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Site Address: Land at Cowplain School, Hart Plain Avenue, Waterlooville  
Proposal: Erection of a 64 bed care home (within Use Class C2) and 6No. dwellings (within Use Class C3) with associated works including access, parking and landscaping.  
Application Type: Full Planning Permission  
Application No: APP/22/00837 Expiry Date: 03/01/2023  
Applicant: Frontier Estates (WAT) Limited and The Cowplain School  
Agent: Mrs Patchell Case Officer: Arleta Miszewska  
Ward: Hart Plain

Reason for Committee Consideration: At the request of Councillor Wade

HPS Recommendation: **GRANT PERMISSION**

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### **Executive Summary**

The application site consists of two separate parcels of land located on the southern side of Hart Plain Avenue. The larger parcel resembling a triangle in shape is located to the east of Hart Plain Infant School. The Cowplain School grounds are located to the south and a residential dwelling at no. 43 Hart Plain Avenue to the east. The smaller parcel, of a rectangular shape, is located to the east of nos. 41 and 41a Hart Plain Avenue, with the Cowplain School grounds abutting it to the south and east. Both parcels form part of the Cowplain School sports grounds.

In planning policy terms, both sites lie within the urban area of Havant. Whilst the sites form part of a school, they are not covered by any specific policy designations in the adopted Core Strategy Policies Map. The sites lie within the SPA 5.6km buffer zone as well as the Portsmouth Water Source Protection Zone.

In terms of principle of development, the proposal would result in the loss of a part of schools playing fields. However, Sport England as a statutory consultee have raised no objection to the loss of the sports facilities recognising a wider benefit in the school agreeing to entering into a Community Use Agreement, which would open up access to the school's sports facilities to the wider community. In addition, drainage improvement works to the school pitches would be undertaken under separate planning permission (APP/22/00838) which would improve the availability of the pitches throughout the entire year. Sport England concluded that the harm of losing some of the school's playing fields would be outweighed by the above benefits to the wider community.

Furthermore, the proposed development would provide a care home, for which there is a recognised need. The external and internal amenity offered would be policy compliant and the building itself would integrate well with the established character and appearance of the streetscene. Conditions are recommended to ensure that the soft and hard landscaping further improves the appearance of the site. Further conditions are recommended to protect trees, deliver biodiversity enhancements on the site and ensure that the care home meets expected standards in terms of sustainable construction, which would result in social and environmental benefits.

The proposed development would also provide 6 dwellings. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites, relevant policies for

the supply of housing cannot be considered up-to-date. The tilted balance in favour of sustainable development is therefore engaged. The site would make a modest but meaningful contribution to meeting the current shortfall in housing supply in Havant. The development would provide policy compliant housing, with adequate car parking provision and external amenity space.

Through the application process, further information has been submitted and revisions have been undertaken to avoid any demonstrable harm to the residential amenities of the prospective residents as well as existing neighbouring properties, in particular, in terms of noise, disturbance, light, outlook and privacy. Conditions are recommended to control noise, disturbance and external light pollution.

The Local Highway Authority did not identify material harm in relation to highway safety, the capacity of local road network or car parking provision. The proposed highway improvements, namely the bus infrastructure improvements, a TRO (Traffic Regulation Order) controlling car parking on Hart Plain Avenue and the provision of Pedestrian and Cycle Mapping would offset the effects of the proposed development. Further highway improvements, including bus infrastructure improvements, the provision of Pedestrian and Cycle Mapping would further offset implications of the proposal.

Impacts on trees, archaeology, drainage and flood risk as well as on water quality and nature conservation sites have been satisfactorily addressed. A consultation response from Natural England on the Local Planning Authority's HRA/AA is awaited. Therefore, subject to no objection from Natural England as well as securing of appropriate mitigation measures, conditions and a legal agreement, there would be no conflict with the relevant policies in the National Planning Policy Framework and the Local Plan.

To conclude, in the context of the lack of a 5 year housing land supply and the moderately harmful impact of the development on the provision of sports playing fields, Officers conclude that these adverse impacts would not be such as to significantly and demonstrably outweigh the benefits, when assessed against the Policies in the National Planning Policy Framework taken as a whole.

## **1 Site Description**

- 1.1 The application site consists of two separate parcels of land located on the southern side of Hart Plain Avenue. The larger parcel resembling a triangle in shape is located to the east of Hart Plain Infant School. The Cowplain School grounds are located to the south and a residential dwelling at no. 43 Hart Plain Avenue to the east. The smaller parcel, of a rectangular shape, is located to the east of nos. 41 and 41a Hart Plain Avenue, with the Cowplain School grounds abutting it to the south and east. Both parcels form part of the Cowplain School sports grounds.
- 1.2 The adjacent area is predominantly residential, with the exception of the two schools, the adjacent dwelling used as an office (no. 41a) and the vehicle repair garage at no. 41. There is a shopping parade at the western end of this part of Hart Plain Avenue on Milton Road, and a Public House on the corner of Milton Road and Hart Plain Avenue. In terms of character of the streetscene, there is a variety of dwellings of two and single storey height, both detached and semi-detached. Whilst they differ in age and architectural detail, the predominant design is traditional, with tiled pitched roofs, brickwork and render. The houses are often set away from the front boundaries and benefit from front gardens which accommodate car parking and vegetation. There is no consistency in the boundary screening type, however, hedges are common together with some trees which create an open and verdant feel.
- 1.3 In planning policy terms, both sites lie within the urban area of Havant. Whilst the sites form part of a school, they are not covered by any specific policy designations in the

adopted Core Strategy Policies Map. The sites lie within the SPA 5.6km buffer zone as well as the Portsmouth Water Source Protection Zone. The sites are not in a Conservation Area, and there are no listed buildings or Protected Trees on or near the sites.

## **2 Planning History**

APP/22/00838 - Drainage works to improve drainage of school playing fields.  
Approved. 23.03.2023

APP/22/00893 - Proposed works to include erection/replacement to critical areas of perimeter security boundary comprising open-welded mesh fencing & associated vehicular/pedestrian entrance gates (including access control)., PERM,23/03/2023

## **3 Proposal**

- 3.1 Erection of a 64 bed care home (within Use Class C2) and 6No. dwellings (within Use Class C3) with associated works including access, parking and landscaping.
- 3.2 The application seeks a full planning permission for the provision of a 64-bed care and 6 dwellings within two separate parcels of land located to the south of Hart Plain Avenue.
- 3.3 The care home would be located to the east of the Hart Plain Infant School and would be accessed from Hart Plain Avenue, via a vehicular access running alongside the eastern boundary of the site, adjacent to the residential dwelling at no. 43 Hart Plain Avenue.
- 3.4 The care home would provide accommodation for the elderly with the capability for all care needs to be met on site. It would be dual-registered so that it could deliver both nursing and residential care, enabling the delivery of dementia-specific care, if appropriate.
- 3.5 The proposed dwellings would be located to the west of the vehicular access to the Cowplain School and to the east of no. 41 Hart Plain Avenue, which is a property in a mixed office use. The dwellings would have separate access points from Hart Plain Avenue and would be served by on-site car parking, detached garages and gardens at rear.

## **4 Policy Considerations**

- 4.1 The Development Plan for Havant Borough consists of the Havant Borough Local Plan (Core Strategy), the Havant Borough Local Plan (Allocations Plan) and the Hampshire Minerals and Waste Plan.
- 4.2 The following policies are particularly pertinent to the determination of this application:

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

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)  
DM7 (Elderly and Specialist Housing Provision)  
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)  
DM10 (Pollution)  
DM13 (Car and Cycle Parking on Residential Development)  
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)  
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)  
DM17 (Contaminated Land)  
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

4.3 Listed Building Grade: Not applicable.

4.4 Conservation Area: Not applicable.

**5 Statutory and Non Statutory Consultations**

**Arboriculturalist**

No objection, subject to conditions (pruning works, tree protection measures, landscaping).

**Communities Team**

No comment to make on this application.

**Ecology**

No objection, subject to condition securing further on-site ecological enhancements.

**Environment Agency**

No comments received.

**Environmental Control Officer**

No objection subject to a condition (Contamination Watching Brief)

**Environmental Health**

Initial response - the noise report is not satisfactory as it fails to fully consider the potential impact of the proposed scheme upon noise sensitive receptors; more information required; recommends conditions (plant noise; sound insulation; CEMP; artificial lighting; artificial lighting impact assessment; deliveries/waste collection times restriction).

Final response - no objection, subject to conditions.

**Hampshire Highways**

Initial response- further information required, including up to date PIA data and confirmation regarding the separation between the care home access and western access serving the new residential dwellings; consideration of contributions towards bus facilities on Milton Road and TRO measures on Hart Plain Avenue as well as measures to prevent parking from the site on Hart Plain Avenue; the access serving the residential properties and the internal layout of the site require amendments; amendments also required to the Framework Travel Plan.

Final comments - the applicant has satisfactorily addressed previous comments; no objection, subject to obligations and conditions, including works to reinstate the kerbing

to the west of the western access into the Cowplain School, payment of fees in respect of approval and monitoring of the Framework Travel Plan, a provision of a bond, or other form of financial surety, in respect of measures within the Travel Plan prior to occupation, a payment towards a TRO, bus shelter, pedestrian and cycle mapping contribution, a Construction Traffic Management Plan.

### **Hampshire Swifts**

No objection, requests multiple integral Swift bricks in the care home and the dwellings, installed in accordance with the British Standard BS 42021:2022 Integral nest boxes.

### **HCC Archaeology**

Initial comments - no objection, more information required.

Final comments - no objection.

### **HCC Constabulary**

Comments regarding crime prevention through design, particular comments in relation to the pathway running down the side of proposed dwelling lacking sufficient surveillance, query regarding the proposed external boundary treatment for the care home, and access into the individual external patio areas.

### **HCC Education**

No comments received.

### **HCC Lead Local Flood Authority**

Initial response- further information required including drainage calculations, updated peak rainfall allowances, exceedance flood flow routes.

Final response - further information provided is sufficient to address previous comments, no objection.

### **HCC Rights of Way Team**

No comments received.

### **HCC Public Health**

No comments received.

### **Landscape**

No objection, subject to conditions (soft landscaping, hard landscaping, boundary treatment and building materials)

### **Leisure**

Initial comments - the application includes the loss of an area of sports pitches at the school and suggests mitigation for this loss through qualitative improvements to the drainage of the remaining playing field. This will increase its capacity for community football and athletics use. The HBC Leisure Team support the comments provided by Sport England in their response of 22nd November and would expect these to be addressed to their satisfaction.

Final comments - following the receipt of further information to address concerns raised by Sports England, no objection to the scheme and all matters raised have been addressed.

### **Natural England**

Initial response – as submitted, the application could have a likely significant effect on:

- Solent and Dorset Coast SPA
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime SAC
- Solent and Southampton Water SPA

Further information required, including a nutrient budget calculation and details of proposed mitigation measures.

Interim response – further information required.

Final response – awaited.

**Officer comments:** *the required HRA/AA have been completed setting out necessary mitigation - see Paragraphs 7.1 - 7.9 below. This is under consultation with Natural England and any response received will be reported to the Committee.*

### **NHS CCG**

No objection, subject to a financial contribution.

### **Planning Policy**

Initial response - although the principle of the development is established there would be a policy objection on the grounds of the development not being in compliance with policy DM1 where the loss of the playing field is not able to be adequately mitigated without further information/justification.

Final response - Although the principle of the development is established and Sport England have now removed their original objection, the proposal would be considered to not comply in full with policy DM1.

At a local level policy DM1 (Core Strategy) is relevant. Policy DM1 states that development of existing open space, including play spaces, playing fields, pitches, courts and allotments, for alternative uses will only be permitted where the following criteria can be met:

- 1. It has been demonstrated that there is a surplus of provision according to the local standards set out in the council's Open Spaces Plan or any subsequent review of the plan; and*
- 2. It has been demonstrated that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit.*
- 3. If the land has been identified within the South East Hampshire Coast Brent Goose Strategy (2002) as providing habitat for Brent Geese then it must be demonstrated that any impact on this habitat can be fully mitigated.*

or

*Where there is no identified surplus of the original type of open space, contributions to new provision of an equivalent or improved standard, both in terms of quality and quantity, will be required in line with the council's Open Spaces Plan and developer contributions policy.*

It is noted that a football pitch would be affected and partially lost as part of the proposals, and that the athletics track is to be developed. In terms of football provision, the Borough's Play Pitch Strategy considers football provision in a range of scenarios, but as a sub area Waterlooville has good levels of supply and capacity when all pitch sizes are considered. As such criterion 1 and 2 of Policy DM1 would apply.

Whilst the Play Pitch Strategy does not provide demand and supply analysis for athletics, it should be noted that this is the only athletics site in Havant Borough, which the study specifically recommends be protected through planning policy. The latter part of the policy where "there is no identified surplus" would therefore be relevant.

Whilst additional information has been supplied since the original application was submitted this would not appear to address criterion 1 and 2 of policy DM1. However, the information proposes improvements to the pitch and surrounding drainage via a separate planning application and would therefore comply with the final paragraph and criterion of DM1 considering that the works proposed would result in a quantitative improvement to the existing standard. Pending a condition being included with the application this improvement has removed Sport England's objection to the proposal and therefore this would need to be considered as part of the planning assessment and balance as not all of the policy has been complied with.

#### **Portsmouth Water**

No objection, subject to a condition (CEMP)

#### **Southern Water**

No objection, a condition and informative recommended.

#### **Sport England**

Initial response - objects, however, considers that the proposal has the potential to provide sporting benefits which outweigh the harm caused by the loss of playing field. However, further details are required in relation to the proposed pitch quality improvements/drainage including its planning status; the ongoing maintenance and management arrangements to ensure the pitch improvements are maximised and remain fit for purpose; and the school's intention to enter into a community use agreement, to provide improved security of access to community users.

Interim response - objects until further details and confirmation on the mitigation package have been submitted and agreed by Sport England.

Final response - no objection, subject to conditions securing community use and access to the playing field/pitches and the completion of drainage works (planning application reference number APP/22/00838). Football Foundation are satisfied that the additional details provided address their concerns and demonstrate that the GMA recommendations are being met. The benefits to sport are now considered capable of outweighing the harm caused by the loss of playing field at the site.

## **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: 46

Number of site notices: 3

Statutory advertisement: 14/10/2022

As a result of a public consultation, 38 comments have been received, this includes 1 neutral comment, 32 comments objecting and 5 comments supporting the proposed development. Matters raised are as follows:

#### **Objections:**

*Principle:*

No benefit to local residents;

No need for a care home in this area, there are care homes and assisted living facilities in Cowplain, Waterloo and Horndean already; Already overcrowded area;

Loss of sports facilities: loss of land for pupils to exercise, impact on health and wellbeing;

No guarantee that care home staff will be recruited;

**Officer comment:** *these matters have been addressed in the following sections of the report: Principle of development and Third party comments not addressed above.*

*Impact on the character and appearance of the area:*

Loss of open land; the semi-detached units would have ridge heights higher than the detached units appearing discordant within the street scene;

Open land needed for surface water drainage;

Impact on local wildlife from development over years;

**Officer comment:** *these matters have been addressed in the following sections of the report: Design and impact on the character and appearance of the area, including trees and crime prevention, Ecology on site and Third party comments not addressed above.*

*Highway issues:*

Car parking: loss of staff/parents parking; would increase demand for on-street car parking; existing parking on double yellow lines, parents do not use car parking facilities at school; increase in car parking demand will have impact on adjacent businesses; existing on-street car parking problems; introduction of access points will reduce the space for cars to park on street;

Access: access to care home inadequate and too close to no. 43; would result in the loss of an unrestricted part of Hart Plain Avenue used by parents for picking up and dropping off their children at school; the proposed dwellings should have a central access point;

Increase in traffic: the road is too busy already, increase in traffic would add to noise and air pollution, especially during school start and end times; would compromise road safety; the care home traffic will destroy the peace and quiet outside school runs; 75% of traffic on the road is above speed limit;

Highways and safety impacts: road unsafe for children; ambulances won't be able to access the site during school drop of/pick up times; roads should be resurfaced to accommodate extra traffic; junction with Milton Road is unsafe; impact on highway safety (children, pedestrians, cyclists);

Construction impacts: construction traffic, parking, pollution, noise; construction noise will impact students' ability to learn; Hart Plain Avenue is not suited for construction traffic;

**Officer comment:** *these matters have been addressed in the Highways safety and car and cycle parking provision section of this report.*

*Amenity impacts:*

Noise and smell impacts: no. 41 is not a residential dwelling but a working garage, the



submitted Noise Assessment does not consider noise generated by a vehicle service and repair garage which operates Monday to Friday; noise and disturbance from care home car parking arrangement onto no. 43; noise generated by the care home use (i.e. deliveries, refuse, servicing) would impact on no. 43; the submitted Noise Assessment is fundamentally flawed as it fails to acknowledge, or measure, the associated noise from the working garage at No. 41. One of the six dwellings would have its garden located in very close proximity to the existing garage. It is understood that some of the sources of noise from the garage include engines running and revving and the use of trolley jacks, air guns, hammering, pressure washers and compressors; noise and smell disturbance to existing residents, impact on well-being;

Impacts on residential amenities: uncertainty over location of external flues serving care home kitchen, possible smell pollution to no. 43; loss of privacy to no. 41a from the first floor window in the side elevation of the proposed dwelling; uncertainty over type of boundary treatment adjacent to 43 Hart Plain Avenue, an opportunity for a trespass onto no. 43, concerns over boundary treatment; loss of privacy to existing residents, pupils, teachers; not suitable for future residents (busy area, next to a school); site is not suitable for multiple occupation accommodation; inappropriate site for a care home or housing being close to school; Loss of view over fields.

**Officer comment:** *these matters have been addressed in the Impact on residential amenities section of this report:*

#### *Infrastructure*

Impact on infrastructure: would increase demand for local facilities and resources, local health services; no consideration of infrastructure needed to support development;

Excellent BREEAM standard should be required (rather than Very Good); ground source heat pumps should be used alongside with solar PV arrays and batteries; EV charging points should be provided together with secure bike sheds;

**Officer comment:** *these matters have been addressed in the following sections of the report: Third party comments not addressed above, Highways safety and car and cycle parking provision and Sustainable design and construction.*

#### *Other matters*

Concerns over legal land ownership; Planning Statement states that the housing site adjoins no. 45, however it does adjoin no. 41a instead; site area stated in application form is incorrect, plot 1 size is shown incorrectly; Nutrient Budget information refers to an incorrect site area; the applicant needs to respond to comment from the Lead Local Flood Authority; parts of Public Utility Supplies Statement Report have been redacted; Question 6a has not been answered on the CIL Form 1.

**Officer comment:** *Matters related to the legal land ownership are not material planning considerations, however, the applicant has confirmed that the land included within the red line on the location plan is owned by the applicant. References incorrect property numbering is noted. Moreover, Officers are satisfied that the stated area size is correct and recognise that such measurements can differ to due measuring techniques and complex shape of the sites. Nutrient load and subsequent nitrates mitigation is based on population increase and not site area, therefore, Officers are satisfied that this concern has been appropriately addressed. During the course of the application, the applicant has responded to the comments from the Lead Local Flood Authority and this is addressed in the Foul and surface water drainage section of this report. The parts of the Public Utility Supplies Statement Report, which have been incorrectly redacted has now been unredacted. Whilst the Question 6a has not been answered on the CIL Form 1, this*

*question asks whether the proposed development involves new residential development (including new dwellings) and the answer to this question is reasonably obvious, given the description of the proposed development.*

Support:

*Principle:*

A positive move for the local area, there are no care homes in the area of this size and they are badly needed;

There is a need for care homes;

There is a need for housing;

Brownfield land;

Site is located close to local shops;

The sports fields are unusable during winter and the other proposal to improve drainage on playing fields will increase the amount of outdoor space for children and community;

Tennis courts have been derelict for a long time;

An opportunity to provide funds to improve sports facilities for children and young people;

An opportunity for students to develop social skills by visiting and providing cultural events.

*Impact on the character and appearance of the area:*

The design and landscaping would be in keeping with the area;

*Highway impacts:*

Only care home access will reduce on-street car parking space which are lightly used due to residents parking on their driveways;

The Cowplain School offer sufficient staff and parent car parking;

Traffic generated by care home is likely to take place outside of school drop off/pick up times;

Sufficient on-site car parking facility;

*Amenity impacts:*

There will be no undue noise coming from this care home because persons of a senior age, i.e over 75 years are not in the habit of making any undue noise late at night.

## **7 Planning Considerations**

### **7.1 Impact on nature conservation sites (nutrient neutrality and recreational disturbance)**

7.2 Natural England as a statutory consultee confirmed that the proposed development could

have a likely significant effect on:

- o Solent and Dorset Coast SPA
- o Portsmouth Harbour SPA and Ramsar Site
- o Chichester and Langstone Harbours SPA
- o Solent Maritime SAC
- o Solent and Southampton Water SPA

- 7.3 The proposal would result in the net gain of 6 dwellings and a care home which need to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of 6 dwellings and a 64-bedroom care home.
- 7.4 Using Natural England's updated Methodology, the planning application requires two packages of avoidance and mitigation. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.5 With respect to the Solent Recreation Mitigation Strategy the applicant will be expected to enter into a Section 106 Agreement and pay the appropriate sum to address the potential recreational harm from the new development of 6 dwellings. The development of a care home does not trigger the need for this type of mitigation. Therefore, subject to a legal agreement being signed before the grant of planning permission, it is considered that the recreational element of the impacts of development would be adequately mitigated against.
- 7.6 With respect to the water quality issue and the Council's updated Position Statement, May 2022, the submission is supported by nutrient budget calculations for the care home and the dwellings, both informed by the Council's occupancy calculator. Therefore, the LPA is satisfied that the calculations have been completed correctly.
- 7.7 Furthermore, the applicant has secured a Deed of Allocation Agreement to reserve appropriate level of mitigation scheme at Whitewool Farm, which is within the appropriate catchment of the Budds Farm WWtW, to offset the nitrogen from the development, totalling a load of 34.58 kg/TN/yr.
- 7.8 These mitigation measures to address any nutrient impacts, including associated management and monitoring, and details of how the measures will be secured for the lifetime of the development are recommended to be secured with planning conditions in order to make the development acceptable (Conditions 4-6).
- 7.9 A further Appropriate Assessment, concluding that the above mitigation is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur, is with Natural England for comments under Regulation 63(3). Subject to no objection being received from Natural England, the proposed development is considered to be acceptable in terms of its impacts on the relevant nature conservation sites.
- 7.10 In other respects, having regard to the relevant policies of the development plan and all other material planning considerations it is considered that the main issues arising from this application are:

- (i) Principle of development
  - Loss of Sports Playing Pitches
  - Retirement and Specialist Housing
  - 5 Year Housing Land Supply and delivery of housing
- (ii) Design and impact on the character and appearance of the area, including trees and crime prevention
- (iii) Sustainable design and construction
- (iv) Ecology on site
- (v) Impact on residential amenities
- (vi) Highways safety and car parking provision
- (vii) Foul and surface water drainage
- (viii) Contaminated land
- (ix) Air quality
- (x) Archaeology
- (xi) Protection of public water supply
- (xii) Waste and refuse collection
- (xiii) Third party comments
- (xiv) Community Infrastructure Levy

(i) **Principle of development**

7.11 The application site is located within the urban area of Havant Borough as defined by policies AL2 and CS17 of the Local Plan. Therefore, the principle of a built development is considered acceptable, subject to compliance with relevant planning policies, in particular those safeguarding ecology and nature conservation sites, design, residential amenity, highways and, in this case, the provision of sports pitches.

**Loss of Sports Playing Pitches**

7.12 Whilst there is a presumption in favour of sustainable development in urban areas, the NPPF provides clear guidance that the role of sport and recreation is a fundamental part of sustainable development. Furthermore, it acknowledges that access to high quality sport and recreation facilities can make an important contribution to the physical and mental health and wellbeing of communities.

7.13 At the local level Policy DM1 (Core Strategy) is relevant. The Policy states that development of existing open space, including play spaces, playing fields, pitches, courts and allotments, for alternative uses will only be permitted where the following criteria can be met:

*1. It has been demonstrated that there is a surplus of provision according to the local standards set out in the Council's Open Spaces Plan or any subsequent review of the plan;*  
*and*

*2. It has been demonstrated that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit.*

*3. If the land has been identified within the South East Hampshire Coast Brent Goose Strategy (2002) as providing habitat for Brent Geese then it must be demonstrated that any impact on this habitat can be fully mitigated.*

*or*

*Where there is no identified surplus of the original type of open space, contributions to*

*new provision of an equivalent or improved standard, both in terms of quality and quantity, will be required in line with the council's Open Spaces Plan and developer contributions policy.*

- 7.14 It is noted that a football pitch would be affected and partially lost as part of the proposals, and that the athletics track is to be developed. In terms of football provision, the Borough's Play Pitch Strategy considers football provision in a range of scenarios, but as a sub area Waterlooville has good levels of supply and therefore large space capacity when all pitch sizes are considered. As such criterion 1 and 2 of Policy DM1 would apply.
- 7.15 Whilst the Play Pitch Strategy does not provide demand and supply analysis for athletics, it should be noted that this is the one athletics site in Havant Borough, which the study specifically recommends that the grass athletics track be protected through planning policy. The latter part of the policy where "there is no identified surplus" would therefore be relevant.
- 7.16 Whilst additional information has been supplied since the original application was submitted this does not address criterion 1 and 2 of Policy DM1. However, the information proposes improvements to the pitch and surrounding drainage via a separate planning application which has been granted planning permission (APP/22/00838) and would therefore comply with the final paragraph and criterion of DM1 considering that the works proposed would result in a quantitative improvement to the existing standard. It is noted that Sport England has removed their objection to the partial loss of sports pitches, subject to a legal agreement which secures a community use and access to the playing field/pitches and the completion of drainage works granted under planning application APP/22/00838. At the time of writing this report, the draft Community Use Agreement is being reviewed by the Council's Legal Team. However, it is recommended that a condition (Condition 7) is imposed to secure the completion of this Agreement before works on the proposed care home and dwellings commence. In addition, the completion of the drainage works (granted under planning application APP/22/00838) before commencement of the development under consideration is also recommended to be secured with a planning condition (Condition 8). Sports England have also confirmed that the Football Foundation are satisfied that the additional details provided address their concerns and demonstrate that the GMA recommendations are being met, and that the benefits to sport are considered capable of outweighing the harm caused by the loss of playing field at the site.
- 7.17 In light of the above, the partial non-compliance with the local policies will be considered in the overall planning balance.

#### Retirement and Specialist Housing

- 7.18 The proposed development consists of a 64-bed care home, therefore Policy DM7 (Elderly and Specialist Housing Provision) is also relevant. The Policy supports the provision of specialist housing, subject to the following requirements:
- 1. It is demonstrated that appropriate levels of on-site amenity space are accessible for residents' use which provides a satisfactory outlook for all residents.*
  - 2. A setting for the building is provided which is in keeping with the surrounding area.*
  - 3. Sufficient space for servicing is provided.*
  - 4. Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.*
  - 5. The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.*
- 7.19 In this case, it is considered that the proposed development would not result in a

concentration of such uses in the Borough as, contrary to some third-party comments, there is a recognised need for such uses. In terms of compliance with requirements 1-4, this is assessed in the later sections of this report.

#### 5 Year Housing Land Supply and delivery of housing

7.20 The Council's Five Year Housing Land Supply Update (March 2023) indicates that the Council has 1.8 years supply with a 20% buffer applied. This is below the five year supply threshold. The lack of five year supply triggers a presumption in favour of sustainable development, in line with paragraph 11d of the NPPF. The scheme's potential contribution to the 5 year supply must be afforded substantial weight in the overall planning balance, albeit the care home element of the scheme would be on a proportionate basis equivalent to 35 dwellings (64 bed / 1.8 persons).

#### **(ii) Design and impact on the character and appearance of the area, including trees and crime prevention**

- 7.21 In respect of design and the impact of the development on the character and appearance of the area, the proposed development was the subject of pre-application discussions. The footprint, location within the site, height and architectural articulation of the proposed care home and the dwellings have been the subject of discussions and consequent revisions. During the application process, the detailed design of the proposed dwellings has been further refined to avoid impacts on the residential amenities of the adjacent dwellings as well as to better integrate the dwellings within the established street scene.
- 7.22 The footprint of the care home would resemble a T-shape. It would be set away from the front site boundary allowing for a sufficient space to provide a robust boundary planting, creating an appropriate setting for the building that would also be in keeping with the surrounding area. The height of the building would be two storey with an element of accommodation on the second floor being provided in the form of dormer windows. The elevation facing Hart Plain Avenue would have single and two-storey eaves height. To break up the bulk and to avoid an institutional building appearance, the entire building has been designed to resemble a series of smaller buildings.
- 7.23 Internally, the building would provide single occupancy rooms with en-suite bathrooms, and many rooms would benefit from an outdoor patio area or balcony. The submission confirms that the bedrooms would exceed the Care Quality Commission's standards. The main entrance to the care home would be on the eastern elevation, leading to a manager's office located near other communal areas, including a café, hair salon and a cinema for the residents as well as an admin office. Within the front parts of the building, there would be a dining room and a residents' lounge. A refuse store would be provided within the north-eastern corner of the building, in a close proximity to the vehicular access onto the site. On the first floor, there would be further residents' rooms as well as a dining room and lounge areas. The second floor would accommodate residents' rooms, a dining room, a lounge as well as a servicing space, including amongst other features, a kitchen, a laundry room, a plant room, staff changing rooms and a medical store.
- 7.24 Externally, the proposed care home would benefit from a variety of outdoor amenity areas, including two dining areas, a picnic area, a growing area with a greenhouse, activity lawn and a sensory courtyard with a water feature.
- 7.25 The proposed dwellings would be detached and semi-detached of a two storey height. Their footprints, location within the plots, and elevational treatment would reflect many dwellings found within Hart Plain Avenue.
- 7.26 In light of the above, it is considered that the proposed care home and dwellings would integrate well within the established streetscene of Hart Plain Avenue, and subject to

appropriate conditions securing details of external materials, land levels, soft and hard landscaping (Conditions 9-12), the proposed development would have acceptable impacts on the character and appearance of the area, in accordance with Policy CS16 of the Havant Core Strategy and the Design SPD. It is also considered that the care home would provide a sufficient space for servicing, in line with the expectations of Policy DM7.

- 7.27 The HCC Constabulary has raised some detailed layout concerns, which are responded to as follows. A concern has been raised over the two detached dwellings having a pathway running down the sides, with gates positioned approximately halfway down the side of each house which would create footpaths with very little natural surveillance from the public realm, potentially increasing the opportunities for crime and disorder. However, it is noted that the dwellings also incorporate front bay windows at ground floor level with windows directly overlooking the side boundary. Moreover, the length of the footpaths would be just over 4m long. In the absence of evidence demonstrating that Hart Plain Avenue experiences such level of crime that would warrant higher degree of property surveillance, Officers consider that the proposed design of footpaths is acceptable.
- 7.28 A further concern relating to safety queried the height of the proposed external boundary treatment to the west of the development. The applicant has confirmed that this would be a 1.8m close board fence topped with 300mm of trellis, therefore, meeting the requirement for the fence to be at least 1.8m high.
- 7.29 In terms of concerns over the care home featuring external patio areas giving access on to an internal footpath and the requirement for gate to be fitted at the boundary of the patio with footpath, it is noted that the rear garden is secured with a 1.8m high railing with lockable gate to the front and boundary to the car park, close board fence with trellis to the southern and western boundaries and retained vegetation and fence to the northern boundary. The bedrooms that would front onto the Ambulance bay would be secured with a low wall and railing, with a total height of 1.8m. Therefore, Officers are satisfied that the internal layout provides adequate measures to ensure safety on site.
- 7.30 Turning to impacts on trees on site, the proposal would result in the removal of parts of an existing hedge and a horse chestnut (T6) on the northern boundary of the site.
- 7.31 The application is supported by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (AIAMS) which provides an assessment of the tree as well as justification for its removal. It is considered that the removal of the tree and the sections of the hedge would be acceptable given their limited amenity value to the area. It is noted that the proposal incorporates new planting and a species rich grass at the frontage of the proposed care home, a growing area and orchard trees at the rear and an enhanced hedge on the eastern boundary. The proposed dwellings would benefit from trees and shrubs adjacent to their rear boundaries and the existing hedge at the front would be retained as far as practicable. Furthermore, each dwelling would have tree and shrub planting within its frontage. It is considered that the proposed planting would enhance the landscape distinctiveness and nature conservation value in accordance with policy CS16 and DM8 of the Core Strategy.
- 7.32 In terms of tree protection, the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (AIAMS) confirms that measures would be taken in accordance with BS5837:2012 to protect the existing trees and hedgerows on site. Therefore, it is considered that subject to relevant conditions (Conditions 13-14), the proposed development could be carried out without causing harm to the trees on site.
- 7.33 In light of the above, it is considered that the proposed works, subject to conditions, would accord with the requirements of Policies CS16, DM7 and DM8 of the Core Strategy.

**(iii) Sustainable design and construction**

- 7.34 The application is supported by a Sustainability Statement and Energy Strategy Report which demonstrate how the proposed development would mitigate climate change. The submission states that the proposed buildings would be designed to reduce carbon emissions in accordance with the updated Building Regulations through the use of an energy hierarchy, using a fabric first approach to design, to reduce energy demand.
- 7.35 In particular, the proposed care home would achieve high fabric efficiency standards supported by the use of energy efficient building services, including air source heat pump (ASHP) and approximately 200m<sup>2</sup> of photovoltaic arrays, which the applicant considers to be the most appropriate renewable technologies for the building. Moreover, the building would be equipped with automatic lighting controls throughout, and where appropriate for care, improved efficacy lighting which reduces primary energy usage.
- 7.36 The dwellings would achieve higher standards of fabric performance, in line with Part L 2021 of the Building Regulations. They would be equipped with an all-electric system, with the addition of utilising low energy technology. The strategy focusses on zero on-site emission heat sources, through the use of heat pumps. The heating of the dwellings would be through air source heat pumps. The pumps would heat Low Surface Temperature Radiators Controls with each dwelling provided with programmer, room thermostats and thermostatic radiator valves. Aside from the heat pumps, the Energy Strategy Report confirms that solar PV and solar thermal will be considered as the design develops.
- 7.37 Furthermore, the development would reduce the water consumption through a range of water efficiency measures, such as water meters, low flow fittings, and water efficient equipment, in order to achieve a water consumption rate of 110l/person/day.
- 7.38 In addition, the proposed dwellings would be designed to reduce any potential overheating and to manage their cooling needs and to adapt to and mitigate climate change.
- 7.39 In terms of electric vehicle (EV) charging infrastructure, Building Regulations Part S requires EV charge points to be provided for each dwelling. For non-residential car parks with more than 10 spaces, at least one active EV charge point must be provided, with cabling to the remaining 20% of spaces. The application proposes the provision of one electric vehicle charging point per dwelling. It is envisaged that a minimum of one electric car charge point would be provided for the care home, with the ability to expand in the future where appropriate. EV charging points would further support the use of electric vehicles which would reduce the air quality impact of car use.
- 7.40 Moreover, the development proposes the use of natural resources where possible, including timber. Where possible, materials would be procured locally, to reduce carbon emissions associated with the transport of materials. The development specification would also prioritise responsible supply chains such as those who hold FSC and BES6001 certification.
- 7.41 The submission also confirms that the buildings would not incorporate insulation materials containing substances known to contribute to stratospheric ozone depletion or with the potential to contribute to global warming. Instead, natural materials such as mineral wool, rock wool or cork board would be considered as they are amongst the lowest Global Warming Potential (GWP) rating.
- 7.42 Policy CS14 sets out standards for Efficient Use of Resources and Low Carbon Design, with the standards expected to be achieved according to the gross amount of floorspace to be built. Based on the gross floor space amount, the development triggers the



requirement to meet the BREEAM standard 'very good'. Achieving such standard is therefore recommended to be secured with planning conditions (Conditions 15-16).

- 7.43 In light of the above considerations, subject to conditions, it is considered that the application satisfactorily demonstrates that the proposed development would maximise on-site renewable energy production and resource efficiency, and would mitigate environmental impacts through sustainable design and construction methods meeting the expectations of Policies CS14 and CS16.
- 7.44 In response to third party comments, it is noted that current policy requires development to meet BREEAM standard 'very good', therefore, there is no policy basis to require 'excellent' standard. In regard to the development not providing ground source heat pumps, the submission confirms that such pumps draw heat from underground through a refrigeration cycle, requiring extensive ground works to extract low grade heat from the earth, which is very expensive and therefore not considered practical or cost-effective for a care home development. Officers consider that the use of air source heat pumps alongside other low-carbon technologies is acceptable and meets the expectations of the policies mentioned above.

#### **(iv) Ecology on site**

- 7.45 The application site comprises an area of tarmac hard surfacing, managed improved grassland (used for amenity purposes), tall ruderal vegetation, occasional trees and planted managed hedging. Therefore, the site is of low ecological value overall and of limited value to protected and notable species. However, the open grassland and hedging may be of some value to foraging/commuting bat species and is likely to support small numbers of common and widespread bird species.
- 7.46 The application is accompanied by a Preliminary Ecological Appraisal (The Landscape Partnership, July 2022) which is considered acceptable and no further ecological surveys are required.
- 7.47 It is considered that, subject to a careful timing of any vegetation removal to avoid impacts to nesting bird species, the proposed development could be carried out without causing any harm to the ecology on site. Appropriate mitigation measures are therefore recommended to be secured with a condition (Condition 17).
- 7.48 In terms of ecological enhancements, the proposal includes areas of new native species hedge plantings and areas of wildflower grassland. In light of the current limited ecological value of the site, the proposed development would improve the opportunities for biodiversity. In particular, whilst it is noted that the proposal incorporates a number of bat and bird boxes, integral nesting features for Common Swift within the new structures are considered necessary and are recommended to be secured with a condition (Condition 18).

#### **(v) Impact on residential amenities**

- 7.49 In terms of impacts on the residential amenities of the adjacent properties, it is noted that the only residential properties located immediately adjacent to the application sites are nos. 43 and 41A Hart Plain Avenue. To the west and south of the care home would be the Hart Plain Infant School and Cowplain School. To the east and south of the proposed dwellings would be Cowplain School.
- 7.50 The proposed care home would be located in excess of 24m away from the boundary with no. 43 to the east. It is considered that such separation distance would sufficiently mitigate any demonstrable harmful impacts on the light, outlook and privacy currently enjoyed at this property.

- 7.51 The care home would be served by a vehicular access onto the site as well as a series of car parking spaces located near the common boundary with this property. A Noise Impact Assessment has been undertaken to assess the noise impacts from the main activities taking place near this dwelling, including driving in, parking cars, slamming doors, starting engines and pulling away. Whilst the assessment indicated that these activities would create noise which would exceed the background noise level, this would be to an acceptable degree, in line with the 2014 IEMA "Guidelines for Environmental Noise Assessment". It is noted that the Council's Environmental Health Officer did not raise this as a concern.
- 7.52 Turning to noise levels during night time hours, the applicant has used TRICS data to demonstrate that most movement to care homes takes place outside of late hours, such as within 0700-2100 hours. This includes the comings and goings of administration staff, hairdressers, physiotherapists, entertainers etc. as well as deliveries. The applicant has also submitted information on shift changeover times for 'care staff'. This shows that the typical changeover would take place no earlier than 0700 hours and no later than 2200 hours. In terms of emergency vehicles (such as an ambulance), these could access the site during late night hours, however, these occurrences would be more sporadic and not regular.
- 7.53 In addition, to ensure that unacceptable noise levels generated by any external plant and machinery are avoided, a relevant condition is recommended (Condition 19). Officers note that the Environmental Health Officer also recommended a condition restricting the hours of deliveries and waste collections. However, waste collection times are controlled by the Council and they would be equally applicable to the residential properties located nearby. Therefore, a condition limiting waste collection times is not considered necessary. In terms of deliveries, these are often undertaken by third parties that the applicant or the care home operator would have no control over. The Council would also not be able to control these. Therefore, such condition would not be enforceable and cannot be imposed. However, Officers anticipate that a majority of deliveries would take place during day time hours with only a few, occasional deliveries taking place outside these hours. Therefore, it is unlikely that undue disturbance would be caused to the adjacent residents as a result of deliveries to the site.
- 7.54 In light of the above, Officers are satisfied that, subject to the above conditions, the proposed development would not cause demonstrable harm to the residential amenities of no. 43, in terms of noise and disturbance.
- 7.55 In terms of potential impacts generated by the proposed dwellings, no. 41a would be located in excess of 8.6m away from the nearest proposed dwelling. It is proposed that this dwelling would have one window facing no. 41a. The window would be at first floor level and would serve a landing. As the window would not serve a habitable room, it is considered that it would not cause harmful overlooking of the existing property to a degree justifying a refusal. Moreover, due to the separation distance, the proposed dwelling would have acceptable impact on the residential amenities of no. 41a, including noise, light pollution, light, outlook and privacy.
- 7.56 Third party concerns have been raised over loss of privacy to pupils and teachers. However, it is considered that the proposed dwellings and care home would be located a sufficient distance away from their boundaries not to cause harmful overlooking of pupils and teachers. In addition, there would be a boundary screening to further reduce mutual overlooking at ground floor level.
- 7.57 In terms of internal layout, it is considered that the care home residents' rooms would benefit from an acceptable level of amenity, including windows with satisfactory outlook. The doors to utility areas, such as refuse storage, have been located away from the

bedrooms to limit external and internal noise levels. The care home would also provide an acceptable outdoor amenity area meeting the standards required by Policy DM7 of the Core Strategy.

- 7.58 Third party concerns have been raised over the proposed development being located close to a car repair garage that generates noise. However, it is considered that the application site is already located near two schools and a public road, therefore, the existing background noise level is already affected by these uses and associated activities, such as deliveries. Moreover, the garage would be located in excess of 20m from the rear garden of the nearest dwelling proposed and the care home site itself. Finally, it is noted that there is already a residential dwelling near the garage (41a Hart Plain Avenue) and the Environmental Health Officer did not raise this as an issue. No evidence has been provided to demonstrate that noise complaints have been made in the past by the neighbouring properties. The submitted Noise Assessment has been reviewed by the Council's Environmental Officer who raised no objection to the proposed development on the basis of unacceptable noise impacts, subject to a condition securing appropriate sound insulation (Condition 20) to ensure that the proposed development would enjoy acceptable level of amenity, in terms of noise.
- 7.59 Finally, a condition is also recommended to secure details of any external artificial lighting for the care home to prevent any unacceptable light spill (Condition 21).
- 7.60 Drawing all of the above considerations together, subject to conditions, Officers are satisfied that the proposed development would not have unacceptable adverse impacts on residential amenities of the adjacent neighbours and would provide a quality residential environment to the prospective residents, meeting the requirements set out in the adopted policies of the Core Strategy and the Design SPD.

**(vi) Highways safety and car and cycle parking provision**

- 7.61 The application site is located on Hart Plain Avenue which currently serves a number of residential properties along with Hart Plain Infant School and The Cowplain School. To the west, Hart Plain Avenue connects to Milton Road which provides wider access to Waterlooville. To the east, the road connects with the A3, providing onwards connections to the A3(M). Hart Plain Avenue is subject to a 20mph speed limit and provides footways on both sides of the carriageway.
- 7.62 The proposed care home would be accessed via a new bell-mouth junction onto Hart Plain Avenue, whilst the residential properties would be served by their own private driveways.
- 7.63 The application is supported by a Transport Statement and Framework Travel Plan. In response to comments made by Hampshire County Council as the Local Highways Authority (the LHA), further information has been provided, as referred to below.
- 7.64 The application is also supported by Personal Injury Accident Data (PIA). The originally submitted PIA was out of date, therefore more recent data was requested by the LHA and subsequently submitted by the applicant. The data, obtained from Hampshire Constabulary, covers a period up to June 2022 and identifies more recent accidents across the study area. However, the LHA has reviewed this data and confirmed that there are no accident clusters which could be exacerbated by the proposed development.

**Vehicular access**

- 7.65 In terms of access to the proposed care home, this is proposed in the form of a new bell-mouth junction located to the east of Hartwood Gardens. Visibility from the site access has been shown to a 'y' distance of 55m to the east and west. The visibility splay

requirements have been based upon the recorded 85th percentile speeds on the road. The speed surveys were undertaken on Hart Plain Avenue in May 2021. The surveys demonstrated 85th percentile vehicle speeds of 31.8mph heading eastbound and 31.2mph westbound. The LHA confirmed that the methodology for establishing the speeds and resultant visibility splays are compliant with the HCC guidance and are acceptable.

- 7.66 The LHA originally requested further information about the distance between the access to the care home and the existing access onto no. 43. A revised drawing has been submitted demonstrating that, measured from the centreline of the accesses, a 15.7m separation would be provided between the two junctions. The LHA confirmed that this is an acceptable distance between the two access points.
- 7.67 In respect of the accesses for the proposed dwellings, the originally submitted plans proposed vehicle crossovers with radii. In response to the LHA original concerns over this solution, the access points have been revised to provide dropped kerb crossings, rather than bell-mouth junctions. The LHA confirmed that, as this arrangement provides pedestrians with priority over egressing vehicles, it is considered suitable, given the scale of development accessed via each crossover.
- 7.68 The LHA also raised a concern over the existing uncontrolled crossing outside of no. 54 Hart Plain Avenue, proposed to be retained, conflicting with the proposed crossing point into one of the proposed dwellings. To address this concern, a revised plan has been submitted demonstrating that the pedestrian crossing would be relocated. As this solution would not impact on any existing or proposed accesses, the LHA is satisfied that the proposed works would be acceptable and could be delivered under Section 278, alongside other highways improvement works mentioned below.
- 7.69 In light of the above, the proposed access points to the care home and dwellings are considered acceptable and a planning condition is recommended to ensure a timely delivery of the accesses together with appropriate visibility splays (Condition 22).
- 7.70 Furthermore, the LHA has also requested that the dropped kerb located to the west of the western access into the school is reinstated to improve the environment for pedestrians walking along the southern side of Hart Plain Avenue. Subject to confirmation from the Cowplain School that they agree to these works being undertaken, the LHA requires these works to come forward as part of the Section 278 works package for the site.

#### Internal site layout

- 7.71 Turning to the care home site layout, the LHA confirmed that the proposed revisions to the internal layout has addressed the LHA's previous concerns, in relation to the location of the proposed loading bay in a close proximity to the site access. The loading bay is now shown to be located approximately 10m to the south of its previous location away from the site access. Furthermore, a tracking plan has been submitted to demonstrate that a delivery vehicle can pass a refuse vehicle parked in the loading bay, before appropriately aligning itself within the site access to egress onto Hart Plain Avenue. As such, the LHA are satisfied that an acceptable separation has been provided between the loading bay and site access. Moreover, a revised plan has been submitted to demonstrate an improved turning movement for a refuse vehicle within the turning head, not conflicting with any parking bays. The applicant has also confirmed that a 6m aisle width would be available along the access road, which the LHA consider suitable. Finally, in terms of concerns over the proximity of parking bay 1 to the site access and a potential conflict with vehicles travelling along Hart Plain Avenue, revised plans have been submitted to demonstrate that an appropriate distance of 6.5m between the bay and the junction would be achieved, and that a car accessing the bay would be able to manoeuvre clear of Hart Plain Avenue. As such, the LHA is satisfied that no further

revision to the proposed car parking bays is required. In light of the above, the proposed internal layout is considered acceptable and a planning condition is recommended to ensure a timely delivery of the appropriate turning facilities on site (Condition 23).

#### Additional traffic generation

- 7.72 Turning to trip generation, these have been estimated using TRICS database for care home and residential sites in England, located in edge of town or suburban locations. The estimated trips are, for the care home: 8 trips during AM Peak Hour and 10 trips during PM Peak Hour; for the dwellings, these are: 4 during AM Peak Hour and 3 trips during PM Peak Hour. The LHA are satisfied with the methodology of establishing the trip generation and confirmed that such number of additional trips would not result in a severe impact on the local highway network. However, the LHA raised a concern that these additional trips may exacerbate the car parking situation in Hart Plain Avenue, in particular, during the school drop off time. To address this concern, the applicant in discussion with the LHA has agreed to provide a financial contribution to cover the costs of a Traffic Regulation Order (TRO), which Hampshire County Council's Traffic Management team would utilise towards managing parking controls in the area.
- 7.73 In addition, and in respect of other contributions aimed at sustainable transport, the applicant has agreed to provide a financial contribution towards replacing of the southbound bus shelter on Milton Road, which would be utilised by the care home staff travelling to the site, promoting an alternative mode of travel to work. Furthermore, the applicant has also agreed to provide a financial contribution towards producing mapping and pedestrian and cycle information. This would help to reduce private car trips to the Hart Plain schools encouraging modal shift away from a private car and reducing congestion around the proposed development during the school drop off and pick up times.
- 7.74 The applicant has also produced a Framework Travel Plan, agreed by the LHA, which would further aim to minimise car use, and in particular single occupancy car travel through promoting public transport as well as walking, cycling and the associated benefits. The Travel plan and other financial contributions mentioned above are recommended to be secured with a Section 106 Legal Agreement.

#### Other highway matters

- 7.75 In terms of concerns over wide-ranging impacts of construction traffic raised in third-party representations, the LHA did not share these concerns. However, a Construction Traffic Management Plan has been recommended to be secured with a planning condition (Condition 24) to adequately manage construction traffic routes, parking and turning provision on site as well as to adequately address any abnormal wear and tear to the highway. Finally, in respect of construction impacts on the school students and nearby residents, whilst some degree of noise and general disruption is inevitable when construction works take place, these are of temporary nature and therefore cannot justify planning refusal. However, the recommended Construction Environmental Management Plan would ensure that any environmental impacts are minimised to an acceptable level (Condition 24). Therefore, subject to a condition, there is no reason to refuse this application on the grounds of construction phase impacts.

#### Car and cycle car parking

- 7.76 Turning to car and cycle parking, the Council's Car Parking Standards SPD requires development consisting of a care home to provide 1 space per 4 residents and 1 space per staff. In addition, 1 cycle long stay cycle space per 6 staff and 1 loop/hoop per 4 units would also be required. In terms of residential dwellings, the SPD requires the provision of 2 car parking and 2 cycle parking spaces for a 3-bedroom dwelling.

- 7.77 The proposed care home would provide 64 rooms which would be of a single occupancy. The submission confirms that the care home would be supported by circa 77 full time employees and that there would be 22 day-time staff present on-site at any one time. This creates the requirement to provide 16 car parking spaces for the residents and 22 spaces for staff, totalling 38 car parking spaces.
- 7.78 The proposed plans indicate that the care home would be served by a total of 29 car parking spaces. In line with the requirements of the Car Parking SPD, the submission justifies the under-provision with TRICS data which shows the times when care homes in comparable locations receive most demand for car parking. This data demonstrates that a maximum 49% occupation of the 29 car parking spaces is anticipated on site, occurring between 13:00 - 14:00. Furthermore, only 10 parking spaces would be occupied overnight, given the care home's 24-hour operation and staff shift patterns.
- 7.79 The LHA did not object to the principle of the under-provision, however, noted that it would not be possible to conclude whether the level of car parking provision would be sufficient until the site is operational. Recognising that Hart Plain Avenue is sensitive to on-street parking due to the proximity to a number of nearby schools, the LHA requested a further discussion with the applicant regarding measures to prevent parking from the site on Hart Plain Avenue. The applicant has agreed to provide a financial contribution to cover the costs of a TRO, which Hampshire County Council's Traffic Management team would utilise towards managing parking controls in the area. In light of the above, Officers consider the proposed car parking provision to be acceptable and recommend that its delivery and maintenance is secured with a planning condition (Condition 25).
- 7.80 In terms of cycle provision for the proposed care home, there is a policy requirement to provide 1 cycle long stay cycle space per 6 staff and 1 loop/hoop per 4 units. This would equate to 4 cycle spaces for staff and 16 spaces for residents. The submitted ground floor plan indicates that a cycle storage for 10 bikes would be provided internally, within the building. Whilst this would be an under-provision of cycle car parking, the submitted Transport Statement explains that the policy requirement does not reflect how the care home would operate. The Statement confirms that the proposed provision would equate to approximately one space per three staff expected on site at any one time and would be sufficient for the needs of the care home. Officers recognise that the Council's specific cycle provision standard covers a wide range of uses and the SPD is also clear in stating that: *'Given the broad range of accommodation available and the varying needs of occupants the Council will consider the parking requirements of older people housing on a case by case basis and will require a full assessment of individual needs to be submitted'*. Moreover, the applicant has agreed to provide a financial contribution towards replacing the southbound bus shelter on Milton Road, which would be utilised by the care home staff travelling to the site thus helping to promote an alternative mode of travel to the site. Therefore, in light of the above considerations, Officers are satisfied that the provided cycle parking provision would adequately cater for the needs of the care home and is acceptable. It is recommended that its provision and maintenance is secured with a planning condition (Condition 26).
- 7.81 In terms of car parking provision for the proposed 3-bedroom dwellings, the site layout plan indicates space within the frontage and to the side of each dwelling that could accommodate two cars, therefore, meeting the requirement of the SPD. It is recommended that this provision is secured with an appropriately worded planning condition (Condition 27).
- 7.82 In terms of cycle parking provision, the Council's Car Parking Standards SPD requires 2 spaces for 3-bedroom dwellings. It is noted that the proposed dwellings would benefit from a sufficient outdoor space and garages that could satisfactorily accommodate cycle parking provision in line with the policy requirement. Therefore, Officers conclude that the

submission is acceptable in terms of residential cycle parking matters.

7.83 Finally, turning to matters raised in the third-party comments which are not addressed above, including concerns over road safety, road condition and capacity, additional traffic causing highway disturbance and the increase in car parking demand having impact on adjacent businesses, it is noted that the LHA did not object to this proposal for these reasons. Therefore, refusing this application, contrary to the advice of the LHA and without adequate technical justification would not be justified.

**(vii) Foul and surface water drainage**

7.84 The site is divided into two locations, one part impermeable and the other permeable. Both parts are within Flood Zone 1 and are at very low risk of surface water flooding.

7.85 Greenfield and brownfield surface water runoff rates have been estimated as required, with the residential dwellings proposed to drain via an existing connection to a surface water sewer at reduced rates for all storm events, and the care home proposed to drain to a surface water sewer. Such a solution is acceptable given that groundwater levels on site would be too high to consider infiltration drainage, and no watercourses are available as an alternative discharge point.

7.86 In addition, an attenuation basin for the care home would be provided for the 1 in 100 year storm event plus an allowance for climate change and urban creep. The basin would be underground, located to the south of the care home and would allow appropriate volume of 96m<sup>3</sup>. Any rainwater would be then discharged to the sewer at an appropriate rate.

7.87 The Lead Local Flood Authority has reviewed the originally submitted information together with further submissions and is now satisfied that the development would be acceptable in terms of flood risk. A condition is recommended to ensure that drainage works are undertaken in accordance with the approved detail (Condition 28).

7.88 Moreover, Southern Water confirmed that there is a capacity in the existing foul sewerage and surface water run off disposal infrastructure network to accommodate the needs of the proposed development, subject to a separate application to Southern Water. An informative to the applicant in respect of an appropriate application is therefore recommended to be imposed on the decision notice. In addition, Southern Water requested a condition requiring the applicant to agree with Southern Water measures to be undertaken to protect public sewers, given that foul and surface water sewers run along the eastern boundary of the care home site. (Condition 29).

**(viii) Contaminated land**

7.89 The application is supported by the Lister Geo Ground Investigation Report (no. 21.02.014) which includes a contamination desk-based assessment, site walkover, and a limited intrusive investigation which is considered to be proportionate to the source-risks identified (made ground associated with prior- & extant- construction, historic local storage of liquid fuels, and ad hoc vehicular sources).

7.90 The intrusive investigation identified few contaminants present at concentrations greater than the background range. A ground gas screening did not identify any values of concern, and no visual or olfactory evidence of contamination was noted. In this case, neither further assessment nor remedial measures are considered to be necessary. Furthermore, the MACC International UXO (Unexploded Ordnance) risk review concluded that there would be a low risk of explosive materials being buried on site.

7.91 Therefore, subject to a condition securing a Contamination Watching Brief (Condition 30),

the proposed development would be acceptable in terms of land contamination.

**(ix) Air quality**

7.92 The application is supported by the Turley Sustainability Statement which recommends a number of air quality relevant design features, the most significant of which is all-electric servicing for both the care home and dwellings, eliminating local combustion processes for space and water heating.

7.93 The Environmental Control Officer supports the proposals on air quality grounds and raises no objection. Therefore, contrary to some third-party representations, it is considered that the proposal would comply with relevant planning policies safeguarding air quality.

**(x) Archaeology**

7.94 The application site is not located closely to any recorded archaeological sites. It is also noted that, given the nature of the historic landscape prior to modern development, the application site is likely to be of a lower archaeological potential. Therefore, the proposal does not raise concerns over impacts on archaeology on site. The HCC Archaeologist was consulted on this application and raised no objections.

**(xi) Protection of public water supply**

7.95 The site is located within the Source Protection Zone 1c (SPZ1c) for the local Public Water Supply Source. Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source. The confined aquifer is of high sensitivity and consequently all measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

7.96 In terms of piling and construction of foundations, Portsmouth Water, as the statutory consultee, is satisfied with the proposed shallow foundations as they would terminate within the confined clay layer and therefore the underlying groundwater supplies would be unlikely to be compromised.

7.97 In terms of land contamination, Portsmouth Water is satisfied with the ground investigation undertaken by Listers Geo and raises no objection on the grounds of land contamination.

7.98 In light of the above, Portsmouth Water raised no objection subject to a condition securing a Construction Environmental Management Plan (Condition 24) to ensure that fugitive emissions from the site during construction are satisfactorily controlled and would not pose a threat to groundwater and therefore the local public water supply source.

**(xii) Waste and refuse collection**

7.99 The application proposes an internal refuse store for the proposed care home that would be accessed via a double set of doors on the eastern elevation, in a close proximity to the vehicular access onto the site. A loading bay for a refuse vehicle would be located just outside the internal refuse store.

7.100 It is noted that, following the receipt of amended plans and further information, the Local Highway Authority did not object to this arrangement. Whilst no comments have been received from the Waste team, Officers are satisfied that the waste storage and collection facilities can be satisfactorily accommodated on site. A condition is recommended to ensure that this arrangement is provided on site and maintained thereafter (Condition 31).



7.101 In terms of the proposed dwellings, they would be served by detached garages, front and rear gardens which all could accommodate adequate waste storage. In respect of refuse collections, these would take place from Hart Plain Avenue, as per existing arrangements for similar properties on the street. The LHA did not raise concerns in this regard. In light of the above, Officers are satisfied that the submission satisfactorily addressed matters relevant to waste and refuse collection.

**(xiii) Third party comments not addressed above**

7.102 Third party concerns over the type of boundary treatment adjacent to no. 43 Hart Plain Avenue, an opportunity for a trespass onto no. 43, as well as concerns over moving of existing boundary fence have been raised. However, the planning agent has clarified that the application site red line does not include any land not owned by the applicant. Details of boundary treatment are recommended to be secured with a planning condition (Condition 32). Therefore, this concern does not justify a planning refusal.

7.103 Concerns have been raised over a loss of open land that is also required for surface water drainage and the loss of land for pupils to exercise, which would impact on health and wellbeing. However, the proposal would also deliver an improvement to the drainage of the existing school playing pitches which would result in the pitches being available for use throughout the entire year. Third-party comments which support this development on this basis are also acknowledged. It is further noted that the proposed development would deliver a Community Use Agreement which would widen the community opportunity to use the school's facilities. Sport England do not object to this proposal on this basis. It also considered that, for the reasons stated above, the loss of open space to accommodate the proposed care home would not result in harm to the character and appearance of the area. Finally, the Lead Local Flood Authority and Southern Water do not object to the development on the basis of a loss of land needed for drainage. Therefore, the above concerns cannot justify a planning refusal.

7.104 Third-party comments referring to the area being already overcrowded are acknowledged, however, it is noted that the submission demonstrates that the proposed development can be satisfactorily accommodated on site and statutory consultees do not object on the basis of impact on local infrastructure, facilities and services. Similarly, the submission demonstrates that the proposed development can be accommodated near the existing schools without compromising residents' amenities. It is also noted that there are already residential properties located near the school site. It is not unusual for a school to be located in a residential area and near residential properties.

7.105 Concerns over impacts caused during the construction phase are noted, in particular in terms of traffic, car parking, pollution and noise. It is noted that statutory consultees responsible for highways safety and environmental pollution did not share these concerns. A Construction Environmental Management Plan has been recommended by the Environmental Health Officer and the Local Highway Authority and is recommended to be secured with a planning condition (Condition 24).

7.106 Finally, matters relevant to the loss of view over fields and no guarantee that the care home staff would be recruited are not considered to be material planning considerations and cannot influence the overall recommendation.

**(xiv) Community Infrastructure Levy**

7.107 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners

Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough.

7.108 CIL would not be sought for a Class C2 care home.

7.109 The 6 No. dwellings would be CIL Liable. In accordance with the Council's CIL Charging Schedule the liability would amount to £109,669.64, if permission was to be granted by the end of this year.

## **8 Planning balance and Conclusion**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The proposed development would partly conflict with the Council's Policy DM1 in that it has not been satisfactorily demonstrated that there is a surplus of sports facilities provision and that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit. However, Sport England as a statutory consultee have raised no objection to the loss of the sports facilities recognising a wider benefit in the school agreeing to entering into a Community Use Agreement, which would open up access to these facilities to the wider community. In addition, the drainage improvement works to the school pitches, to be undertaken under planning application APP/22/00838 and before works on this current proposal begin, would improve the availability of the pitches throughout the entire year. Sport England concluded that the harm of losing some of the school's playing fields would be outweighed by the above benefits to the wider community.
- 8.3 Furthermore, the proposed development would be in line with Policy DM7 in that it would provide a high quality care home, for which there is a recognised need. The external and internal amenity offered would be policy compliant and the building itself would integrate well with the established character and appearance of the streetscene. Conditions are recommended to ensure that the soft and hard landscaping further improves the appearance of the site. Further conditions are recommended to protect trees, deliver biodiversity enhancements on the site and ensure that the care home meets expected standards in terms of sustainable construction, which would result in social and environmental benefits.
- 8.4 Through the application process, further information has been submitted and revisions have been undertaken to avoid any demonstrable harm to the residential amenities of the prospective residents as well as existing neighbouring properties, in particular, in terms of noise, disturbance, light, outlook and privacy. Conditions are recommended to control noise, disturbance and external light pollution.
- 8.5 In respect of the proposed dwellings, as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites, relevant policies for the supply of housing cannot be considered up-to-date. The tilted balance in favour of sustainable development is therefore engaged. The site would make a modest but meaningful contribution to meeting the current shortfall in housing supply in Havant. The development would provide policy compliant housing, with adequate car parking provision and external amenity space. There is a particular need for housing in the Borough, thus this attracts substantial weight.
- 8.6 Construction works on both the care home and the housing would create a modest level of employment, which would amount to social and economic benefit in favour of the

application.

- 8.7 The proposed highway improvements, namely the bus infrastructure improvements, a TRO controlling car parking on Hart Plain Avenue and the provision of Pedestrian and Cycle Mapping would go beyond offsetting the effects of the proposed development and therefore would constitute a public social benefit to the prospective and existing residents of the area.
- 8.8 Furthermore, the Local Highway Authority did not identify material harm in relation to highway safety, the capacity of local road network or car parking provision. Impacts on trees, archaeology, drainage and flood risk as well as on water quality and nature conservation sites have been satisfactorily addressed. Subject to mitigation measures, conditions and a legal agreement, there would be no conflict with the relevant policies in the National Planning Policy Framework and the Local Plan.
- 8.9 Drawing the above considerations together, in the context of the lack of a 5 year housing land supply and the moderately harmful impact of the development on the provision of sports playing fields, Officers conclude that these adverse impacts would not be such as to significantly and demonstrably outweigh the benefits, when assessed against the Policies in the National Planning Policy Framework taken as a whole. Therefore, the application is recommended for approval, subject to a legal agreement and conditions set out below.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00837 subject to:

(A) No objection being raised to the HRA/AA by Natural England within the statutory consultation period;

(B) The completion of a Section 106 Legal Agreement in a form satisfactory to the Council's Solicitor to secure:

1. Solent Recreation Mitigation Strategy contributions;
2. Works shown in drawing numbers 4528-WRD-XX-ZZ-DR-A-0500 Rev P018, PC2284-RHD-GE-SW-DR-R-0061 Rev P02, along with the reinstatement of the kerbing to the west of the western access into The Cowplain School;
3. Payment (by the developer) of HCC fees in respect of approval (£1,500) and monitoring (£15,000) of the Framework Travel Plan prior to occupation;
4. Provision of a bond, or other form of financial surety, in respect of measures within the Travel Plan prior to occupation; and
5. Payment of a Traffic Regulation Order contribution, Bus Shelter contribution and Pedestrian and Cycle Mapping contribution.

(C) The following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

- 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:

104B Landscape Proposals (care home)  
105C Landscape Proposals (houses)  
4528-WRD-XX-00-DR-A-0081 P05 Site Location Plan  
4528-WRD-XX-00-DR-A-0200 P09 Proposed Ground Floor Plan  
4528-WRD-XX-01-DR-A-0201 P08 Proposed First Floor Plan  
4528-WRD-XX-02-DR-A-0202 P09 Proposed Second Floor Plan  
4528-WRD-XX-03-DR-A-0203 P02 Proposed Roof Plan  
4528-WRD-XX-ZZ-DR-A-0300 P09 Proposed Elevations  
4528-WRD-XX-ZZ-DR-A-0305 P07 Proposed Street Scene  
4528-WRD-XX-ZZ-DR-A-0204 P03 House Type 1 Plans & Elevations  
4528-WRD-XX-ZZ-DR-A-0205 P03 House Type 2 Plans & Elevations  
4528-WRD-XX-ZZ-DR-A-0500 P019 Proposed Site Plan  
0503 P01 Proposed Overland Flow  
PC2284-RHD-ZZ-XX-RP-R-004 Technical Note by Royal HaskoningDHV (RHDHV), 24 February 2023  
PC2284-RHD-ZZ-XX-RP-R-0005 Technical Note Addendum by Royal HaskoningDHV (RHDHV), 19 May 2023

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

- 3 Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan. This Phasing Plan shall not be amended without the written consent of the Local Planning Authority.

**Reason:** In the interest of proper planning and to ensure that appropriate detail for each phase of the development is provided and agreed in a coordinated and planned way in line with Policies CS11, 14, and 16 of the adopted Core Strategy.

- 4 No development shall take place until the Council has received evidence that the required nutrient mitigation capacity has been purchased to the development pursuant to the allocation agreement dated [to be inserted once agreement received] between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited and (3) [developer].

**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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 The development hereby permitted in any phase shall not be occupied until all agreed measures necessary to meet the approved water efficiency calculation (110 litres of water per person per day) have been installed.  
**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 sufficient mitigation is 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, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 6 At all times following occupation of the development in any phase hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.  
**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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 7 Prior to commencement of the development hereby permitted, a community use agreement to be prepared in consultation with Sport England shall be submitted to and approved in writing with the Local Planning Authority, and a copy of the completed approved agreement must be provided to the Local Planning Authority. The agreement shall apply to the school's sports and ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.  
**Reason:** To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy DM1 of the adopted Core Strategy.
- 8 The development hereby permitted shall not be commenced until the drainage works scheme for the playing fields, permitted by planning permission APP/22/00838 dated 23 March 2023, has been completed and made available for use.  
**Reason:** To ensure the agreed mitigation for the loss of playing field at the site

is implemented prior to the loss of playing field and to accord with Policy DM1 of the adopted Core Strategy.

- 9 Notwithstanding the submitted details, no development above ground slab level shall commence in any phase until a detailed schedule of materials and finishes to be used for all external surfaces of the development hereby permitted in that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the schedule approved pursuant to this condition.  
**Reason:** In the interests of the visual amenity in accordance with the aims and objectives of the National Planning Policy Framework, Policy CS16 of the adopted Core Strategy and the Council's Design SPD.
- 10 Notwithstanding the submitted details, no development works shall take place in any phase until details of levels, including finished floor levels for the buildings hereby approved, and the existing and proposed site contours, shall be submitted to and agreed in writing by the Local Planning Authority for that phase. The development shall only proceed in accordance with the approved details pursuant to this Condition.  
**Reason:** In the interests of visual amenity having regard to Policy CS16 of the adopted Core Strategy, the Council's Design SPD and the National Planning Policy Framework.
- 11 No development above ground slab level shall take place on any phase of the development hereby permitted until a more detailed soft landscaping scheme for that phase has been submitted to and approved in writing by the Local Planning Authority.  
The soft landscaping shall be carried out in accordance with the details approved pursuant to this Condition and implemented prior to first occupation or in the first planting and seeding season following the first occupation of the dwellings and/or care home, whichever is the sooner. Any plants approved pursuant to this Condition which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To ensure the appearance and setting of the development is satisfactory in accordance with Policy CS16 of the adopted Core Strategy, the Council's Design SPD and the National Planning Policy Framework.
- 12 No development above ground slab level shall take place on any phase of the development hereby permitted until details of hard landscaping scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall be carried out in accordance with the details approved pursuant to this Condition and implemented prior to first occupation of the relevant phase of the development.  
**Reason:** To ensure the appearance and setting of the development is satisfactory in accordance with Policy CS16 of the adopted Core Strategy, the Council's Design SPD and the National Planning Policy Framework.
- 13 Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for

Tree work).

**Reason:** To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 14 No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures in the AIAMS (Tree Retention, Loss and Protection Plan drawing 107) should be extended to include the hedgerow (H20) to the north of T23, T24, T25 and T26, which should also be subject to tree protection measures. The development shall thereafter be carried out in strict accordance with the agreed detail.

**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 15 Before the development of the care home commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 Within 6 months of the care home first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

**Reason:** To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 Development shall proceed in accordance with the ecological mitigation and enhancement measures as detailed in the Preliminary Ecological Appraisal (The Landscape Partnership, July 2022).

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Core Strategy (2011).

- 18 Before the development of dwellings and/or care home proceeds above slab level, a suitable scheme for the biodiversity enhancement measures for the dwellings and/or care home site(s) shall be submitted to the local planning authority and approved in writing. In addition, the new buildings shall each

incorporate a minimum of six nesting features for Common Swifts. Development shall be carried out in accordance with the approved scheme and implemented prior to occupation.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy (2011).

- 19 The combined rating level of the noise from all plants and machinery shall be at least 10dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential façade with the units mounted on suitable anti vibration isolators. Measurements and assessment shall be made according to British Standard 4142:2014.  
**Reason:** To obtain required sound insulation and prevent noise nuisance to adjacent residential dwelling in accordance with Policy CS16 of the adopted Core Strategy.
- 20 No development above ground slab level shall take place on any phase of the development hereby permitted until a scheme of noise insulation/reduction has been submitted to and approved in writing with the Local Planning Authority for that phase. The scheme shall ensure that the noise level of 35 dBLAeq, 16 hour in living rooms and bedrooms during the daytime (0700 to 2300 hours) and 30 dBLAeq, 8 hour and 45 dBLAmax during the night time (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233:2014 shall not be exceeded. Where these levels cannot be met with windows open, appropriate acoustic ventilation shall be provided so that the room can be sufficiently ventilated. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation shall be sufficient to ensure that the noise level standards given above are not compromised.  
**Reason:** In order to protect future occupiers against noise ingress in line with Policy CS16 of the adopted Core Strategy.
- 21 No development above ground slab level shall take place on the care home site until a scheme of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features in site that are particularly sensitive to the nearest receptors. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter. No additional external lighting shall thereafter be installed without prior consent from the Local Planning Authority.  
**Reason:** In the interest of residential amenity and to ensure the appearance and setting of the development is satisfactory in accordance with Policy CS16 of the adopted Core Strategy, the Council's Design SPD and the National Planning Policy Framework.
- 22 Before the development is first brought into use, the means of vehicular access to the site shall be constructed in accordance with the details shown on the approved plans and no obstruction, structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans. Such visibility splays shall thereafter be retained for the lifetime of the development.



**Reason:** To ensure a suitable access and layout and to provide and maintain adequate visibility splays in the interests of highway safety, in accordance with Policy CS20 of the adopted Core Strategy and the National Planning Policy Framework.

- 23 The care home hereby approved shall not be brought into use until turning facilities have been provided in accordance with the details shown on the approved plans. The turning facilities shall be available for use by vehicles and kept free from obstruction throughout the lifetime of the development.

**Reason:** In the interests of traffic safety and to achieve a satisfactory layout in accordance with Policy CS20 of the adopted Core Strategy and the National Planning Policy Framework.

- 24 (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP), to cover all construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to details of: development site compound and hoarding, including details of storage of construction materials and equipment; management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages; waste disposal; measures to ensure no materials, machinery, vehicles or works will encroach on the nature designated sites; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routes and their management and control; site access management; parking and turning provision to be made on site, working hours & times of deliveries; loading/offloading areas; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/construction work; adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction. The Plan should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'.

and

(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction works are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of highway safety, ecology, to protect the amenity of nearby occupiers, to protect and manage environmental risks, to protect groundwater and therefore the local public water supply source in accordance with Policies CS11, CS16, CS20, DM8 and DM10 of the adopted Core Strategy and the National Planning Policy Framework.

- 25 The care home hereby approved shall not be brought into use until spaces have been laid out and provided for the parking of vehicles in accordance with the approved plans. These spaces shall thereafter be reserved for such purposes at all times.

**Reason:** In the interest of highway safety and in accordance with in accordance with Policy DM14 of the adopted Core Strategy and the Council's Car Parking SPD.

- 26 The care home hereby approved shall not be brought into use until cycle

parking spaces have been laid out and provided for the parking of bicycles in accordance with the approved plans. These spaces shall thereafter be reserved for such purposes at all times.

**Reason:** To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policy DM14 of the adopted Core Strategy and the Council's Car Parking SPD.

- 27 The dwellings hereby approved shall not be brought into use until car parking spaces have been laid out and provided for the parking of vehicles in accordance with the approved plans and in line with the Council's Car Parking SPD. These spaces shall thereafter be reserved for such purposes at all times.  
**Reason:** In the interest of highway safety and in accordance with Policy DM13 of the adopted Core Strategy and the Council's Car Parking SPD.

- 28 Development shall be undertaken in line with the recommendations and procedures contained in the Surface and Foul Water Drainage Strategy 5017735-RDG-XX-XX-DOC-C-9950 Rev. A (Ridge, 15/6/22), the revised calculations (Ridge, 25/1/23) and the Proposed Overland Flow (Ridge, 25/1/23).  
**Reason:** To prevent the increased risk of flooding, both on and off site in accordance with Policy CS15 of the adopted Core Strategy and the National Planning Policy Framework.

- 29 Prior to commencement of the development hereby approved, measures to be taken to protect the public sewers shall be submitted to the Local Planning Authority and agreed in writing in consultation with Southern Water.  
**Reason:** In order to protect public sewers, in accordance with Policy CS21 of the adopted Core Strategy.

- 30 Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated, stained, discoloured or odourous soil/groundwater), items suspected to be possible unexploded ordnance-, or any significant buried waste material is encountered during groundworks; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.  
The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;
- 1) Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,
  - 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
  - 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;  
A) A written statement confirming that no suspected contamination was identified during development, OR;

B) Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3) have been met.

**Reason:** There is a low probability of encountering discrete deposits of buried materials associated with historic air-raid shelters &/or the demolition of buildings previously present adjacent to development land. The dates that these features were present would suggest that deposits might include high risk materials such as asbestos which could pose an acute risk to future residential occupiers. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021.

- 31 No part of the care home hereby approved shall be occupied until refuse storage and collection facilities have been provided in accordance with the approved plans. The refuse store and collection facilities shall thereafter be permanently retained at all times.

**Reason:** To ensure appropriate appearance of the site, highway safety and to avoid detrimental impact upon residential amenity in accordance with Policy CS16, CS20 and DM7 of the adopted Core Strategy and the National Planning Policy Framework.

- 32 Before the first occupation of any phase of the development hereby approved details of the boundary treatment proposed for that phase shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the details thus approved.

**Reason:** To ensure that the development takes place in an appropriate way in accordance with Policy CS16 of the adopted Core Strategy, the Council's Design SPD and the National Planning Policy Framework.

### **Appendices:**

- (A) Site Location Plan
- (B) Proposed Site Plan
- (C) Landscape Proposals Care Home
- (D) Landscape Proposals Houses
- (E) Proposed Ground Floor
- (F) Proposed First Floor
- (G) Proposed Second Floor
- (H) Proposed Roof
- (I) Proposed Elevations
- (J) House Type 1 Plans and Elevations
- (K) House Type 2 Plans and Elevations
- (L) Proposed Street Scene