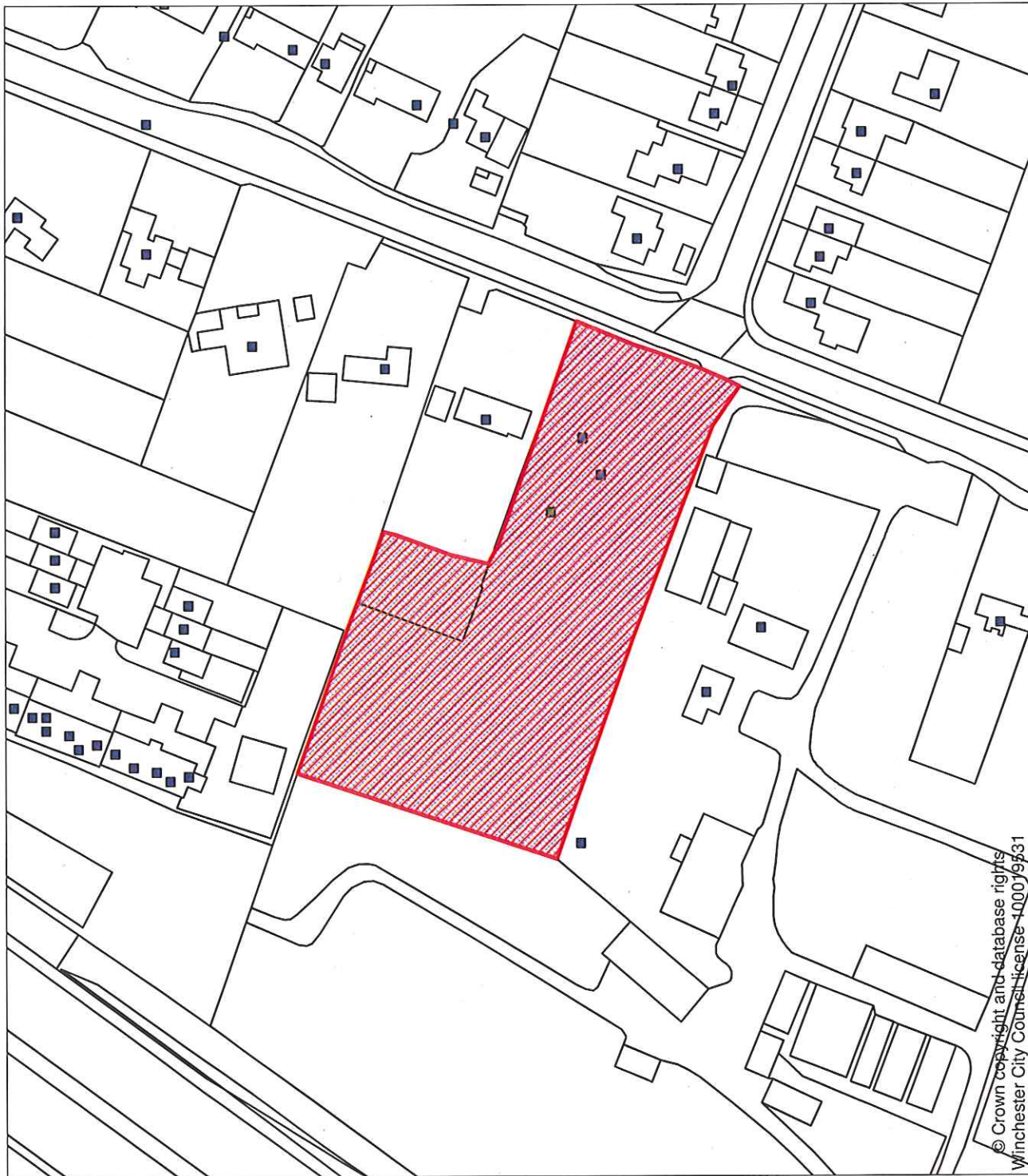


Plot 1 The Captain Barnard, Otterbourne Road, Compton, Hampshire



Winchester
City Council

15/02427/OUT



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	06/04/2016
MSA Number	^PMSA Number

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No: 02
Case No: 15/02427/OUT / W00532/22
Proposal Description: Construction of 62 Bed Care Home for the Elderly containing 40 single rooms and 11 double nursing units plus a villa of 4 double nursing units on the site of the former Captain Barnard Public House and part of rear garden of Calvi (OUTLINE - considering access, appearance, layout and scale) (Re-submission, ref: Consented Case No. 12/01298/OUT).

Address: The Captain Barnard Otterbourne Road Compton Hampshire
Parish, or Ward if within Winchester City: Compton And Shawford
Applicants Name: Brendoncare Enterprises Ltd
Case Officer: Mrs Jill Lee
Date Valid: 4 November 2015
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received contrary to the recommendation.

Site Description

The application site is located on the western side of the Otterbourne Road in Compton. The site previously accommodated a pub known as the Captain Barnard. This building has now been demolished and the site is vacant with hoarding to the road side.

To the south of the site is Compton Plant Nursery, to the north a detached residential property known as Calvi, and to the rear of this new properties and a playground.

The overriding character of the area is of large detached dwellings set in substantial grounds with mature planting and trees that contribute to the character of the area.

Proposal

This application is a resubmission of 12/01298/OUT for the construction of 62 bed care home for elderly people containing 40 single rooms and 11 double nursing units plus a villa of 4 double nursing units on the site of the former Captain Barnard Public House and part of rear garden of Calvi (OUTLINE - considering access, appearance, layout and scale). The siting, access, appearance, layout and scale of the proposed development is not altered from that already permitted. This application is submitted as the previous consent was about to expire and no conditions had been submitted or discharged and the consent was therefore not implemented.

It is proposed to construct a care home for the elderly. The proposed development consists of two buildings with garden and parking areas in between. Towards the front of the site is a villa building containing 4 units of nursing accommodation to accommodate couples. This building will be 2 storeys in height with some accommodation within the roof space. It is proposed to construct the building in red facing brick with some render and tiles to the roof. The windows and doors are proposed to be grey aluminium. Details of the materials are conditioned. This building has garden between it and the road and parking to the rear. It is approximately 7.5m away from the neighbouring property Calvi.

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The building to the rear takes the form of a block of nursing care accommodation. It will be 3 storeys in height and will be constructed in a mix of red and buff brick with a tiled roof and aluminium windows and doors. This block will be approximately 3.5m away from the boundary fence which separates the site from the open space at the end of the Laura Close development of houses and apartments.

The access is taken via the existing access point which was previously used for the public house.

Relevant Planning History

09/00697/FUL – construction of 65 bed care home for the elderly and 2 no two bedroom semi detached dwellings (resubmission) granted 8 July 2009.

12/01418/FUL - (Extension to the time limit for implementing planning permission 09/00697/FUL) Construction of 65 bed care home for the elderly and 2 no. two bedroom semi-detached dwellings, granted 17 September 2012.

12/01298/OUT - Construction of 62 bed care home for elderly people containing 40 single rooms and 11 double nursing units plus a villa of 4 double nursing units on the site of the former Captain Barnard Public House and part of rear garden of Calvi (OUTLINE - considering access, appearance, layout and scale), granted 31 December 2012.

None of these consents have been implemented and all are now expired.

Consultations

Engineers: Drainage: No objection to the application. This is a resubmission of a development that already has consent. Same conditions as previously imposed should be used.

Engineers: Highways: No objection to the application.

Head of Landscape: No objection to the application. Conditions needed to cover updated tree information.

New Home Delivery Team: The application is not for housing and so does not trigger affordable housing provision. However, the application proposes a villa of 4 double nursing units on the site which does potentially allow for a change of use in the future to C3 for this villa. It is important in such circumstances that affordable housing provision is secured should the use of the building change. It would be appropriate in such an instance to include a provision within the s106 agreement that, should the buildings use change to C3, the affordable housing obligations will apply. NOTE: if the building was to change to C3 then a planning application would be required and an affordable housing contribution could be sought at that point. It is not considered appropriate to require a S106 at this stage.

Environment Agency: no objection to the application.

Southern Water: no objection to the application but point out that the public sewer crosses the site and will need diverting.

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Representations:

Compton and Shawford Parish Council – no response received.

7 letters received objecting to the application for the following reasons:

- Busy access to road, potential cross road.
- Grove Road only has one pavement.
- Busy and fast road difficult for people to cross.
- There is no street lighting in the area
- Potential for accidents to occur.
- Noise nuisance to neighbours from bin store and generator.
- Size, siting and views to neighbours should be no more intrusive than under the previous permission.
- Inadequate parking for staff and visitors
- Existing trees, shrubs and hedges need to be retained to protect the privacy to properties in Laura Close.

Relevant Planning Policy:

Winchester District Local Plan Review

Saved policies DP3, DP4, DP5, T2, T3, T4.

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA3, CP6, CP7, CP8, CP10, CP11, CP13, CP16, CP17, CP18, CP20

Winchester District Local Plan Part 2: Development Management and Site Allocations.

DM1, DM15, DM16.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance:

High Quality Places 2014

Planning Considerations

Principle of development

The application site is located within the settlement boundary of Southdown and is immediately adjacent to the local gap. The principle of redeveloping the site for a care home and residential is acceptable in policy terms. The care home element provides a facility and service to compensate for the loss of the pub.

Material considerations are the three previous planning permissions which have been granted on the site for care home facilities. There has not been a material change in policy such that there are new material considerations that would now warrant refusing the application and this application is a resubmission of the consent granted under reference 12/01298/OUT which expired in January this year without being implemented.

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The impacts of the development have not altered since the previous consent and the details of the siting of the buildings and positions of windows, bins stores and generators are the same as on the previously consented scheme and are still considered to be acceptable.

The principle of the development is therefore acceptable.

Design/layout

This remains the same as the previous consent. The existing access to the site is used. To the front of the site is a two storey lodge building which is a similar domestic scale to other residential properties adjacent to the site. This will contain 8 bed spaces.

To the rear of the site is a three storey building which will contain 62 bed spaces. Between the two buildings is an area of garden and parking allowing the retention of the two oak trees in a landscaped setting.

The position of the built form is the same as the previous consent. The design is traditional with brick and render elevations under tiled roofs. The larger building incorporates a red and a buff brick to provide interest whilst the lodge building has a single brick with render detail to provide interest.

The actual materials are not agreed although the approach is acceptable. There is a condition to cover submission of materials (condition 2).

The design and layout of the proposal is considered to be acceptable.

Impact on character of area, landscape, ecology and trees.

In determining the previously approved scheme, consideration was given to the levels of the land, the context of the site and the proximity of neighbours in relation to the proposed new buildings. The scheme was considered to be acceptable in all of these matters and there are no material changes proposed as a result of this application. The main building is still to be to the rear of the site with a smaller building to the front which respects the context and scale of houses fronting the road.

The application site is immediately adjacent to a local gap and the impact of the proposed development on the gap also has to be assessed. The scheme was previously assessed as having an acceptable impact on the gap and would not visually diminish the gap. This situation is still the same and the impact on the proposed development on the function and appearance of the gap is acceptable.

There are trees and hedges on site but the position of the proposed building is largely the same and so the impacts on landscape are also unchanged.

The significant trees on the site are largely retained and the layout of the buildings has allowed for the larger trees to remain within communal garden areas so reducing the potential for the building works to damage the trees and reduce the likelihood of future conflicts between retained trees and the buildings. The submission of updated tree information has been conditioned (condition 4) and landscaping is a reserved matter at this stage.

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The ecological information has been updated and is satisfactory. There have been no material changes on the land adjoining the site and the relationship of the proposed development on the character of the area is still therefore acceptable.

Impact to neighbours residential amenity.

In determining the previously approved scheme, consideration was given to the levels of the land, the context of the site and the proximity of neighbours in relation to the proposed new buildings. The scheme was considered to be acceptable in all of these matters and there are no material changes proposed as a result of this application. The main building is still to be to the rear of the site with a smaller building to the front which respects the context and scale of houses fronting the road.

The impact of the new proposal on neighbour's amenity is considered to be acceptable and the variations from the approved scheme are very minor and not detrimental to the neighbour's amenity.

There have been no material changes on the land adjoining the site and the relationship of the proposed development on the character of the area is still therefore acceptable.

Highways/Parking

There is no objection to the use of the existing access for the proposed development and the proposals should not result in any increase in traffic. Car parking is provided to standard with 27 spaces including disabled parking. There is also sufficient width on the internal private drive to accommodate further casual parking if needed. The highways and parking provision are considered to be acceptable.

Affordable housing.

The proposed development does not fall to be considered under policy C3 (affordable housing) and so not affordable housing provision is offered or has been sought. Should the development change from elderly care (C2) to general housing (C3) a planning application would be needed as there is no permitted change between the two classes and affordable housing would be sought at this point.

Recommendation

Application Permitted subject to the following conditions:

Conditions

01 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

01 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas 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.

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02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

03 Reason: To improve the appearance of the site in the interests of visual amenity.

04 Prior to any work commencing on site a fully updated Arboricultural Impact Assessment and Arboricultural Method Statement, tree survey, and tree protection plan in accordance with BS5837:2012 shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

04 Reason: To ensure that the trees to be retained are fully protected during construction and in the longer term in the interests of the visual amenities and character of the area.

05 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections 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, have been submitted to and approved in writing by the Local Planning Authority.

05 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

06 Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

06 Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

07 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

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07 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of the site.

08 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

08 Reason: In the interests of the visual amenities of the area

09 Before the development hereby permitted begins, a soil survey of the site shall be undertaken and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. A scheme for decontamination shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented shall be completed before any residential unit hereby permitted is first occupied.

09 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of the future occupants.

10 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

10 Reason: In the interests of highway safety

11 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

11 Reason: In the interests of highway safety.

12 The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority. (NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works).

12 Reason: To ensure satisfactory means of access.

13 Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 120 metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times.

13 Reason: In the interests of highway safety.

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14 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

14 Reason: In the interests of highway safety.

15 The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

15 Reason: To ensure that adequate on-site parking and turning facilities are made available.

16 Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Foul drainage from the development must connect to the public mains foul sewer. There is a presumption for connection to this system.

16 Reason: The site is within an aquifer protection zone and therefore represents a high-risk area in terms of groundwater vulnerability. The site lies on a major aquifer, which is a source of a major drinking water supply. Records indicate a 'swallow hole' behind and to the west of the 'Captain Barnard'. Swallow holes can provide a direct pathway to the underlying water supply. Contaminants must not reach the groundwater. In addition there is an historical landfill less than 50m away from the eastern boundary of the site.

17 Construction of the development shall not commence until details of the proposed means of surface water disposal have and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme shall be implemented as approved.

17 Reason: Since there is no public surface water system available to serve the site and suitable alternative means of surface water disposal will need to be agreed that will not conflict with protecting the aquifer from contamination. The site lies above Culver chalk formation, a principal aquifer and within the groundwater Source Protection Zone 1 for the Otterbourne public water supply and whilst the use of SUDs, such as permeable paving, may be acceptable the scheme needs to ensure that appropriate pollution prevention measures are incorporated into it in order to mitigate risks to groundwater.

18 No development approved by this planning permission shall be commenced until a scheme for the method of working and construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

18 Reason: The site is within an aquifer protection zone and therefore represents a high-risk area in terms of groundwater vulnerability. The site lies on a major aquifer, which is a source of a major drinking water supply. Records indicate a 'swallow hole' behind and to the west of the 'Captain Barnard'. Swallow holes can provide a direct pathway to the underlying water supply. Contaminants must not reach the groundwater. In addition there is an historical landfill less than 50m away from the eastern boundary of the site.

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19 Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of potentially contaminated sites - code of practice and Contaminated Land Reports 7 to 11 or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the LPA:

- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

19 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants

20 Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of condition 19 shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of condition has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

20 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants

21 Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

21 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants and because the site lies above Culver chalk formation, a principal aquifer and within the groundwater Source Protection Zone 1 for the Otterbourne public water supply. Any contamination present at the site may pose a risk to groundwater.

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22 Works shall be carried out in line with the recommendations set out within the updated report from EPR (23 October 2015) relating to nesting birds, reptiles, bats and Japanese Knotweed.

22 Reason: In order to provide ecological mitigation.

23 Prior to occupation of the development hereby permitted details of all external lighting to be provided on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

23 Reason: In the interests of the visual amenities of the area and to protect ecological interests on the site.

24 The development hereby permitted shall be used for an elderly care and nursing care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

24 Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

Informatives:

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

02. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

03. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: Saved policies DP3, DP4, DP5, T2, T3, T4.
Local Plan Part 1 - Joint Core Strategy: MTRA3, CP6, CP7, CP8, CP10, CP11, CP13, CP16, CP17, CP18, CP20
Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM15, DM16

04. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to

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Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.