces are proposed.

8.48 In order to assess the likely level of parking demand from staff, the submitted application utilises 2011 travel to work census data for the Nursling Hillyfields area. This data would suggest that 78.2% of persons utilise a private car for travelling to/from work. In addition the peak levels of staffing would be at times when local bus services are running.

8.49 The result of which would suggest a peak parking accumulation for staff of 75 spaces. This does not take into account any Travel Plan measures that may be presented with the accompanying Travel Plan.

Though this falls short of the Council's adopted standards a flexible approach can be taken if justification is provided. It is considered that the above represents a sufficiently robust assessment of the likely parking demand and as such the provision of 105 spaces in total would not lead to any material parking demand issues. Therefore it is considered that the level of parking provided is adequate for the site specific circumstances and there is no conflict with RLP Policy T2.

8.50 Highway Access

Highways access is assessed within RLP policy T1, which requires development to be safe, attractive, in character, functional and accessible, without adverse impacts on function, safety or character of and accessibility to the local and strategic highways network.

8.51 The application is submitted with a Travel Plan and Transport Statement, (September 2018) and a Supplementary Technical Note, (February 2019), which indicate that the proposed development will have a negligible impact on the Frogmore Lane/Brownhill Lane junction.

8.52 Highways impacts arising from the proposed development are considered in respect of roads and footways under the jurisdiction of Hampshire Highways, and Southampton City Council. The applicant has accepted an in-principle provision of a contribution towards a Traffic Regulation Order to restrict parking on Frogmore Lane. This would be secured via a legal agreement that has not been signed to date.

8.53 The application site contains 105 car parking spaces, with 190 staff proposed, 123 of which will be on site at any one time. Trip rates examples as provided by the submitted data, derive from developments without the large car park and staffing combination required of the proposal site. These trip rates are therefore considered rather low.

8.54 In addition, peak traffic assessment times are expressed more briefly than expected, only from 08:00 to 09:00. With staff hand over at 07:00, the submitted traffic flow projections would completely omit peak on site traffic flows and some off site rush hour traffic. Peak hour traffic is from 07:00 to 09:30 and 16:00 to 18:30. The response from Southampton City Council also indicates that the Frogmore Lane/Brownhill Way junction is at or above capacity already. Therefore any additional trips would have a significant and cumulative impact. In addition to these concerns with regards to vehicular traffic, pedestrian access provision appears to lack integration or coordination with the existing pedestrian movement. Pedestrians from Lower Brownhill Road would have to criss-cross between the pedestrian island, Frogmore Lane and back again. This is considered outside the pedestrian desire line.

8.55 Due to the lack of appropriate traffic impact data, lack of an agreed S.106 agreement in respect of the required Traffic Regulation Order and lack of functional pedestrian access to the site, the proposed development has not addressed the requirements of highways safety and in-combination impacts of the development with adjacent highways networks and development and is thereby contrary to RLP policy T1.

8.56 Access From Frogmore Lane

The application seeks to provide access from Frogmore Lane, contrary to the requirements of RLP Policy LE5. It is noted that Map H does show an access from this road. However, paragraph 1.16 of the RLP clearly states that should there be any conflict between the written statements and proposal maps, the written statement prevails. Given the appraisal above, it is clear that there is no essential requirement for the development to be in the countryside and therefore there is no need for the access being proposed onto Frogmore Lane. As such the proposal is in conflict with RLP Policy LE5 and COM2 b) and no justification has been provided as to why the revised arrangements should be supported.

9.0 **CONCLUSION**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”.

9.2 As set out above and in the conservation consultation response, the proposed development would result in harm to the setting of a listed building and character of the area (RLP policies E2 & E9). Furthermore, it would result in conflict with strategic policies of the RLP including COM2 & LE5. As harm has been identified, the planning application would be in conflict with the RLP and this should be afforded substantial weight in the section 38(6) balance

9.3 Although the applicant has not challenged the Council's housing land supply position, it can demonstrate a 5 year supply of housing land. Furthermore, the outcome of the first year of the Housing Delivery Test (HDT) for November 2018 have been published by Government, based upon performance over the previous three years 2015/16, 2016/17 and 2017/18. Test Valley Borough Council achieved 265% which means the Council have successfully passed the HDT for 2018.

9.4 As relevant policies in the plan are not absent, silent or out of date paragraph 11 of the Framework is not engaged. The Council is therefore in the position of carrying out a straight balance, in decision making that means determining the application in accordance with the development plan unless material considerations indicate otherwise.

9.5 Harm to residential amenity of existing dwellings has been identified and thus conflict with RLP Policy LHW4. This is a matter which should be afforded significant weight.

- 9.6 Due to the size, scale, mass and poor quality design of the proposal conflict with RLP Policy E1 has also been identified. This is a matter which should also be afforded significant weight.
- 9.7 Due to the lack of appropriate traffic impact data, lack of an agreed S.106 agreement in respect of the required Traffic Regulation Order and lack of functional pedestrian access to the site, the proposed development has not addressed the requirements of highways safety and in-combination impacts of the development with adjacent highways networks and development and is thereby contrary to RLP policy T1. This should be afforded significant weight in the planning balance.
- 9.8 A number of public benefits have been advanced by the applicant to support the application. Overall, the proposal would provide specialist care homes outside of a settlement on land allocated for employment. The accommodation would be a public benefit but is diminished by the Council's proven ability to deliver housing.
- 9.9 In environmental terms, it is suggested that the scheme offers opportunities for enhancement through landscaping. While there remains detailed concern of the effectiveness of the landscaping scheme, it would not overcome the fundamental incongruity of the scheme in relation to the heritage assets and immediate area. Furthermore, this is a mitigation factor and should be given minimal weight and would be required for any application or development on site.
- 9.10 In economic terms the proposal would provide construction jobs during its build out. These jobs would be transitory and only limited weight can be afforded to this point. It has also been suggested that economic benefits would accrue to local shops and services. However, there is no evidence that these are in need of additional finance other than to mitigate the effects of the development proposed, additionally other than people working at the site the facility is unlikely to offer any realistic benefit to the local economy. Thus, little weight should be afforded to this matter.
- 9.11 The benefits outlined above are not considered sufficient to outweigh the harm that has been identified to the specified loss of land to meet the industrial requirement of the RLP Plan period, heritage assets, character of the area and residential amenity of existing residents. The Heritage asset is an irreplaceable resource and should be conserved in a manner appropriate to their significance. Although the harm would be less than significant, it would still be both real and serious. Some public benefits have been identified but these are generic benefits and could be provided by any site, and a site that does not have a detrimental impact on the setting of a listed building, character of the area and residential amenity of existing properties. For the reasons given above the public benefits are not sufficient to outweigh the identified harm to the setting of the Listed Buildings.

- 9.12 Placing all of these factors and all of the relevant material considerations in the balance, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits
- 9.13 Overall, it is considered that the application is contrary to the development plan, and is not otherwise justified by material considerations, including national policy in the NPPF. For those reasons, the application should be refused.

10.0 RECOMMENDATION

REFUSE for the following reasons:

- 1. The application site is allocated for employment (Classes B1 and B2) purposes in the Adopted Test Valley Borough Revised Local Plan, 2016 Policy LE5. The proposal has failed to provide appropriate justification for the loss of this employment land and is thereby contrary to Test Valley Borough Revised Local Plan Policies LE5, LE10 and COM2.**
 - 2. Due to the lack of appropriate traffic impact data, lack of an agreed S.106 agreement in respect of the required Traffic Regulation Order and lack of pedestrian functionality to the site, the proposed development has not addressed the requirements of highways safety and in-combination impacts of the development with adjacent highways networks and development and is thereby contrary to Test Valley Borough Revised Local Plan Policy T1.**
 - 3. The design of the Nursing Homes by virtue of their size, layout, mass, bulk and monolithic design is considered to equate to poor quality design which would have an adverse impact on the character and appearance of the immediate area, in terms of scale, layout and appearance and would thus be contrary to Test Valley Borough Revised Local Plan Policies E1 and E2 and the NPPF.**
 - 4. The proposed development by virtue of its siting, size and design would be harmful to the setting and integrity of the heritage asset. The proposals are thereby contrary to NPPF para 193 as the proposal would not conserve the heritage asset in a manner appropriate to its significance. Furthermore the development would lead to less than substantial harm to the significance of the designated heritage assets and although there is some public benefit by building C Class housing, this does not outweigh the harm caused to the heritage assets, the proposal would therefore also be contrary to the Test Valley Borough Revised Local Plan Policy E9.**
 - 5. The development by virtue of its height, length, design and location in relation to 1-5 Bargain Close would result in a poor, oppressive and overbearing outlook for these properties and thereby resulting in loss of residential amenity. Furthermore, by virtue of the number and location of windows on the proposal and proximity of these to 1-5 Bargain Close these properties would suffer from a loss of privacy by virtue of overlooking and perceived overlooking into their principal habitable rooms and outdoor amenity space contrary to Test Valley Borough Revised Local Plan Policy LHW4.**
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