
Site Address:	Former site of Forty Acres, Havant Road, Havant		
Proposal:	Reconfiguration of floorspace within the Care Home building approved under planning reference APP/18/00450 and APP/21/01348 to provide 5No. additional bedrooms (3No. on ground floor & 2No. on first floor), increasing from 66-beds to 71-beds, with associated car parking and landscaping.		
Application No:	APP/22/00818	Expiry Date:	10/01/2023
Applicant:	Bedhampton Care Home Limited		
Agent:	Hay Associates Limited	Case Officer:	Kayleigh Taylor
Ward:	Bedhampton		

Reason for Committee Consideration: The application is contrary to the provisions of the adopted development plan.

Density: N/A

HPS Recommendation: **GRANT PLANNING PERMISSION**

Executive Summary

Planning permission (Reference APP/18/00450) “*the Original Consent*” was granted on the Forty Acres site for the erection of 320 dwellings, a 66 bed Care Home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings. The principle of constructing a high dependency Care Home on the site has therefore already been established.

Since the grant of planning permission of APP/18/00450, a number of non-material amendment applications have been submitted and subsequently approved.

APP/20/00510 sought the following amendments:

- *Internal layout amendments for operational benefit following the applicants purchase of the site post-planning of the approved scheme APP/18/00450.*
- *Addition of rooflights to provide natural light to first floor reconfigured rooms, this is on the western elevation facing Westways. The rooflights are to serve a proposed training room, and the rooflights will be located in the northern and southern roof slopes of the gable*
- *Elevational amendments to suit the internal layout rearrangement above, such as re positioning openings in terms of windows and doors.*
- *One less bedroom window overlooking Westways, on the western elevation, at first floor as this would now serve a bedroom ensuite, and would be obscure glazed.*
- *External balconies introduced for further outdoor amenity space, which are located within the internal courtyard and on the eastern elevation. No further balconies are proposed on the western elevation facing Westways.*

APP/21/01348 sought the following amendments:

- *Internal layout amendments for operational benefit following the new care home operator’s requirements. Note: Whilst not articulated in the applicants covering letter or made clear in the other parts of the submission, the originally submitted internal changes indicated the number of bedrooms increasing to 71 bedrooms.*

*This matter was raised with the agent and amended plans were received showing 66 bedrooms, in accordance with the approved development under APP/18/00450.**

- *Reduction in the number of rooflights at second roof level floor level.*
- *Elevational amendments to suit the internal layout rearrangement above. This application proposed to move one of the northern gables along from the consent approved under APP/18/00450, including flipping of the windows to reflect the changed internal layout*
- *External balcony added on the eastern elevation.*
- *Courtyard elevations - gable elevation openings flipped to take into account internal changes. On eastern elevation openings were re-arranged.*
- *The building entrance nearest the car park had its canopy extended to provide shelter to the cycle bays. The cycle racks remained but the introduction of the canopy negated the need for a prefabricated cycle shelter.*
- *On the roof the number of rooflights were reduced. A lift over-run was proposed.*

*Officers did not consider that an increase to the number of bedrooms would constitute a non-material amendment and therefore a separate application has been submitted which is the subject of this current application.

The current proposal seeks to reconfigure the internal layout of the approved Care Home building to provide 5no additional bedrooms (3no on the ground floor and 2no on the first floor) resulting in an overall increase to the number of bedrooms proposed from 66 to 71. Also proposed is the construction of roof plant. Other than the roof plant, which would be screened with louvred grilles, no other external alterations are proposed to the Care Home building over and above those already approved.

In terms of parking provision, the approved scheme provided a total of 28 car parking spaces dedicated to the Care Home. This resulted in a deficit of 9 parking spaces compared to the Parking SPD parking standards which the Council has previously accepted given the nature of the use.

The current application would include provision for an additional 2 car parking spaces (30 spaces in total). The Council's Parking SPD requires provision to be made for 1 car parking space per 4 residents. As the current proposal seeks to increase the number of single occupancy rooms by 5, this means provision would need to be made for an additional 1.25 spaces. Given the current application would provide an additional 2 car parking spaces, the proposal is considered to comply with the requirements of the Parking SPD.

In terms of cycle spaces, similarly the Council has previously accepted a shortfall in cycle parking provision due to residents of the Care Home being unable to cycle. It has previously been accepted that it is only staff who are likely to need to store bicycles. As a result of an increase to the number of rooms, there would be an additional 3 members of staff and a total of 2 additional cycle spaces (10 in total) would be provided which is deemed to be adequate for the scale of development proposed.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites arising from the increased occupancy proposed, namely through impacts on water quality. However, the

application has identified and will use mitigation from the wider Forty Acres Farm site (secured via Planning Permission APP/18/00450), and following legal advice officers are satisfied that the nitrate mitigation is already in place and secure in perpetuity, and therefore there would be no adverse effect on the integrity of Solent European sites. The draft Appropriate Assessment has been updated accordingly and Natural England is currently being consulted.

Subject to no objection being received from Natural England, it is considered that the scheme would contribute to the need for housing in the Borough providing Care Home facilities on a sustainable site and the provision of 5 additional bedrooms is therefore considered to be acceptable.

1. Site Description

- 1.1 The site was once an open area of land formerly used for farming and had been previously used for local events, including car boot sales. The site lies close to the administrative boundary with Portsmouth and sits 7.5 km north east from the city centre of Portsmouth, and 2.5 km west from the town centre of Havant.
- 1.2 Planning permission for major residential development on the site was previously granted in January 2020, under application APP/18/00450 which was considered by Members of the Planning Committee on 29th August 2019. The consented scheme, which commenced construction in November 2020, includes 320 residential dwellings (including a 30% provision of affordable homes), a 66 bed care home, provision of public open space, a habitat mitigation zone, allotments and associated infrastructure. A re-plan of part of the residential site was granted permission under Application APP/21/00605, with the total resulting development comprising 354 dwellings.
- 1.3 The site is bounded to the north by Havant Road (A2030). There is vegetation along some parts of this boundary, screening the road from the site. The application site lies adjacent to the remainder of the residential development approved under application APP/18/00450. The construction of the Care Home building has been completed with some of the rooms occupied.

2. Planning History

- 2.1 There is an extensive planning history for the site, including non-material amendments to the original planning permission and a drop-in full permission to increase the number of dwellings on the wider application site. The most relevant planning decisions are detailed below in chronological order:
- 2.2 APP/18/00450 (The original permission): Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed Care Home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings. Permission Granted 17th January 2020.
- 2.3 APP/20/00510: Application for non-material change relating to internal changes to the approved Care Home comprising the reconfiguration of floor space within the building and external alterations. Permission Granted 28th July 2020.
- 2.4 APP/21/00605: Full application to 'Re-plan part of the residential area of the site to facilitate an additional 34 new homes within the development area to create a total

147 dwellings, inclusive of the additional 34 units.' Permission Granted 23rd December 2021.

- 2.5 APP/21/01348: Application for non-material change to planning permission APP/18/0050 relating to internal changes to the approved Care Home comprising the reconfiguration of floor space within the building and external alterations. Permission granted 11th March 2022.

Officer comment: *the originally submitted internal changes indicated the number of bedrooms increasing to 71 bedrooms. Officers did not consider that an increase to the number of bedrooms would constitute a non-material amendment and therefore a separate full application has been submitted which is the subject of this current application.*

3. **Proposal**

- 3.1 The proposal seeks to provide 5No. additional bedrooms to the approved Care Home (3No. on ground floor & 2No. on first floor), increasing the total number of bedrooms from 66 to 71. On the ground floor, a library room, activities room and a quiet lounge would be replaced by three additional bedrooms. The two additional bedrooms on the first floor would replace a 'quiet lounge' and an 'IT Learning Zone'. It is noted that none of the communal rooms to be replaced by this current application formed part of the original consent.
- 3.2 Also proposed is the construction of roof plant. Other than the roof plant, which would be screened with louvred grilles, no other external alterations are proposed to the Care Home building over and above those already approved.
- 3.3 To accommodate an increase in the number of bedrooms proposed, an additional two parking spaces would be provided within the designated car parking area to the west of the site and two additional cycle spaces would be provided. It is proposed to increase the number of employees from 60 to 63.

4. **Policy Considerations**

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14 (Efficient Use of Resources)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
DM1 (Recreation and Open Space)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)
DM15 (Safeguarding Transport Infrastructure)
DM6 (Coordination of Development)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
DM23 (Site for Brent Geese and Waders)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also relevant:

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Listed Building Grade: No Listed Buildings lie within the application site.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Archaeologist

The wider development was subject to an archaeological condition attached to the initial planning permission, which I understand has been completed in the field but has not yet had a final report submitted, hence I believe that the archaeological condition remains undischarged.

In view of the fact that the current proposal does not add additional need for archaeological mitigation I would not raise any archaeological issues.

Officer comment: *At the time of writing condition 24 on decision notice APP/18/00450 is yet to be discharged, however this does not prejudice the current application.*

Environmental Health – Food and Safety

I wish to comment on the requirements of the Food & Safety Team.

It is noted that the internal layout for the kitchen and associated areas does not include any detail. Should planning permission be granted the applicant or persons engaged in the food business are advised to contact the Environmental Health Food & Safety Team with detailed proposals for the premises. The proposals should include matters such as lighting and general ventilation to all areas, food storage, washing facilities including sinks and basins (for hand washing) and any provision for staff such as changing and toilet facilities.

Whilst the above does not have a material effect on the planning process (except possibly windows or extraction system in connection with the provision of ventilation) there are specific requirements under the legislation for food businesses.

Officer comment: *An informative could be added to any decision notice to this effect.*

Building Control

Building Consent will be required for this work.

Compliance with Approved Document B Section 5 Fire authority vehicle access to building perimeter is not clear.

Smoke ventilation of staircase does not appear to have been achieved re roof lights or windows on top floor.

Other issues may be raised if a Building Regulation application is submitted to the Local Authority

Officer comment: *The applicant has advised that 'construction of the building is being overseen by Stroma, a CICAIR Approved Inspector. Throughout the course of the construction works they have ensured the care home development meets the requirements of the Building Regulations. The development includes appropriate Fire and Rescue Service access and the building is fitted with a fire suppression sprinkler system throughout'.*

Council's Ecologist

I have no comment to make on the application.

Natural England

Initial comments following consultation on draft HRA (now superseded)

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment, dated 13th March 2024, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we have no comments to make on the assessment conclusions.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development.

Recreational disturbance – Solent Special Protected Areas (SPAS)

This application is within 5.6km of the Solent and Southampton Water SPA and will lead to a net increase in overnight accommodation. Natural England is aware that Havant Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

The Solent Recreation Mitigation Strategy, paragraph 6.9 outlines that:

The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s).

For example, in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a

residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties. This application is within 5.6km of the Solent and Southampton Water SPA and will lead to a net increase in overnight accommodation. Natural England is aware that Havant Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

The Solent Recreation Mitigation Strategy, paragraph 6.9 outlines that: The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s).

For example, in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.

The Appropriate Assessment has assessed the details of this particular planning proposal, and also confirms that no staff accommodation is to be provided on site and residents will have limited mobility and be unable to leave the site independently. The Appropriate Assessment concludes that this development would not result in additional recreational pressure to the Solent SPA sites. These are matters for competent authorities to determine. Provided that the competent authority are satisfied that this will remain the case for the lifetime of the development, and suitable measures are in place to maintain this use of the development over time, Natural England raise no comments on this aspect of the proposal. We advise that a precautionary approach is adopted in light of any uncertainty.

Nutrient neutrality

As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

Officer comment: An updated HRA is currently under consultation with Natural England following a review of the nutrient budget calculations. Any response received from Natural England will be reported to the Committee by way of an update.

Local Lead Flood Authority (LLFA)

Thank you for consulting us on this application. Due to the nature of the proposal, we have no comments on this application providing the drainage proposals are unchanged from previously approved applications.

NHS Hampshire and Isle of Wight

Thank you for your letter dated 26th October 2022 with notification regarding the above redevelopment.

As an Integrated Care Board, we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision. We are especially interested in the types of residential properties being built to help us plan for the future.

The resulting growth in the locality population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; NHS services in primary, community and secondary care settings.

The increased demand would be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development; however additional workforce and building capacity within the premises will be required.

The ICB considers that the application should be required to make an appropriate financial contribution to the provision of capital and revenue investment that the NHS will make in this regard.

Please see below the NHS investment projection that the ICB will consider should the application be granted by the Council;

The proposed contributions formula for developments under 2000 dwellings is: 71 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease)

This means that South Eastern Hampshire ICB will be looking for a contribution of £11,360.00 of planning gain for health.

South Eastern Hampshire ICB identifies multiple practices (Park Lane Medical Centre, The Bosmere Medical Practice, The Drayton Surgery could be impacted by this development in our ICB area, and neighbouring Portsmouth ICB areas as all the following practice boundaries cover this area. However, it is likely that The Bosmere Medical Practice will be the preferred practice for new patient registrations due to their close proximity to the development. Therefore, we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

Officer comment: *Emails have been sent to the above consultee to seek clarification on the financial contribution sought, as no dwellings are proposed under this proposal, only an additional 5 bedrooms to an approved Care Home facility. No response has been received, as such, it is not considered that the requested financial contribution has been justified.*

HBC Communities Manager

Thank you for your consultation regarding the amended plans and documents. We have no comments to make regarding the change in internal layout of the Care Home.

Hampshire Highways

The proposal relates to the provision of 5 additional bedrooms to the previously permitted development of a 66 - bed Care Home with an increase in parking of 5 spaces. The previously approved application for the larger site of residential and the Care Home and this was supported by a Travel Plan and Transport Assessment which were fully reviewed and the Travel Plan was secured within the associated S106 Agreement.

HBC as, Local Parking Authority, will consider the proposed levels of car parking and the Highway Authority would wish to be consulted if a shortfall in the provision of car parking as this may result in on highway parking to the detriment of highway safety. Subject to the parking being agreed, the Highway Authority are satisfied that the current proposal would not result in a significant detrimental impact on the operation and safety of the local highway network.

Having regard to the above comments, subject to agreed parking levels, the Highway Authority would recommend –

No objection subject to securing the parking provision.

HBC Landscape Architect

From a landscape perspective we have no objections in relation to the amendments.

Langstone Harbour Board

No objection.

Crime Prevention Officer

Thank you for your letter of the 26th October 2022 and the opportunity to comment upon the application. Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

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

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

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

Cycle storage is shown adjacent to the manager's office. The proposed cycle storage does not appear to be secure. This is contrary to the Havant Borough Council, Parking, Supplementary Planning Document, which advises that cycle parking should be secure. The proposed arrangement increases the opportunities for crime. To reduce the opportunities for crime secure cycle storage should be provided for staff use. The store should be fitted with a robust door, fitted with a lock that provides for authorised access only. Within the store lighting and cycle anchor points should be provided.

Officer comment: *The cycle provision was amended under an earlier non-material amendment application from a prefabricated cycle shelter to cycle racks under the building canopy and therefore this arrangement is already approved. The racks are subject to a good level of natural surveillance from the adjacent Café Lounge windows.*

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: 59

Number of site notices: 1

Statutory advertisement: Yes

At the time of writing the report, 4 letters of objection and 1 neutral letter has been received.

Summary of representations

Principle

- The building is already constructed
- No further rooms are necessary
- An additional entrance should be considered
- The proposed extraction system to the roof should be screened

Officer comments: *The application proposes amendments to an approved Care Home building which has been constructed following earlier approvals. The principle of the development is considered at Section 7(i) below. The proposed extraction system would be screened. The impact of the development on the character and appearance of the area is considered at Section 7(ii) below.*

Highway Impacts

- As the proposal relates to the provision of 5 new bedrooms, this would facilitate the need for additional staff which will result in overspilled parking on nearby residential roads. More parking provision should be provided.
- Increased traffic and congestion.
- During events visitors park on the kerb outside care home.

Officer comment: An additional 2 parking spaces are provided. The adequacy of car parking provision is considered in Section 7(iv) below.

7. Planning Considerations

Impacts on European Sites / Nutrient Neutrality

- 7.1 The Council is required to conduct a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). Natural England is currently being consulted on the draft AA, and their response will be reported to the Committee by way of an update paper.

Recreational Pressure

- 7.2 The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy (SRMS), a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.
- 7.3 The SRMS in paragraph 6.9 outlines that: *“The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key ‘test’ is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.”*
- 7.4 The proposed development is for a 71 bed care home (C2 use) providing 24 hour nursing which will comprise shift patterns with no staff sleeping on site to a range of residents requiring high dependency care to deliver both nursing and residential care and will enable the delivery of dementia-specific care. The rooms would be single occupancy units that do not provide any further facilities such as kitchens, etc within the rooms. These are only bedrooms with en-suites. As all bedrooms would be single-occupancy, partners would not be living with the residents. There are communal on site facilities including a hair salon, café, gym and cinema together with various lounge and dining areas and enclosed amenity areas. As residents would not live independently due to the level of care required, residents would have limited mobility so would not independently leave the site. There would be no on-site living accommodation and this would be secured by condition (notwithstanding that there is no reference to such accommodation shown within the submitted plans). The applicant has submitted a letter to support the uses identified above.

- 7.5 In terms of car parking, the Havant car parking standards for care homes are restrictive and do not require any car parking provision for residents. There is only a requirement to provide car parking provision for staff and visitors. The proposal complies with these car parking principles, in that it only provides car parking for staff and visitors to the care home.
- 7.6 For the above reasons, the Local Planning Authority as the competent authority has assessed the need for mitigation from the proposed care home and is satisfied that the proposals are for a care home where residents cannot independently leave the site and there will be no live in staff on site. The care home development is not considered to require mitigation through the Solent Recreation Mitigation Strategy (SRMS) due to the nature and type of development, the type of residents who will be living at the establishment and the internal and external facilities for the residents.

Water Quality

- 7.7 The proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA.
- 7.8 Natural England advises that there is a likely significant effect on the Solent European Sites due to the increase in wastewater from new housing proposals. Natural England also advises that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as new housing in the Solent catchment could have an adverse effect on the Solent's European Sites.
- 7.9 Natural England advise that there is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. This causes eutrophication, which affects vegetation growth and food resources for qualifying species such that it affects the status and distribution of those species and therefore act against the stated conservation objectives of the Chichester and Langstone Harbour SPA and Ramsar sites. The Partnership for South Hampshire (PfSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PfSH region to accommodate future housing growth without having a detrimental effect upon the water environment. There is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.
- 7.10 Natural England recommends that any new proposals which include overnight accommodation have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Habitats Regulations. Nonetheless, the existing use of the site can be taken into account and it is the 'net' nutrient emissions into European Sites that is critical.

- 7.11 This has been examined within an appropriate assessment and the existing nutrient and conservation status of the receiving waters has been taken into account. The appropriate assessment identifies that there would be a likely significant effect to the Solent European Sites due to water quality.
- 7.12 Havant Borough Council has published a Position Statement and Mitigation Plan for Nutrient Neutral Development. This sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the Solent European Sites.
- 7.13 Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a nutrient load into European Sites via wastewater treatment works at Budds Farm. The calculations for this development site are part of the application case file.
- 7.14 Achieving a position where there are no net nutrient emissions into the Solent European Sites from this development involves the use of specific on-site avoidance measures as well as the use of a third party mitigation scheme. The application has identified and will use surplus nitrate mitigation from the consented Forty Acres Farm development site approved under APP/18/00450. The mitigation site is located in Bedhampton adjacent to the development site and within the same river catchment which drains into the Solent. Information in relation to the application and mitigation site can be found in the Tetra Tech report dated 29/02/2024 on the case file.
- 7.15 Legal advice has been sought from the Council's Legal Team, who have advised *'The development of the Forty Acres site is well underway if not already completed. There is therefore little to no chance of the land reverting either to an agricultural use or to any other use besides the residential uses plugged into the calculator. The surplus from that site has therefore been created and is extremely unlikely to change during the lifetime of the care home. The Forty Acres site is also subject to a s106 which secures the management of the open space etc so as to ensure that the nitrates inputs remain as per the calculator. My view is that the nitrate mitigation is therefore already in place and already secure.'*
- 7.16 The Council will keep an internal record that the nitrates mitigation required for this application has been deducted from the surplus nitrate calculation for the wider Forty Acres site to ensure that this cannot be double counted in the future. Having regard to these considerations, officers are satisfied that the nitrates mitigation has been secured in perpetuity.

Loss / degradation of supporting habitats

- 7.17 The care home is located on a former Solent Wader & Brent Goose Strategy site identified as a Secondary Support Area. The Appropriate Assessment undertaken for APP/18/00450 as a whole identified that the overall development proposed at that time (i.e. residential development and Care Home) would result in a loss of foraging

habitat. With regards to the current application, the location of the care home is as approved in the layout under application APP/18/00450. Under APP/18/00450 a bespoke mitigation package comprising a permanent wintering bird refuge to the east of the site was secured through a legal agreement.

- 7.18 The current proposal seeks to reconfigure the internal layout of the approved Care Home building to provide 5no additional bedrooms (3no on the ground floor and 2no on the first floor) resulting in an overall increase to the number of bedrooms proposed from 66 to 71. Other than roof plant on the care home building, no external alterations are proposed over and above those already approved under APP/18/00450 and APP/21/01348.
- 7.19 There is an existing legal agreement to ensure that the winter bird refuge will be managed in perpetuity and the proposal would not result in further loss of supporting habitat. As such there would be no likely significant effect on Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar site through loss / degradation of supporting habitats.

Construction Impacts

- 7.20 Construction of the main Care Home (known as Portsdown View) has now been completed. Planning permission APP/18/00450 was subject to a Construction Traffic & Construction Environmental Management Plan, secured by planning condition. The current proposal seeks internal alterations only. As such there would be no likely significant effect on the Chichester and Langstone Harbours SPA and Chichester and Langstone Harbours Ramsar site through construction noise and activity.

Conclusion

- 7.21 The Council's HRA and AA has concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the Solent European sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Position Statement and Mitigation Plan for Nutrient Neutral Development with regards water quality. The authority's assessment is that the application complies with these strategies and are satisfied that nitrate mitigation is already in place and secured in perpetuity. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The updated HRA is currently under consultation with Natural England following a review of the nutrient budget calculations. Any response received from Natural England will be reported to the Committee by way of an update.

Planning Considerations

- 7.22 In other respects, having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways, parking and accessibility issues
- (v) Flood Risk/Drainage
- (vi) Ecology Impacts
- (vii) Impact on Trees
- (viii) Impact on Archaeology
- (ix) Developer Contributions/CIL and S106 requirements

(i) Principle of development

7.22 As required by section 38(6) of the Planning and Compulsory Purchase Act (2004), applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.23 The principle of the development has already been established on the site where the environmental credentials and sustainability of the site have previously been considered. The application proposes a high dependency Care Centre which will provide 24-hour nursing care for a range of residents. The scheme would address an identified local housing need for elderly specialised care and would contribute towards the supply and delivery of housing in the local area by freeing up existing housing stock vacated by the residents.

7.24 The principle of the development of a Care Home on the application site has already been established through the grant of planning permission ref: APP/18/00450 and related non-material amendments, and the approved development has been implemented. The provision of 5 additional bedrooms to that approved development is considered to be acceptable in principle.

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

7.25 The siting of the Care Home (*as built*) was originally selected due to its close proximity to the road and proximity to the bus stops in the area and subsequent facilities. In addition, this part of the site was considered preferable, as the development proposed minimal ground level changes, therefore Officers concluded that the size and scale of the Care Home would integrate into the character and appearance of the area.

7.26 The Care Home is a U-shaped building with an internal courtyard and garden area for residents' use. The building is 2 storeys in height, with 2.5 storey gable features which is reflective of the surrounding residential development.

7.27 The Care Home has been built using materials that blend appropriately with the character and appearance of the area and are in accordance with the details previously agreed through the discharge of condition 4 of planning permission APP/18/00450 on 24 September 2021.

7.28 The current proposal seeks to add plant to the roof of the building which would be screened entirely by louvred rooftop screening. The addition of plant and associated screening is not considered to harm the character of the building or area as a whole over and above the development already approved. No other external alterations are proposed.

(iii) Impact upon residential amenity (for existing and future residents)

- 7.29 Paragraphs 7.89 – 7.90 of the Officers report in respect of APP/18/00450 considered in detail the impact of the development upon the main residential properties along Westways that would be directly affected by the development. It stated:

The proposed western elevation of the Care Home is the element that is closest to the properties in Westways. This has a maximum depth of 47 metres at this point, which varies in distance from the boundary by virtue of the design encompassing some gabled roof projections. These elements, which propose residential accommodation at first floor level, have a ridge height of approximately 10.5 and eaves height of 6.9 metres. The distance from these elements to the shared boundaries with existing residential properties is a minimum of 35 metres, which extends to 39 metres on the south-western element of the building.

The north-western element of the elevation has a two-storey projection, with a further smaller hipped roof element. Both these elements have no windows or openings above ground floor level. The two-storey element, on the western elevation, has a depth of 17.5 metre running north to south, a ridge height of 10 metres, eaves height of 5.6 metres and would be located approximately 24.5 metres from the boundary with 1A Westways. The further hipped roof projection has a depth of 9.5 metres running north to south, a hipped ridge height of 7.4m and eaves height of 4.7metre is separated from the boundary with 1A Westways by approximately 17.5 metres. The Havant Borough Council Design Guide at paragraph 5.05 recommends a minimum back to back separation distance of 20 metres with an additional 4 metres per storey. It is considered that the development secures satisfactory separation distances between the existing dwellings and proposed Care Home and that there would be no significant loss of amenity to existing and future residents.

- 7.30 The Care Home has been built in accordance with the approved details and the current proposal to reconfigure the internal layout of the building would not harm the amenities of existing or future neighbouring residents.
- 7.31 The current proposal also seeks consent for the installation of plant on the roof of the building. No objection has been received from Environmental Health and as such, Officers are satisfied that there would be no adverse impact on neighbouring amenity by way of noise. The plant is also to be screened with louvred rooftop screening, and in so doing meet the requirements of representations received in connection with the application.

(iv) Highways, parking and accessibility issues

- 7.32 The National Planning Policy Framework (NPPF) at Paragraph 114 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 116 of the NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

- 7.33 Access to the Care Home was agreed as part of the original consent and is taken from an internal access road through the residential element of the wider scheme.
- 7.34 In terms of parking provision, the Havant Borough Council Parking SPD states that 1 space per 4 residents and 1 space per staff is required. The original scheme provided 28 parking spaces, 2 of which are disabled spaces. The parking provision for the approved scheme resulted in a deficit of 9 car parking spaces compared to a strict application of the standards which was accepted by the Authority given the nature of the use. In reaching this conclusion, justification was sought from the applicant with regards to the parking shortfall which is set out in paragraph 7.115 of the Officer's report in respect of APP/18/00450 which states:

...The submitted justification outlines that, given the dependency level of the residents they will not have the capacity to drive and therefore the car parking management has been designed to ensure that there is adequate provision at all times for relatives, families, staff and emergency services. Staff wishing to park in the car park must also ask consent from the management in advance and will be encouraged to travel by bike, on foot or by public transport. Families who are moving residents and their furniture into the home will be allocated a dedicated space in advance. The applicant has also outlined that gates would be provided upon the entrance into the Care Home's parking court to prevent unauthorised use of the parking spaces provided.

- 7.35 In considering the current application, the proposal seeks to increase the number of single occupancy rooms by 5, meaning provision would need to be made for an additional 1.25 spaces to meet the parking standards for the uplift in bedroom numbers. The current proposal would provide two additional car parking spaces and would therefore comply with the requirements of the Parking SPD.
- 7.36 Similarly in terms of cycle provision, the Authority previously accepted a departure from the strict application of the standards in cycle parking provision due to residents of the Care Home being physically unable to cycle. For the current application, increasing the number of bedrooms would facilitate an additional 3 members of staff. This current application proposes an additional 2 cycle spaces, resulting in an overall provision of 10 spaces. The cycle spaces would be in the form of Sheffield stands with a building mounted canopy providing shelter. The cycle stands would be located adjacent to the main entrance of the Care Home which would be monitored by CCTV. This level of provision is deemed to be adequate for the scale of development proposed.
- 7.37 The proposal also allows for a dual electric vehicle charging point (eVCP) which would serve parking bays 9 and 10. The applicant is also providing ducting and draw rope for the future cabling installation of 2no. dual eVCP serving parking bays 1-4 located south of the refuse store. The eVCP units will be installed upon demand, and this is considered to represent an improvement in parking facilities over and above the previous consent.
- 7.38 The Highway Authority have been consulted on the application and raise no objection, and it is considered that the overall parking demands arising from the uplift in bedroom numbers have been satisfactorily addressed by the proposals.

(v) Flood Risk/Drainage

- 7.39 The site is located within Flood Zone 1, an area at low risk from flooding. An acceptable surface water drainage scheme was secured under Condition 26 of

planning ref: APP/18/00450 and which has been agreed with the Local Lead Flood Authority (Hampshire County Council).

- 7.40 The proposed drainage strategy will be implemented in accordance with the approved details and consequently the LLFA raise no objections to the proposed development.

(vi) Ecology Impacts

- 7.41 The effects of the development on ecology including biodiversity was previously considered as part of the previous consent in consultation with the Council's Ecologist. Paragraph 7.61 of the Officers report in respect of APP/18/00450 states:

The scheme proposes robust landscaping, particularly a native hedge and trees located between the Care Home and properties in Westways and landscaping, around the site, which would help soften the development and help integrate it with the backdrop of the mature tree belts, alongside Havant Road and the protected TPO belt of trees, immediately to the east of the Care Home. The landscaping would also improve the ecological and biodiversity potential of the site by providing natural and diverse habitat areas within the development with the tree planting creating visual interest for residents and the wider street scene.

- 7.42 Paragraphs 7.69 - 7.70 further state:

Policy E14 – The Local Ecological Network requires that new development results in biodiversity net gain. The current management of the site is poor for wintering birds, with cereal crops not present during the winter which would provide potential foraging habitat. Furthermore, the previous use of the site for car boot sales also led to frequent disturbance events. An ecology strategy has been developed that recognises the key nature conservation features of the site, namely the open space area to the east of the site that is being retained for Brent Geese. The ecology strategy seeks to improve the quality and interconnectedness of this habitat. A key part of the landscape masterplan is the proposal for a number of attenuation basins and ponds which not only provide valuable habitat in their own right, but increase the value of existing, retained habitats. Additional features have been incorporated such as the creation of species rich wetland areas, wildflower and grasslands, the implementation of these new features, parkland, tree planting, together with the installation of bat and bird boxes and reptile refuges. These features have been designed to complement habitats in the wider area.

It is considered that enhancement of this area, followed by appropriate management in perpetuity will increase the value to that of a Primary Support Site (as a minimum) and adequately mitigate any adverse effects as a result of the proposed development. The application is supported with evidence that development that the development would achieve net gain in biodiversity, over the existing agricultural use.

- 7.43 Condition 5 of the original consent required details of a detailed Landscape and Ecological Management Plan (LEMP) to be submitted to, and approved by the Council prior to commencement of the development. A LEMP and Mitigation Area Creation, Management and Monitoring Strategy was submitted to the Council and, following consultation, those details were subsequently approved on 15 March 2020.

- 7.44 Given the current proposals relate solely to the reconfiguration of the Care Home, the Council's Ecologist makes no comment on the application, and with the securing of appropriate ecological mitigation measures through the original permission for the site there are considered to be no new ecological issues arising from the development now proposed, over and above the HRA/AA matters set out earlier in this report.

(vii) Impact on Trees

- 7.45 The impact on trees was a key consideration in the assessment of the original application and was subject to consultation with the Council's Arboriculturalist. In summary, it was concluded that providing the methodology set out in the arboricultural reports submitted with the original permission is strictly adhered to, there was no arboricultural objection. Condition 6 of the original planning permission required a site inspection to take place to ensure the tree protective measures, including fencing and ground protection had been appropriately installed. Following a site visit, the Council's Arboricultural Officer was content that the required protection measures had been put in place on the site and the condition was subsequently discharged. With the securing of appropriate arboricultural mitigation measures through the original permission for the site there are considered to be no new arboricultural issues arising from the development now proposed.

(viii) Impact on Archaeology

- 7.46 Matters relating to archaeology were previously considered in the Officers report in respect of APP/18/00450, with paragraphs 7.149 – 7.150 stating:

The site is considered to have a low potential for Palaeolithic and post-medieval, a low to moderate potential for Roman and medieval, and a moderate potential for Mesolithic, Neolithic, Bronze Age and Iron Age archaeological evidence. The potential for Palaeolithic evidence is subject to change once a greater understanding of the underlying geology at the study site is achieved.

Therefore while there is no indication that archaeology presents an overriding concern, it is considered appropriate that the assessment, recording and reporting of any archaeological deposits affected by construction are secured through the attachment of suitable conditions to any planning consent that might be granted. In summary provided that appropriate conditions are secured, the archaeology consultant does not object to this application.

- 7.47 Condition 23 of planning ref: APP/18/00450 required a Written Scheme of Investigation be submitted to assess the extent, nature and date of any archaeological deposits that might be present on the site. Details were subsequently submitted and, in consultation with the County Archaeologist, the details have been agreed and discharged. Condition 24 which requires the submission of a report following completion of archaeological fieldwork remains outstanding, and whilst this will still need to be discharged as part of APP/18/00450, it does not represent an impediment to this application to add five additional bedrooms through internal reconfiguration.

(ix) Developer Contributions/CIL and S106 requirements

- 7.48 The proposed Class C2 use is not included within the CIL charging schedule and as such no contribution towards CIL is required.

- 7.49 The impacts of the combined residential and Care Home development on key infrastructure in respect to highways, education, flood risk/drainage, health, open space, leisure and utilities were assessed as part of the original planning permission APP/18/00450. The necessary infrastructure provision was secured through the completion of a legal agreement at that time. Subject to Natural England agreeing with the conclusion of the draft AA as set out earlier in this report, no further legal agreement would be required as the aforementioned original planning permission and legal agreement inherently secure the nitrate mitigation in perpetuity.

8 Overall Conclusion and Planning Balance

- 8.1 Planning permission has already been granted for the construction of a Care Home on the site and therefore the principle of the development has already been established. Allied to this, many of the considerations relevant to such a development have been previously addressed through the grant of Planning Permission APP/18/00450 and imposition of conditions.
- 8.2 This scheme to add additional bedroom numbers to the approved Care Home would continue to address an identified local housing need for elderly specialised care and would further contribute towards the supply and delivery of housing in the local area.
- 8.3 The introduction of roof plant and associated screening is not considered to harm the character of the building or local area, nor would the amenities of existing or future neighbouring residents be harmed.
- 8.4 Whilst car parking levels for the approved Care Home are not to the standard set out in the Parking SPD, this has been previously satisfactorily justified and an acceptable package of mitigation measures has previously been secured through a S106 agreement in order to promote sustainable forms of travel and enhance the pedestrian and cycling linkages. Appropriate uplifts to the level of car and cycle parking on site have been proposed to reflect the additional bedrooms proposed in this application.
- 8.4 In conclusion, subject to Natural England raising no objection to the draft AA, it is considered that there are public benefits arising from this proposal and no demonstrably harmful impacts, and as such the proposal does constitute sustainable development.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION** for application APP/22/00818 subject to:

(A) No material objections being received to the draft HRA/AA from Natural England during the statutory consultation period; and

(B) The following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
- PL-11 Rev B Coloured Elevations
 - PL-10 Rev B Coloured Elevations
 - PL-09 Rev A Refuse Store
 - PL-08 Rev B Site Plan Proposed

PL-07 Rev A Visualisations
 PL-06 Rev B Sectional Elevations
 PL-05 Rev C Elevations
 PL-04 Rev B Roof Plan
 PL-03 Rev A Second Floor Plan
 PL-02 Rev B First Floor Plan
 PL-01 Rev A Ground Floor Plan
 L01 Rev B Location Plan
 1972 Rev G Canopy Layout
 1972 Rev G Canopy Information
 2330 Rev A Kitchen Layout
 Water Efficiency Calculation Revision B
 S96A-09 B Refuse Store
 BREEAM 2014 Pre-Assessment Report Multi-residential – Fully Fitted AES
 Sustainability Consultants Ltd November 2020
 Travel Plan TPA August 2022
 Soft Landscape Management and Maintenance Plan ACD Environmental 20 July 2022

Reason: - To ensure provision of a satisfactory development

- 2 The landscaping works shall be carried out in accordance with the details specified on Drawing No's PRI23620-11E Composite, PRI23620-11E Sheet 1, PRI23620-11E Sheet 2, PRI23620-11E Sheet 3 and PRI23620-11E Sheet 4 and the Soft Landscape Management and Maintenance Plan (ACD Environmental Ref PRI23620man). Any plant which dies, becomes diseased or is removed within the first five years of planting shall be replaced with another of similar type and size unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 3 The development hereby permitted shall be carried out in strict accordance with the Water Efficiency Calculator Rev B unless otherwise agreed in writing by the Local Planning Authority

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that necessary avoidance measures are provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 The car parking provision as shown on the approved plans shall be made fully available for its intended use prior to the bringing into use of the additional bedrooms hereby approved and shall be thereafter retained in perpetuity.

Reason - To ensure adequate on-site car parking provision for the approved development and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The first floor lounge window in the south elevation shall at all times be fitted with, to a height of no less than 1.7m above finished floor level, non-opening and obscure glass with a degree of obscuration no less than Level 5 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Prior to the use of the balcony hereby approved commencing the approved screening to the south elevation shall be erected in the approved position and height as shown on drawing 'Care Home Elevations' drawing number PL-05 Rev C and shall be obscure glazed with a degree of obscuration no less than Level 5 of the Pilkington Texture Glass scale (or equivalent) and thereafter retained and maintained in that position.

Reason: In the interests of the amenities of the occupiers of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The louvred screening as shown on the plans hereby approved around the plant sited on the roof of the care home shall be retained and maintained in that position, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices

- (A) Location Plan
- (B) Proposed Site Plan
- (C) Proposed Ground Floor Plan
- (D) Ground Floor Plan as permitted under APP/21/01348 (non-material amendment of APP/18/00450)
- (E) Proposed First Floor Plan
- (F) First Floor Plan as permitted under APP/21/01348 (non-material amendment of APP/18/00450)
- (G) Proposed Second Floor Plan
- (H) Proposed Elevations
- (I) Elevations as permitted under APP/21/01348 (non-material amendment of APP/18/00450)
- (J) Proposed Roof Plan
- (K) Roof Plan as permitted under APP/21/01348 (non-material amendment of APP/18/00450)