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|                 |                                                                        |               |              |
|-----------------|------------------------------------------------------------------------|---------------|--------------|
| Site Address:   | 216 Havant Road, Hayling Island, PO11 0LN                              |               |              |
| Proposal:       | Change of Use from domestic residential house to residential care home |               |              |
| Application No: | APP/18/00857                                                           | Expiry Date:  | 27/12/2018   |
| Applicant:      | Ms Patel                                                               |               |              |
| Agent:          | Mr Hartland                                                            | Case Officer: | Lesley Wells |
|                 | HMA                                                                    |               |              |
| Ward:           | Hayling West                                                           |               |              |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The site is located within a residential area, with various types of design, styles and finishes to the properties. The properties on this side of the road and on the other side of the road further to the south tend to be detached and sit in generous plots. The site falls within the 5.6 km buffer zone for the Solent Recreation Mitigation Strategy (SRMS).

The application site lies on the east side of Havant Road, Hayling Island and is a detached 2 storey dwelling. The proposal would be an annexe to 218/220 'Park House Rest Home' (PHRH), which is in the same ownership as No. 216 Havant Road and would be incorporated into the existing management structure, sharing facilities. The PHRH has parking to the front of the premises with accesses from Avenue Road.

The site is located within Flood Zone 3, which is a high flood risk area.

## **2 Planning History**

None.

## **3 Proposal**

The proposal is for a change of use from domestic residential dwelling to residential care home for up to 5 residents, with no internal or external changes proposed. The proposal would provide community facilities on the ground floor, which would be a lounge, dining area, kitchen and utility room. At first floor there would be three bedrooms, one en-suite and a bathroom for residents. The proposal would be an annexe to 218/220 PHRH to the north which as stated above, is in the same ownership as No. 216 Havant Road which would be incorporated into the existing management structure, sharing facilities. The property benefits from a garden area to the rear and front, with direct access, following the removal of a fence, to the garden and facilities at PHRH.

## **4 Policy Considerations**

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

Havant Borough Local Plan (Core Strategy) March 2011

|      |                                                                        |
|------|------------------------------------------------------------------------|
| CS15 | (Flood and Coastal Erosion)                                            |
| CS16 | (High Quality Design)                                                  |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS21 | (Developer Requirements)                                               |
| DM14 | (Car and Cycle Parking on Development (excluding residential))         |
| DM7  | (Elderly and Specialist Housing Provision)                             |

#### Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| AL2  | (Urban Area Boundaries and Undeveloped Gaps between Settlements)                          |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

### **Crime Prevention -Minor Apps**

No comment.

### **Developer Services, Southern Water**

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link  
<https://beta.southernwater.co.uk/infrastructure-charges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable a sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that suitable means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

### **Economic Development**

No comment.

### **Engineering/Drainage**

No comment.

### **Environment Agency - 1st Comment - Objection**

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

#### **Reason**

The FRA with this application does not comply with the requirements set out in the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of flood risk arising from the proposed development. In particular, the submitted FRA fails to

1. Assess the potential depths and duration of flooding, taking into account the impacts of climate change
2. Provide any detail as to how people will be kept safe from flood hazards identified, including the requirement for flood emergency planning.

#### **Overcoming our Objection**

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

### **Environment Agency - Final Comments - No Objection**

We have reviewed the Flood Risk Assessment Rev3 (additional appendix submitted 12<sup>th</sup> July 2019) and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection. The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included.

**Condition** The development shall be carried out in accordance with the submitted flood risk assessment (dated March 2019, with additional appendix submitted July 2019) and the following mitigation measures it details:

- No sleeping accommodation shall be placed on the ground floor
- Mitigation measures as set out in section 4 of the Flood Risk Assessment shall be incorporated with any changes, extensions, additions and alterations made to the property

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### **Reason**

To reduce the risk of flooding to the proposed development and future occupants

## **Advice to LPA/applicant**

Although it has been recognised that 216 Havant Road will come under the same emergency plans as the neighbouring property at 220 Havant Road, we strongly recommend that these plans are adapted to incorporate 216 Havant Road and occupants are made aware of these updated plans.

We also advise that all occupants register for the Environment Agency's Flood Warning Service which can be done by contacting Floodline on Tel no. 0345 988 1188 or 0845 988 1188 or visiting <https://www.gov.uk/sign-up-for-flood-warnings>.

We strongly recommend the use of flood proofing and resilience measures prior to occupation. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

*Department for Communities and Local Government: Preparing for floods*  
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> *Department for Communities and Local Government: Improving the flood performance of new buildings:*

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>  
We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

### **Policy - Comment**

Looking at the existing floor plans, it appears to be a 4 bedroom dwelling (there's two 'bedroom 1'). A new 4 bedroom dwelling would typically have an occupancy of 3 people.

The new development would have 5 residents. As such, there would be a net increase in population staying in the property.

It could be that there were more people living in the property over the last 10 years. If they have that information then that could help us. If there were the same amount of people living in the property as there would be in the future, that should remove nutrients as an issue. But if there's going to be more people, that would be an issue.

**Environmental Health Manager, Community Group - No Objection**

No adverse comments.

**Highways Engineer, Development Engineer - No Objection**

No adverse comment to this application

**Natural England Government Team- 1st comments**

**Appropriate Assessment:**

Please note that, recent case law ('Sweetman II') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures to offset recreational impacts on the Solent & Southampton Water SPA sites can be outlined.

**Solent Recreation Mitigation Partnership:**

This application is within 5.6km of Chichester and Langstone Harbours Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has recently adopted a planning policy to mitigate against adverse effects from in-combination recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) / Bird Aware Solent. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

**Local sites and priority habitats and species:**

The proposal is in close proximity to Stoke Common Site of Importance for Nature Conservation (SINC). You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

**Water Environment:**

Natural England recommends that the planning application includes a comprehensive drainage strategy during the construction work and post-construction in line with best practice.

Natural England recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day

including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

### **Protected Species:**

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Natural England - 2nd Comment - No objection**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Natural England is aware that your authority is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against existing lawful use of the property. It is Natural England's view that in this case, provided the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

## **6 Community Involvement**

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

Number of neighbour notification letters sent: 6

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

| <b>Comment</b> | <b>Officer Comment</b> |
|----------------|------------------------|
| None.          |                        |

## **7 Planning Considerations**

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

- (i) Principle of development

- (ii) Design
- (iii) Impact of the use within the residential area and on neighbouring residential amenity
- (iv) Parking
- (v) Flooding
- (vi) SRMS and Nutrient Neutrality Considerations.

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal would provide for extra care housing and does not involve any built development.

(ii) Design

There are no internal or external changes to the dwellinghouse, which currently is screened from Havant Road, by Evergreen trees; so no construction work proposed. The change of use to a residential care home would have no significant material impact on the character or appearance of the locality, with off road parking to the front of the PHRH, from which there would be a pedestrian link to 216 Havant Road.

(iii) Impact of the use within the residential area and on neighbouring residential amenity

Policy DM7 of the Havant Borough Council Local Plan Core Strategy 2011 refers to the Elderly and Specialist Housing Provision. The policy states that within the defined urban areas development specific to the requirement of the elderly, people with disabilities or other forms of specialised supported housing provision will only be permitted provided that the following criteria are met:

1. It is demonstrated that appropriate levels of on-site amenity space are accessible for residents use which provides a satisfactory outlook for all residents.

This has been demonstrated by the proposal, which includes access to the rear garden of 216 and the PHRH, which would provide sufficient amenity space for the residents of the PHRH and the annexe.

2. A setting for the building is provided which is in keeping with the surrounding area.

There is no built development with this proposal, with the property sitting comfortably within its existing plot.

3. Sufficient space for servicing is provided.

The proposal would be an annexe to PHRH, which has sufficient space to be readily and easily served, which is facilitated by its location on a corner plot, with a separate side entrance access for deliveries.

4. Services that may generate noise and disturbance (such as laundry room, kitchen and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.

The property is detached which should limit noise and disturbance from the laundry room and kitchen which are located on the northern boundary, of the PHRH. As to the preparation of meals they "...are prepared off site and delivered to order for each resident

daily. Food preparation in the kitchen is limited to warming and heating and making drinks." The applicant advises that currently the kitchen facilities at PHRH is under-used and has the capacity to cater for the residents at the site. That said, it is proposed to retain the existing kitchen at the site to provide the same support for preparing meals and drinks for the residents of the annexe. Refuse deliveries are to the north of PHRH, with access from Avenue Road, the location of which would limit noise and disturbance .

5. The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas

It is considered that the addition of care accommodation at No 216 as an annexe to PHRH would not result in an over-concentration of this use within Hayling Island, or within this residential area. Nor would the loss of a single dwelling within the area, be significant enough to impact the current housing requirement of the district.

The proposal is considered to be in accordance with Policy DM7 of the Havant Borough Council Local Plan Core Strategy 2011.

(v) Parking

The Highway Authority has raised no objection to the proposal. Car parking standards require 1 parking space per member of staff, for all staff that are on site at any one time and 1 parking space per 4 residents. There are currently 10 spaces, with a total of 12. spaces proposed. The 12 spaces are located within the grounds of the PHRH. This level of parking is in accordance with Havant's Car Parking Standard, for Care establishments. Cycling facilities are not shown, which are required. A condition requiring this facility is recommended, if permission is forthcoming.

(iv) Flooding

The site lies in Flood Zone 3 and a FRA has been provided. The Environment Agency originally raised an objection to the FRA. However, following the applicant's latest changes to the FRA the Environment Agency has withdrawn its objection, subject to the following condition:

"The development shall be carried out in accordance with the submitted flood risk assessment (dated March 2019, with additional appendix submitted July 2019) and the following mitigation measures it details:

No sleeping accommodation shall be placed on the ground floor  
Mitigation measures as set out in section 4 of the Flood Risk Assessment shall be incorporated with any changes, extensions, additions and alterations made to the property

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants."

The latest advice from the EA has been drawn to the agent's attention.

Following changes to the FRA and the imposition of the above condition, if permission is forthcoming, the proposal accords with policy CS15 in the Local Plan.

(vi) Solent Recreation Mitigation Strategy (SRMS) and Nutrient Neutrality (NN) Considerations.

Developer contributions would be required for every net additional dwelling within 5.6 kilometres of the boundaries of the Chichester and Langstone Special Protection Area (SPA). The proposal does not relate to a new dwelling; it is concerned with a change of use from residential to a care home. From the appropriate assessment undertaken by the LPA, as competent authority, the proposal would not increase the occupation of the proposed use, from its current use as a dwellinghouse. Furthermore, due to the nature of the occupiers of the property, it is considered that their recreational use of the SPA and the Stoke Common Site of Importance for Nature Conservation, which is in close proximity, would be less intrusive or impactful, than the current lawful use of the property as a family dwelling house. Therefore, mitigation measures under the SRMS are not considered necessary, nor will the LPA be seeking from the applicant an enhancement to local sites or improvements to their connectivity, for the aforementioned reasons.

As to NN the LPA has carried out an Appropriate Assessment. This found that:

The existing four bedroom dwelling would have 3 people occupying the property. However, the applicant has provided supporting evidence highlighting that five people were generally occupying the property over the preceding ten year period. The proposed development is for a 5 bedroom care home annex. As such, it can reasonably be concluded that there would be five occupants of the proposed development.

This would mean that there would not be an increase in the population being accommodated at the proposed development site. As a result, there would not be an increase in waste water, and thus nutrients, to the wastewater treatment works. Consequently, there would be no increase in nutrients being emitted into the marine environment.

As a result there is no likely significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA due to change in water quality.

NE has been consulted over the LPA's Appropriate Assessment and has raised no further concerns over mitigation measures for the SMRS and NN.

## **8 Conclusion**

The principle of the development is acceptable, as is the proposal's impact on the locality. The proposed car parking is appropriate, the potential flooding issue has been resolved, subject to a condition and an Appropriate Assessment under the Habitats Regulations has found that mitigation measures are not required for this change of use. Therefore, the proposal accords with adopted policy and conditional planning permission is recommended.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00857 subject to the following condition:

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the submitted flood risk assessment (dated March 2019, with additional appendix submitted July 2019) and the following mitigation measures it details:

- No sleeping accommodation shall be placed on the ground floor
- Mitigation measures as set out in section 4 of the Flood Risk Assessment shall be incorporated with any changes, extensions, additions and alterations made to the property

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants and in the interest of the safety of the residents and to accord with Policy CS15 of the Havant Borough Core Strategy 2011.

- 3 No part of the development shall be first occupied until details of the cycle provision have been submitted for approval in writing to the Local Planning Authority. The approved scheme shall be implemented within 3 months of the date of the approval and thereafter retained and maintained in the approved position.

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

- 4 The maximum number of residents, residing at the residential care home hereby granted planning permission shall not exceed 5 at any time.

**Reason** - In the interests of water quality and to accord with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

- 5 The care home hereby permitted shall only be used in conjunction with the rest home at 218/220 Havant Road, Hayling Island and shall not be used separately as a care home.

**Reason** - To ensure an appropriate level of car parking, amenity space and associated facilities for the development permitted which would be provided by 218/220 Havant Road, Hayling Island in accordance with Policies CS16, DM7 and DM14 Policy of the Havant Borough Council Local Plan Core Strategy 2011

- 6 Prior to the occupation of the development hereby permitted the emergency and rescue plan for managing flood risk for residents, shall be submitted in writing to the Local Planning Authority for approval. The approval scheme shall be implemented before the occupation of the development hereby approved.

Reason. In the interest of the safety of the residents and to accord with Policy CS15 of the Havant Borough Core Strategy 2011 and the guiding principles of the Planning Practice Guidance

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

Site location plan - drawing No. LOCN.0001

Location Plan with ownerships - drawing No. LOCN.0002

Block Plan - drawing No. BLK.01

Existing Site Plan existing - drawing No. EXTG.01

Existing Site Plan - drawing No. EXTG.02

Proposed Site Plan with new parking layout overlaid on existing hardstanding - drawing No. SIT.01

Proposed Site Plan with new parking layout overlaid on existing hardstanding - drawing No. SIT.02

Existing Floor Plans - drawing No. EXTG.03

Flood risk assessment dated March 2019, with additional appendix submitted July 2019.

**Reason:** - To ensure provision of a satisfactory development.