

# PLANNING STATEMENT

***Erection of a part-two, part-three storey 78 bed older persons care home (Use Class C2) together with construction of new access road, car/cycle parking, drainage works, hard/soft landscaping and other associated infrastructure***

Land South of Bartons Road and West of  
Normandy Way, Havant, Hampshire



Brackley Investments Ltd

July 2023

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## 1. Introduction and Planning History

Brackley Investments is a specialist and proven developer of high-quality older persons residential accommodation across the country. The Havant area together with much of the south coast is home to a high and growing number of older people (over 75s), an increasing proportion of which will suffer from a range of physical and mental health conditions that require 24-hour support. To address the growing need both now and in the near future, Havant and the wider Borough requires a number of new care/nursing homes both to address the needs of the growing aging population as well as provide a modern living and care environment to replace existing facilities that are no longer suited to meet current standards or are struggling to remain viable and compliant with the standards set by the Care Quality Commission (CQC).

In response to the current and future need, Brackley Investments obtained full planning consent (ref APP/20/00761) for a 64-bed Care Home on the application site in March 2021. However, discussions with prospective Operators fell through and the scheme proved unviable in the current economic climate due to operational cost rises for care home operators. The need for older persons care accommodation in the area remains undiminished however, and therefore Brackley have identified prospective new operators for the Care Home, Anavo Group, who are also experienced, specialist CQC-registered care home providers, with 10 Care Homes across the country, including three in Hampshire.

Anavo's requirements necessitate an increase in the number of bedrooms from 64 to 78, and therefore an alteration to the approved description of development, therefore a fresh, full planning application is required. Whilst 14 additional bedrooms are now proposed, less administrative and complementary facilities are required, therefore a lower floorspace per bedroom can be achieved.

A review of the application site's potential to accommodate the development has been undertaken, which has determined that more efficient use can be made of the site's topography. In summary therefore the proposed scheme produces a 78 bed care home but within a smaller footprint to that approved, and with the same ridge height, through better use of the lower ground floor area.

The application site, aided by the reduction in footprint for the revised premises, provides sufficient capacity to accommodate the additional 4 parking spaces required by HBC standards with regard to the 14 additional bedrooms.

The following Statement therefore describes and compares the new proposal to that approved, together with an updated analysis of the site's context in light of surrounding residential development delivered since March 2021. The approved scheme remains extant, and indeed the vast majority of pre-commencement conditions have been discharged.

Nevertheless, as over two years have passed since the initial planning consent was issued, the supporting suite of reports and surveys have also been updated and are summarised within the analysis below, before conclusions are drawn, in support of the new proposal.

This submission benefits from Officer and Statutory Consultee feedback received in response to a pre-application enquiry submitted in May 2023. The response was favourable, confirming that the principle of development is established through the extant consent, and recognising the similarities between the revised and initial schemes.

## 2. Site Context Update

The application site consists of approximately 0.65 hectares of vacant greenfield land on the eastern edge of Havant, to the south of Bartons Road and west of Normandy Way – serving the adjacent Brookvale development. Whilst greenfield in nature, the site has an extant planning permission (ref APP/20/00761) for a 64-bed Care Home, dated 31 March 2021, thus the principle of development of the site for C2 residential institution use is established.

Over the past two years the context to the site has become more urbanised due to further residential development to the north of the site (ref APP/19/00007) for 72 dwellings, along with the completion and subsequent occupation of dwellings to the south of the site. Whilst, due to the withdrawal of the Emerging Local Plan, the residential development planned to the east of Normandy Way is not currently proposed, it is anticipated that the land will, in due course, be allocated for residential use – thus the site is likely to be contained by residential development on all sides in future years.

To the immediate north and west of the site the remainder of the previously proposed H25 residential allocation proposed for Helmsley House under the Emerging Local Plan has yet to move forward but remains suitable for development.

The application site comprises relatively unkempt grass and scrubland with belts of trees along its southern, western and eastern boundaries which has for many years formed the immediate hinterland to the nearby Helmsley House. The land falls notably by approximately 3m from its northern to southern boundaries as indicated on the submitted topographical plan.

A tree preservation order (TPO - 2100) has been made that covers four Oak trees across the wider parcel of land including two within the application site – T35 (a Common Oak) near the site's western boundary and T8 (also a Common Oak) on the site's eastern boundary. Both trees have been protected with fencing during both survey and tree felling works outside the bird nesting season.

The application site is indicated on the Council's Policies Map as within the buffer zones established to the Solent SPA as well as the Chichester and Langstone Harbour SPA and Ramsar site, hence nitrate neutrality mitigation is required in respect of residential development within the area.

A small part of the application site (consisting of the proposed new access road to be formed from Normandy Way) lies within Hampshire County Council's designated minerals safeguarding area but this was not considered to be a constraint to development in respect of the extant planning permission referenced above.

The site is not subject to any other local or statutory designations. Furthermore, the site is identified to be at low risk of flooding from any source based on Environment Agency mapping and the Council's Strategic Flood Risk Assessment (SFRA).

### 3. Proposed Development Comparison

Full Planning Permission was obtained in March 2021 for the following form of development on the site:

*“Erection of a 64 bedroom older persons care home (Use Class C2) together with associated access road, car/cycle parking, drainage works and soft/hard landscaping.”*

The proposed care home building was to be laid out centrally within the application site in an H-shaped footprint to enable two wings on each of two floors, set within ‘households’ of 16 bedrooms set around central shared facilities, thus 32 bedrooms per floor, with the footprint designed to avoid protected tree T35, and the car park set along the eastern side of the site. The gardens, featuring a not-insubstantial retaining wall, created a separation distance of c.23m from bedroom windows on the southern elevation to the nearest dwellings to the south.

The building was designed to blend with surrounding residential properties with external walls constructed predominantly in red brick with small elements of grey composite cladding, under dual-pitched roofs covered with plain grey tiles to match the Bellway housing to the south along with a combination of green roof and solar PV panels.

Pedestrian and vehicular access was via a new access off the newly constructed, yet-to-be-adopted Normandy Way to the east (serving the Bellway development APP/15/01435 & APP/18/00453), to serve both the care home site and the remainder of the H25 parcel.

The development proposals were designed to achieve BREEAM ‘Very Good’ to accord with the requirements of adopted policy and amounted to a GIFA of 3,334 sqm across a footprint of 1717 sqm, along with 29 parking spaces, cycle parking and emergency drop-off / delivery areas.

The new proposals are for the same form of older persons care (targeted towards dementia needs with varying levels of acuity) falling within C2 use, and regulated by the CQC (Care Quality Commission) thus bedrooms will be of a similar size and type (all single, ensuite rooms), and the same core services would be delivered, but by a different Care Operator with a slightly different approach in terms of nursing ratios and complementary facilities.



Thus the revised proposals are for 78 beds of accommodation with 14 additional bedrooms on a lower ground floor, and a similar layout of 16-bed households of accommodation in two wings across two floors. Overall therefore despite the GIFA increasing by 761 sqm (23%) to 4095sqm, the footprint of the building will actually reduce by 117 sqm (7%) to 1,600 sqm.

The building retains an H-shape footprint, along with avoidance of the protected trees, but is effectively ‘squeezed’ such that the southern elevation moves up the site, and thus c.35m from dwellings to the south rather than 23m as with the extant scheme.

An additional four parking spaces are proposed – taking the total to 33 spaces. Again the parking is laid-out along the eastern boundary of the site, with the vehicular access taken from the same position as per the approved layout. This layout makes much better use of the site, and enables the southern gardens to be level, and therefore more productive, as well as being enlarged in comparison to the consented scheme.



*Proposed 78 bed scheme East Elevation*



*Approved 64 bed scheme East Elevation*



*Existing site Topography*

Despite the addition of a lower ground floor, the ridge height of the building is exactly the same as the consented scheme (39.73m AOD) due to a reduced roof pitch. In terms of palette of materials these are all very similar to the approved scheme, with red brick the predominant external walling material, along with grey composite cladding under a grey tile roof, which again has a mix of green roof planting, plant and PV panels.

The building's front (eastern elevation) appearance has been reduced in width, and improved through the introduction of additional and enlarged fenestration, by virtue of the undercroft bin store no longer being required, whilst the northern and western elevations will appear little different from the approved scheme. The southern elevation, as viewed from dwellings to the south, will appear taller due to the lower ground floor addition, however this is set back some 10m

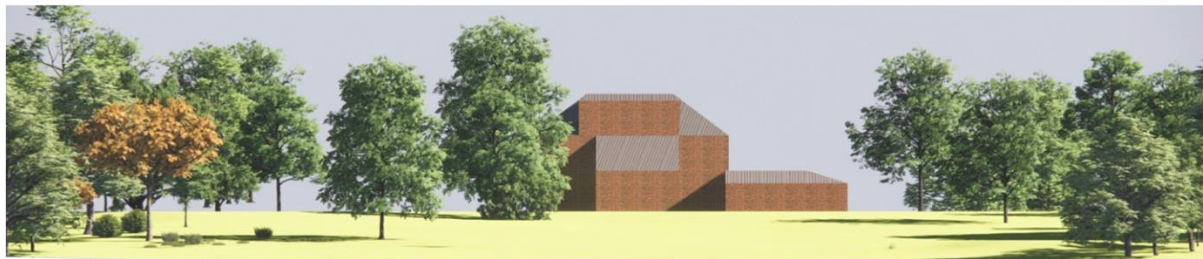
further than the consented scheme, and thus over 35m from the nearest, and only, habitable room of a dwelling south of the site.



*Proposed 78 bed scheme South Elevation*



*Approved 64 bed scheme South Elevation*



*Existing site Topography*

A key aspect of the considered design approach has been to utilise the levels difference within the site, whilst retaining a suitable outlook for all residents – particularly with regard to the north-facing bedrooms on the lower ground floor wing. This has been achieved through terracing and landscaping the rising ground between the southern wing and central areas, whilst maintaining suitable gradients for pedestrian access from the car park to the main entrance and within the gardens themselves, as well as remaining clear of tree root protection areas. The images below show that this has been achieved effectively, and thus all residents will enjoy pleasant views and plenty of natural daylight into habitable rooms.

Overall therefore the revised proposals are considered to represent a visual improvement, as well as a more efficient use of land; retaining the key principles of protecting important trees, reducing the site coverage, yet providing a higher level of older persons accommodation.

## 4. Planning Policy Update

Section 38(6) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. The development plan is therefore the starting point for decision making.

The National Planning Policy Framework (NPPF) is the Government's expression of national planning policy in England. The policies within it are a material consideration in determining planning applications though it does not change the statutory status of the development plan as the starting point for making those decisions. However, where policies in development plans are not consistent with the policies contained in the NPPF, it requires that they be afforded reduced weight in a manner dependent on their degree of inconsistency. Furthermore, it does contain at its heart a presumption in favour of sustainable development (paragraph 11) which, if engaged due to relevant policies in the development plan being out-of-date, requires planning permission to be granted unless either the harm resulting from the development significantly and demonstrably outweighs the benefits, or, policies in the NPPF relating to specific matters provide a clear reason for refusal.

### National Planning Policy Framework

The NPPF (July 2021) represents the Government's national planning policy for England and sets out planning policies and principles relevant to plan making and decision taking. The NPPF is a material consideration of significant weight in decision taking as determined by case law and as set out in paragraph 2 of the NPPF.

The NPPF seeks to support the plan-led system where such plans are up-to-date and it affirms the development plan as the starting point for decision making. At paragraph 11(c) it confirms that development proposals that accord with an up-to-date development plan should be approved without delay.

The NPPF requires planning policies in development plans to be afforded weight dependent upon their consistency with the policies of the NPPF, stating that where relevant development plan policies are silent or where the most relevant policies are collectively considered out- of-date (i.e. materially inconsistent with the NPPF), paragraph 11(d) of the NPPF requires the presumption in favour of sustainable development to be engaged.

This requires planning permission to be granted unless: i) policies in the NPPF relating to areas or assets of particular importance as defined in footnote 6 provide a clear reason for refusing the proposed development, or, (ii) any adverse impacts of the proposed development significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The relevance of this, and whether paragraph 11d applies to the determination of the proposal, will be considered later in this report.

Those paragraphs and policies of the NPPF considered to be particularly pertinent to consideration of the development proposals are set out below:

**Paragraphs 22 and 23** state that strategic policies should provide a clear strategy for bringing sufficient ... housing... land forward, and at a sufficient rate, to address objectively assessed needs over the plan period which must look ahead over a minimum 15 year period.

The adopted development plan is derived on meeting the housing, employment and other needs of the area based on previous Government guidance that pre-dated the NPPF and, in any event, only addresses this outdated calculation of need up to 2026.

**Paragraph 38** advises that LPAs should approach decisions in a positive and creative way and use the full range of planning tools available, going on to state that decision makers at every level should seek to approve applications for sustainable development where possible. Together **Paragraphs 39-46** promote the value of pre-application engagement and public consultation to ensure any issues are addressed prior to submission to help smooth the decision-making process.

Despite the principle of development for C2 use having been established through the extant consent, pre-application engagement with the LPA has been entered-into ahead of submission of the revised planning application, including with statutory consultees.

**Paragraph 60** sets out the Government objective of significantly boosting the supply of housing and for the needs of groups with specific housing requirements to be reflected through planning policies. **Paragraph 61** goes on to state that strategic policies should be informed by a local housing need assessment based on the standard method set out in national planning guidance. **Paragraph 62** further states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including housing for older people).

The adopted development plan is not consistent with this approach and thus, in this respect, its policies relevant to older persons specialist housing should be considered inconsistent with the latest national planning policy.

**Paragraph 74** requires Local Plans to include a trajectory illustrating expected rate of housing delivery and for all LPAs to identify and update annually a supply of deliverable housing sites sufficient to provide a minimum of five years' worth of housing against the Local Plan's housing requirement or local housing need (if the Local Plan is over five years old) with an appropriate buffer added of either 5% or 20%.

As the strategic housing policies in the Core Strategy are dated, it is against local housing need that the Borough's five year housing supply should be assessed. Havant Borough Council has only 1.8 years housing land supply, and therefore the tilted balance is engaged.

Furthermore, this application proposes a form of specialist housing that would deliver the equivalent of 43 homes (having regard to ratios set out in the Government's Housing Delivery Test rulebook) by freeing up existing housing stock. This is an improvement compared to the equivalent of 35 dwellings proposed via the extant scheme. Thus, irrespective of the need for specialist older persons housing, the contribution the scheme would make to housing land supply in the Borough is a substantial material consideration.

**Paragraph 110** requires development proposals to take appropriate opportunities to promote sustainable transport modes, provide safe and suitable access to the site for all users, and ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety can be effectively mitigated to an acceptable degree. **Paragraph 111** states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

In accordance with **Paragraph 113**, a Transport Statement has been submitted alongside the planning application demonstrating the suitability and safety of the proposed access and highway works together with the sustainable nature of the location and the options for access by sustainable modes of travel.

**Paragraph 119** promotes effective use of land in meeting the need for new homes and other uses provided the quality of the environment is safeguarded. **Paragraph 124** requires planning decisions to support developments that make efficient use of land taking into account the identified need for the development proposed, local market conditions and viability, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character as well as the importance of securing well-designed, attractive and healthy places.

The proposed development fulfils this requirement through making more efficient use of land by providing an enlarged and much-needed specialist care facility for older persons without detriment to the residential amenity of neighbours.

**Paragraph 126** states that the creation of high-quality buildings and places is fundamental to what the planning process should achieve and that good design is a key aspect of sustainable development. **Paragraph 130** requires development to function well and add to the overall quality of an area, be visually attractive and sympathetic to local character including the built environment and landscape setting, establish a strong sense of place and create a place that is safe, inclusive and accessible which promotes health and wellbeing.

The submitted Design and Access Statement sets out the principles underpinning the design and layout proposed which has been led by the principles established within the extant scheme, and enhanced through pre-application engagement subsequently, as well as through review of the site's changing context since March 2021.

**Paragraphs 152-158** provide a framework for ensuring that new development supports the transition to a low carbon future through requirements for new development to reduce greenhouse gas emissions, incorporate renewable energy and accord with local policies relating to sustainability standards. The revised proposals, at the requirement of the new Operator, are for a BREAAAM Excellent development, as opposed to the approved BREAAAM Very Good level, thus the new proposals will be more sustainable than those approved.

**Paragraphs 159-169** act to resist development that is at unnecessarily high risk of flooding by locating new development on land at lowest risk of flooding first. Development proposals that would increase the risk of flooding locally or elsewhere are also resisted. Major development proposals are required to incorporate Sustainable Drainage Systems (SuDS) to mimic natural land drainage.

The application site is at low risk of flooding from any source and the proposals are supported by a fully incorporated SuDS strategy that would prevent any increase in surface water discharge beyond pre-development levels.

**Paragraph 174** requires planning decisions to contribute to and enhance the natural and local environment by inter alia, protecting valued landscapes and sites of biodiversity/ geological value, providing net gains for biodiversity as well as recognising the intrinsic character and beauty of the countryside.

Whilst the application site remains outside the adopted settlement boundary, surrounding development has had an urbanising effect, and the site now ‘reads’ as a development site. Since 2021 several unprotected trees and scrub has been cleared from the site, whilst protecting trees T8 and T35. A raft of updated bat, bird and reptile surveys have now been undertaken in order to appraise the site’s contemporary ecological status.

**Paragraph 179** states that development plans should identify, map and safeguard local wildlife-rich habitats including the hierarchy of international, national and locally designated sites and corridors of ecological importance. **Paragraph 180** requires LPAs to apply a hierarchy when considering the impact of development proposals on biodiversity such that if significant harm cannot be avoided, then it should be mitigated or, as a last resort, compensated for.

The accompanying Ecological Appraisal contains an updated Biodiversity metric, showing that the proposals will result in a net gain of at least 10% above existing conditions through the sheer extent of enhanced landscaped grounds, new trees, green roof and new planting.

**Paragraphs 181-183** require new development to be appropriate for the site and its location taking into account the likely effects of contaminants and pollution on health, living conditions and the natural environment.

The proposed development merely replaces a previously-approved scheme for a larger footprint of development in the same use class, and with no higher a ridgeline. Given the degree of separation to neighbouring properties – increased from the previous scheme – there will be no harm to surrounding land users.

**Paragraph 194** requires planning applications to be supported by an assessment of the significance of any heritage assets affected by the proposed development. **Paragraph 199** requires great weight to be given to a heritage asset’s conservation with the weight afforded to it proportionate to its significance. **Paragraphs 201 and 202** apply dependent upon whether development proposals would cause substantial harm or less than substantial harm to a designated heritage asset. **Paragraph 203** states that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in applying a balanced judgement required having regard to the scale of any harm caused and the significance of the heritage asset.

The previous scheme was found to have no harm to designated heritage assets – namely nearby Grade II listed buildings and Conservation Areas – and given that the new proposal is of similar design, and no nearer that asset, nor larger when viewed from that asset, an updated heritage assessment has demonstrated that no additional harm will occur – therefore a negligible impact.

### **NPPG Housing for older and disabled people June 2019**

Of particular relevance to considering these proposals is a specific section of the PPG of June 2019 headed ‘*Housing for Older and Disabled People*’. This section of the PPG emphasises the importance of assessing and planning for the needs of older people as part of Local Plans which can range from accessible and adaptable housing through to specialist housing with high levels of care and support (Para 63-003-20190626).

Para 63-001-20190626 states that “*The need to provide housing for older people is **critical** (our emphasis). People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel*

*more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”*

The PPG explains that LPAs will need to count housing provided for older people as part of their Local Plan housing requirement, five year housing supply and towards the housing delivery test which, for residential institutions (Use Class C2), should be based on the amount of accommodation released into the housing market having regard to the Housing Delivery Test measurement rule book (63-016a- 20190626, 68-035-20190722 and 68-041-20190722).

Furthermore, the PPG advises at para 63-016-20190626 that “*where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need*”.

It is therefore clear that the PPG emphasises and strengthens the requirement within the NPPF for LPAs to assess, plan for and reflect the need for older persons housing in Local Plans as well as take a positive approach to considering planning applications for such housing where an unmet need exists. The proposed development not only meets this critical social need for additional older persons housing within the Borough, in providing over 20% more bedrooms than the previous scheme, but also provides the equivalent of 43 dwellings according to the Housing Delivery Test.

### **Havant Borough Development Plan**

The development plan for the area now purely consists of the Havant Borough Local Plan 2026 (Core Strategy) adopted in March 2011 and the Havant Borough Local Plan (Allocations) adopted in July 2014 as there are no adopted Neighbourhood Development Plans relevant to the application site and the Emerging Plan has been withdrawn.

The adopted Core Strategy was adopted prior to the publication of the first NPPF in 2012, let alone the most recent version in 2019, and so its corresponding provisions relating to addressing local housing needs are not consistent with the latest national planning policy guidance and guidance. The weight to be afforded to some of the adopted policies is therefore open to question in light of their consistency with the latest Government guidance set out in the NPPF.

Nevertheless as adopted development plan documents these provide the starting point for decision taking and the policies within them will be considered in turn insofar as these are potentially material to the consideration of the proposed development.

### **Havant Borough Local Plan (Core Strategy)**

**Policy CS1** supports the creation of healthy living within the Borough and applies to all new developments including this proposed development though clearly has a particular focus on larger new housing developments.

**Policies CS2 and CS3** set out support for employment generating development and development that raises skills and employability of the local population. Whilst the proposed development is communal residential in nature (Use Class C2), it would generate employment in the form of on-site nursing staff, chefs, cleaner etc (up to 80 FTE) which would be expected to come from within the immediate local population. There is consequently some indirect support for the scheme within Policies CS2 and CS3.

**Policy CS7** is permissive towards schemes that have community support and provide services for older people and vulnerable groups given that, in the supporting text (paragraph 4.15), it acknowledges that the population of over 60s in the Borough will grow disproportionately and thus present housing, health and care challenges. The proposals would provide for the care and housing needs of the growing elderly population in the Borough and are supported by independent research illustrating the need for care accommodation of this type in this area. Policy CS7 is therefore supportive of the principle of the proposed development.

**Policy CS8** requires new development to maximise opportunities for natural surveillance and provide well-lit roads, cycleways and footways. Whilst this policy is more pertinent to larger new housing developments, the proposed building is designed with windows providing outlook onto the public realm and to all parts of the site. This is especially important in care home design given the amount of time that residents spend in their rooms. The external areas would be lit appropriately (also having regard to ecology considerations) as would the internal access road which is designed to HCC's adoptable standard.

**Policy CS9** is specific to housing and, inter alia, supports provision of accommodation of the aging population in sustainable locations that takes account of the need to provide a variety of care needs. The application proposes a specialist care home for those older persons at higher levels of acuity who require 24-hour care often due to suffering from severe dementia or other conditions. This forms part of the recognised overall growing need for specialist older persons accommodation ranging from care at home, sheltered housing, extra care, and finally through to residential and nursing homes. The site is sustainably located on the edge of the Borough's main settlement and surrounded by new housing development with good transport links for staff and to amenities. Policy CS9 is therefore supportive in principle of the scheme.

**Policy CS11** seeks to ensure that the environmental and heritage assets of the Borough are safeguarded and enhanced where possible. The site is not of any particular landscape value or importance to the countryside and the proposals are supported by updated ecological assessment and relevant species surveys as well as a heritage statement which demonstrate that the proposals would not be harmful to biodiversity interests generally, designated wildlife sites (including SPAs) or the historic environment. The proposals are therefore consistent with this policy.

**Policy CS13** supports developments that respect and incorporate green infrastructure. The scheme provides of a communal outdoor amenity area around the proposed care home and seeks to retain the better existing trees on the site whilst introducing appropriate new planting and habitat. The building is also proposed to feature a green roof which would deliver associated biodiversity benefits – leading to a BNG net gain of at least 10%.

**Policy CS14** requires multi-occupancy residential developments such as care homes to achieve BREEAM 'very good' standard. The planning application is supported by a BREEAM pre-assessment demonstrating how the proposed development could achieve BREEAM Excellent, which is a requirement of the prospective Operator. Therefore the revised proposals are seeking to go well beyond the sustainability requirements of this policy.

**Policy CS15** essentially replicates national planning policy with respect to flood risk. The site is in Flood Zone 1 and thus at low risk of flooding from rivers as well as any other source. Nevertheless, a site-specific flood risk assessment has been submitted to demonstrate that the proposals would not increase flood risk or be unduly susceptible to flooding. The proposals also incorporate a sustainable drainage scheme which ensures that surface water discharge of the site does not exceed pre-development levels. The proposals thus accord with Policy CS15.

**Policy CS16** requires new development to be of high design quality. The proposals have been informed by updated analysis of the site's context both in terms of the built and natural environment. The accompanying Design and Access Statement demonstrates how the new proposals differ from those previously approved, albeit the overall design approach has been to . In response the scale, massing, form and materials have been carefully chosen in order to create a development that functions well for its users whilst respecting and responding appropriately to its surroundings.

**Policy CS17** supports the principle of new development within the five defined urban areas of the Borough as shown on the corresponding Policies Map. The application site lies adjacent to the defined Havant urban area though is now surrounded by new housing to the north and south. For the purposes of this policy, the site is thus essentially within the built-up limits of Havant. Whilst the proposals technically conflict with this policy, given that the adopted settlement boundary has not been updated, the scheme accords with its general objectives of containing new development to the established limits of the urban area.

**Policy CS19** requires, inter alia, new development to make provision for improved or additional infrastructure to deliver sustainable development and mitigate the impact of the development so that existing provision of services/facilities is not undermined. The proposals are not anticipated to adversely impact upon existing community, health and welfare, transport or recreation facilities such that any new infrastructure is required beyond that proposed. Nevertheless, in accordance with **Policy CS21**, if any impacts are projected, mitigation in the form of contributions towards off-site infrastructure could be secured through a planning obligation.

**Policy CS20** supports new development where it does not increase congestion, is accessible to all and improves the range of transport modes accessible to the site, with a particular emphasis on public transport, walking and cycling. The proposals are supported by a Transport Assessment that demonstrates the site to be suitably accessible by a range of transport modes with the associated vehicular traffic not having a material effect on the operation of the local highway network.

**Policy DM6** requires new development to be coordinated so that it does not undermine the future potential for developing adjacent sites. Land to the south is now close to completion, whilst the proposed housing to the east has currently been withdrawn through the Emerging Plan, therefore the proposals would not undermine future development. Indeed, the applicant has entered into an agreement with Bellway to create a new minor junction off the access road to the housing to enable access to the application site.

**Policy DM7** supports the principle of new specialised housing provision for the elderly within the defined urban areas subject to such housing being supported by sufficient amenity space and standards of outlook for residents, the setting of the building being in keeping with the surrounding area, adequate provision being made for servicing and noise generating facilities being sited such that they do not cause disturbance.

Whilst larger than the approved scheme, the proposed care home actually has a smaller footprint, and retains a broadly similar H-shaped layout with two wings of accommodation set off a central core, thereby providing suitable distance between north and south-facing bedrooms, and retaining space around the protected tree T35. The central core has been slightly reduced, and the splayed corridors straightened, such that a greater, and more useable, level of amenity space is created to the south of the property. This ensures that the development will not be a nuisance to neighbouring residential properties to the north or south. Likewise, the car park and access

arrangement is very similar to that proposed, along the eastern boundary of the site. The accompanying Design & Access Statement provides further detail.

An updated noise assessment has been submitted, confirming that the proposed development would not have a material adverse effect on the amenity experienced at any existing nor future dwelling (north of the site).

Given the c.3m fall across the site from north to south, rather than building-up to create a two storey layout, with large retaining walls to the south, the revised proposals utilise this topography by introducing a lower ground level to the southern wing. This provides a more pleasant outlook for residents of the south-facing wing, as well as level access to the gardens, and a key principle has been to ensure suitable levels of amenity for residents of the north-facing lower ground floor wing, as the land rises to support level access to the ground floor main entrance from the car park to the east, as well as to ensure tree root protection to protected tree T35 to the west.

The accompanying drawings demonstrate that this has been achieved through terracing and banking of the landscape north of the lower ground floor, to enable good levels of natural daylight and a pleasant outlook from all bedrooms.

**Policy DM8** requires new development to protect, enhance and successfully incorporate local habitat and features of landscape value as well as provide appropriate new landscaping. The application is supported by updated arboricultural impact assessment and ecology assessment which together demonstrate that the trees of value on the site (including the TPO trees) are being retained and sensitively incorporated in the interests of visual amenity and biodiversity. Any trees and landscape features being lost to provide the building and its associated infrastructure are proposed to be mitigated through new planting so that overall the scheme would have a net positive effect on the natural environment in accordance with the requirements of the policy – resulting in a minimum net biodiversity gain of 10%. The submitted landscape plan has been fully informed by the recommendations of the project ecologist and arboriculturalist to ensure that it is appropriate to the site and its context.

**Policy DM9** requires, inter alia, that new development within the designated Chichester and Langstone Harbour SPA/SSSI and the Solent Maritime SAC and Ramsar Site do not give rise to a likely significant adverse effect on them. The development proposes specialist residential accommodation providing 24 hour nursing and residential care whose residents would be at a high level of acuity. They would not be physically or mentally capable of or allowed to leave the site other than possible occasional limited local trips accompanied by family members. As a result, the development would not increase recreational pressure on the above ecological sites and thus avoid direct harm to them in accordance with Policy DM9. It is however accepted that the proposals would increase nitrate discharge into the Solent via wastewater which in turn would cumulatively contribute towards nitrification and therefore harm to wildlife inhabiting the Solent Maritime SAC and Ramsar Site.

A planning obligation was agreed under the previous consent which secured contributions in mitigation of nitrate neutrality. This remains extant, pursuant to the original planning permission, and thus the credits remain available for acquisition for the purposes of the revised proposal on the application site. The accompanying Nitrate Budget Calculation is 26.06 kg TN/year, which is actually a slight reduction from the previous figure of 26.9 kg TN/year, and thus no further credits are required to be obtained.

**Policy DM10** resists new development that would cause undue pollution to the environment or be on a site unsafe for its intended use. Ground investigations have determined that the site is unlikely to be subject to contamination and thus suitable for the proposed residential use. Conditions could be imposed covering circumstance where unexpected contamination is found. No other pollution is understood to affect the site and the site is not considered to be sensitive in this regard. The application site is also not within an AQMA nor would the comparatively limited amount of traffic generated by the proposed development have any material effect on compliance with national air quality limits.

Together **Policies DM11, DM12, DM13 and DM14** relate to transport considerations and require new development to be accessible and well-connected via sustainable modes of travel, served by sufficient car/cycle parking, as well as provision made for mitigating the adverse impacts of travel. The proposed development is similarly accessible to the new housing being delivered on land to the south and north of Bartons Road with pedestrian and cycle access available from Bartons Road, which is also well served by bus services. Given the scale of the proposed development, the impact on the local highway network from traffic generation is limited both individually and in the context of other committed development as demonstrated in the submitted updated transport assessment, which has taken into consideration all newly committed developments since March 2021.

Car and cycle parking is proposed within the site at a ratio of approximately 0.5 spaces per staff member likely to be on site at any time. Given that Care Homes operate at roughly 1 staff member per resident, in three 8-hour shifts per 24 hour period, a total of 26 staff members are likely to be on-site during core (daytime) hours. Thus 13 spaces for staff parking are required. Residents will not require parking, but visitors parking is provided for at a rate of 0.25 spaces per resident – thus 20 spaces for the 78 residents, and 33 spaces in total. This level of parking therefore accords with Policies DM13 and DM14.

#### **Havant Borough Local Plan (Allocations) – Adopted July 2014**

**Policy DM17** states that planning permission will be granted for new development on or near contaminated land where an appropriate investigation of risks is undertaken. Mitigation and remediation where necessary must then be undertaken to a standard suitably safe for the site's intended purpose. The application site has been the subject of a Phase 1 land contamination desk study which has not identified any likely sources of contamination such that the site is safe and suitable for its proposed use.

**Policy DM18** requires new development not to be unduly affected by projected levels of air, noise, vibration, light, water or other pollution so that the amenity of future site users is of a sufficient standard. The application site is surrounded by residential uses with the ground, air and water environment of the site and surroundings not identified to be subject to pollution as part of the assessments undertaken to support the planning application. Furthermore, the proposed new care home building is set a generous distance from any existing building/dwelling so that occupiers of the care home would experience good levels of natural light both inside the building and to its external amenity areas.

**Policy DM20** requires new development affecting heritage assets to be supported by an assessment of the significance of the heritage asset(s) to a level proportionate to its significance and the impact of the proposed development on that significance. The policy explicitly supports proposals that conserve and enhance the historic environment of Havant Borough. The planning application is accompanied by a Heritage Statement that assesses the significance of the nearby

heritage assets including the Grade II listed East Leigh House and the locally significant Helmsley House which demonstrates that the proposals would have no material effect on their significance deriving from development potentially within their setting. The Heritage Statement identifies that there is some potential for archaeological deposits based on a desk study of the area that could necessitate a watching brief during development. This could be secured through the imposition of a suitably worded condition.

**Policy DM24** states that planning permission will be granted for new residential developments that avoid or mitigate a likely significant effect on European designated ecological sites including the Chichester & Langstone Harbour SPA, Solent and Southampton Water SPA, Portsmouth Harbour SPA and the wider Solent European Maritime Site. For reasons set out in paragraph 5.22, the development would not give rise to increased recreational use of the Chichester & Langstone SPA and so would not harm its integrity or species of this European designated site.

The proposals will be supported by a financial contribution towards mitigating the nitrate discharge from the development that in turn could cumulatively contribute towards significant harm to the species of the Solent European Maritime Site caused by nitrification. Subject to confirmation that the existing credits can, when acquired, be utilised for the revised scheme to which this Statement relates, the proposals would accord with the requirements of Policy DM24 in this respect.

### **Supplementary Planning Documents (SPDs)**

The Council has four currently adopted SPDs which provide assistance in interpreting and applying policies of the development plan. The Chichester Harbour AONB SPD is not of relevance to the planning application and the Housing SPD is predominantly relevant to applying the Council's affordable housing policies which in turn are only relevant to proposals for new dwellings as opposed to one single care home. The Housing SPD does contain demographic data relating to the five main areas of the Borough though much of this is out of date given that it was produced back in 2011. In particular, figures relating to the number of older persons and those in specialist accommodation will have changed significantly given the increasingly aging population, particularly along the south coast of England.

The Borough Design Guide SPD supplements Policy CS16 of the Core Strategy and sets out the Council's design expectations for new development and helps to identify and define the distinctive character and qualities of the Borough and how these should be respected and enhanced through development. Whilst much of the SPD covers issues relevant to designing and masterplanning major new residential developments as opposed to proposals for larger single residential blocks, it nonetheless sets out the approach to understanding, assessing and responding to a site's context and in this respect is relevant to the proposed development. The submitted Design and Access Statement has had regard to the SPD in assessing the site and its context and how these have informed the design approach.

The Parking Standards SPD sets out minimum car parking standards for a range of development types and different locations. Table 4C is specific to older persons housing though references Class C3 dwellings only and so is not directly applicable to the proposals given that the application is for a care home (Use Class C2). Table 7 is more logically applicable to the proposals as it covers a variety of care establishments. The use proposed is considered mostly closely related to a "Residential Unit for Adults with Learning or Physical Disabilities" which is shown to require a minimum 0.5 spaces per non-resident staff member on duty (none of the staff would reside on site) and 0.25 spaces per client.

Approximately 25 staff are likely to be on site at any one time, thus requiring 13 spaces at 0.5 spaces per staff member, whilst an additional 20 spaces are required for residents / clients at 0.25 for the 78 residents. The new proposals accord with this requirement by provision of a total of 33 parking spaces. Likewise, the scheme is compliant with cycle parking requirements through provision of at least one cycle parking space per six staff.

## 5. Planning Balance

### *Principle of Proposed Development*

Policies CS9 and DM7 of the adopted Core Strategy recognise the need to provide additional accommodation that provides for a variety of care needs within the Borough to serve the ageing population and together are supportive in principle towards such new specialist housing within the Borough's defined urban areas. Proposals for new specialist older persons housing is generally resisted by the aforementioned policies outside the defined urban areas.

The defined Havant urban area as set out in the Policies Map surrounds the site to the south, west and east though does not actually include the application site itself. Nevertheless, as a result of recently constructed and other committed development to the north and south, the application site is now essentially enclosed within the built-up limits of Havant irrespective of how the defined urban area is drawn on the Policies Map. Whilst technically the proposed development is therefore outside the area supported by Policy DM7 for provision of specialist housing, in practice it would meet a recognised need for specialist care accommodation within what is now the established built-up extent of Havant, the Borough's main settlement. The proposals therefore accord with the spirit of Policies CS9 and DM7.

The withdrawn Local Plan 2036 recognised the application site's urbanising context and the sustainable nature of its location by proposing it for allocation for housing under draft Policy H25. Whilst this emerging plan has been withdrawn, it nonetheless represents a clear indication that the surrounding area has capacity for residential development.

By virtue of the previous consent for a 64-bed C2 Care Home on the site (ref APP/20/00761), the principle of development of the site for such use has been established. Furthermore, pre-application advice received has confirmed that the principle of increasing the density of development on the application site is acceptable, especially in light of the proposals' contribution toward housing land supply (equating to approximately 43 dwellings under the Housing delivery test rulebook methodology).

Given the age of the Adopted Local Plan, (bringing into doubt its degree of consistency with the NPF) and the current lack of housing land supply (assessed as c.1.8 years in the most recent housing Appeal decision), the tilted balance is engaged and the presumption in favour of sustainable development applied, in accordance with paragraph 11 of the NPPF.

The enhanced contribution that the enlarged scheme will make to specialist older persons housing – which is stated as a critical need within the NPPF and PPG (63-016-20190626), coupled with the application site's sustainable location, are benefits weighing significantly in favour of the proposals and thus the principle of the proposed development is established. This has been confirmed through the pre-app response received from Planning Policy.

### *Access and Highways*

The care home development is proposed to be accessed via the same arrangement as previously agreed, via a new junction taken off the newly constructed Normandy Way, the access road leading from Bartons Road to the new housing being constructed by Bellway on allocation UE3b/H16 to the south. Normandy Way remains unadopted at present but the developer has entered into a s.38 agreement with HCC to enable this in due course and the new road link is designed to the Highway Authority's adoptable standards.

The proposed new access road into the site would provide the necessary vehicular, pedestrian and cycle access to the proposed care home, as well as any future housing developed within the remainder of the 'H25' plot.

The planning application is supported by an updated Transport Assessment taking into account completed and committed residential developments in the vicinity of the site, and demonstrating how the proposed access has been designed so that it is suitable and safe for all users (including for the purposes of servicing and emergency vehicles) whilst also taking the opportunities available to promote access by sustainable modes of travel such as by foot, cycle and public transport.

Whilst residents would not be physically capable of leaving the site unaccompanied or likely to be able to walk any significant distance in any event, such sustainable means of travel would provide staff and visitors with alternative modes of accessing the site. In this regard, appropriate footways would be provided along the new carriageway to enable safe pedestrian access from Bartons Road and an increased provision of 18 covered and secure cycle parking spaces are to be provided to go beyond the minimum in the Council's Parking Standards SPD. Electric vehicle charging infrastructure is also proposed to encourage use of electric and hybrid vehicles, as part of our commitment to BREEAM Excellent.

Having demonstrated that the site is safely and sustainably accessible for a range of users and vehicles, the Transport Assessment goes on to consider the impact of the proposed development on the local highway network. The projected impact of the modest increase in vehicular traffic with respect to the capacity and congestion of immediately surrounding junctions is minimal, therefore the proposals would not give rise to significant adverse impacts on the highway network such that no off-site mitigation works are necessary having regard to the requirements of paragraphs 108 and 109 of the NPPF.

Hampshire County Council, as Highways Authority, have confirmed they consider the increased traffic generation to be minimal, and therefore remain happy with the proposals.

#### *Design, Layout and Amenity*

The revised application maintains a similar H-shaped footprint (albeit smaller) than the approved 64-bed scheme, but provides 14 additional bedrooms by virtue of a more efficient layout, together with utilisation of the site's topography to enable a lower ground floor on the southern wing – thereby resulting in a part two, part three storey development, but with the same ridge height as that approved.

The concept of the floor layout maintains the 'household' model of 16-bedroom wings of accommodation set around central shared facilities, thus conforming to best practice as regards specialist nursing care for a variety of forms and acuity of dementia.

A key emphasis of the re-design has been to ensure that bedrooms facing north into the slope of the site retain a pleasant outlook and good levels of natural light in accordance with the requirements of Policy DM7 of the Core Strategy. The accompanying DAS and drawings illustrate that this has been successfully achieved through careful terracing of the landscaped grounds, whilst maintaining appropriate level pedestrian access both into the building's central main entrance, and around the gardens.

The result is an enlarged and more usable communal gardens in the southern part of the site, without the need for extensive retaining walls, whilst the protected tree T35 remains.

A shallower roof pitch enables the approved ridge height to be attained, whilst increasing the central flat roof area, which facilitates enhanced sedum roof as the majority of PV Panels are moved to the pitched roofs. Thus the domestic scale of the premises are retained, such that its height is commensurate with that of other residential development in the vicinity of the site, and the overall design is very similar to that approved in March 2021.

The pitched elements of the roof are proposed to be covered with plain grey tiles and external walls are predominantly red multi-brick with elements of grey composite cladding in common with the new houses being constructed on land to the south to create a legibility in the design approach. The approach to design is explained in more detail in the Design and Access Statement, and the proposals are consistent with the palette of materials identified in the Council's Design Guide SPD.

The proposed building has been sited so that it preserves the majority of the existing trees and other vegetation along the site's southern and eastern boundary, whilst the revised footprint increases the distance to neighbouring properties to the south – such that the minimum dimension from the building's southern elevation to residential properties is c.25m, and this is to a gable-end featuring a small obscured – glazed window only, whilst the distance to the nearest habitable room facing the site from the south is over 30m.

Plant and servicing equipment associated with the operation of the proposed care home is proposed to be sited well away from any dwelling and features noise attenuation in accordance with the submitted Noise Assessment to ensure that there would be no perceptible effect on living conditions at any existing dwelling. In this respect the proposals would accord with the requirements of Policy DM7 of the Core Strategy.

#### *Ecology, Trees and Landscaping*

The planning application has been informed by an updated Preliminary Ecological Assessment, associated species surveys and an Arboricultural Impact Assessment (AIA) undertaken by appropriately qualified professionals.

The application site consists of grassland and scrub of limited value together with a number of deciduous trees of varying size and quality. The merits of these trees and their root protection areas have been assessed as part of the tree survey within the AIA. There are two Oak trees covered by a TPO (No. 2105, 2020) on the site which remain preserved and sensitively integrated into the scheme by respecting their root protection areas and ensuring that there is sufficient space to the building to allow for future tree growth and prevent pressure on the trees.

Other trees on the site along the western, southern and eastern boundaries which were identified to be of lower quality (Category C or lower as classified within the tree survey) and approved for removal under the extant consent have been removed, and will be replaced through a comprehensive planting scheme with native species. In this respect the proposals accord with the requirements of Policies CS13 and DM8 of the Core Strategy.

The effect of the new tree planting, together with other soft landscaping including the green roof, bird boxes and bat bricks, is such that a 26% biodiversity net gain has been achieved. The approved proposal did not include such a metric, although a net gain was anticipated, however the revised proposals now offer a clear enhancement. The application site lies outside of any designated ecological site and so the proposals would not have a direct adverse effect on the integrity of any such site.

In response to the Ecological Assessment, and due to the amount of time elapsed since the approved application was submitted (2020) a number of species surveys have been undertaken again to ascertain any differences with regard to protected or priority species. No significant populations of any protected or priority species have been found to inhabit the site, including no evidence of Bechsteins bat.

Slow worms were found, but again this is in-line with the initial surveys carried-out in 2020, and it is considered that the new habitat proposed would provide a more suitable environment for this small population than the existing poor quality grassland.

Whilst the proposals would not have any direct net adverse effect on wildlife or ecological sites, the proposals could potentially have an indirect impact on the European designated Solent Maritime Site including Solent SPAs. Policy DM24 of the Local Plan (Allocations) seeks to mitigate harm associated with the increased potential for recreational pressure within the Solent SPAs as a result of new housing in the Borough. The pre-application response has confirmed that the specialist nature of the care home residents (requiring 24-hour care and support such that they are essentially confined to the site rather than being able to enjoy walks and other recreational activities within the Solent SPAs.) means that the proposed development would not increase pressure on the SPAs and therefore would not harm the wildlife within them or their integrity as designated ecological sites.

The proposals would however increase the amount of foul waste being discharged into the public sewer which would ultimately end up at the Budds Farm Waste Water Treatment Works prior to treated effluent being discharged into watercourses which in turn increases levels of nitrates in the Solent Maritime Site. It has been established by Natural England that the cumulative effect of this increase in nitrates is adversely affecting the habitat within the European designated site and in turn potentially significantly adversely affecting the plants and species within it. This adverse effect requires mitigation to offset any adverse impacts.

In its pre-application advice (Ref: GEN/23/00327) the Council has stated that it will be unable to accept the Nutrient Mitigation Contribution of £33,244.50 (indexed), as the proposed scheme will no longer be eligible to take advantage of the Council's Scheme at Warblington Farm. Instead, the application will need to be accompanied by new documentation to support the relevant HRA assessment and when concluded, the applicants will need to purchase mitigation from a third party scheme.

The applicant disputes that this should be the case. The Council's up-to-date 'Position Statement and Mitigation Plan for Nutrient Neutral Development' (April 2023) states (at 3.16): *"If the application proposes a non-C3 use but provides overnight accommodation, the Council will assess whether the scheme can use Warblington Farm on a case by case basis."* This being a C2 care home use, the Council has a discretion to allow the applicant to use Warblington Farm in this individual case.

There are good reasons why it should exercise its discretion in favour of using Warblington Farm. These are as follows.

Brackley Investments already has an extant planning permission for a care home on the same site which is subject to a s. 106 contribution towards nutrient neutrality at Warblington Farm. There is nothing to prevent Brackley Investments from making the relevant payment to the Council forthwith and implementing that planning permission (and the Council is requested to note that the discharge of only two pre-commencement conditions remains outstanding and the details have been submitted to the Council). Were Brackley to do that, then the permission

would amount to a lawful fallback and the Council would be in receipt of the monies towards Warblington Farm. There is no mechanism within the s. 106 agreement for the Council to refund the money (assuming the permission is implemented) or to refuse to accept it. Since the proposed scheme would replace the scheme granted permission in 2020, there could be no justification for requiring a full contribution twice (that would unlawfully enrich the Council and would not be fairly and reasonably related in scale and kind to the harm it is designed to overcome).

The only contribution which could be required would stem from the net difference arising from the additional bedrooms. In other words, the Council would not be in a position to require Brackley to purchase mitigation from a third party scheme in relation to all 78 bedrooms (and the maximum it could require would be the net difference i.e. 14 bedrooms). However, since the nutrient budget calculation is very similar – indeed actually lower for the revised scheme (down from 26.9 to 26.06 kg/TN/year) no additional mitigation is required, therefore it makes practical sense to simply transfer the contribution to the Warblington Farm scheme by way of a Deed of Variation to the original s.106 agreement.

Furthermore, we assume that the Council has factored in Brackley Investments' financial contribution as a commitment in calculating the capacity of the Warblington Farm scheme to accept further monies. Thus, the scheme's contribution would not amount to 'additional' funding for Warblington Farm. Rather, it would simply be replacement funding for monies which are already committed and which the applicant could pay immediately as a fallback.

We would therefore urge the Council to take a pragmatic approach to this issue and exercise its discretion in this case to allow contributions to be calculated by reference to Warblington Farm, thus in accordance with the requirements of DM8 of the Core Strategy, and DM24 of the Local Plan (Allocations).

### *Heritage*

The application site itself contains no designated heritage assets and the site is located outside of and some distance away from a designated conservation area such that it does not affect the special character and appearance of such an area or its setting.

The Grade II listed East Leigh House to the west of the application site is the only listed building or designated heritage asset with the range of potential influence by the proposed development. However, due to the significant separation distance and intervening established tree cover, the proposed development would have a negligible effect on the setting of East Leigh House as concluded within the accompanying updated Heritage Statement. Pre-application advice received has confirmed this.

### *Flood Risk and Drainage*

The application site lies in Flood Zone 1 and in an area identified to be at low risk of flooding from any source either based on Environment Agency mapping or the Council's SFRA. As such, the site is suitable for the proposed development in flood risk terms having regard to the requirements of Policy CS15 of the Core Strategy and national planning policy contained in the NPPF. Nevertheless, an updated Flood Risk Assessment (FRA) has been submitted in respect of the revised proposals, demonstrating the suitability of the site in flood risk terms as well as the measures that will be incorporated to prevent the development increasing flood risk elsewhere. The FRA also has regard to the Principal Aquifer beneath the site and the means to be taken to

prevent any contamination of this groundwater through construction and operation of the development including through the appropriate design of surface water drainage.

The proposals also incorporate a sustainable drainage system in the form of underground crates near the southern site boundary that attenuate and control the flow of surface water so that discharge from the site is contained at pre-development levels in accordance with the requirements of Policy CS15 of the Core Strategy Details of the surface water drainage system are contained with the FRA and can be subject to condition.

With respect to foul drainage, the development is proposed to connect to the existing public sewer that passes to the south of the site. The Bellway housing development on land to the south includes foul drainage capacity to serve both that housing development as well as development on the previous H25 allocation, as a result of a prior agreement between the landowners. Discussions are continuing with Southern Water with respect to the means of connection and the undertaking of a capacity study to inform the need for any upgrade works required offsite to enable the public sewer system to cope with the new development.

### *Sustainability*

Policy CS14 of the adopted Core Strategy requires ‘multi-occupation homes’ to be developed to achieve BREEAM ‘Very Good’ standard unless shown to be financially or technically unviable. The approved plans were to be built to BREEAM Very Good, however the new Care Home Operator Anavo require BREEAM Excellent, therefore a BREEAM Pre-Assessment accompanies this application, demonstrating how the construction and operation of the development would achieve the BREEAM ‘Excellent’ standard. In this regard, and subject to appropriate conditions, the scheme would go beyond the adopted planning policy requirement in terms of sustainability, and therefore represents an enhancement compared to the approved scheme.

The now-withdrawn Local Plan 2036 contained a draft Policy (E12) requiring new residential development to minimise greenhouse gas emissions, improve energy efficiency, integrate fabric efficiency and solar gain etc, as well as use district housing or CHP where appropriate.

Whilst this Policy is now longer active, the proposed development complies with the intention of this policy, through the integration of fabric and thermal efficiency measures as detailed in the accompanying Design and Access Statement as well as low carbon technology including increased provision of solar PV on the roof, enhanced green roof area, and increased provision of electric vehicle charging infrastructure etc compared to the approved scheme.

District Heating is not available in the locality and could not be viably incorporated into a scheme of this size whilst CHP requires a significant and consistent all-year-round heat demand in order to be viable which would not be the case with a care home and so these would not be appropriate.

The proposed development has also been designed to achieve an improvement in CO2 emissions beyond that required by current Building Regulations therefore the proposals are consistent with the direction of travel as regards sustainability set out within the now withdrawn 2036 Local Plan.

Consequently, with respect to energy efficiency and low carbon, the proposals accord with the requirements of adopted Policy CS14 of the Core Strategy as well as achieve the majority of the objectives of the previously emerging Policy E12 of the Local Plan 2036.

### *Other Matters*

The application site does not lie within an AQMA or an area known to be close to or exceeding national air quality limits or objectives. The updated Transport Assessment demonstrates that the proposals would add only very modestly to traffic on the network and that much of this traffic would not be at peak times given the shift-based hours of care workers and visitors tending to arrive at weekends. Increases in emissions from motor vehicles along congested roads and at junctions would therefore be negligible as a result of the proposed development.

The site has not been subject to previous built development, nor has it been used for any other purpose than historically and informally in connection with the nearby residential property of Helmsley House. It has therefore not been subject to any uses which could have resulted in contamination of the ground. The proposed use is also not one that would be expected to give rise to any contaminants in the future that could discharge into the aquifer beneath the site. A requirement for approval of a construction management plan could be secured by condition to give comfort to the Council that the construction works would take place without risk to the ground or water environment. Having regard to the above, there is no risk to future site users from land contamination such that the site is suitable for its intended purpose in accordance with the requirements of Policy DM10 of the Core Strategy.

Likewise the application site has not previously been put to agricultural use and simply constitutes vacant greenfield land previously used in connection with the neighbouring Helmsley House. The proposals would therefore not result in the loss of agricultural land, whether best and most versatile or otherwise. Notwithstanding that, the pre-application response confirmed that the principle of development has been established, such that its loss for any future agricultural potential has been accepted.

## 6. Conclusion

The proposed development seeks to meet an identified need for specialist older persons housing in the form of a part two, part three storey 78-bed Care Home (Use Class C2) in a sustainable location on a site that is, to all intents and purposes, now effectively contained within the built-up settlement limits of Havant.

The application site benefits from full planning permission for a two storey 64-bed Care Home (APP/20/00761) granted March 2021, and which remains extant. That proposal is no longer viable, due to the proposed Operators (for whom the plans were specifically prepared) having withdrawn from the proposal. As a result of economic pressures, there has been a shift in the care home operators market, resulting in a requirement for more efficient premises, with a reduced floorspace per resident. This is achieved largely through the reduction in circulation space and communal facilities rather than bedroom sizes (which are subject to minimum space standards as regulated by the Care Quality Commission who provide Operators with the necessary registration).

Furthermore, inflation has severely increased costs of both construction and operation of new care homes, therefore it has been necessary for Care Home operators to adjust their models of care in order to retain viability. This has led to an increase in the average number of bedrooms per new care home, together with a move toward greater flexibility and multi-use day spaces and communal areas.

The new prospective Operators of the proposed care home, Anavo Group, are experienced, specialist Operators of care homes, and have agreed terms for the acquisition of the application site with the benefit of full planning permission. Their requirement for a minimum of 78 bedrooms in order to render the development viable, and therefore our design team has, over several months, sought to identify the optimum solution to meeting their requirements on the application site.

In order to minimise alterations to the approved design, the site's topography has been utilised, along with internal space efficiency planning, thus it is possible to provide increased accommodation for 78 residents within a smaller footprint, and with the same ridge height as approved, in approximately the same part of the site.

This has been achieved by introducing a lower ground floor to the southern wing of the building, thus resulting in a part-two, part-three storey development. In response to the additional 14 bedrooms, four more parking spaces are provided, as per minimum standards.

The resulting development is a far more effective use of the site, creating an enlarged and more usable communal garden, whilst the proposals are also more sustainable than the previous iteration, in attaining a BREEAM Excellent standard, whilst the proposal is also shifted further away from the only neighbouring dwellings to the south of the site.

Whilst the application site continues to be technically outside of the settlement boundary by virtue of the 2036 Local Plan having been withdrawn, since March 2021 the site's setting has become increasingly urbanised through completion of the Bellway development to the south, and construction having commenced on three residential developments north of Bartons Road.

The proposals have also been demonstrated to accord with all other relevant development plan policies through updated assessments of all material planning issues including highway safety and accessibility, ecology, arboriculture, heritage, noise and landscape impact.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11C of the NPPF, planning permission should be granted where proposals accord with the development plan unless material considerations indicate otherwise. The NPPF and PPG are also material considerations of significant weight providing significant support for the housing needs of older people and, in the case of the PPG, actively encouraging LPAs to take a positive approach to proposals to address the unmet need for older persons housing.

The Borough has a significant deficit of housing land supply (calculated at 1.8 years in the most recent Appeal) which therefore triggers the Presumption in favour of sustainable development, as set out in Para 11 of the NPPF. Thus the tilted balance applies, where any harm caused by the development must significantly and demonstrably outweigh the benefits in order for development to be refused. The benefits of the proposed development extend beyond merely providing new housing in a sustainable location, as the proposal will deliver social benefits by virtue of specialist older persons care accommodation, as well as freeing-up market housing.

In terms of harm caused by the development, this arises only in technical terms by virtue of the site's location outside the settlement boundary within the Adopted Local Plan, however this plan is now rather dated, and the key policies of relevance to the determination of this planning application have a questionable degree of consistency with the NPPF.

Pre-application advice received has confirmed that the principle of additional development is established, and that the proposals are worthy of submission, subject to suitably high-quality design, specifically with regard to residential amenity of future occupiers, especially those residents with bedrooms facing north on the lower ground floor.

Much consideration has been given to managing the level difference to enable DDA-compliant access into and around the care home premises, whilst affording future residents pleasant views and plenty of natural daylight into each habitable room. As the CGI's contained within the accompanying Design & Access Statement attest, this has been successfully achieved through careful design, with all bedrooms having direct natural daylight, and level terrace/patio areas, with views out onto terraced gardens thereby conforming with Adopted Local Plan policy DM7.

Therefore in conclusion the revised proposals very substantially conform with the development plan, and given the housing land supply situation within the Borough (confirmed in pre-application advice as just 1.8 years housing land supply) planning permission should be granted without delay.