

DELEGATED OFFICER REPORT

PROPOSAL	Change of use from C3 to C2 (Children's Home), Internal alteration, Replace the existing French door with a window (front Elevation).
LOCATION:	159 Milton Road, Cowplain, Waterloooville, PO8 8SF
REFERENCE NO:	APP/25/00551
APPLICANT:	Mainstay Housing and Support ltd
APPLICATION TYPE:	Full planning permission
CONSULTATION EXPIRY DATE:	20/10/2025
APPLICATION EXPIRY DATE:	18/08/2025
WARD:	Hart Plain
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The application site relates to an existing chalet style detached dwelling located on the corner of Milton Road and Hart Plain Avenue. It is in a prominent location on the busy junction, with double yellow lines all around. The front boundary with the highway is a low wall with front garden being grass and shrubs.
- 1.2 Vehicular access is taken off Milton Road to the east where there is a large hardsurfaced area for the parking of 3 or 4 cars. Due to the corner plot and angled siting of the dwelling within the plot, the rear garden is small. It is hardsurfaced and enclosed with close boarded fencing.
- 1.3 The adjacent property to the north, 161 Milton Road, is a detached bungalow and the property to the west, 82 Hart Plain Avenue, is a detached chalet style dwelling. The area is generally residential in nature and located less than 100m north of the Milton Parade of shops, which in turn is close to the Hart Plain schools further to the east.
- 1.4 The site lies outside any current or future flood zone, although the land to the immediate west and north is an area identified at risk of surface water flooding.

2. Planning History

99/53610/1 – Change of use from former rest home back to private residence
Permitted 1st September 1999

3. Proposal

- 3.1 Change of use from C3 to C2 (Children's Home), Internal alteration, Replace the existing French door with a window (front Elevation).

- 3.2 During the course of determining this application amended plans have been received re-annotating and clarifying bed 4 as a staff office and staff bedroom; and the agent clarified that the sensory room would be used as a quiet space for homework etc; and that bathrooms meet Building Regulations.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)

CS7 (Community Support and Inclusion)

DM10 (Pollution)

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)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: N/A

Conservation Area: N/A

5. Statutory and Non Statutory Consultations

Environmental Health Manager

None received

Building Control

None received

Highways

The Planning Statement provided to support this application sets out that the Children's Home is to accommodate 4 children with 2 staff members working on a 12-hour shift pattern. A staff rota is to be implemented to minimise traffic impacts associated with staff handovers with one team change to occur at the same time. This is noted.

2 vehicles are to be utilised for school runs, appointments and community activities which can park on-site within the existing designated parking area utilised for the single dwelling. The Highway Authority consider that this is sufficient for the number of staff required on site at one time and therefore have no further comments to make on the parking provision. Notwithstanding this, Havant Borough Council in their capacity as the Local Parking Authority should confirm whether the parking provision is appropriate for the proposed change of use.

Given the broad use class which is required to be applied for to cover the use associated with the Children's Home, the Highway Authority would seek for a condition to be placed on this application which restricts the use for the Children's Home and the purposes with the supporting planning statement only.

This is considered necessary to be secured given that the alternative uses under use class C2 which have not been assessed as part of this planning application which may have differing trip generation patterns and distributions across a daily period compared to a single dwellinghouse. The Highway Authority welcome discussions with the applicant and the case officer on appropriate condition wording to ensure this is use and site specific.

Having regard to the above, the Highway Authority are satisfied that the proposed development will not have a detrimental impact on the local highway network and recommend no objections to the proposals subject to a condition being placed on the application that ensures the use is restricted for the purposes seeking planning consent for only.

Housing Team:

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), mean that developments of 15 units or more would be required to provide 30-40% affordable housing on site.

This proposal is for a change of use from C3 (residential dwelling) to C2 (children's home), and will consist of 5 bedrooms, one for staff and four for children.

This proposal does not trigger any affordable housing requirement through Planning.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement, and a site notice was posted.

Number consulted: 11

Number of representations received: **3 plus queries from Cllr Keast**

The letters of objection raise the following points:

Site Notice removed *Officer comment: legislation only requires us to put it up, not maintain it*

Property will become a business and deeds say no business *Officer comments – deeds a separate matter*

On 2 extremely busy roads so not suitable for children; traffic travels fast with many accidents; *Officer comment: see section 7 below*

Majority of garden to front and would be dangerous for children to play; *Officer Comment: Noted – see section 7 below*

No secure boundaries to protect children from escaping; if escape will damage neighbours properties; *Officer comment: see section 7 below*

Form incorrect – says no trees or bushes on site, but there are *Officer Comment: Noted – see section 7 below*

Query whether children will be vulnerable, disruptive, or cause anti-social behaviour disruption lives of the community?; will property house migrants?; *Officer Comment: – see section 7 below*

Fences at 159 are old and failing, will it be conditioned that fences are replaced with something more secure to protect neighbours? *Officer Comment: – see section 7 below*

Wouldn't object to any facility that furthers the care of vulnerable children, but am concerned that this change of use will be detrimental to my property and neighbours;

suggested ages of residents is very broad, 7 to 17. Will the 'children' actually be 16/17 year old young men or women with nowhere to go all day? Will they have been placed in care due to anti-social or disruptive behaviour that if continued would be detrimental to the local residential community and could impact and disrupt our lives and those of other neighbours? *Officer Comment: – see section 7 below*

I am concerned that if noise and disruptive behaviour becomes unbearable will devalue our home; *Officer Comment: not a material planning consideration*

I had a conversation with Councillor Anne Briggs, the only person to call me back, who said that Children's homes of this type were normally placed in areas with grounds, for residents to be able to play and go outside. This certainly isn't the case here. This properties garden is at the front, right on the busy junction of Milton Road and Hart Plain, with a very low wall to the pavement. There have been a number of accidents at this junction, and it wouldn't be safe for young children to play outside. *Officer Comment: see section 7 below*

In the absence of any reply to my previous questions I feel that I must object to this application for change of use.

Comments from Cllr Keast:

Initial queries: bed 4 seems to be missing on the plans; there is a staff office but no staff quarters, is there a resident adult?; as there is a sensory room, is this home for children with learning difficulties?; do bathroom and toilet sizes meet standards, they look small;

Following provision of amended details and clarification of points: no further concerns with this matter

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking matters
- (v) Biodiversity Net Gain (BNG)

(i) Principle of Development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The existing C3 dwelling has 5 bedrooms and as such could be occupied by a large family, or a small C4 house in Multiple occupation for up to 6 unrelated individuals, without requiring planning permission. This level of use represents the fall-back position against which this application must be assessed.
- 7.3 The proposal is for a C2 children's home and the supporting information states that there would be 4 children between the ages of 7 to 17, with 2 members of staff. Staff would operate on 12-hour shifts and overnight one would be one waking and one sleeping.
- 7.4 Internal alterations are proposed, largely to reconfigure and add bathrooms, and the proposal includes the associated operational development of changing an opening patio doors to a window on the main south elevation. The home would therefore operate with 4 bedrooms for children and 1 bedroom for staff. The "sensory" room has been confirmed as being a quiet space where children can, for example, do their homework.
- 7.5 Policy CS7 supports development that provide services for vulnerable groups, and Policy DM7 is a criteria based policy supporting specialised housing provision. The criteria relate to:
1. appropriate levels of on-site amenity space provided – *the site has a large front garden which, given the site location adjacent busy roads, would not necessarily provide safe outdoor amenity space for unaccompanied children. The rear garden is smaller and hard surfaced to provide sitting out area, washing line space etc. Considering a large family could occupy the site with the same need for amenity space, then it would be unreasonable to conclude the level of onsite amenity space is insufficient for a small children's home operating as a 'family' dwelling.*
 2. setting is in keeping with surrounding area - *site within a largely residential area and would provide housing for children - so a compatible use and complies*
 3. sufficient servicing space is provided - *this is aimed at ambulance, catering, laundry servicing etc associated with large nursing homes - as a small family sized home this is not directly relevant, but the site does have a large hard surfaced area for visitors, deliveries etc*
 4. noisy services located to avoid disturbance to neighbours - *as above, aimed at large nursing homes with launder areas etc – so not directly relevant*
 5. not result in a concentration of such facilities - *it would not*
- 7.6 It is considered that the provision of a small children's home, that would be operated as a family home, with the children attending school, shared meals etc would replicate family life and be akin to a standard C3 dwelling. In terms of the principle of the use, at the scale proposed with just 4 children, there would be minimal difference to a C3 family dwelling and therefore the use is considered acceptable in principle. Notably third-parties query whether future occupiers would have any special needs, or what age, or be migrants etc, but these are not a material planning considerations.

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

- 7.7 As noted above the aim of the children's home is to provide 24-hour care in a nurturing, family style environment. Therefore, it is considered appropriate that the use be located in a residential area. The only external change replacing one set of doors with a window would have minimal impact on the appearance of the property. The site would continue to operate essentially as a family home, albeit occupied by staff and unrelated children. Overall, the site would retain its character and appearance as a dwellinghouse, in accordance with policy CS16.

(iii) Impact upon residential amenity

- 7.8 Third party comments raise concern about the noise and disturbance associated with behavioural issues of the occupiers of a children's home. But this could be said of any future large family occupying the dwelling, or its use as a C4 house in multiple occupation, and is not directly a land use planning matter which cannot control behaviour. As a small children's home, with only up to 4 children, then it is considered the likely land use implications of this small scale use would be limited. It is unlikely that excessive noise and disturbance would result from 4 children over and above a standard family dwelling - there would be staff present to manage any issues, just as there would be a parent or carer. It is however considered reasonable to condition the occupation of the dwelling to the 4 children proposed, to retain control over any future intensification of use of the site, having regard to amenity and highway concerns.
- 7.9 With respect to the fear of crime and anti-social behaviour expressed by third parties, there is no evidence that this would occur. There are no other known children's homes in the immediate area leading to a concentration of such uses, which could compound such fears. The site would be managed with staff present all the time and in the unlikely event that disturbance is experienced, either the staff present (or management company) or the police should be contacted, exactly as if a family dwelling. It is noted that such homes need to be registered and OFSTED approved, so there would be other legislation and bodies controlling the management of the site. Again, it is considered that the small scale of the proposal is such that the likely occurrence of crime and antisocial behaviour would be minimal.
- 7.10 The level of comings and goings would be similar to a standard dwelling - the 4 children would be escorted to schools, of which the Hart Plain schools are conveniently close, and also attend groups and social activities. The 2 daytime staff arrivals and departures would not be dissimilar to 2 working parents, although it is accepted that there may be additional staff movements and more visitors than a standard dwelling. But these movements would be less than a C4 house in multiple occupation, occupied by up to unrelated 6 adults, which would not require planning permission.
- 7.11 Third parties also allege that the existing boundary fencing is inadequate, but the rear garden is securely enclosed with standard close boarded fencing approximately 1.8m in height, with concrete posts, and is in reasonable condition and considered appropriate to maintain safety and privacy.
- 7.12 Overall it is considered that the impact on neighbouring amenity from this small-scale children's home would not be materially more disturbing than the existing C3 dwelling, or permitted development C4 HMO. With a condition limiting the number of children to 4, then it is considered that the proposal would not cause unacceptable harm to the amenity of neighbours from any loss of privacy, outlook, noise or overlooking, in accordance with Policy CS16.

(iv) Highways and parking matters

- 7.13 The site has adequate space for 3 or 4 vehicles. A standard 5-bedroom house would require 3 on site spaces to meet the adopted Parking SPD, and as a similar use the level of onsite parking available is therefore considered appropriate. The existing double yellow lines outside the site would prevent any unlawful parking blocking the highway. The garden could provide secure cycle storage. The supporting information indicates that up to 2 vehicles would be available for school runs, appointments, activities etc which is typical of a family household.
- 7.14 It is also noted that the site is within walking distance of a couple of convenience stores in Milton Parade and local schools, as well as being on a main bus route, helping to minimise the need for vehicular trips. Third parties note the busy road with high traffic speeds and previous accidents, and whilst this is acknowledged, nevertheless the site is currently a family dwelling in a residential area and could be occupied by a family with children. The care and safety of those children is the responsibility of the parents and or carers, and not the planning system.
- 7.15 Hampshire County Council raise no objection on highway grounds but do request that the use is limited to a C2 children's home only. Considering an unfettered C2 use could allow alternative uses such as hospitals, colleges, training centres, which have not been assessed for their impact on the highway network, then this is considered appropriate.

(v) Biodiversity Net Gain (BNG)

- 7.16 As a change of use application with limited operational development, then the development is subject to the De-Minimis exemption of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. To qualify '*the development must not impact an onsite priority habitat (defined as a habitat specified in a published list); secondly, the development must impact no more than 25 square metres of onsite habitat with a biodiversity value greater than zero, and no more than five metres in length of onsite linear habitat.*'
- 7.17 The agent has confirmed that front garden with its existing trees and shrubs will remain in its current form and the proposal will not have any impact on onsite habitat. It is therefore considered that the development would be exempt from BNG as it would be de minimis.

8 Conclusion

- 8.1 Overall it is considered that compared to the existing large family C3 dwelling, or a permitted development C4 HMO for 6 adults sharing, the proposed C2 use for a children's home for 4 children, would result in minimal change or additional activity and comings and goings. As such it is not considered that any material harm would result to the character of the area or neighbouring amenity, adequate on-site parking is available, so there would be no adverse impacts on highway safety or amenity. The proposal is therefore considered compliant with policies CS7, CS16, DM7, DM10 and DM14 of the Havant Borough Core Strategy and is recommended for permission.
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9. RECOMMENDATION:

That the Executive Head of Place be authorised to Approve with Conditions for application APP/25/00551

Conditions:

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 hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Existing and Proposed Block Plan

Amended Existing and Proposed Layout dated 18/09/2025

Planning Statement

Reason: To ensure provision of a satisfactory development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) the premises shall be used solely for the purposes of a children's care home for up to 4 children, as defined by Class C2 of that legislation, and for no other purpose.

Reason: To maintain control of any intensification of use of the site or alternative Class C2 use, having regard to neighbouring amenity and parking, and policies CS7, CS16, DM7, DM10 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

Informatives:

In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit, additional information requested and forthcoming, making your proposal acceptable.