

PLANNING SUPPORTING STATEMENT



Proposed Development:

Erection of a 64 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

at:

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

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1. Introduction

- 1.1 Brackley Investments is a specialist and proven developer of high-quality older persons residential accommodation across the country.
- 1.2 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).
- 1.3 In response to the current and future need, Brackley Investments have undertaken a review of potentially suitable and available sites in the Havant area to accommodate a new specialist care home. This application site provides an ideal opportunity to address the need and this planning supporting statement sets out the approach to the scheme, the need and benefits of the proposed development and how the scheme has been informed by a thorough analysis of the site and its surroundings having regard to relevant planning considerations and planning policies. This report then goes on to reach a conclusion as to the planning merits of the proposed development and the case in favour of granting planning permission.

2. Application Site and Surroundings

- 2.1 The application site consists of approximately 0.65 hectares of vacant greenfield land on the eastern edge of Havant within the administrative area of Havant Borough Council. The site lies to the south of Bartons Road and to the north of a new housing development being constructed by Bellway known as Brookvale (planning permission refs: APP/15/01435 & APP/18/00453) as well as to the rear of the existing detached dwelling called The Laurels. Whilst greenfield in nature, the site is now contained within the established built-up limits of Havant due to recent surrounding developments. 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.
- 2.2 The application site is in the southeast corner of a wider area of land proposed for allocation for housing in the emerging Havant Borough Local Plan 2036 through Policy H25. The remainder of the land is expected to come forward for housing development as part of separate proposals in due course. A tree preservation order (TPO - 2100) has recently been made that covers four Oak trees across the draft allocation site including two within the application site. The application site is also indicated on the Council's Policies Map to be within the buffer zones established to the Solent SPA as well as the Chichester and Langstone Harbour SPA and Ramsar site. 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. 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. The Proposed Development

- 3.1 An application for full planning permission together with a full suite of supporting plans, drawings and assessments have been submitted seeking consent for the following on the application 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.”

- 3.2 The proposed care home building would be laid out centrally within the application site and is proposed in an H-shaped footprint to enable the wings of specialist accommodation to be provided on each side in ‘households’ with two sets of 16 bedrooms on each floor. The external walls would however be stepped in and out at varying junctures to provide visual articulation to the building’s mass.
- 3.3 The building is sited such that it avoids conflict with the TPO’d trees within the site as well as other existing higher quality trees along the site’s edges. The staffing and communal facilities would then be provided mostly within the central link that connects the two wings. This meets current best practice for dementia care both in terms of optimising resident to staff ratios as well as providing a manageable space for dementia patients to live without being unduly overwhelmed or confused within their environment.
- 3.4 The building is proposed to be two storeys in height with the two accommodation wings featuring dual pitched roofs and the linking block being flat roofed in form to enable the creation of a green roof and provision of solar PV. The external walls of the building itself would be constructed predominantly in red brick with small elements of grey composite cladding. The pitched roofs would be covered with plain grey tiles to match those used on the newly constructed Bellway houses to the south.

- 3.5 Pedestrian and vehicular access to the development is proposed to be achieved by taking a new access off the newly constructed but currently unadopted Normandy Road to the east that provides access to the new houses of Brookvale being constructed by Bellway. This development was granted outline planning permission and then reserved matters approval under references APP/15/01435 & APP/18/00453. This road is the subject of a s38 agreement between the developer/landowner and Hampshire County Council (HCC) that will see it adopted in the future. An agreement has been reached with the landowners to enable this to take place. The proposed new access and associated road has been designed to ensure that it is suitable in specification and capacity to serve both the proposed care home and future housing on the draft H25 allocation. The submitted site context plan indicatively demonstrates how future housing could be accessed from the proposed access road. With this in mind, the proposed access road is also designed so that it is suitable for adoption by HCC in due course.
- 3.6 The proposed care home is then proposed to be accessed from the new road at its northern boundary. Car and cycle parking, servicing areas and hardstanding for external circulation are proposed to the east of the building with a gap retained to the existing trees and vegetation along the site's eastern boundary. The main communal amenity garden is proposed to the south of the building and a smaller courtyard type garden is also proposed between the two wings of accommodation at the site's western edge. Existing trees and vegetation along the site's western, southern and eastern boundaries are predominantly proposed to be retained with new planting of native trees also proposed to help both screen the development from the south and east as well as create a high-quality attractive environment within the site. The proposed building has also been sited over 20m away from the site's southern boundary to ensure that the residential amenity of occupants of the new houses to the south is sufficiently safeguarded.
- 3.7 The development proposals are designed to achieve BREEAM 'Very Good' to accord with the requirements of adopted policy and a pre-assessment report has been submitted alongside the planning application to demonstrate how this standard

would be achieved. In order to achieve this standard such features as a green roof, solar PV and biodiversity measures are incorporated into the scheme.

- 3.8 The proposals have also been informed by adopted planning policy and current best practice with respect to sustainable drainage principles. The scheme has therefore been designed to ensure that it does not increase surface water discharge from the site beyond pre-development levels as a result of the inclusion of surface water attenuation measures within the site which are flow restricted. Due to the site's gradient which sees it sloping from north to south, the underground attenuation tanks are located close to the site's southern boundary though sited to ensure impact on trees and landscape features is minimal.
- 3.9 The rationale behind the design approach and its evolution from the project's inception is set out in more detail in the accompanying Design and Access Statement.

4. Pre-Application Consultation and Engagement

- 4.1 In accordance with paragraph 39 of the NPPF, the applicant has undertaken early engagement with the local planning authority (Havant Borough Council – HBC), the local highway authority (Hampshire County Council – HCC) and other relevant statutory and non-statutory consultation bodies at pre-application stage in order to inform the development proposals and resolve issues where possible before the scheme progresses to a formal planning application.
- 4.2 Turning first to the LPA (HBC), a request for pre-application planning advice was submitted in March 2020 which was allocated in due course to a case officer – Lewis Oliver. A written response was received in late May 2020 and correspondence has continued since then to help refine the submission of the planning application. The pre-application response from HBC was positive towards the principle of the proposed development and made a number of suggestions for developing the proposals further to a formal planning application including the need for a number of supporting assessments. It also included comments from HBC’s internal consultees such as the arboroculturalist and ecologist who raised no particular concerns about proposals subject to the submission of the required supporting information as part of the planning application. These suggestions have been adopted as part of the application submission with the planning application accompanied by the full suite of reports and assessments necessary to enable validation and determination of the application.
- 4.3 A pre-application enquiry was also undertaken with the LHA (HCC). HCC responded by requesting that a full Transport Assessment (TA) is submitted that addresses, inter alia, the impact of traffic generation from the entirety of the draft allocation H25 on the local highway network together with other committed developments. The scoping of the TA has since been agreed with HCC and the TA submitted alongside the planning application is in accordance with this agreed approach.
- 4.4 The applicant’s drainage and flood risk consultants have also engaged in pre-application discussions with HCC as the Lead Local Flood Authority (LLFA) which has

informed the surface water drainage scheme to ensure that it is consistent with SuDS principles such that there is no increase in surface water discharge from the site beyond pre-development levels. Whilst the site is at low risk of flooding (Flood Zone 1) and is less than 1ha in size, a site-specific Flood Risk Assessment has in any event been prepared to demonstrate that the proposals would not be at risk of flooding nor would they increase the risk of flooding locally or elsewhere. Discussions have also taken place with Southern Water as the water authority with regards to the means of connection to the sewerage network and capacity. No concerns were identified in this regard.

4.5 In addition to the above, discussions have also taken place with Hampshire and Isle of Wight Wildlife Trust (HIWWT) with regards to nutrient neutrality. An in-principle agreement is in place for a number of credits to be purchased from HIWWT towards acquiring and converting arable land within the same river catchment that would mitigate projected nitrate discharge as a result of the development. However, it is unlikely that this will now be taken forward as a mitigation strategy now that HBC itself has devised its own form of mitigation which the applicant is likely to subscribe to in the form of a financial contribution secured via a suitably drafted planning obligation

4.6 In addition to engaging directly with the LPA and key consultees, the applicant has also informed HBC's local ward members of the proposals by email and invited comments from them prior to submission of the planning application. This is set out in more detailed in the accompanying Statement of Community Involvement. Whilst a more extensive public information day for local residents and other stakeholders was initially planned in addition to consultation with HBC's ward members, due to social distancing restrictions associated with Covid-19 this has not been possible. However, collectively the consultation and engagement that has been undertaken has been fruitful and demonstrates the applicant's intention to work collaboratively to develop the scheme and find solutions to any issues that may arise in accordance with the principles embodied in the NPPF.

5. Planning Policy Context

- 5.1 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.
- 5.2 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 (footnote 6) provide a clear reason for refusal.
- 5.3 Whilst not part of the development plan, emerging development plan documents may also be afforded weight. Paragraph 48 of the NPPF explains that the level of weight afforded to emerging plans is dependent upon the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant emerging policies to the policies contained in the NPPF. Relevant policies within emerging plans will be addressed under 'other material considerations' later in this section.

Havant Borough Development Plan

- 5.4 The development plan for the area consists of two documents – the Havant Borough Local Plan (Core Strategy) adopted in March 2011 and the Havant Borough Local Plan (Allocations) adopted in July 2014. There are no adopted Neighbourhood Development Plans relevant to the application site. The Core Strategy provides the overarching strategy for the Borough's growth through to 2026 as well as a number of development management policies whilst the Local Plan (Allocations) sets out the land allocations to deliver the growth and spatial objectives inherent to the Core Strategy as well as a number of other development management policies. The adopted Core Strategy was formulated and adopted prior to the publication of the NPPF 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.
- 5.5 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)

- 5.6 **Policy CS1** supports the creation of healthy living within the Borough by such means as the protection and improvement of existing sports facilities and public amenity areas, protection and improvement of cultural facilities such as libraries and museums, increasing allotment provision and increases in footpath and cycle use through the design of new development together with new linkages and signage. This policy applies to all new developments including this proposed development though clearly has a particular focus on larger new housing developments.

- 5.7 **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 60 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.
- 5.8 **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. Whilst pre-application consultation with the wider community has been difficult due to Covid-19 restrictions, 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.
- 5.9 **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 standards in order to serve future housing on the remainder of the draft H25 allocation site.
- 5.10 **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.

- 5.11 **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 indeed is part of a wider area of land proposed for allocation in the emerging Havant Borough Local Plan 2036. The proposals are supported by an 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.
- 5.12 **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 majority of 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.
- 5.13 **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 that demonstrates that the development would comfortably achieve 'very good' standard and thus the scheme accords with the requirements of this policy.
- 5.14 **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.

- 5.15 **Policy CS16** requires new development to be of high design quality. The proposals have been informed an analysis of the site's context both in terms of the built and natural environment. This analysis and the evolution of the scheme to respond to its context is set out in the submitted Design and Access Statement. 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.
- 5.16 **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 surrounded by the designation as it has been extended to include housing allocations to the south, west and east. For the purposes of this policy, the site is thus essentially within the built-up limits of Havant but located outside the defined urban area such that technically it constitutes countryside. Whilst the proposals technically conflict with this policy, the scheme accords with its general objectives of containing new development to the established limits of the urban area.
- 5.17 **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.

- 5.18 **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.
- 5.19 **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 currently being developed for housing by Bellway on land allocated as UE3b in the Local Plan (Allocations). The proposals would not adversely impact upon this development and 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. With respect to the wider site proposed for allocation for about 15 dwellings through draft Policy H25 of the emerging Havant Borough Local Plan 2036, the planning application is supported by an illustrative masterplan for the wider site to demonstrate how these proposals would not fetter residential development taking place in an acceptable manner in future on the remainder of the draft allocation site.
- 5.20 **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 is in keeping with the surrounding area, adequate provision is made for servicing and noise generating facilities are sited such that they do not cause disturbance. Whilst the site is located adjacent to the defined urban area of Havant, as a result of recent development the site is essentially within the built-up limits of Havant such that new specialist housing for elderly would be consistent with the general spirit of the policy. The proposed care home is on a site large enough to enable provision of generous amenity space around it as well as car parking and servicing areas with all rooms having windows providing natural light and a good quality outlook. A noise assessment has been submitted alongside the planning application demonstrating

that the proposed development would not have a material adverse effect on the amenity experienced at any existing dwelling.

5.21 **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 an arboricultural impact assessment and ecology assessment which together demonstrate that the trees of value on the site (including the TPO'd Oak 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. The submitted landscape plan has been informed by the recommendations of the project ecologist and arboriculturalist to ensure that it is appropriate to the site and its context.

5.22 **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 is however expected to be entered into as part of the planning application process that would make provision for payment of financial contributions towards mitigating the impact of increased nitrate discharge into the Solent Maritime Sites

- 5.23 **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.
- 5.24 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 allocated and permitted 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 transport assessment. Car and cycle parking is proposed within the site at a ratio of 1 per 2 staff members which accords with the standards referred to in Policies DM13 and DM14.

Havant Borough Local Plan (Allocations) – Adopted July 2014

- 5.25 **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.

- 5.26 **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.
- 5.27 **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.
- 5.28 **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 are also to 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. Such a financial contribution would be secured by a planning obligation and the applicant welcomes a discussion with the LPA as to the mechanism, amount and recipient of the financial contribution. Subject to the mitigation provided by the financial contribution, the proposals would accord with the requirements of Policy DM24 in this respect.

6. Other Material Considerations

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan for the area unless material considerations indicate otherwise. This is supported by paragraph 47 of the NPPF. Material considerations can potentially incorporate many factors but in particular includes emerging development plan documents, supplementary planning documents and other locally produced guidance together with national planning policy/guidance. The weight to be afforded to material considerations in decision making is a matter for the decision taker having regard to their relevance to the particular circumstances of the case and their status.

Emerging Havant Borough Local Plan 2036

- 6.2 Paragraph 48 of the NPPF explains that relevant policies in emerging plans may be afforded weight dependent upon their stage of preparation, the extent to which there are unresolved objections to the relevant policies and the degree of consistency of those relevant policies to the policies contained within the NPPF.
- 6.3 A Pre-Submission Havant Borough Local Plan 2036 (Local Plan 2036) was prepared and subject to public consultation and which sought to meet the development needs of the Borough in accordance with current national planning policy through to 2036. Once adopted, the Local Plan 2036 would supersede and replace the currently adopted Core Strategy and Local Plan (Allocations) documents. However, prior to

submission of the emerging Local Plan 2036 to the SoS for its examination, concerns about the cumulative effect of increasing nitrates within the European designated Solent Maritime Site were raised by Natural England. Since then, decisions on applications for residential developments have been predominantly on hold whilst measures to achieve nitrate neutrality through mitigation are brought forward to avoid significant in-combination effects.

6.4 In response to this issue, the emerging Local Plan 2036 is proposed for further modification by the Council to ensure that it ensures the integrity and species/habitats of the European designated sites are protected in accordance with legislation. The modified draft Local Plan 2036 has been endorsed by HBC's Cabinet and now requires approval from Full Council before being put to further public consultation. The emerging plan is therefore not at an advanced stage given that it has not yet passed through its required consultation nor been submitted for examination. Nevertheless, it contains many draft policies that are relevant to the proposed development and which will attract varying degrees of weight at the point that a decision is taken on the planning application.

6.5 **Policies IN3 and IN4** relate to transport considerations and amongst other things require new development to be served by safe and suitable access for all people, promotes sustainable modes of travel through on and off-site measures, prioritises walking and cycling connectivity, makes adequate provision for various sizes and types of vehicles and includes sufficient parking for cars and cycles in addition to electric vehicle charging infrastructure. The proposals are on a site proposed for allocation in the Local Plan 2036 which indicates that it is considered a sustainable location for new residential development. The accompanying Transport Assessment (TA) demonstrates how the site is suitably and safely accessible by all expected vehicle types as well as by pedestrians/cycles in addition to being accessible by existing bus services for staff and visitors. The TA also demonstrates the the proposals would not have a significant adverse effect on safety, capacity and congestion on the local highway network with the proposed junction and new road also being suitable to

accommodate further vehicular traffic associated with future housing on the remainder of draft allocation H25.

- 6.6 **Policy E1** provides support for development that is designed to a high standard and which responds positively to the local context including existing natural and built features. The proposals have been informed by an analysis of the site and its context as demonstrated in the submitted Design and Access Statement with the building proposed in a scale, form and external appearance that would ensure it blends in suitably with its context.
- 6.7 **Policy E3** provides support for proposals that respond positively to local distinctiveness and integrates successfully with the local landscape including natural features on the site and in key views. Proposals for new development outside the defined settlement boundaries are resisted unless they fall within specific exceptions including that a countryside location is specifically required and that there is an overriding public need for the development. The proposed development is on land within the defined settlement boundary for Havant and on land proposed for allocation for residential development through draft Policy H25. The proposed development is of a scale and location where it would not be obtrusive in views from the wider landscape and would visually blend in with other recently constructed housing. All natural features of value within the site are proposed to be retained and incorporated where possible including the two TPO'd Oak trees and other existing better quality native trees.
- 6.8 **Policy E12** requires proposals for the construction of new homes and non-residential floorspace to re-use existing building construction materials where possible, integrate solar gain, natural ventilation and fabric efficiency in the design, minimise greenhouse gas emissions and improve energy efficiency of buildings and use district heating or CHP where appropriate. Proposals for multi-occupation residential developments above 1000sqm are expected to achieve BREEAM 'Excellent' standard and proposals for residential development must exceed Building Regulations by 19% with respect to CO2 emissions.

- 6.9 The proposals are for a form of multi-occupation residential development however the Home Quality Mark requirement in the policy is specific to dwellings as opposed to care homes. Similarly, the BREEAM Communities scheme is a requirement of schemes proposing 100 dwellings or more and so is not applicable these application proposals. However, the proposals incorporate solar PV, efficient heating and thermal performance above Building Regulations. A BREEAM pre-assessment has been undertaken and submitted alongside the planning application demonstrating that a minimum of BREEAM 'Very Good' is able to be achieved with scope potentially to achieve 'Excellent' though it in practice it may prove technically unfeasible for a building of this type.
- 6.10 **Policy E13** requires heritage assets to be protect and conserved where possible and for proposals affecting heritage assets to be supported by a Heritage Statement which addresses the impact upon the significance of the heritage asset with harm avoided where possible and any mitigation required to be proportionate to the impact and significance of the asset. The proposals are supported by a Heritage Statement which demonstrates that the proposals would not adversely affect the setting and therefore significance of above ground heritage assets including the Grade II listed East Leigh House and locally listed Helmsley House due to the scale of the proposed building, the separation distances involved and the intervening trees and vegetation. A desk based archaeological assessment has been submitted which demonstrates that there is some potential for archaeological deposits beneath the site but that these would be unlikely to be significant enough that intrusive investigation is required with a watching brief requirement being sufficient at construction stage.
- 6.11 **Policy E14** requires all development proposals to result in net biodiversity gain and for planning applications to be accompanied by an assessment of the ecological value of the site and incorporate mitigation plans including management and maintenance arrangements. The policy also replicates much of the requirements of legislation found in the Conservation of Habitats and Species Regulations 2017 with respect to impact on European designated sites. Proposals that would be likely to have a

significant adverse effect on such sites, either alone or in combination with other developments, must avoid or mitigate such impacts to ensure the integrity of the ecological sites are protected. The proposals have been supported by a Preliminary Ecological Assessment and associated Phase 2 species surveys. Those trees of ecological value in good health within the site are proposed to be retained and protected including those subject to TPO. All other trees and vegetation along the western, southern and eastern boundaries are also to be retained. A limited number of trees closer to the centre of the site are proposed for removal to accommodate the development with the majority of the rest of the site comprising improved grassland of little ecological value. The proposals will therefore retain habitat of value and incorporate new habitat as part of landscaping measures to ensure net gain overall for biodiversity. The application site is located away from locally designated wildlife sites and any impact on European designated sites would be indirect through additional nitrate discharge arising from the development. This is proposed to be mitigated through financial contributions as part of agreed nitrate neutral schemes operated by HBC or HIWWT.

- 6.12 **Policy E15** requires investigation of the presence of protected species to establish their likely presence. Proposals should avoid an impact unless not possible, in which case an acceptable mitigation or compensation plan would need to be provided. The policy goes on to require impacts on Bechstein's bat breeding habitat to be avoided where they are found to be present and for proposals to include appropriate buffers to woodlands, trees, hedgerows and other habitats. A survey for Bechstein's bat has been undertaken by a qualified ecologist and submitted alongside this planning application which has not found any evidence of bats utilising the site for roosting or foraging.
- 6.13 **Policy E16** requires proposals for new dwellings that would increase pressure and recreational disturbance on the Solent SPAs to be mitigated either through on-site recreation provision or in the form of a financial contribution towards the Solent Recreation Mitigation Strategy in order to avoid causing likely significant harm to the SPAs. The application proposes a single care home as opposed to dwellings within Use

Class C3. The policy is therefore not applicable to the proposed development. Notwithstanding that, the nature of the residents of the proposed development means that they would have the physical or mental capacity to leave the site as they require 24 hour care. No additional recreational pressure would therefore be placed on the Solent SPAs as a result of the proposed development.

6.14 **Policy E18** requires development proposals to conserve and enhance the landscape including by adequately protecting existing trees and hedgerows through integrating into the development. The policy goes on to resist proposals that threaten the retention of important trees, hedgerow and woodland unless the need for and benefits of the development in that location outweigh the impact. The policy also expects provision of new trees to form part of development proposals for new homes given their wider sustainability benefits in terms of CO2 reduction, shading, shelter and cooling. The proposals retain, integrate and protect the two TPO'd Oak trees on the site as well as other trees on and around site boundaries that were found to be of value within the submitted tree survey. The small number of trees to be lost were all found to be of lower quality or in poor health such that they have limited longevity. New tree planting is proposed using native species to help create a deciduous woodland belt around the site which in turn provides climate change benefits as well as screening from the wider landscape.

6.15 **Policy E19** requires new development to be on sites at lowest risk of flooding first and for the sequential and exception tests to be applied where necessary as set out in the NPPF. Proposals are also required to reduce the risk of flooding overall rather than increase it, either locally or elsewhere. The application site is at a low risk of flooding from any source and is identified as being within Flood Zone 1 on Environment Agency mapping. The proposals are nevertheless supported by a flood risk assessment that demonstrates the suitability of the site to accommodate the development and the measures to be taken to ensure that flood risk is not increased as a result of the development.

- 6.16 **Policy E20** relates to drainage infrastructure and requires SuDS to be incorporated into new development to ensure that surface water run-off does not increase as a result of the development. The policy further requires adequate sewerage infrastructure within the site to enable connection to the public sewer at the nearest point of adequate capacity. The proposals are supported by a surface water drainage scheme that accords with SuDS principles by restricting surface water run-off from the site to pre-development levels through the use of underground crates and flow control measures. For foul drainage, the development would connect into the sewer that passes through the Bellway housing development to the south which has been designed to be adoptable by Southern Water and of sufficient capacity to also accommodate development on the H25 draft allocation site in addition to Bellway's housing. If necessary, further capacity studies of the wastewater network can be undertaken pursuant to a planning condition prior to development commencing.
- 6.17 **Policy E21** requires development in Aquifer Source Protection Zones to appraise key risks including contamination, importation of soils, drainage, foundation design, large scale ground disturbance, waste disposal and storage of chemicals/pollutants to determine whether there is a risk to groundwater. The site is greenfield meadow has not been put to any previous use that could lead to contaminants being present nor would the proposed use lead to potential for any contaminants on the site let alone from mobilising into ground water. The SuDS proposed would also not mobilise any existing or future contaminants given the nature of the previous and proposed uses. Excavations are required to construct the building and its foundations though this would not be substantial in nature and no waste or chemicals are proposed to be stored on site other than in a controlled manner during construction works. No soil or other material would be brought the site as part of construction works other than materials for construction the building. Details of all of this can be provided as part of a construction management plan that could be required by condition.
- 6.18 **Policy E22** supports development proposals which would be acceptable with respect to projected levels of noise, odour, vibration, light, water or air pollution for existing and future site users. The site is located such that it is surrounded by existing

residential uses to the south, west and north with countryside to the east. It is therefore not subject to any notable environmental nuisance or pollution such that in this respect the site would be suitable for its intended purpose. This is reflected in the decision by HBC to propose the site for residential allocation through draft Policy H25 of the emerging Local Plan 2036.

- 6.19 **Policy E23** requires major development proposals to provide mitigation measures which offset increases in emissions of air pollutants in a manner proportionate to the scale and nature of the development. Proposals of greater than 150 residential units or greater than 1000sqm of commercial floorspace are also required to ensure that projected levels of air pollution resulting from new development would not cause a significant deterioration of current air quality at a location where national air quality objectives or limit values apply. The proposals would not result in a significant increase in vehicular traffic as demonstrated within the submitted Transport Assessment and the site is not located in an AQMA or an area where national air quality objectives or limits apply. Nevertheless, mitigation measures are included as part of the scheme to offset any minor increase in air pollutants arising from the increase in vehicular traffic including generous cycle parking provision, electric charging infrastructure, a green roof to the building as well as proposed compliance with BREEAM 'Very Good' standard.
- 6.20 **Policy E24** provides support for development on sites likely to be affected by contamination where either there is no identified risk from land contamination or the site can be made suitable for its intended purpose through appropriate mitigation and remediation measures prior to occupation of the development. The application site consists of vacant greenfield land that has not been subject to previous development or other uses that could give rise to contaminants. It has also not been in arable use either and so has not been subject to spraying of fertilisers or pesticides. It is therefore safe for its proposed use with no prospect of being contaminated.
- 6.21 **Policy H1** is drafted such that it is intended to apply to proposals of new dwellings as opposed to residential institutions such as a care home. Many of its requirements are

therefore not relevant to the scheme such as the nationally described space standards. Nevertheless, the proposed development would represent a high quality residential environment for the residents with sufficient space in each of the bedrooms and generous communal areas. Outdoor amenity space would also be available in the courtyards and gardens surrounding the building for use by residents, visitors and staff to enable them to sit outside in relative peace and quiet to enjoy the open air and the wider surroundings. The proposed building is sited over 20m away from the new houses to the south such that the garden areas experience sufficient light, outlook and privacy.

- 6.22 **Policy H2** requires provision of affordable housing as part of developments proposing a net gain of 10 or more dwellings. The application proposes a single care home as opposed to dwellings and so this policy is relevant to the proposed development.
- 6.23 **Policy H3** requires residential to make efficient use of land to address housing need. Development outside the defined town and district centres of the Borough are required to provide for a minimum of 40 dwelling per hectare. This policy is again written such that it is intended to apply predominantly to proposals for new dwellings as opposed to care homes. Nevertheless, the proposed 64 bedroom care home would release approximately 35 existing dwellings back into the local housing stock based on Government guidance set out in the Housing Delivery Test rulebook. The application site equates to approximately 0.6 hectares in size and the proposals would therefore be akin to developing the site to c. 58 dwellings/hectare which makes efficient use of the land and accords with the requirements of Policy H3. In any event, the application site is part of draft allocation H25 which is expected to deliver about 15 dwellings. The proposed care home together with the potential for housing in the future on the remainder of the draft allocation site has the potential to result in significantly more housing delivered on the draft H25 allocation site than expected as part of the emerging Local Plan 2036 and its associated housing trajectory.
- 6.24 **Policy H5** supports proposals for retirement and specialist housing designed to meet the needs of those with care needs (including older people and disabled people)

where: it meets a proven local need; the location is appropriate in terms of accessibility to services, amenities and public transport; the use is compatible with its surroundings; sufficiently accessible and good quality accessible outdoor spaces are provided; and appropriate car/cycle parking is provided together with storage for mobility scooters and wheelchairs. The site has been identified as suitable for residential development through draft allocation H25 and is surrounded by new housing and committed housing sites with access to public transport and a sizeable local population base that could provide the staff to work at the care home. The site enables provision of good quality outdoor space for residents as well as appropriate levels of car and cycle parking that accords with the standards set out in the Council's Parking Standards SPD.

- 6.25 **Policy H25** proposes allocation of a site around Helmsley House for about 15 dwellings and includes a number of requirements of developments proposals including that a planning application should be supported by the submission of a Heritage Statement, Ecological Assessment, Flood Risk Assessment, Arboricultural Assessment and Noise Assessment; that new development enhances the local ecological network and integrates protected trees; that proposals include appropriate mitigation measures including buffers for Bechstein's bat, that Helmsley House is retained and integrated; listed buildings including East Leigh House have their settings respected; and for proposals to provide easy access for pedestrians and cycles.
- 6.26 The application proposes a Class C2 residential development on part of the H25 site as opposed to dwellings which technically represents a conflict with the specific provisions of Policy H25. Nevertheless, the scheme would still address identified local housing need and contribute towards the supply and delivery of housing in the local area by freeing up existing housing stock vacated by the residents. To this end, the Planning Practice Guidance confirms that care homes and other residential institutions contribute towards a Council's five year housing supply position and housing delivery test targets such that the proposals indirectly provide dwellings within the Borough. Furthermore, the illustrative site-wide plan demonstrates that the H25 allocation site would still have sufficient land available to provide further

dwellings in the future and thus ensure that the objectives and requirements of Policy H25 are bettered whilst also ensuring the environmental constraints of the site and its context are appropriately respected.

Supplementary Planning Documents (SPDs)

- 6.27 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.
- 6.28 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.
- 6.29 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 as 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 20 staff are likely to be on site at any one time requiring 10 spaces and a further 16 required for residents for visitors and deliveries. The proposals would accord with this minimum parking standard and similarly accord with the cycle parking requirements by providing at least one cycle parking space per six staff.

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

- 6.30 The NPPF (February 2019) 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 explained in paragraph 2 of the NPPF.
- 6.31 The NPPF supports the plan-led system and affirms the development plan as the starting point for decision making. Indeed at paragraph 11(c) it confirms that development proposals that accord with an up-to-date development plan should be approved without delay and at paragraph 12 it confirms that proposals contrary to an up-to-date development plan should not usually be granted.
- 6.32 Nevertheless, the NPPF requires planning policies in development plans to be afforded weight dependent upon their consistency with the NPPF. Policies in development plans that are not consistent with the NPPF should be afforded reduced weight and those fully consistent with it should in turn be afforded full weight in accordance with the approach set out in Annex 1.

- 6.33 Furthermore, where relevant development plan policies are silent or 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. Limb i) of Paragraph 11 is not relevant to these proposals given that the scheme would have no material effect on designated heritage assets or the other assets listed in footnote 6 with the exception potentially of nitrate discharge into the European Maritime Site which would in any event be addressed through financial contributions towards a suitable mitigation scheme.
- 6.34 Those paragraphs of the NPPF considered to be particularly pertinent to consideration of the development proposals are set out below:
- 6.35 **Paragraph 20** of the NPPF requires strategic policies in development plans to set out an overall strategy for the pattern, scale and quality of development and make sufficient provision of housing, employment, retail, leisure and other commercial development. **Paragraph 23** elaborates that such strategic policies should provide a clear strategy for bringing sufficient 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 housing, employment and other needs based on previous Government guidance that pre-dated the NPPF and, in any event, only addresses this need up to 2026. The emerging Local Plan 2036 instead attempts to meet the current and future needs of the Borough in a manner consistent with the latest national planning policy. The adopted development plan should in the interim be afforded reduced weight insofar as its policies relate to considering the principle of new housing.
- 6.36 **Paragraph 38** advises that LPAs should approach decisions on proposed development in a positive and creative way and use the full range of planning tools available. It goes

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 that any issues are addressed prior to submission of planning applications to help smooth the process of decision making. The applicant has undertaken such pre-application and community engagement in a manner appropriate having regard to the current restrictions arising from Covid-19.

6.37 **Paragraph 48** states that LPAs may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; c) the degree of consistency of the relevant emerging policies to the NPPF. Policies contained within the emerging Local Plan 2036 and its general strategy are of relevance to determining the planning application though modifications are proposed in light of nitrate neutrality requirements and it has not yet passed through its final round of public consultation let alone been submitted to the Planning Inspectorate for examination. The weight to be afforded to the emerging Local Plan 2036 will increase as it advances through its examination in public.

6.38 **Paragraph 59** sets out a Government objective of significantly boosting the supply of housing and that the needs of groups with specific housing requirements are addressed. **Paragraph 60** goes on to state that strategic policies should be informed by a local housing need assessment to establish the local housing need figure based on the standard method set out in national planning guidance. **Paragraph 61** 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). It is therefore clear that Local Plans need to be based upon the conclusions of a local housing need assessment undertaken using a methodology that accords with national planning guidance and which, inter alia, includes policies that reflect the identified need for housing for older people. The adopted development plan is not consistent with this approach and thus, in this respect, the policies relevant

to considering the principle of new older persons specialist housing should be considered out-of-date.

6.39 **Paragraph 73** 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 with an appropriate buffer added of either 5% or 20%. The development of residential institutions such as care homes count towards the supply of housing at ratios based upon that set out in the Government's Housing Delivery Test rulebook. In the absence of a five year supply of deliverable housing sites, relevant policies of the development plan would be considered out of date (see Paragraph 11 of the NPPF) and the tilted balance engaged accordingly. This application proposes a form of specialist housing and thus whether there is a projected five year supply of housing in the Borough is a relevant consideration as part of determining this planning application.

6.40 **Paragraph 108** 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 109** 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 111**, a Transport Assessment 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. Traffic modelling has also been undertaken which demonstrates that there would be no significant impacts as a result of the development on highway capacity/congestion or highway safety.

- 6.41 **Paragraph 117** promotes effective use of land in meeting the need of homes and other uses provided the quality of the environment is safeguarded and **Paragraph 122** requires planning decisions to support development that makes 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 makes efficient use of land by providing a much-needed specialist care facility for older persons thus freeing up existing housing stock whilst so ensuring that the remainder of the draft allocation H25 site can be developed out appropriately for housing in the future. The proposals thus demonstrate efficient use of land in a sustainable location that respects the surrounding built and natural environment.
- 6.42 **Paragraph 124** 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 127** requires development to function well and add to the overall quality of the 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 informed by a contextual appraisal of the site and its surroundings as well as pre-application engagement with relevant consultees and the local community. The proposals demonstrate a high quality, landscape-led design that would complement the area both visually and functionally.
- 6.43 **Paragraphs 155-165** 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 (having regard to the Council's SFRA and

Environment Agency mapping) and the proposals are supported by a fully incorporated SuDS strategy that would prevent any increase in surface water discharge from the site beyond pre-development levels.

- 6.44 **Paragraph 170** 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. The proposed development is on a site now essentially enclosed by existing, proposed and committed residential development and which the Council considers suitable for residential development as part of the draft allocation H25 in the emerging Local Plan 2036. The application site is of limited value to the appreciation of the character and beauty of the wider landscape and all efforts have been taken to ensure important natural features are retained and enhanced as part of the development in the interests of visual amenity, biodiversity and the creation of a high quality attractive new environment within the site.
- 6.45 **Paragraph 174** 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 175** 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 application site is not within or in close proximity to a designated international, national or local ecological site. Nevertheless, an Ecological Appraisal and all necessary species surveys have been undertaken and submitted alongside the planning application which demonstrate that the proposals would deliver net gains for biodiversity, avoid harm to protected/priority species and mitigate potential adverse impacts on the European designated Solent Maritime Site.
- 6.46 **Paragraph 180** states that new development should 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 is on a greenfield site that has not been subject to any previous development. It is therefore exceptionally unlikely to feature any contamination. The site is surrounded by existing and proposed residential development such that the proposed development would be entirely functionally compatible with its immediate surroundings and neighbouring uses. A noise assessment has in any event been submitted alongside the planning application demonstrating that no significant noise disturbance would occur as a result of the development.

- 6.47 **Paragraph 181** requires new development to sustain and contribute towards compliance with relevant limit values and national objectives for pollutants taking into account Air Quality Management Areas (AQMA) and the cumulative impacts from individual sites in local areas. There are no designated AQMA within the vicinity of the site and so the proposal should not materially affect an AQMA. Mitigation measures have been incorporated into the proposed development to offset any increase in air pollution as a result of vehicular traffic associated with the development.
- 6.48 **Paragraph 189** requires planning applications to be supported by an assessment of the significance of any heritage assets affected by the proposed development. **Paragraph 183** requires great weight to be given to a heritage asset's conservation with the weight afforded to it proportionate to its significance. **Paragraph 196** states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. **Paragraph 197** states that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application with a balanced judgement required having regard to the scale of any harm caused and the significance of the heritage asset.
- 6.49 A Heritage Statement has been submitted alongside the planning application. The proposed development is sited some distance away from the nearest designated heritage asset – the Grade II listed East Leigh House to the west – and also separated

by established woodland. The proposed development is therefore outside the extent of the appreciable current or historic setting of East Leigh House such that the proposals should not harm the significance of this designated heritage asset. Turning to non-designated heritage assets, an archaeological desk-based assessment was undertaken which found that there was some potential for deposits beneath the ground as indicated within the supporting text of draft Policy H25 of the emerging Local Plan 2036. However, the modest potential together with the relatively limited significance of the potential deposits means that no further investigation is necessary at this stage. Instead a watching brief to determine their potential presence and significance prior to development taking place on site can be secured by condition. This would ensure that preservation and recording of any deposits found on the site could occur in a manner proportionate to the potential significance.

- 6.50 **Paragraphs 212 and 213** contained in Annex 1 to the NPPF explain that the policies in the NPPF are material considerations that need to be taken into account from the day of its publication and that development plans may need to be revised to reflect policy changes. It goes on to state that existing local policies adopted prior to the publication of the NPPF 2019 should be given due weight according to their degree of consistency with the policies in the NPPF. The strategy together with the housing and environmental policies of the adopted development plan were formulated prior to the publication of the NPPF 2012. It is not clear that these policies ensure that the current housing and other needs of the Borough can be met in a sustainable way as enshrined in the NPPF. Relevant policies should therefore be afforded reduced weight accordingly where they are not fully consistent with the NPPF.

Planning Practice Guidance (PPG)

- 6.51 The PPG represents continually updated national planning guidance to assist with interpretation and application of policies contained in the NPPF as well as the plan making and decision taking processes.

- 6.52 Of particular relevance to considering these proposals is a specific section of the PPG added in June 2019 under the heading 'Housing for Older and Disabled People'. The PPG emphasises the importance of assessing and planning for the needs of older people which can range from accessible and adaptable needs housing to specialist housing with high levels of care and support (Ref ID: 63-003-20190626).
- 6.53 The PPG (Ref ID: 63-010-20190626) also goes on to set out the types of housing for older people and the range that it encompasses starting at retirement/sheltered housing through to nursing and residential care homes such as that proposed.
- 6.54 The PPG also explains that plans need to provide for specialist housing for older people where a need exists (Ref ID: 63-012-20190626) which can include making specific allocations for such housing (Ref ID: 63-013-20190626) which can fall within either Use Class C2 or C3 dependent upon the type of the specialist housing and the level of care and scale of communal facilities provided (Ref ID: 63-014-20190626).
- 6.55 The PPG also explains that LPAs will need to count housing provided for older people against their housing requirement, 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 which should be based on the Housing Delivery Test measurement rule book (Ref IDs: 63-016a-20190626, 68-035-20190722 and 68-041-20190722)
- 6.56 The PPG advises at Ref ID: 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'*.
- 6.57 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 then exists.

7. Planning Analysis

Principle of Proposed Development

- 7.1 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.
- 7.2 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.
- 7.3 The emerging Local Plan 2036 recognises 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 not been submitted for examination and, as such, attracts only relatively limited weight at this stage, it nonetheless represents a clear indication that the site is considered suitable for residential development and would contribute sustainably towards meeting the Borough's identified housing need. Draft Policy H25 is worded such that it provides for about 15 dwellings on the allocation site and, whilst the proposals are for a care home (Use Class C2) as opposed to dwellings, the scheme nevertheless would indirectly contribute towards the supply and delivery of approximately 35 dwellings in the

Borough (see guidance contained in the PPG in the Borough) whilst also providing much-needed specialist older persons accommodation. The principle of the proposed development would therefore accord with the spirit of draft Policy H25 in this regard.

- 7.4 In addition to the above, the proposed care home would only accommodate a minority of the draft allocation site ensuring that land remains available to the north and west of the proposed care home to provide at least 15 dwellings in an appropriate way in the future. This is indicated on the submitted illustrative wider context plan. This ensures that overall the site would make more efficient use of land in the interests of sustainability and an improved contribution towards meeting the Borough's housing need through a variety of accommodation types. The proposals would therefore be entirely consistent with the principles and objectives of the draft H25 allocation site as set out in the emerging Local Plan 2036.
- 7.5 In short therefore, the adopted development plan together with the material consideration of the emerging Local Plan 2036 provide in principle support for developing new specialist housing forms such as care homes within the settlement boundaries of Havant and therefore on the application site in order to meet the growing needs of the ageing population within the settlement boundaries of Havant. This support from within the local planning policy context is further supported by national planning policy and guidance including the requirement within paragraph 61 of the NPPF for the housing needs of different groups (including older people) to be assessed and reflected in planning policies and the guidance contained at PPG Ref ID: 63-016-20190626 advising local authorities to take a positive approach to schemes that propose to address unmet need for specialist older persons housing.
- 7.6 In addition to the above it is noted that HBC's current housing supply position is, at best, fragile with only a claimed 5.4 years housing land supply in the Borough. With delays to grants of planning permissions caused by challenges associated with securing nitrate neutrality as well as a slowdown in housing delivery rates associated with the Covid-19 pandemic, this projected supply will inevitably drop. The proposed development would make a positive contribution towards housing supply and delivery

in the Borough by generating the equivalent of 35 additional dwellings into the housing stock which is a significant benefit lending further support to the principle of the proposed development. This, together with the potential for at least 15 dwellings on the remainder of the draft H25 allocation site, ensures that the H25 site would be developed far more efficiently than that envisaged within the emerging Local Plan 2036 such that it could ultimately deliver at least 50 dwellings instead of the 15 currently provided. This benefit should weigh significantly in favour of the proposals and add to the in-principle support for the development already provided through emerging development plan policy.

- 7.7 In the event that the Borough's projected five year housing supply falls below 5 years prior to the determination of the planning application, the presumption in favour of sustainable development as set out in paragraph 11D of the NPPF would apply to this scheme given that it constitutes a proposal for housing. The additional weight afforded to the benefits of the new housing in such circumstances would only lead to further support for the principle of the proposed development. It is also a matter of debate as to whether the housing supply and associated policies of the Core Strategy and Local Plan (Allocations) are up-to-date with respect to the NPPF in terms of their provision for meeting the housing needs of the Borough, in particular those of older people. If materially inconsistent with the NPPF, this could also engage the presumption in favour of sustainable development as set out in paragraph 11D of the NPPF. However, as the principle of development on the site is in any event already substantively supported by the adopted development plan and the emerging Local Plan 2036, this should not be a material factor other than to simply add additional weight to the support for the principle of development within the current local planning policy context.

Access and Highways

- 7.8 The care home development is proposed to be accessed 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 is not adopted at present but the developer has entered into a s38

agreement with HCC to enable this in due course. The proposed new access road into the site would provide the necessary vehicular, pedestrian and cycle access to the proposed care home though in future additional pedestrian/cycle links would be expected to be created as part of future housing proposals on the remainder of the draft H25 allocation. The proposed new access road is proposed to be constructed to adoptable standards to ensure that it can be adopted by HCC to ensure that it is suitable to serve the housing that is expected to come forward on the remainder of the draft H25 allocation in the future.

7.9 The planning application is supported by a Transport Assessment 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 at least 12 covered and secure cycle parking spaces are proposed to be provided to accord with the minimum standards set out in the Council's Parking Standards SPD. Electric vehicle charging infrastructure is also proposed to encourage use of electric and hybrid vehicles and this could be secured by condition.

7.10 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. In accordance with the advice received from HCC at pre-application stage, this has considered the cumulative impact of all development likely to come forward on draft allocation H25 in addition to considering the impact of the proposed care home by itself. In either case, the projected impact of the modest increase in vehicular traffic with respect to the capacity and congestion of immediately surrounding junctions is minimal even taking account of the cumulative impact of committed development. The proposals would

therefore 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 together with emerging Policy IN3 of the Local Plan 2036.

- 7.11 The proposals have therefore been demonstrated to be suitably accessible whilst avoiding significant adverse effects on the local highway network in accordance with relevant local and national planning policy with respect to matters of access and transport.

Design, Layout and Amenity

- 7.12 The application proposes a two storey building laid out in an H-shaped configuration with two wings of living accommodation connected by a central link that provides much of the staff, administrative and servicing accommodation. Such a layout conforms to best practice for provision of specialist older persons accommodation as it provides residents, many of which will suffer from severe dementia, with an easy to understand and navigate household-sized living space. Each of the bedrooms have windows with access to a pleasant outlook and natural light in accordance with the requirements of Policy DM7 of the Core Strategy and draft Policy H5 of the emerging Local Plan 2036. Moreover, the scheme provides generous pleasant, accessible and usable communal outdoor amenity around the building for use by the residents, staff and visitors alike in accordance with the requirements of the aforementioned policies. This also provides sufficient access and circulation space around the building for those using wheelchairs and motorised scooters as well as for the purposes of servicing and waste management.
- 7.13 The proposed building has been designed to have the appearance of a domestic scale so that its height is commensurate with that of other existing and committed development of the surroundings with a flat section of roof at the centre both to ensure that overall roof mass is reduced and also to improve the carbon performance and biodiversity merits of the scheme. The profile of the building has steps in the projection of its external walls in order to break up the apparent mass of the building

and add visual relief to the structure. The pitched elements of the roof are proposed to be covered with plain grey tiles and the external walls are predominantly red 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 central flat roof sections of the building are proposed to feature a green roof. The approach to design is explained in more detail in the Design and Access Statement. It is also presumed that new housing proposed in the future on the remainder of draft allocation H25 could also be expected to incorporate similar materials further creating an identifiable character. The materials proposals are consistent with the local material palette identified in the Council's Design Guide SPD.

- 7.14 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 and ensures a separation distance of over 20m to the new homes to the south. This should preserve good standards of amenity for occupants of those new homes. The plant and other servicing equipment associated with the operation of the proposed care home is proposed to be sited well away from any dwelling and feature 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 and emerging Policy H5 of the Local Plan 2036. Notwithstanding that, conditions could be imposed requiring the development to be carried out in accordance with the Noise Assessment and for details of extract and ventilation equipment to be submitted for approval prior to installation if thought necessary but due to the dual-pitched roof it can be easily hidden.
- 7.15 In addition to consideration of the layout of the application site itself, considerable thought has been given to the implications of the proposals on the successful deliverability of the wider draft H25 allocation site and the objectives set out in the corresponding draft Policy H25. To this end, the proposed development is confined to the southeastern corner of the draft allocation site with vehicular access proposed centrally (in a form suitable to serve additional vehicular movements associated with

further housing) via the eastern boundary to ensure that this has the potential to serve housing in the future both to the north and west of the draft allocation site. Whilst the wider site has not been the subject of any detailed masterplanning exercise, the submitted context plan clearly demonstrates that there is space available within the remainder of the site to satisfactorily accommodate at least 15 dwellings in accordance with the provisions of draft Policy H25. The siting of the proposed development therefore does not fetter the wider aspirations of the draft H25 allocation site within the emerging Local Plan 2036 and therefore also accords with the requirements of Policy DM6 of the Core Strategy.

Ecology, Trees and Landscaping

- 7.16 The planning application has been informed by a Preliminary Ecological Assessment, associated species surveys and an Arboricultural Impact Assessment (AIA) undertaken by appropriately qualified professionals. These assessments have been submitted alongside the planning application.
- 7.17 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 are both 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. The other trees on the site along the western, southern and eastern boundaries have been identified to be of lower quality (Category C or lower as classified within the tree survey) though collectively they provide some amenity and ecology value and so are proposed for retention as far as possible. Any trees proposed to be lost to accommodate the new development are proposed to be replaced with similar native species along site boundaries to mitigate the impact. In this respect the proposals accord with the requirements of Policies CS13 and DM8 of the Core Strategy as well as draft Policy E18 of the emerging Local Plan 2036.

- 7.18 The proposals would result in the loss of the existing grassland, scrub and a number of trees of lower value. However, in its place new tree planting and other soft landscaping is proposed together with a green roof on the building as well as bird boxes and bat bricks. This new landscaping has been selected primarily on its biodiversity merits and has been informed by the conclusions of the ecological assessment such that overall the development would have a net positive effect on biodiversity in accordance with the requirements of draft Policy E14 of the emerging Local Plan 2036 as well as national planning policy contained in the NPPF. 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.
- 7.19 In response to the Ecological Assessment and the requirements of draft Policy H25 of the emerging Local Plan 2036, a number of species surveys have been undertaken to determine whether the site is inhabited by any 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. A single slow worm was found during surveys and the new habitat proposed would provide a more suitable environment for this small population than the existing poor quality grassland. The landscaping proposals and biodiversity measures incorporated into the scheme ensure that the proposals would have no adverse effect on any protected or priority species in accordance with the requirements of draft Policy E15 of the emerging Local Plan 2036. The combination of the retained and new habitat together with appropriate future management (as detailed in the proposed landscape plan) should instead lead to a betterment of habitat with respect to protected/priority species.
- 7.20 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) and Draft Policy E16 of the emerging Local Plan 2036 seek to mitigate harm associated with the increased potential for recreational pressure within the Solent SPAs as a result of new housing in the Borough. However, this policy is worded such that it only applies to dwellings as opposed to residential institutions in

Use Class C2 and so this draft policy does not apply to the proposed development. Nevertheless, the nature of the occupants of a specialist older persons care home means that they required 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. As a result, 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.

- 7.21 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. In accordance with the requirements of draft Policies E14 and EX1 of the emerging Local Plan 2036, this adverse effect requires mitigation to offset any adverse impacts. To this end, the applicant has entered into discussions with both the Hampshire and Isle of Wight Wildlife Trust (HIWWT) and HBC to secure the purchase of credits through a financial contribution that would offset any increase nitrate discharge from the development through removing a proportionate amount of existing poor quality arable land from productive use. It is the applicant's intention to enter into a planning obligation with HBC to ensure payment of the required financial contribution at the appropriate stage as part of the determination of this planning application. The securing of this mitigation ensures that the proposals would neither have a net direct or indirect adverse effect on biodiversity or a designated wildlife site in accordance with the requirements of DM8 of the Core Strategy, DM24 of the Local Plan (Allocations) and emerging Policies EX1, E14, E15 and E16 of the Local Plan 2036.

Heritage

- 7.22 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. However, as recognised in draft Policy H25 of the emerging Local Plan 2036, the design and layout of development on the draft allocation site should respect the setting of listed buildings adjacent to the site including East Leigh House. Draft Policy H25 also references the potential to retain and incorporate Helmsley House into any new development on the site.

7.23 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 submitted Heritage Statement. Its setting is therefore respected in accordance with the requirements of draft Policy H25 of the emerging Local Plan 2036. In any event, if it were to be concluded that the proposed development resulted in modest harm to the setting of East Leigh House, it must be recognised that the wider H25 site is already proposed for allocation and therefore some development is expected on it in the near future. Such harm would in any event be more than outweighed by the public benefits associated with the provision of much needed specialist older persons housing together with the contribution that the scheme would make towards housing supply and delivery in the Borough generally having regard to the provisions of paragraph 196 of the NPPF.

7.24 The supporting text to draft Policy H25 recognises that the site has the potential for previously unidentified archaeological deposits. To this end, an archaeological desk based assessment was undertaken by an appropriately qualified archaeologist which concluded that there was low-moderate potential for late iron-age to early Romano-British deposits associated with the small-scale rural settlement found approximately 200m to the south though such deposits are unlikely to be of great significance. The proposals would therefore be unlikely to have any significant effect on buried heritage assets subject to imposition of appropriate conditions requiring approval of a watching brief together with appropriate mitigation measures.

Flood Risk and Drainage

- 7.25 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, a site-specific Flood Risk Assessment (FRA) has been submitted alongside the planning application 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 in accordance with the requirements of draft Policy E21 of the emerging Local Plan 2036.
- 7.26 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 and draft Policy E20 of the emerging Local Plan 2036. Details of the surface water drainage system are contained with the FRA and can be subject to condition.
- 7.27 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 draft allocation H25 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

- 7.28 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 planning application is accompanied by a BREEAM Pre-Assessment demonstrating how the construction and operation of the development would comfortably achieve BREEAM 'Very Good' standard under the current applicable standards. In this regard, and subject to appropriate conditions, the scheme would accord with adopted planning policy.
- 7.29 Draft Policy E12 of the emerging Local Plan 2036 requires 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. This policy however is only emerging and so does not attract full weight at this stage. However, the proposals integrate fabric and thermal efficiency measures as detailed in the accompanying Design and Access Statement as well as low carbon technology (solar PV on the roof, electric vehicle charging infrastructure etc) in order to achieve the relevant BREEAM standard. 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. In this regard the proposals therefore accord with the requirements of emerging Policy E12 of the Local Plan 2036.
- 7.30 Parts (e)-(g) of the requirements of draft Policy E12 have been proposed for modification in the July 2020 version of the draft Local Plan 2036 that is proposed for a further public consultation. Part (e) now requires non-residential and multi-occupation residential developments over 1000sqm to achieve BREEAM 'Excellent'. The application proposes a type of residential institution within Use Class C2 hence the newly modified draft Policy E12 requires achievement of BREEAM 'Excellent' unless proven to be unviable or unfeasible. Initial assessment by the applicant's consultant BREEAM advisor indicates that this would be technically unfeasible for a development of this type but, nevertheless, this is not yet adopted development plan

policy and so cannot attract more weight than the BREEAM 'Very Good' requirements of Policy CS14 of the Core Strategy. Part (e) does not therefore apply to the scheme. Parts (f) and (g) of draft Policy E12 apply to dwellings only as the standards referenced are not available to care homes and so these aspects of emerging Policy E12 are not relevant to assessment of the proposed development. However, the development has been designed to achieve an improvement in CO2 emissions of at least 19% beyond that required by Building Regulations so that, despite its limited weight policy, this aspect of draft Policy E12 is complied with.

- 7.31 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 the achieve the majority of the objectives of emerging Policy E12 of Local Plan 2036.

Other Matters

- 7.32 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 submitted 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. Nevertheless, in accordance with the requirements of draft Policy E23 of the emerging Local Plan 2036, as a major development the scheme incorporates mitigation measures to offset this very minor impact in the form of electric vehicle charging points and generous cycle parking provision together with a comprehensive package of soft landscaping including a green roof to the building. The proposals therefore accord with the requirements of draft Policy E23 of the emerging Local Plan 2036 in this respect.
- 7.34 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 or draft Policy E24 of the emerging Local Plan 2036.

- 7.35 The application site and wider H25 draft allocation site have 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 site is identified for allocation in the emerging Local Plan 2036 and so the Council has essentially accepted the principle of developing on the land such that its loss for any future agricultural potential has been accepted. In any event, draft Policy E6 does not require sites within the defined settlement boundaries (which is the case in the emerging plan as opposed to the adopted plan) to be supported by soil surveys to determine whether the land is best and most versatile. Consequently, the proposals would not lead to the loss of agricultural land and, insofar as relevant, the proposals would accord with draft Policy E6 of the emerging Local Plan 2036 as well as national planning policy of the NPPF.

8. Conclusion

- 8.1 The proposed development seeks to meet an identified need for specialist older persons housing 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 proposed development has been carefully sited and laid out such that it does not fetter future development on the remainder of the H25 draft allocation site and the development itself has been designed to ensure that it is visually commensurate with the surrounding area whilst ensuring the ecological and landscape interests of the site are preserved. As a result, the principle of the proposed development has been demonstrated to accord with the general spirit and objectives of the development plan including Policies CS9 and DM7 of the Core Strategy. The proposals have also been demonstrated to accord with all other relevant development plan policies. 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.
- 8.2 The emerging Local Plan 2036 is a material consideration and some of its policies attract moderate weight given their stage of preparation and consistency with the NPPF. Draft Policy H25 seeks to allocate the site for housing and the scheme proposes a form of specialist older persons housing to address local need whilst also safeguarding sufficient land on the remainder of the H25 draft allocation to achieve at least 15 dwellings in the future as sought within the draft policy. The proposals therefore make more efficient use of the draft allocation site than envisaged within the emerging Local Plan 2036 with consequent benefits to housing supply/delivery in the Borough. The principle of the proposed development is therefore consistent with the provisions of the emerging Local Plan 2036 and the scheme has been demonstrated to accord with all other relevant policies of this emerging plan. As a material consideration the emerging Local Plan 2036 therefore provides additional support for granting planning permission.

- 8.3 National planning policy and guidance in the form of the NPPF and PPG are also material considerations of significant weight. These provide significant support for meeting the identified housing needs of older people through a variety of types of accommodation and, in the case of the PPG, it actively encourages LPAs to take a positive approach to considering proposals seeking to address the unmet need for older persons housing. The NPPF and PPG are therefore also material considerations that lend support to the principle of the proposed development.
- 8.4 Consequently, the development proposals have been shown to accord with the spirit and policy intentions of the development plan with significant material considerations in the form of the emerging Local Plan 2036 and national planning policy/guidance also providing further support for the proposed development. In the absence of any other material considerations indicating otherwise, the planning application should therefore be approved and planning permission granted.