
Site Address: The Grange, 145 Stakes Road, Waterloooville, PO7 5PL
Proposal: Variation of Condition 8 of Planning Permission 94/55269/002 to increase maximum occupancy from 22 residents to 25.
Application Type: Variation/Relief of Condition
Application No: APP/22/00499 Expiry Date: 28/06/2022
Applicant: C/o Agent
Agent: Mr Harry Greenhalgh Case Officer: Tina Pickup
 Cushman & Wakefield
Ward: Purbrook

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a substantial detached property located in a secluded and set back position, on Stakes Road. The two storey tudor style building is in use by the Prison and Probation Service as an Approved Premises providing secure accommodation in the community. Approved Premises provide a structured regime to support residents in their re-entry into the community and are staffed 24 hours a day.
- 1.2 The site was granted planning permission for this use in 1994 under 94/55269/002 for the "*Demolition of cottage and single storey west extension and erect 2 storey extensions to north (basement below) and east sides to provide 22-bedroomed hostel with staff communal and office accommodation*". Condition 8 of the permission limited the number of residents to 22 only: "*There shall be no more than 22 residents accommodated within the hostel at any one time. Reason: To control the occupation of the property in order to relate to the parking provided and in the interests of good development.*"
- 1.3 The site is accessed via secure gates on Stakes Road and has a long drive that runs between the new frontage development of Taylor Close and the rear of several detached properties off a private drive to the west. Parking is provided at the head of the drive which includes circular turning routes. The site is set within large landscaped grounds, which includes mature trees, several of which are protected by Tree Preservation Orders. The surrounding area is characterised by residential development.

2 Relevant Planning History (tree applications been omitted)

90/55269/000 - Single storey detached wooden shed to side of annexe building., Permitted 22/08/1990 for a temporary period until 31/08/1995

94/55269/002 - Demolition of cottage and single storey west extension and erect 2 storey extensions to north (basement below) and east sides to provide 22-bedroomed hostel with staff communal and office accommodation. Permitted 15 December 1994

APP/19/00846 - Variation of Condition 2 of Planning Permission 94/55269/002 to increase occupancy from 22 to 25 residents., Not Proceeded With ,20/09/2021

APP/20/00886 - Alterations to the existing gated front entrance to provide security controlled pedestrian access (approved 7.5.21). Request to discharge Condition No. 3 (12.7.21)., PERM,07/05/2021

3 Proposal

- 3.1 Variation of Condition 8 of Planning Permission 94/55269/002 to increase maximum occupancy from 22 residents to 25.
- 3.2 This is a variation of condition application to increase the occupancy of the site by 3 residents. This would be achieved via internal alterations only: the existing ground floor computer room, which has two windows, would be internally subdivided into 2 single bedrooms, and the access to the adjacent store room altered to off the hall; and the existing first floor staff room and ensuite would be converted to a bedroom and the bathroom reconfigured as a communal shower room accessed off the hall. Most of the existing bedrooms have sinks within them, and the 3 proposed bedrooms would also have sinks. No external alterations are proposed at all.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS7	()
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Hampshire Constabulary - Crime Prevention

Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

The National Planning Policy Framework makes clear the Governments continuing commitment to “create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience”.

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically “to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.”

The guidance advises: “Planning provides an important opportunity to consider the

security of the built environment, those that live and work in it and the services it provides.” It continues, “Good design that considers security as an intrinsic part of a master plan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience.” “Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult.”

I have contacted the Police Inspector and one of the Police Community Support Officers (PCSOs) responsible for this part of Waterloo. They have advised me that we don't receive many complaints about the premises from local residents. However, this maybe because residents complain directly to the premises. The PCSOs are rebuilding their contact with the premises, which did lapse somewhat during the Covid crisis.

A review of both the, Anti-Social Behaviour (ASB) (community and personal) and Public Order (PO) incidents held by the Hampshire and Isle of Wight Constabulary on their records management system for the period 17th November 2020 to 16th November 2022, shows the following incidents as occurring at the premises: 4 ASB incidents and 4 PO incidents, all of the incidents were reported to the constabulary by persons on the site.

The ground floor is generally given over to communal facilities, this proposal places two bedrooms at the end of the corridor opposite the group room and close to the laundry. In this position the two rooms are isolated, within the communal area of the building.

The proposal will change the staff room on the first floor into a bedroom. This will remove staff presence from the first floor. There will no place of safety or facilities for staff on the first floor.

My observation is that the effect of the proposal is to reduce the staff and communal facilities, whilst increasing the numbers using the facilities

Natural England

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended).

Your appropriate assessment dated 17 October 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified

effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Planning Policy

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. The following Adopted Local Plan policies are of particular relevance:

- CS7- Community Support and Inclusion
- CS17- Concentration and Distribution of Development within the Urban Areas
- DM14 – Car and Cycle Parking on Development (excluding residential)
- AL2- Urban Area Boundaries and Undeveloped Gaps between Settlements

Principle of Development:

The application seeks to amend a previous planning permission (94/55269/002) in order to increase the occupancy from 22 residents to 25. The works would be carried out via an internal conversion of x1 existing communal x1 staff space with no proposed works to the exterior.

The principle of the development is established in accordance with Policies CS17 and AL2.

Policy CS7 is generally supportive of the proposed development in facilitating a service for prisoners as a vulnerable group.

It would also be recommended that the case officer be aware of the parking standards associated with the use of the site in accordance with Policy DM14 and the Parking SPD.

Conclusion

The proposal is supported in policy terms.

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

The applicant is however advised that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:
<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 53

Number of site notices: 4

Statutory advertisement: Not applicable.

Number of representations received: 10 letters of objection from 9 addresses:

Comment	Officer Comment
<u>Anti-social behaviour</u> existing frequent anti-social and unacceptable behaviour by current inhabitants, compounded by their visitors; residents do as they please without any thought for anyone else and if challenged for their behaviour will quite happily try and start a fight; rubbish strewn on neighboring properties; urinating against fences of nearby properties; hide booze in trees; frequently drunk and swear; don't care what residents have done in the past, but do care about what they are doing now;	Noted - see section 7
<u>Management of site</u> existing number & type of resident too many with no control over them; need to ensure adequate staff/support first; need associated increase in management or security measures; better management required before increase numbers; ongoing issues in surrounding area don't get resolved; community rehabilitation about more than housing, will staff be increased? will local police patrols be increased? more regular meetings with community needed; limited way of complaining already	Noted - see section 7
<u>Location of Site</u> worry for safety of neighbours; proximity to 8 schools and family homes; children close by, miracle nothing happened to them already; unsuitable location for the facility; facility should be relocated, not made bigger	Use been established at site since 1994 - see section 7
<u>Nuisance from cars</u> tired of cars dropping off and picking up, being parked dangerously and clearly actions in the car are not legal with drugs being taken and drinking by both drivers and occupants; cars dropping off and collecting regularly block access to cul-de-sacs; residents sit in cars with loud music, swearing, drinking, leave rubbish and alcohol; broken glass; fence along treeline and gated access to Taylor Close needed	Noted - see section 7

to prevent access;

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development and its use
- (ii) Impact upon residential amenity
- (iii) Impact upon the character and appearance of the area
- (iv) Parking
- (v) Compliance with Habitats Regulations

(i) Principle of development and its use

7.2 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case condition 8 of 94/55269/002 is being sought to be varied, which limited the number of residents accommodated within the hostel to 22 at any one time. The other conditions largely sought to protect trees during construction, matching materials etc.

7.3 This application must consider the impact of the proposed changes only, ie increase in number of residents, and cannot re-consider the principal of the use which already has planning permission under 94/55269/002. The use of The Grange as an Approved Premises by the Ministry of Justice has been in operation as since this permission in 1994 and it is therefore considered the site has a lawful use as a C2A Secure Residential Institution. This application does not seek a new use of the site, but rather an intensification of the established use, from 22 residents to 25 i.e. an increase of 3 residents. It is important to note that condition 8 was imposed for the reasons of parking and good development and not due to the nature of the occupancy.

7.4 In response to the third-party comments about alleged anti-social behaviour and management issues at the site, the agent has provided information about the operation of Approved Premises (APs):

"APs provide accommodation in the community for convicted prisoners upon release under licence. They provide an enhanced level of supervision to reduce the risk of harm to the public and to maximise the opportunities for successful rehabilitation. They are staffed 24 hours a day, seven days a week, 365 days a year. With a fully trained and experienced staff team from the Probation Service (PS) whose role is to manage the reintroduction of offenders into the community, reducing re-offending and managing risk. Each AP provides enhanced residential supervision by:

- Working closely with PS offender managers
- Providing 24hr staff oversight
- Monitoring curfews and ensuring compliance with rigorously enforced rules - including an overnight curfew of 11.00pm - 0600am
- Undertaking ongoing observation and assessment of attitudes and behaviour
- Providing programmes of regular supervision, support and monitoring aimed at reducing offending behaviour and risk to the public"

7.5 It is stated that The Grange works closely with the local police to share intelligence about suspected or observed anti-social behaviour. It is accepted that recent

neighbourhood engagement has been impacted by Covid, nevertheless The Grange does facilitate opportunities for local residents to attend the AP and meet with staff.

(ii) Impact upon residential amenity

- 7.6 Third party comments all refer to anti-social behaviour experienced by surrounding residents and lack of apparent management dealing with such. This has instilled a 'fear of crime' due to the presence of the AP. However, the AP with 22 residents is a lawful use of the site, and whether the increase of 3 residents would result in any increased material harm is the key consideration in the assessment of this application.
- 7.7 The agent has provided a recent appeal case in Windsor where an AP was refused permission to increase its capacity from 25 to 28 residents due to a 'fear of crime'. The Inspector noted that in that case the AP had been in operation since about 1967 and there was no statistical nor empirical evidence to demonstrate any particular prevalence of crime or disorder in the locality. Whilst the Inspector sympathised with local concern regarding alleged instances of anti-social behaviour which have been attributed to residents of the AP, he noted *"given that the presence of the AP is already long established, any such concerns are likely to remain, irrespective of whether the development is permitted. In other words, there is already a base perception among local residents in terms of safety issues arising from the presence of the AP, and this perception is unlikely be altered in any meaningful way by the modest addition of just three bedrooms."*
- 7.8 Whilst each application must be considered on its merits, the case and comments of this Inspector are considered sufficiently similar to be relevant. The local Crime Prevention Officer has been consulted and reports that in a 2 year period 4 incidents of anti social behaviour and 4 public order incidents were reported by staff at the site, not local residents. He is of the opinion that given the timeframe and circumstances of the site and its residents, then this is a relatively low level of reports of incidents. This suggests that the 'fear of crime' in the area is higher than the actual reported incidents of crime.
- 7.9 In addition it is noted that the AP residents are managed and supervised in line with the Probation Service guidance to reduce any potential or perceived risk to the local community. Whilst third party comments dispute the management is effective, this cannot give grounds to refuse this application, given that the premises is managed and the service delivered in accordance with the Probation Service guidance, which in turn is statutory guidance. Therefore, any weaknesses in the management practices would be controlled and resolved under separate legislation, which falls beyond the scope of relevant planning consideration.
- 7.10 In terms of the Crime Prevention Officer's comments about the internal reconfiguration and loss of a staff safe place on the first floor, the Probation Service have provided a written response. This indicates that a full risk assessment by the AP's Manager and the local Head of Public Protection about the proposed conversion of the unused spaces has taken place. It also indicates that following a change to operational procedure a few years ago, a double walking night cover service is in operation which results in two staff being on site and awake during the night-time period, removing the need for a staff bedroom.
- 7.11 Overall, the proposed increase in capacity at the site would not alter the perception of the site by neighbours, but it is considered neither would it add any material additional fear of crime or loss of amenity. Policy CS7 supports services for vulnerable groups,

and policy CS8 supports proposals that engrain community safety. The existing management procedures in place at the site are such that the proposal for 3 additional residents at an established AP site are considered to be marginal and compliant with these policies.

(iii) Impact upon the character and appearance of the area

- 7.12 There would be no change to the external appearance of the site and therefore no impact on the character or appearance of the area.

(iv) Parking

- 7.13 The residents of the hostel would be unlikely to own cars themselves and the site has sufficient space to readily accommodate parking for any additional staff and servicing. With respect to the alleged incidents of antisocial behaviour from cars outside the site, there is no firm evidence that such incidents relate to residents of the AP. However the agents response letter acknowledges that one such recent incident was reported by a neighbour and the Grange dealt with this through their management procedures, which can impose even tighter restrictions on the resident should this be required. Overall any incidents of antisocial behaviour arising in vehicles outside the site are not direct planning matters and must be reported to either the police direct or the AP for appropriate action.

(v) Compliance with Habitats Regulations

- 7.14 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.15 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.16 The Appropriate Assessment concluded that is the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages. It is also necessary to impose a condition that ensures all sanitary fixtures and fittings are installed so that water efficiency is no more than 110 litres per person per day within the new 3 bedrooms in accordance with the nitrogen budget.

8 Conclusion

- 8.1 This Approved Premises, operated by the Prison and Probation Service, provides secure accommodation in the community for 22 residents. It is considered that the marginal increase in 3 additional residents would not alter people's perception of the site, but would not actually result in any increased fear of crime either. It is noted that the area has a low level of reported incidents of crime and there is no evidence to demonstrate that the increase of 3 residents would materially affect neighbouring amenity. As such, with the appropriate mitigation towards any recreational disturbance and water quality secured, the application can be supported and is recommended for permission.
- 8.2 As a Section 73 application, its granting effectively re-issues the original permission 94/55269/2 and must repeat or amend accordingly the relevant conditions unless they have already been discharged or complied with as part of the construction process. In this instance it is only condition 8 regarding number of residents, and condition 7 regarding ongoing provision of parking that requires repeating, with an additional condition regarding water efficiency to comply with the nitrogen budget and Habitats Regulations.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00499 subject to the following conditions

- 1 There shall be no more than 25 residents accommodated within the hostel at any one time.
Reason: To control the intensification of use of the premises, having regard to neighbouring amenity and impacts on recreational disturbance and water quality, having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the Conservation of Habitats and Species Regulations 2017, and the National Planning Policy Framework.
- 2 At all times following occupation of the development hereby approved, all sanitary fixtures and fittings which are installed as part of the development hereby permitted shall comply with the water efficiency standards set out in table 1 of the Position Statement and Mitigation Plan for Nutrient Neutral Development (November 2022). All measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.
Reason: "There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this

decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 3 The car parking, servicing and other vehicular access arrangements shown on the approved plans under 94/55269/002, to serve the development shall be retained for their intended purpose at all times.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan Drawing Number SP01
Proposed Ground Floor Plan Drawing Number PL04
Proposed First Floor Plan Drawing Number PL05
Nutrient Budget Calculator v2

Reason: - To ensure provision of a satisfactory development.