

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	17 December 2014
Title:	Application for erection of a new detached two storey 6 no. bedroom 'Family Unit' sized children's home, serving four children, and associated building works, and change of use from Former Pre School Play Group to C2 Residential Institutional at Former Andover Pre-School Play Group Site, Swallowfields, Andover Hampshire SP10 5PN. (Application No. 14/02120/HCC3N) (Site Ref: TVE063)
Reference:	6359
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. Planning permission is sought for the erection of a new detached two storey 6 no. bedroom 'Family Unit' sized children's home, serving four children, and associated building works, and change of use from Former Pre School Play Group to C2 Residential Institutional at Former Andover Pre-School Play Group Site, Swallowfields, Andover, Hampshire SP10 5PN.
- 1.2. The main issues arising from the application are whether the development would be in accordance with the development plan and whether the risk of flooding and the siting and design of the proposal would be acceptable in planning terms.
- 1.3. In conclusion, the proposal would not result in a loss of community facilities (policy ESN19) and would constitute sustainable development (NPPF), it would not have an adverse impact on the character and appearance of the surrounding area and would afford increased observation of the public realm (policies DES05, DES06, DES07), there would not be an adverse impact on the amenity of the occupiers of neighbouring properties (policy AME01), the development would be acceptable in terms of flood risk (policy HAZ02) and there would not be an adverse impact on the highway network (policies TRA01 and TRA09).

2. Site

- 2.1. The application site is the former Andover Pre-School Play Group facility which is located within the urban area of Andover close to the A343, A3057 and A3093. Access to the site is from Swallowfields 'Road' off of Cricketers Way. The site is flanked to its rear (south) by a footpath and railway embankment and to the north by existing residential development, the nearest property of which lies approximately 20 metres away. Land to the west comprises open recreation space and the Shepherds Spring Drain watercourse and to the east a surplus plot of land within the ownership of Hampshire County Council which is to be cleared and reserved for future development. The wider area is predominantly residential in nature with commercial uses beyond the railway line to the south.
- 2.2. The site is currently clear of buildings and in an overgrown state and constitutes previously developed land with the foundations and floor slabs of the previous prefabricated buildings remaining on site. The site lies partially within Flood Zones 2 & 3a.

3. Proposal

- 3.1. Planning permission is sought for the erection of a new detached two storey six bedroom 'family unit' sized children's home, with associated parking and gardens for four children and two live-in staff/carers and associated change of use from former pre-school to C2 residential institution at Former Andover Pre-School Play Group, Swallowfields, Andover.
- 3.2. The proposals are for the design and construction of a traditional two storey detached dwelling comprising:
 - Six en-suite bedrooms;
 - Living room;
 - Dining room;
 - Kitchen/utility;
 - Quiet room;
 - Education room/study;
 - Staff admin rooms;
- 3.3. The Children's Home is intended to provide accommodation for children aged 12-17 years, who are aged 16 or below at admission for whom residential care is the first choice for them. They will have complex needs requiring ongoing assessment, multi-agency services and a period of residential care in excess of six months. Their parents may have agreed to them being looked after under s20 of the Children Act or they may be subject to a Care Order.

Hampshire County Council aims to provide a settled period of residential care with therapeutic emphasis and multi-agency involvement, to help children and young people recover from experiences which have rendered them vulnerable and disrupted their primary relationships.

- 3.4. The applicant states that assessment of the existing estate of children's homes across Hampshire concluded that a smaller size and more 'homely' feel provided the most successful home environment. It is asserted that the interior spaces within the homes will be light, comfortable and domestic in character.
- 3.5. The home is to be of traditional facing brickwork, artificial slate pitch roof and low maintenance aluminium/timber composite windows and rainwater goods. The dwelling shall measure 8.4 metres high to the ridge and 4.8 metres high to the eaves. The roof to the rear is terminated with a combined chimney/flue and skylight to afford natural daylight to the central stairwell and landings.
- 3.6. Vehicular and pedestrian access to the site shall be by separate entrance points off of Swallowfields. The development is anticipated to be served by 5 No. staff at any one time (manager, deputy and 3 care staff) and the front space of the property is therefore proposed to host 5 No. car parking spaces.
- 3.7. The house design is to achieve Level 4 Code for Sustainable Homes', incorporating the following features:
 - Compact plan form with super-insulated and airtight envelope;
 - Integrated solar thermal panels;
 - Energy efficient mechanical heat and ventilation recovery system;
 - Plan form and layout able to respond to site context and orientation to maximise passive solar gains in winter;
 - Good levels of daylight to spaces and circulation areas;
 - Energy efficient appliances and plant with simple user controls and interface;
- 3.8. The front of the property shall be enclosed by a 1.2 metre high post and rail fence with associated hedge planting. The rear garden of the property shall be enclosed by a 1.8 metre high close boarded fence and planting.
- 3.9. The applicant states that the building has been developed to take into account external ambient noise based on Passivhaus principles. The Passivhaus design requires that the building envelope be highly insulated and airtight. Rooms shall be able to be passively ventilated in warmer months by means of louvred ventilation.

3.10. It is asserted that the proposed building, site layout and dwelling boundaries has been broadly based on the Secure By Design 'New Homes 2010' guide and incorporates the following principles:

- Open and accessible house frontage which addresses the public domain;
- Minimisation of concealed spaces;
- Staff admin office and managers study overlooking the front garden and parking;
- Extended fencing to sides of house to provide private and secure rear gardens; and
- External lighting to entrances and security lighting to concealed areas.

3.11. The Flood Risk Assessment (FRA) states that no property flooding has been reported within the study area. The Test Valley Borough Council Strategic Flood Risk Assessment (TVBC SFRA) confirms that there are no records of groundwater or localised surface water flooding having occurred at the site or in the immediate vicinity. The FRA states that the development would result in a reduction in impermeable (developed) land within the flood zone from 580m² (occupied by the remaining floor slabs) to 440m².

3.12. As recommended by the TVBC SFRA the floor level of the proposal is to be set at a minimum of 300 millimetres above the predicted 100 year plus flood level of 63.950 metres Ordnance Datum and construction materials used for foundations and walls are to be flood resilient to reduce the impact of flood water on construction.

3.13. Due to high levels of standing water within on-site soakaways and cohesive soils identified within investigation boreholes the applicant proposes that surface water drainage be discharged into the public sewer in the vicinity of the site. Sustainable Urban Drainage (SUDs) in the form of on-site geo-cellular storage shall provide 9.8m³ of storage capacity in order to allow off-site discharge to be limited to 4.7l/s (discharge during a 2 year rainfall event) during a 100 year plus event.

3.14. An Extended Phase 1 Ecological Survey submitted with the application concluded that the site comprises unmanaged improved grassland and ornamental planting habitats of low botanical value. The site is considered to have medium potential for supporting foraging/commuting bats and breeding birds. There is negligible potential for supporting roosting bats, dormice, great crested newt, badger and notable/rare invertebrates. A Phase 2 Reptile Survey confirmed that the site does not support reptiles.

3.15. A tree survey submitted with the application concluded that vegetation on site is limited, primarily consisting of young scrub regeneration and a self-seeded Crack willow tree of low quality in the south-western corner of the site. The

survey concludes that this vegetation is not considered to be a constraint to development.

- 3.16. The former Andover Pre-School Playgroup at the site was replaced by the new Spring Meadow Children's Centre and Shepherds Spring Pre-School (Planning Approval: 09/00589/HCC3N) which was completed in May 2010 and opened in June 2010. The replacement Pre-School site lies approximately 250 metres to the north of the Swallowfields site.

4. Development plan

- 4.1. Test Valley Borough Council Local Plan (2006) policies: ESN19 (Retention of Local Community Facilities), HAZ02 (Flooding), TRA01 (Travel Generating Development), TRA09 (Impact on the Highway Network), DES05 (Layout and siting), DES06 (Scale, height and massing), DES07 (Appearance, details and materials), AME01 (Privacy and private open space).
- 4.2. National Planning Policy Framework (NPPF): paragraph 14 (Presumption in favour of sustainable development), 102 (Sequential & Exception Test) & 103 (Planning applications and flood risk).
- 4.3. Planning Practice Guidance (PPG): paragraphs 023, 033, 035, 036 & 067.

5. Consultations

- 5.1. **Test Valley Borough Council** comments that the proposal results in the loss of a former pre-school. Whilst all buildings on the site have been demolished due to their dilapidated condition, the established use of the site is for that of a pre-school, which is considered to be a community facility. As such policy ESN19 of the Test Valley Borough Local Plan 2006 is relevant. This policy seeks the retention of local community facilities. Development (including changes of use) which would result in the loss of a local community facility will only be permitted if it can be demonstrated that it is no longer practical or desirable to use the facility for its existing use or another use likely to benefit the local community. The background text to the policy goes on to explain that "where a change to another use, or redevelopment is proposed (as in this case), the Council will need to be convinced that the site or premises is no longer suitable or needed for the current or an alternative community use or that its continued community use cannot realistically be funded". Whilst the application submission explains that the former pre-school is no longer operating on the site and that the buildings removed, no information has been submitted to demonstrate that it is no longer practical or desirable to use the site for its existing use or another use likely to benefit the local community. No information has been submitted to demonstrate that the proposed use would be likely to benefit the local community (i.e. it is not clear whether the children benefiting from the proposal are from the local community or Hampshire as a whole). As a result of insufficient information, the proposal is considered to be contrary to policy ESN19 of the Test Valley Borough Local Plan 2006. The building is considered to be of a design and scale that is appropriate to its

location and as such it is not considered that the proposal would have any adverse impacts on the character and appearance of the surrounding area. The site is opposite neighbouring dwellings at 15 Dove Close and 56/58 Swallowfields. It is considered that as a result of the separation distance between the proposed building and these neighbouring dwellings (in excess of 40 metres), the proposals would not have any adverse impacts on the amenities of the occupiers of these properties in terms of overlooking, overbearing, overshadowing or loss of light.

- 5.2. **Environment Agency** raises objection to the proposal due to the lack of an acceptable Flood Risk Assessment (FRA) and recommended that the hydrology and hydraulics in the model are reviewed and the FRA amended accordingly. A revised FRA has been submitted and comments are awaited.
- 5.3. **Highway Authority** raises no objection subject to conditions requiring the submission of final details of the means of access, shown in principle on drawing P10262-5.1 100, including the layout, construction and visibility splays, and additionally the submission of a Construction Traffic Management Plan (CTMP).
- 5.4. **Andover Town Council** raises no objection and supports a new Children's home in Andover.
- 5.5. **Councillor Rolt** does not object to the design of the proposal but has reservations with regard to the proposed location of the development.

6. Representations

- 6.1. Thirteen letters of representation were received from members of the public in response to the application, twelve of these object to the proposal on the following grounds:
 - There would be an increase in crime and it would exacerbate existing anti social behaviour in the area;
 - The location is unsuitable, both in terms of the environment and in terms of existing social issues in the area in which children staying at the home will be placed, there are other more suitable sites in the area;
 - Impact on the character of the area, over development, overlooking and materials,
 - Need;
 - Noise;
 - Traffic generation, parking and safety;
 - Impact on trees;

- It would result in a reduction in surrounding property values;

7. Commentary

7.1. The proposal is for the erection of a new detached two storey six bedroom 'family unit' sized children's home, with associated parking and gardens for four children and two live-in staff/carers and associated change of use from former pre-school to C2 residential institution. The main issues are whether the development would be in accordance with the development plan and whether the risk of flooding and the siting and design of the proposal would be acceptable in planning terms.

Development Plan

7.2. Paragraph 14 of the NPPF states that there should be a presumption in favour of sustainable development, for decision-taking this means approving development proposals that accord with the development plan without delay, and where the development plan is silent, granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.3. Test Valley Borough Council has raised objection to the proposal on the grounds that the proposal is contrary to policy ESN19, however it is considered that the proposal in itself would also constitute a community facility and therefore would not result in the net loss of community facilities in the area. Furthermore the former Andover Pre-School was replaced in 2010 by the Spring Meadow Pre-School site to the north which was a significant improvement in terms of facilities, accommodation, access and the number of places it could offer the local community. In light of this the proposal is considered to be in accordance with policy ESN19.

Design and Amenity

7.4. The comments raised by members of the public regarding the design and layout of the proposal are noted, however the building is considered to be of a design and scale that is appropriate to its location and which shall relate well to neighbouring properties. The frontage of the property, parking area and associated hard and soft landscaping shall respond positively to the street scene and be consistent with neighbouring traditional properties. The proposal would introduce increased observation of public areas in the locality and this outcome would be further strengthened by way of the 24 hour occupancy of the property. In light of the above it is considered that the proposal would not have an adverse impact on the character and appearance of the surrounding area and would afford increased observation of public areas in the locality and as such would be in accordance with policies DES05, DES06 and DES07 of the TVBCLP (2006).

7.5. The site is opposite neighbouring dwellings at 15 Dove Close and 56/58 Swallowfields however due to the set-back of the property within the site it is

considered that the proposal would not have an adverse impact on the amenity of the occupiers of these properties in terms of overlooking or overbearing and the proposal is therefore considered to comply with policy AME01 of the TVBCLP (2006).

Flood Risk

- 7.6. Paragraph 103 of the NPPF requires that the Exception Test be applied to 'more vulnerable' development to be located within Flood Risk Zone 3a of which the proposal constitutes. Paragraph 033 of the PPG states that it is very likely that proposals for redevelopment of land would provide the wider sustainability benefits required to pass the first part of the Exception Test.
- 7.7. The FRA submitted with the application demonstrates that there would be a net reduction in impermeable (developed) land within the flood zone as a result of the development and therefore a positive impact on the capacity of the flood plain to store water. The floor level of the proposal would be set a minimum of 300 millimetres above the predicted 100 year plus flood level to minimise risk to the development and occupants from flooding. Construction materials used would also be flood resilient reducing vulnerability of the development. SUDs would regulate the rate of off-site discharge of surface water to ensure the proposal would not significantly increase the volume of surface water run-off entering watercourses and therefore the risk of offsite flooding.
- 7.8. The Environment Agency has raised objection to the proposal on the basis of the absence of an acceptable FRA which does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. A revised FRA has since been submitted by the applicant and is with the Environment Agency for comment. Subject to a revised consultation response from the Environment Agency resolving to raise no objection to the development the proposal is considered to be in accordance with both paragraph 102 & 103 of the NPPF and policy HAZ02 of the TVBCLP (2006).

Highways

- 7.9. The Highway Authority raise no objection to the proposal subject to planning conditions requiring the submission of final details and a CTMP and these conditions would be attached to any subsequent planning consent. It is considered that the proposal would be accessible to pedestrians and cyclists, would not have an adverse impact on the function, safety and character of the highway network and would not have an adverse impact on existing highway users. As such it is considered that the proposal would be in accordance with policies TRA01 and TRA09 of the TVBCLP (2006).

Other

- 7.10. Comments have been received raising concerns regarding the potential for an increase in crime and anti-social behaviour as a result of the nature of the

proposal. The development is for a children's home to provide accommodation for children in need of residential care and there it is considered therefore that there are no grounds to assume that the development would increase the potential for crime or anti-social behaviour within the locality.

8. Conclusion

- 8.1. The proposal would not result in a loss of community facilities (policy ESN19) and would constitute sustainable development (NPPF). It would not have an adverse impact on the character and appearance of the surrounding area and would afford increased observation of the public realm (policies DES05, DES06, DES07), would not have an adverse impact on the amenity of the occupiers of neighbouring properties (policy AME01), would be acceptable in terms of flood risk (policy HAZ02) and would not have an adverse impact on the highway network (policies TRA01 and TRA09).

9. Recommendation

- 9.1. That planning permission in respect of erection of a new detached two storey 6 no. bedroom 'Family Unit' sized children's home, serving four children, and associated building works, and change of use from Former Pre School Play Group to C2 Residential Institutional at Former Andover Pre-School Play Group Site, Swallowfields, Andover Hampshire SP10 5PN. (Application No. 14/02120/HCC3N) (Site Ref: TVE063) be approved for the above reasons, subject to the conditions listed in integral Appendix B.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

Erection of a new detached two storey 6 no. bedroom 'Family Unit' sized children's home, serving four children, and associated building works, and change of use from Former Pre School Play Group to C2 Residential Institutional at Former Andover Pre-School Play Group Site, Swallowfields, Andover Hampshire SP10 5PN. (Application No. 14/02120/HCC3N) (Site Ref: TVE063)

Hampshire County Council
Elizabeth II Court
Sussex Street
Winchester
SO23 8UD

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

Hours of Working

3. No work relating to the construction of the development approved, including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials, shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised public holidays.

Reason: To protect the amenities of occupiers of nearby properties.

Materials

4. Details and samples of the materials and finishes to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality development.

5. No works shall commence until full details of all the hard and soft landscaped areas, including the proposed car park, have been submitted to and approved by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved plans.

Reason: In the interest of visual amenity.

Highways

6. A construction Traffic Management Plan, including lorry routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed details shall be fully implemented before the development is commenced.

Reason: In the interests of highway safety.

7. Details of the means of access, shown in principle on drawing P10262-100, including the layout, construction and visibility splays, shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed details shall be fully implemented before the development hereby approved is occupied.

Reason: To ensure a satisfactory means of access to the highway.

Advice note

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

*Annexe to Reasons for Conditions
(as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order
2010)*

Test Valley Borough Council Local Plan (2006)

ESN 19: RETENTION OF LOCAL COMMUNITY FACILITIES

Development (including the change of use of existing premises) which results in the loss of a local community facility (other than shops and public houses), will only be permitted if it can be demonstrated that it is no longer practical or desirable to use the facility for its existing use or another use likely to benefit the local community.

TRA 01: TRAVEL GENERATING DEVELOPMENT

Development which results in an increase in the need to travel will be permitted provided that it:
does not have an adverse impact on existing pedestrian, cycle or public transport users of the high way; and
includes measures that minimise its impact on the transport network; and
its location is well served by public transport; and
is accessible to pedestrians and cyclists.

TRA 09: IMPACT ON THE HIGHWAY NETWORK

Development will be permitted provided that it does not have an adverse impact on the function, safety and character of the highway network.

HAZ 02: FLOODING

Development will only be permitted if it can be demonstrated, through a Flood Risk Assessment where necessary, that:

- it would not have a significant impact on the capacity of a floodplain to store floodwater;
- it would not impede the flow of surface floodwater or obstruct the run-off of water due to high levels of ground water;
- it would not significantly increase the volume of surface water run-off entering existing water-courses;
- it would not increase the number of people or properties at risk from flooding; and
- it incorporates flood protection and mitigation measures to minimise its impact on the water environment and provision is made for the long term maintenance and management of such measures.

DES 05: LAYOUT AND SITING

Proposals for development within or adjoining a settlement will be permitted provided that:

- the scheme integrates with the form and structure of the existing settlement or surrounding area;
- any public spaces are well-defined, usable and connected;
- the scheme is laid out to provide a clear distinction between public and private spaces;
- buildings are laid out and relate positively to streets or other public spaces; and
- the positioning of doors and windows enables adjoining streets or other public spaces to be overlooked.

DES 06: SCALE, HEIGHT AND MASSING

Development will be permitted provided that:

- any building is in scale with other buildings in the immediate vicinity in terms of its height and massing, unless a greater scale is necessary to reflect the development's function or to create a landmark in an appropriate location; and
- its scale does not detract from the dominance of, or interrupt important views of, key landmark buildings or features.
- The extension of existing buildings will only be permitted provided that the scale, height and massing of the proposed extension does not detract from the character or setting of the original building.

DES 07: APPEARANCE, DETAILS AND MATERIALS

Development will be permitted provided that the design of any building or structure:

- is of a high standard and attractive appearance which adds visual interest; expresses its purpose, unless this would detract from the character of the surrounding area; and
- complements local building styles and the colour, pattern and texture of local building materials.
- Where the development comprises an extension or alteration to an existing building, it should not detract from the character or setting of the original building. The roof form of any extension or alteration should respect the form and symmetry of the original building.

AME 01: PRIVACY AND PRIVATE OPEN SPACE

Development will be permitted if:

- it provides for the privacy and amenity of its occupants and those of neighbouring properties; and
- in the case of residential development, it provides for private open space in the form of gardens or communal open spaces appropriate to the needs of the intended occupants taking account of topography, location and character.

National Planning Policy Framework

Paragraph 102

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

Paragraph 103

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment²⁰ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.²¹