



Following on from consultation with the Highway Authority it has been concluded that the development would not have a significant adverse impact on the highway network. As to parking and cycle provision this accords with Havant's Car Parking SPD.

To conclude, it is considered that the proposal would not cause significant harm to the locality or residential amenity and in highway and parking terms is acceptable. The proposal would accord with Policies CS7, CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

## **1 Site Description**

- 1.1 The lawful use of 193 London Road is currently that of a Bed and Breakfast establishment known as 'New Haven' and residential.
- 1.2 The approved plans for application ref: 91/56036 for the change of use of part of the property to B & B shows 6 bedrooms within the main house – 3 designated for use as Bed and Breakfast (2 double and 1 twin) and 3 family bedrooms. There is also a lounge for guests on the first floor served by a balcony. Currently the property has 4 en-suite bedrooms on the first floor, with 5 reception rooms on the ground floor, some of which have previously been used as bedrooms.
- 1.3 At the rear of the property is a detached single storey outbuilding (formerly a triple garage) that contains a further 4 bedrooms, which it is understood has been used as B & B accommodation since 2005, albeit not following the grant of planning permission. In front of the outbuilding is a tarmaced parking area, with vehicular access off Wallis Road.
- 1.4 The property has a modest enclosed rear garden area between the main house and the annex.
- 1.5 Surrounding properties are mostly residential, although there is a care home (Oakdene Residential Home) at 197 London Road and a nursing home (Two Beeches Nursing Home) at 2 Wallis Road close by.
- 1.6 The property is located close to local services and facilities. It is a short walk from the main commercial / shopping centre and is also close to a number of other local amenities, including Jubilee Park (play area), Park Wood and The Queens Inclosure (woodland). There are also a number of schools nearby, all within walking distance - Hart Plain Junior School, Cowplain Community School, Queen's Inclosure Primary School and Padnell Infant and Junior Schools.
- 1.7 Outside the site there are bus stops on both sides of the road providing direct and regular bus services into Waterlooville and also to Purbrook, Havant and Clanfield.

## **2 Planning History**

91/56036/000 - Use of part of premises for bed/breakfast, Permitted 16/05/1991.  
A condition limits the maximum number of guests to 6.

06/56036/001 - Provision of living accommodation in the loft space to include a dormer window to the rear elevation, Permitted 25/05/2006.

### 3 Proposal

- 3.1 The proposal is for a change of use of the premises from a mixed use (B&B and a dwellinghouse) to a Children's Home (Class C2a Use).
- 3.2 A number of appeal cases have been provided by the agent which determine that the change of use of a dwelling to a children's home for 4 children, with a small number of staff, is not a material change of use and therefore does not need planning permission. In this instance, however, as the property has been used as a Bed and Breakfast establishment, as well as a dwellinghouse, it comprises a lawful mixed use and therefore planning permission is required to change it to a children's home. Had the property just been a dwellinghouse, the agent has advised a Certificate of Lawfulness application would have been submitted instead, to seek to establish that a children's home could operate from the premises for 4 children without the need for planning permission from the Local Planning Authority.
- 3.3 The agent also has confirmed that the home is licensed / inspected by Ofsted.
- 3.4 The applicant has advised how the proposed property would be used if permission is forthcoming, which is as follows:

*'The house will accommodate up to 4 children, between the ages of 10 and 18 years, who have experienced physical and/or emotional abuse or neglect and those with a Learning Disability (LD). Our primary aim and focus is to create a safe nurturing environment in which the children feel at home, where they feel supported to re-discover and if necessary, re-invent themselves safely and without prejudice, and we strive very hard to achieve this. This all occurs in a shared living setting which builds on social understanding and respect.'*

*The staff will be recruited on the basis of their skills, but also their energy, emotional resilience, empathy and integrity. We have a rigorous recruitment process which seeks to maintain a diverse, highly skilled, empathetic, self-aware staff team who are individually emotionally resilient and can offer good role modelling to the children.*

*We encourage the children to make a positive contribution to the local community and develop their skills through education, clubs, sports, music, recreation, and social interaction.'*

- 3.5 The agent goes on to advise:

*'The home will accommodate up to 4 children aged from 10 up to 18. The children will have been in foster care or other institutions and have a variety of needs and behaviours. Once the children reach 18, they become legally responsible for themselves and will therefore move out or be moved on to other supported accommodation.'*

*'The aim is to provide a 'home' environment where the children, supported by care workers, will be able to live as a single household, sharing facilities and experiences and spending time together – like a family unit – in order to provide them with a settled and stable home life.'*

*Each of the children will have their own en-suite bedroom, but will share the communal areas of the house such as the lounge / dining room, reception rooms, family room,*

*garden, etc. Like most family units there would be house rules, including eating meals together around the table every evening.'*

*'Non-residential staff will supervise the residents on a 24 hour shift system. During school hours and overnight (10pm – 7am) there would be a maximum of 2 care support workers in the property. Outside of these hours there could be up to 3 care workers, depending on the number of children residing in the home and their care needs. There would also be regular visits from a supervisor or manager.'*

*The staff will provide the children with care and support to meet their day to day requirements. This will include domestic duties, such as cooking, cleaning and washing, as well as providing individual care support and making sure the children get to school and picked up and attending any external appointments. There may occasionally be a need for a visit from a therapist or counsellor.'*

- 3.6 The only change to the interior of the property is the installation of an en-suite bathroom in one of the staff rest / sleeping rooms. Externally, the change would be the replacement of the French doors on the first floor to the rear, that currently provides access to a flat roof balcony, with a window. It is likely that the mock tudor cladding will also be removed, so the property will be restored to its original rendered appearance (to match the neighbouring property).
- 3.7 The rear outbuilding (existing annex) would be converted into an office for staff and a games / activity room for the children. The existing tarmaced parking area will be enlarged slightly and squared off to provide parking for 4 vehicles.

#### **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

CS16 (High Quality Design)  
CS7 (Community Support and Inclusion)  
DM14 (Car and Cycle Parking on Development (excluding residential))  
DM7 (Elderly and Specialist Housing Provision)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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

##### **Councillor Gwen Robinson**

No comments received.

##### **Councillor Mike Sceal**

To be considered by the Planning Committee. Third parties would also wish to be heard at the Planning Committee.

This property has only three parking spaces if they start parking all up the road we are going to see accidents happening as it is right on the corner. This is also a residential

area not a place to put a business of this kind right on the main road.

**Officer comment:** *The number of on-site parking spaces has been increased from three to four, which accords with the Council's parking standards*

**Councillor Peter Wade**

No comments received.

**Crime Prevention -Minor Apps**

No comments received.

**Environmental Health Manager**

Final comments awaited; initial discussion suggests no objection in principle.

**Highway Authority - No Objection**

Having reviewed the documentation submitted in support of the above planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation. A recommendation of no objection would therefore be given.

**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: 1

Statutory advertisement: Not applicable.

Number of representations received: 14

The following is a precis of the representations received.

**Amenity**

- Constant & potentially health impacting noise, pollution activity & disturbance, due to single storey outbuilding use as a games room and onsite parking - close to residential properties - will children be supervised?
- Any proposal to mitigate the noise?
- Loss of privacy.

**Parking & Highways**

- No parking immediately off site, due to yellow line - adequate parking should be provided on site
- Inadequate parking provision on site, with all the visitors that use would generate
- Parking at a premium in the area - insufficient on street parking - exacerbated by Care Homes in the immediate locality and visiting vehicles
- Wallis Road is a cul-de -sac with Jubilee Park at the western end so traffic entering the road has to make a return journey so doubling traffic frequency.
- Use a highway hazard - located close to London Road - hazardous to exit from

#### Wallis Road

- Bus stop outside of site - drivers leave their vehicles in Wallis Road to catch the bus - children could abscond using the buses
- Additional traffic - aggravate an existing situation
- Restriction to the size of vehicles required.

#### Other

- Only suitably qualified staff should be recruited - lack of evidence that professional support would be provided for the children's needs
- Requirement to adhere to the The Children's Homes (England) Regulations 2015 - no experience demonstrated that this can be achieved.
- Young people could leave at any time.
- Who issues the licence for the home?
- Who would resolve any dispute arising?
- Increased anti-social behaviour - not a suitable environment for young children with difficulties - children likely to be vulnerable or have challenge behaviour
- Would not be a secure environment for children

## 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) Parking and highway issues

- (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.

7.3 Policy CS7 (3) of the Havant Borough Local Plan (Core Strategy) 2011 (HBLPCS), provides for development that:

*"Provides services for older people and other vulnerable groups, including Extra Care Facilities"*

In the explanatory text it refers to *"...the need to address the specific needs of our community, in particular those of the young and old."*

7.4 The proposal is for a change of use of a B& B and a dwellinghouse, to a children's home. The current situation is that three bedrooms have been able to be rented in the main house, with four in the annex, since around 2005. This level of commercial use of the property would have given rise to a number of guests and visitors to the property over the years, which if operating at its maximum capacity (plus the residential element) would likely exceed the number of occupiers proposed by the change of use ie 4 children and up to 3 adults.

7.5 Information provided by the agent has shown that if this property was just a dwellinghouse (Class C3 use) and not a mixed use, then a children's home for 4 children and a small number of carers on the premises would not amount to a material

change of use of the property, requiring an application to the Local Planning Authority. That said, this is not the planning position before the Committee.

- 7.6 The proposal would provide accommodation for a vulnerable group and community support and inclusion, which is supported by Policy CS7 of the HBLPCS and the housing guidance in the National Planning Policy Framework.

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

- 7.7 The physical changes to the property would be minor in nature, which would include internal works and the replacement of the French doors at first floor to the rear with a window. The mock Tudor cladding may also be removed, to be replaced with rendering, which would be in keeping.

- 7.8 As to the rear outbuilding (existing annex) this would be converted into an office for staff and a games / activity room for the children. The existing tarmaced parking area would be enlarged slightly and squared off to provide parking for 4 vehicles. This would still leave sufficient garden area to the rear.

- 7.9 The children's home would have up to 4 children and 3 staff at any time, with visitors from time to time. The existing use of the property is that of a B & B/residential, with 10 bedrooms, 7 of which may have been used for paying guests. The use of the property as a children's home for up to 4 children with 3 staff and visitors, and how it would be managed, would have similarities to a family home, which in this residential area, would not be out of keeping with the character and appearance of the area. The proposal would therefore accord with Policy CS16 of the HBLPCS.

(iii) Impact upon residential amenity

- 7.10 A number of concerns have been raised about the fear of anti-social behaviour, noise, disturbance and loss of privacy to residential amenity.

- 7.11 As to fear of anti-social behaviour this is capable of being a material consideration in determining the planning merits of the scheme. However, the basis of that fear must be the character of the use and not just the possible behaviour of some of the proposed occupiers. As to the character of a children's care home it is not considered inherent that the proposed use would have an adverse impact upon the local community. However, it is recognised that children with behavioural problems may result in anti-social behaviour and/or noise and disturbance.

- 7.12 When determining the application regard must be had to the existing lawful use of the premises: i.e. commercial (B & B) and residential. This lawful mixed use has the potential, on occasion, to give rise to a level of anti-social behaviour, or noise and disturbance, which may impact on the local community. Furthermore, if permission is forthcoming, the property would be registered and regulated by Ofsted which provides control over how the property would operate as a children's home. The children's home would also have its own rules. Having regard to all these factors, it is not considered that the use of the site as a children's home would be significantly damaging to the local community.

- 7.13 As to noise, disturbance and loss of privacy by staff and visitor parking, the car park to the rear is existing, albeit it will increase in size by 1 space (ie 4 instead of 3). This car parking area is used in connection with the existing commercial/residential use of the property, which has 10 bedrooms. From evidence before the Local Planning Authority up to 7 bedrooms could have been used by paying guests, with the

remaining 3 for the residential use of the property. The proposed change of use would lead to up to 3 staff being on site at any time and visitors, some of whom may drive to and park on the site. This is not considered to be a material increase in activity over the existing use of the property and may be a reduction in activities, over how the use operated, or could lawfully operate.

- 7.14 Concerning the use of the brick built rear outbuilding as an office for staff and a games / activity room, this has been used as 4 bedrooms for paying guests. The conversion of this building to a staff office and games/activity room ancillary to the current lawful use of the property could proceed without a planning permission from the Local Planning Authority, and be used by both family members and guests. As to the separation distance between the outbuilding and the property to the rear this is approximately 4m, with a 1.8m wooden fence along the boundary. As to the separation distance with No. 195 London Road to the north, this is approximately 14m, with 1.8m fencing and an extension to the main house along the northern boundary. Therefore, having regard to these factors, the use of the outbuilding as an ancillary office and play area for the children's home should not give rise to unacceptable level of noise, disturbance and loss of privacy to residential amenity.
- 7.15 Having regard to Policy CS7 of the HBLPCS there is a recognised need for accommodation for vulnerable groups, which the occupiers of this children's home would fall within. Therefore, the proposal is considered to accord with Policies CS7 and CS16 of the HBLPCS.

(iv) Parking & Highway Issues

- 7.16 The Highway Authority has been consulted on the proposal and *"...is satisfied that the proposal would have no detrimental impact on highway safety or operation."* Therefore, there are no highway objections to the proposal in terms of the capacity of the road network to accommodate the change of use proposed.
- 7.17 With regards to on-site parking, 4 spaces would be provided to the rear of the main house. As to staff and visitors to the home, the applicant has advised that:
- "Non-residential staff will supervise the residents on a 24 hour shift system. During school hours and overnight (10pm – 7am) there would be a maximum of 2 care support workers in the property. Outside of these hours there could be up to 3 care workers, depending on the number of children residing in the home and their care needs. There would also be regular visits from a supervisor or manager."*
- 7.18 The car parking standards for children's homes are set out in Havant's Car Parking SPD. This sets out parking standards for children's homes whereby for non-residential staff 0.5 space should be provided for each staff member; and 0.25 spaces per client. In the case of the current application, up to 3 staff could be on site during the day, with 2 overnight, plus visits from a supervisor or manager. This would result in a maximum of 4 staff in total on site at any one time, with a requirement for 2 spaces. With four residents (clients) one further space would be required in addition to the staff spaces.
- 7.19 In the current application four off-street parking spaces would be provided in total. These spaces would provide for staff and visitors, thereby avoiding the need, normally, to park on the highway. The proposed parking provision exceeds the car parking requirement set out in Havant's Car Parking SPD and accords with Policy DM13 of the HBLPCS. Therefore, there are no on-site parking issues associated with the development. As to cycle provision, two cycle racks would be provided, which exceeds

that required by the SPD.

## **8 Conclusion**

- 8.1 Having regard to the existing mixed use of the property, the proposed change of use to a children's home should not significantly impact on the character and appearance of the area or residential amenity, and is supported in principle by Policy CS7 of the HBLPCS. In parking and highways terms the proposal is acceptable. Therefore, the proposal is considered to be appropriate and recommended for approval with appropriate conditions and informatives.
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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01180 subject to the following 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:  
  
Design & Access Statement  
Site Location Plan - Drawing No. H-NM-236.01B  
Block Plan - Drawing No. H-NM-236.02B  
Plans Proposed - Drawing No. H-NM-236.04B  
Letter dated 5 February 2021 from Southern Planning Practice Ltd.  
  
**Reason:** - To ensure provision of a satisfactory development.
- 3 The car parking and other vehicular access arrangements shown on the approved plan No. H-NM-236.02 REVB to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.  
**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 number of children residing in the children's home shall be limited to 4 only from 10 years up to 18 years unless otherwise agreed in writing with the Local Planning Authority.  
  
**Reason:** In the interests of amenity having due regard to policies DM7 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**Appendices:**

- (A) Location Plan
- (B) Block Plan
- (C) Proposed Floor Plans