

**Application Number:** F/22/93935  
**Case Officer:** Summer Sharpe  
**Received Date:** 5 October 2022  
**Site Address:** Hilltop, Pinewood Park, Southampton, SO19 6AL  
**Applicant:** Matt Leather  
**Proposal:** Change of Use from C3 Dwelling House to C2 Residential Care Home for 6 Adults with Learning Disabilities and Autistic Spectrum Disorder, with internal alterations to property.

**Recommendation:** Permit

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#### CONDITIONS & REASONS

- 1) The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be implemented in accordance with the following plans numbered:
  - Location & Block Plans 000
  - Existing GF Plan X01
  - Existing Plans X02
  - Proposed GF Plan P01
  - Proposed Plans P02
  - Proposed Site P00 Rev A

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

- 3) The use hereby permitted shall be used for a Use Class C2 Residential Care Home and for no other purpose (including any other purpose in Use Class C2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.
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Reason: in the interests of amenity and to ensure the provisions of sufficient on-site car parking.

- 4) Prior to first occupation of the development hereby permitted the parking plan (Proposed Site P00 Rev A) shall be implemented in full and shall be retained for the lifetime of the development.

Reason: In the interests of highways safety.

- 5) The cycle storage container, hereby permitted, shall be finished in natural timber cladding unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

## INFORMATIVES

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: Biodiversity enhancements are recommended; planting more flowering plants in the garden to attract pollinators over a wide flowering season would be appropriate. Any new landscaping should be done with awareness of the SINC boundary and not introduce any non-native or invasive plants.

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## Report

1. This application has been referred to Committee by Councillors; Craig, Jarvis and Manning, in agreement with Executive Head of Planning due to the controversial nature of the proposals.

## Site Characteristics and Character of the Locality

2. The application site comprises a detached dwelling and associated annexe. The site itself comprises a corner plot to the north of Pinewood Park and the

west of Kanes Hill (A27). The site is screened by mature vegetation to the north and west, including some close board fencing within the site. The boundary treatment to south comprises brick piers and entrance gates and dense vegetation, and some fencing.

3. The annexe is located to the west of Hilltop. It has its own access off Pinewood Park and is separated from Hilltop by a combination of brick wall and fencing. There is however pedestrian access from the annexe to Hilltop via a connecting gate to the east.
4. The immediate surroundings to the west and south are characterised by residential dwellings throughout Pinewood Park. To the immediate north of the application site is Dumbelton's Copse, whereby the wider surroundings comprise countryside and settlement gap. In terms of wider siting and location, the application site is approx. 1.5 miles from Hedge End's local centre to the east, and approx. 1 mile from Bursledon's food retail services to the south. It is also noted that there is a pavement running along the same side as Pinewood Park, allowing for pedestrian access and movement.

### **Description of Application**

5. This application proposes the change of use from a dwellinghouse (Use Class C3) to a Residential Care Home (Use Class C2) for 6 Adults with Learning Disabilities and Autistic Spectrum Disorder, with internal alterations to property.
6. With regard to the main dwelling, starting at ground floor, the internal alterations comprise the creation of bedroom no.5. As such, at ground floor there would be 2no. en-suite bedrooms, separate kitchen and dining rooms, WC, reception, lounge and office. The first-floor layout would remain unchanged comprising 3no. en-suite bedrooms. There would be no external alterations.
7. In terms of the annexe there would also be internal alterations. Starting at the ground floor the existing lounge would be converted into a bedroom and would include the addition of an en-suite. The annexe currently has 2no. bedrooms at first floor, these are proposed to be converted to a medication room and office. There would be no external alterations.
8. The application also proposes the addition of a cycle storage unit for 6no. bicycles. This would be located to the north of the existing boundary treatment fronting Pinewood Park. The unit would have a footprint of approx. 1.8m by 2.5m and an overall height of 2.1m. The agent has advised that the container will be finished with natural softwood.

### **Relevant Planning History**

9. LDC/20/88428  
Lawful development certificate for a proposed use: Change of use from C3(a) to C3(b).  
Certificate refused (October 2020)  
A lawful development certificate is assessed against the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). This is different Legislation to that of which planning applications fall within. The GPDO sets out what development can be undertaken without the need for planning permission. The change of use described above was not considered to fall within the limitations of permitted development.
10. F/15/77114  
Change of use from countryside to residential curtilage (class C3) and erection of single storey side extension  
Permitted (October 2015)
11. F/10/66938  
Single storey and first floor rear extension including side dormer window  
Permitted (May 2010)
12. F/09/66023  
Construction of detached double garage, following demolition of existing garage  
Permitted (December 2009)
13. F/09/65538  
Addition of pitched roof to existing double garage  
Permitted (September 2009)
14. F/06/58529  
Alterations and extensions to create a two-storey dwelling with front, side and rear dormer windows and a rear conservation  
Permitted (January 2007)

### **Representations Received**

15. 3no. separate objection letters have been received; it is however noted that 1no. objection letter had 6no. signatures. The objections have been summarised as follows:
  - Lack of parking would result in on-street parking, 7 staff (& potential visitors) will park on the street to avoid 'blocking in' multiple cars
  - Lack of public transport links

- Rowan's right of access over the driveway, which is shared with the annexe of Hilltop. The parking of 3no. vehicles would prohibit this access
- Loss of privacy
- Increased noise
- Impact upon property value
- Light invasion; security lighting shines into Rowan's kitchen and lounge windows
- Annexe conversion into full-time residence affects neighbours
- Smell; properties are serviced by their own septic tanks/ water treatment units. Hilltop's will have been based on a single-family dwelling. The system will not cope with the increased requirements
- Contrary to Eastleigh's principles relating to accommodation for those in need of care; not pedestrian friendly, not within walking distance of shops/ services/ amenities, no public transport operates within 400m, no provision of suitable pick-up/drop-off.
- Highways safety; no provision for vehicles coming or going independently, they would be on a first in, last out basis. Could result in overspill onto Pinewood Park.
- Questionable whether employees would cycle along A27
- Concerns raised about visits and parking
- Noise & smell

## Consultation Responses

16. Parish Council  
None received.

17. EBC Environmental Health

No objection.

Additional information was provided 28 November 2022, whereby the Council's Environmental Health Officer was consulted. Their comments remain unchanged from those previously provided.

Comments 31 October 2022:

We do not object, but please recommend to the applicant that it satisfies itself of the suitability of the ambient noise environment for its proposed use in the C2 class.

18. EBC Arboriculturalist:

No objection.

The site was the subject to recent tree replacements, as such there are a number of relatively young trees within the site, planted under a Tree

Replacement Notice. However, as there are no proposals to alter the existing landscaping, we raise no arboricultural objection to the proposal.

19. EBC Ecologist:

No objection.

There are records of bats and reptiles nearby. Dumbleton's Copse SINC is adjacent to and extends onto the north-eastern corner of the property. However, there are no proposed external alterations to the house, annexe, or landscaping but there are no ecological objections.

Biodiversity enhancements are required. Planting more flowering plants in the garden to attract pollinators over a wide flowering season would be appropriate. Any new landscaping should be done with awareness of the SINC boundary and not introduce any non-native or invasive plants.

20. Hampshire Highways

No objection.

Comments 29 November 2022 following the receipt of additional information:

The parking quantum is for EBC to set and assess. The revised plan has been amended as suggested to convert some front garden space to driveway and an increase provision of 9 vehicle parking spaces is now shown, none of which are obstructive to other parking space users. This is an acceptable layout, and as such there is no objection to the proposals from a highways perspective, subject to a suitably worded condition outlining that parking works must be in place before the site is occupied by the change of use, and that this parking provision must be retained for future use.

Comments 16 November 2022

No objection in principle.

Whilst the assessment of the parking quantum is a function for EBC as Local Parking Authority, where it must be demonstrated that adequate on-site parking is provided, it is noted that the proposed layout is not ideal.

The proposed layout demonstrates 3 rows of parking, with up to four vehicles lined up behind each other, and whilst this may be adequate in terms of overall numbers, the actual practicalities of such a layout are debatable, particularly during times such as shift changeover when blocking in could occur.

Due to this, the potential for site relates vehicles to migrate off site and instead park on the highway is realistic and being close to the junction of Pinewood Park and the A27 (Kanes Hill), this would not be welcomed.

As such, it would be requested that the case officer confirms the required vehicle parking number, and onwards a revised layout is provided that would realistically work, potentially with a maximum of tandem parking proposed, with the driveway area increased to allow for this.

21. NHS CCG (National Health Service Clinical Commission Group)  
None received.

### **Policy Context and Designations Applicable to Site**

- Countryside
- Settlement gap (Area C West End, Hedge End, Southampton (C16))
- Nature Conservation
- Airport safeguarding zones
- TPO (706-E)
- SINC (3Bii Dumbleton's Copse EA0062)

### **Development Plan Policies**

#### **Eastleigh Borough Local Plan 2016 – 2036**

22. The relevant policies comprise:
23. Strategic Policies:
- S1 (Sustainable Development)
  - S2 (Approach to New Development)
  - S5 (New Development within the Countryside)
  - S6 (Protection of Settlement Gaps)
  - S10 (Community Facilities)
24. Development Management Policies:
- DM1 (General Development Criteria)
  - DM8 (Pollution)
  - DM11 (Nature Conservation)
  - DM13 (Transport)
  - DM14 (Car Parking)
  - DM19 (Change of use of building in the Countryside)

### **Hampshire Minerals and Waste Plan**

25. Policy 15 – Safeguarding of Mineral Resources.

### **Supplementary Planning Documents**

- Accommodation for Older People and Those in Need of Care (May 2011)
- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Biodiversity (December 2009)

### **National Planning Policy Framework**

26. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.
27. Three dimensions of sustainability are to be sought jointly:
- Economic: this comes in the form of supporting the economy, whereby this application would seek to provide jobs for care workers,
  - Social: this includes the provision of appropriate living accommodation. This application would provide appropriate accommodation for a specific end user (specified as Adults with Learning Disabilities and Autistic Spectrum Disorder). Further, Paragraph 62 of the NPPF notes that there is a need for a variety of housing to meet the need of different groups within the community. This is also supported within the Council's SPD in relation to 'Accommodation for Older People and Those in Need of Care'. This application would therefore seek to contribute towards providing appropriate housing thus achieving the social strand of sustainability.
  - Environmental: contributing to, protecting and enhancing natural, built and historic environment. This application is located adjacent Dumbelton's Copse, whereby the wider surroundings comprise countryside and settlement gap, limited physical development is proposed, and informatives would be imposed to provide biodiversity enhancements to address this strand of sustainability.

Local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development



in different areas.

### **National Planning Practice Guidance**

28. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

### **Assessment of Proposal: Development Plan and / or Legislative Background**

29. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.
30. The Development Plan comprises the Eastleigh Borough Local Plan (2016-2036) and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

### **Principle**

31. The application site falls within designated countryside and, as such Policy S5 of the Eastleigh Borough Local Plan (2016-2036) is of relevance. This policy sets out that there are specific criteria which development must comply with in order for it to be acceptable within the countryside. Section 1.b sets out that residential extensions and replacement buildings, including limited residential conversions (Policy DM19) can be acceptable providing that the proposals do not have an adverse impact upon the intrinsic character of the countryside. Policy DM19 specifically relates to the change of use of buildings in the countryside. This policy seeks to ensure that the proposed use would be compatible with neighbouring uses and does not have an urbanising effect on the countryside.
32. The application site also falls within a settlement gap, protected by Policy S6, which ultimately seeks to ensure that development would not undermine the physical extent and/or visual separation of settlements. As the site is an established dwellinghouse and the proposals relate to the change of use of a dwellinghouse to care facilities for adults with learning disabilities and autistic spectrum disorder, falling within a residential use class C2, the development is considered to be acceptable in principle with any planning approval being subject to the particular details and impacts of the scheme, including upon the

settlement gap, being deemed to be appropriate and to accord with the relevant planning policies and guidance.

### **Design and Appearance**

33. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.
34. The application does not propose any external alterations to the host dwelling nor the existing associated annexe.
35. The application proposes the addition of a bicycle storage shelter. This is proposed to be situated to the north-west of the existing boundary treatment fronting Pinewood Park. Whilst it is acknowledged that the proposed bicycle storage shelter is fairly utilitarian in terms of its appearance, this is not considered to be harmful to the visual amenities. Furthermore, and as a result of its siting, this element of the proposal would be largely screened by the existing boundary treatment which comprises dense vegetation.
36. Overall, and to conclude, due to the nature of the proposals there is considered to be a limited difference to the overall streetscene in terms of the visual amenities. The proposals are therefore considered to be in accordance with the abovementioned policy, thus would be acceptable.

### **Internal & External Amenity for Future Occupiers**

37. The application site, including the dwellinghouse and external amenity area, is of a generous size. The external amenity space and all the rooms exceed the Council's usual minimum size and space standards required for new residential development. In addition to this, due to the nature of the proposal, the applicant, as a care provider, will have their own standards in order to provide the necessary and appropriate accommodation for the end user.
38. To conclude, the proposals are considered to be acceptable, providing adequate internal and external amenity space for future occupiers.

### **Residential Amenity**

39. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
40. The application does not propose any external alterations to the host dwelling or annexe. The only external element proposed as part of this application is the installation of bicycle storage unit. This is proposed to be situated to the north-west of the existing boundary treatment fronting Pinewood Park, thus located away from neighbouring amenities. As a result, this element of the proposal is not considered to have an adverse impact upon the amenities of the neighbouring properties.
41. Due to the nature and change of use of the proposals, the Council's Environmental Health Team have been consulted. They did not object to the proposals, however they recommended that the applicant satisfies itself of the suitability of the ambient noise environment for its proposed use in the C2 class.
42. The applicant has advised that the existing dwelling has appropriate absorption, transmission and insulation measures, as such, the proposed renovation works would be undertaken in accordance with the existing measures. In terms of external noise, it is noted that the site is nearby the A27, and that parking provisions and vehicular movement would take place on the existing driveway orientated away from the 2no. closest properties (Avalon and Rowan).
43. Objections have been received relating to the increased noise as a result of the change of use. Whilst it is acknowledged that the use would be different to that of a usual C3 dwellinghouse, the use would only allow for a maximum of 6no. residents (the same as a C3 dwellinghouse). It is noted that environmental health have assessed the scheme and have not raised an objection. It is also acknowledged that there would be additional comings and goings compared to the average domestic dwelling operation. However, as a result of the spacious nature of the site, having the driveway, orientated away from the neighbouring properties, and the low-key nature of the proposed accommodation, this is not considered to result in an adverse impact upon the amenities of the neighbouring properties.

### **Highways Safety & Parking**

44. Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted

standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

45. Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted.
46. The LHA originally advised that the assessment of the parking quantum is a function for EBC as Local Parking Authority, where it must be demonstrated that adequate on-site parking is provided. They noted that the originally submitted proposed layout was not ideal and could result in on-street parking which the LHA would not welcome.
47. The applicant has since amended the proposed parking layout. The LHA have reviewed this and advised that the quantum of parking is for the Borough Council to assess, however the layout is now acceptable, and subject to conditions the LHA would be satisfied.
48. The amended parking plan (Proposed Site P00 Rev A) shows that there is the provision of 9no. parking spaces on the driveway, and 1no. parking provision in front of the existing annexe to the west of the main dwelling. Within the 'Planning Statement' it is noted that there would be between 5-7 members of staff during the day and 4 members of staff at night, therefore there is sufficient space on site for staff parking. As a result of the nature of the proposals, it is acknowledged that there would be visits, the Planning Statement advises that these are arranged by appointment. During the day there would be between 3-5 parking provisions available thus would be acceptable.
49. In conclusion the proposals are considered to be in accordance with the abovementioned policies and would therefore be acceptable.

## **Waste**

50. The waste disposal/ collection will be as per the existing residential dwelling. There would also be commercial waste. The agent has advised that this would be collected on a weekly basis, similar to usual domestic bins. In terms of medical waste, the agent has advised that the applicant does not provide any type of nursing care, so any medication disposal would be returned to a specific pharmacy by a member of management staff on a weekly basis.

## **Ecology**

51. Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and

developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

52. The Council's Ecologist has reviewed the application and has advised that they have no ecological objection. However, biodiversity enhancements would be required. These would be included by way of informative to a positive decision.

### **SPA Mitigations**

53. The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. It is noted that the application site does fall within 5.6km. Further, it is acknowledged that residential development generates additional nitrogen output into the Solent. Lastly, a more recent impact identified by Natural England is the impact additional housing has upon the New Forest (especially within a 13.8km radius). The application site also falls within this radius.
54. However, in this instance, the proposal would result in the change of use of an existing dwelling to care facilities falling within Use Class C2 and would not constitute as additional residential development. The current dwelling (Class C3) could be occupied by up to 6 people, whereby the proposals would not result in an intensification of occupation. Further, the likelihood of the residents contributing towards the impacts of recreational pressure are limited given the nature of the use, arguably this usage could have a lesser impact than that of a dwellinghouse (Class C3). Ultimately, the proposed impact would be assessed against the existing impact, and therefore the proposals are not considered to have a worse impact than the existing, and would not require any mitigations, thus would be acceptable in this specific regard.

### **Climate Impact and Sustainability**

55. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
56. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and adopted plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.
57. The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2, and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

### **Equalities Implications:**

58. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- a. A public authority must, in the exercise of its functions, have due regard to the need to:
    - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

59. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.
60. As noted above, and in relation to social sustainability, the proposal would provide accommodation for adults with learning disabilities and Autistic Spectrum Disorder. Whilst this does not override the above planning matters laid out in this report, it is acknowledged that this is a positive facet of the scheme.
61. **Conclusion**
62. To conclude, the application proposes to change the use from C3 (dwellinghouse) to C2 (Residential Care Home for 6 Adults with Learning Disabilities and Autistic Spectrum Disorder). The proposals comply with the necessary planning policies, as set out above, in that there would be no adverse impact upon the neighbouring amenities or highways safety network. The proposals are also supported by the NPPF and the Council's 'Accommodation for Older People and Those in Need of Care' SPD. As such, the proposals are considered to be acceptable and are therefore recommended for approval subject to conditions laid out above.

F/22/93935



Address: Hilltop, Pinewood Park  
Southampton, SO19 6AL

Date: 14/12/2022    Scale: 1:1250