

OFFICER REPORT FOR COMMITTEE

DATE: 23/03/2022

**P/21/2030/FP
FAREHAM BOROUGH COUNCIL**

WARD: FAREHAM NORTH

CHANGE OF USE FROM C2 (RESIDENTIAL INSTITUTION) TO A HOUSE IN MULTIPLE OCCUPANCY (SUI GENERIS) FOR EMERGENCY ACCOMMODATION PURPOSES TO INCLUDE PARTIAL REPLACEMENT BOUNDARY TREATMENTS, REVISED PARKING LAYOUT AND A REPLACEMENT SMOKING SHED

92 GORDON ROAD, FAREHAM, PO16 7TA

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is presented to the planning committee due to the number of third party letters of objection received.

2.0 Site Description

2.1 The site is located within the designated urban area, around 120 metres outside the designated Fareham Town Centre boundary. The immediate roads and properties are in residential use.

2.2 The site itself comprises a single large detached property, over 2 and a half storeys. The site known as Priory Knightsbridge House, was last used as a nine-bedded residential institution which provided assessment and treatment for men with a learning disability and complex mental health needs. The building currently contains nine en-suite bedrooms with shared kitchen/ dining areas and lounge space provided at the ground floor.

2.3 The building is situated on the northern side of Gordon Road, opposite the junction of Grove Road (which leads down to West Street), and on the western side of junction from Gordon Road to Leigh Road. The property fronts onto Gordon Road but has side and vehicular accesses along Leigh Road.

2.4 The car park at the rear of the site is capable of accommodating four cars, and a small garden area is situated between the car park and the main building.

2.5 The site is in a highly sustainable location, close to numerous services and facilities including transport hubs, employment, education, retail and leisure facilities. The site is a short walk from both Fareham railway (5 minute walk) and bus (10 minute walk) stations.

3.0 *Description of Proposal*

3.1 The proposal, which does not require any significant changes to the internal layout of the building, seeks to change the use of the property from a residential institution to emergency accommodation to support Fareham Borough's residents (as a House in Multiple Occupation).

3.2 The nature of emergency housing needs can vary significantly but the applicant advises it could typically include short term use by, or because of, the following:

- Victims of domestic abuse
- Family fallouts
- Unexpected loss of a home (for example due to fire)
- Section 21 Evictions (evictions from an assured shorthold tenancy)
- Hospital discharges

3.3 The applicant advises that it is not possible to provide an inclusive list of the types of scenarios that would require emergency housing due to the unpredictability that it can involve. The applicant has confirmed that it is not intended to use the property as 'move-on' style accommodation, or for those residents with more complex needs.

3.4 The proposal includes works to the external elements of the site, including replacement to boundary treatment, and a replacement smoking shelter and bin storage area.

3.5 The application has been supported with a detail Planning Statement and an Environmental Impacts Statement having regard to nitrate and recreational disturbance implications.

4.0 *Policies*

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS7: Development in Fareham

CS17: High Quality Design

Adopted Development Sites and Policies

| | |
|--------|---|
| DSP1: | Sustainable Development |
| DSP2: | Environmental Impacts |
| DSP3: | Impact on Living Conditions |
| DSP13: | Nature Conservation |
| DSP15: | Recreational Disturbance on the Solent Special Protection Areas |
| DSP45: | Houses in Multiple Occupation |

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/20/0357/VC Variation of Condition (b) of permission P/04/0279/CU
– Use of 1 Arundel Drive restricted to offices and ancillary use in association with home for adults with mental illness and learning disabilities

APPROVED 23/06/2020

P/04/0279/CU Use of 1 & 1A Arundel Drive in association with Knightsbridge House as a Nursing Home for Adults with learning difficulties/mental illness

REFUSED 20/04/2004

ALLOWED ON APPEAL

23/06/2005

P/00/1377/VC Use of Property for Adults with Mental Illness or Learning Disabilities (Variation of Condition 2 of F.B.C.5577/3)

APPROVED 25/01/2001

FBC.5577/8 Erection of Two Storey Rear Extension

APPROVED 05/07/1989

FBC.5577/3 Change of Use from Residential to Residential Home for the Elderly

APPROVED 15/12/1986

6.0 *Representations*

- 6.1 Thirty-nine letters have been received from thirty-seven households regarding this application.

One letter of support was received highlighting that this type of accommodation should be supported.

Thirty-eight letters of objection were received raising the following matters of concern:

- Car Parking and Highway Safety
- Inappropriate use in residential location
- Anti-social behaviour concerns
- Insufficient staffing arrangements – should be 24/7
- Noise disturbance from residents
- Lack of public consultation with the wider local area

7.0 Consultations

EXTERNAL

Natural England

- 7.1 Comments on the Council's Appropriate Assessment are awaited.

INTERNAL

Environmental Health (Noise and Pollution)

- 7.2 Comments awaited from Environmental Health.

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of the development
- b) Planning History
- c) Suitability of the location
- d) Impact on Protected Sites

a) Principle of the development

- 8.2 The application site is located within the designated urban area. Whilst the site is currently vacant, it benefits from planning permission to be used as a residential institution, for residents with learning disabilities and mental illnesses. The patients were limited to one per bedroom, and the property contained 9 bedrooms.

8.3 In terms of the change to a House in Multiple Occupation, it is necessary to have regard to policy DSP45 of the adopted Part 2 Local Plan. Policy DSP45 states:

'The sub-division of an existing dwelling or dwellings to create a HMO or the development of a new HMO accommodation will be permitted provided that:

- i. the proposal, or cumulative impact of the proposal with other similar proposals, would not adversely affect the character of the area, particularly in conservation areas;*
- ii. the accommodation units conform to the space standards and design requirements as set out in Core Strategy Policy CS17: High Quality Design and the Design Supplementary Planning Document; and*
- iii. appropriate outdoor amenity space, bin storage and parking provision are provided.'*

Each of these matters will be considered in detail below.

8.4 Firstly, in respect of (i) above, the authorised use allows the site to be used as supported living accommodation for residents with complex needs. As a result, there would have been a need for a number of staff to be on site to assist the residents of the property, with the regular comings and goings that would have entailed.

8.5 The current proposal would involve a number of unrelated people living within the property on a temporary basis and sharing facilities within the property. The proposed use would be more 'overtly' residential than the authorised use of the building.

8.6 The number of bedrooms within the building would not be increasing. The proposed change of use would involve a residential use being provided within a residential area and Officers are therefore satisfied that the use would not adversely impact the character of the area.

8.7 In terms of the second element, the room sizes have been set out in the supporting statement, which indicates that bedrooms 2-9 are all double bedrooms, having regard to the Nationally Described Space Standards, with only bedroom 1 being considered too small to be classed as a double. As double bedrooms, they are capable of being occupied by a couple or adult and up to 2 children.

8.8 The size of the building is therefore acceptable in accordance with Space Standards, and therefore complies with Policy CS17.

- 8.9 In respect of the third element, the site comprises a small communal garden area to the rear of the building measuring approximately 127sqm. The property is also located close to the town centre, and only a short walk (less than 150 metres) to Park Lane Recreation Ground, both of which provide considerable outdoor amenity space for future occupiers.
- 8.10 In respect of bin storage, the applicant has discussed the refuse requirements with the Council's Recycling Co-ordinator, and an appropriate bin storage area to meet the needs of the development is proposed.
- 8.11 Finally, in respect of parking provision, the site will maintain the existing level of car parking on the site, four car parking spaces. Almost all of the third party letters of objection raise the issue of car parking in this part of Fareham, which has parking restrictions through a Residents' Parking Scheme and double yellow lines.
- 8.12 Current parking restrictions on Gordon Road are limited to Permit Holders only on Monday to Saturday between the hours of 8am and 6pm. Parking is therefore unrestricted outside these times. Immediately outside the site entrance (along Leigh Road and Arundel Drive) there are double yellow lines preventing car parking. These extend some distance along Arundel Drive to the north of the site.
- 8.13 The scheme will be a 9-bedroomed HMO, and there is no provision within the Council's adopted Residential Car Parking Standards 2009 for such a use. The site is in a highly sustainable location in close proximity to many local services and facilities where a reduced parking provision would be supportable, in line with Government advice to promote development in sustainable locations.
- 8.14 The suitability of car parking on the site was subject to consideration in the appeal which permitted the change of use of the site to the residential institution in 2005. The Inspector acknowledged that local residents had highlighted considerable parking constraints at the time and provided photographs of cars parking on pavements using the site. However, the Inspector considered the 'proposed on-site provision meets the reasonable requirements of the site'. Subject to a condition requiring the parking be retained for that purpose, the Inspector saw no reason that 'vehicle parking associated with this use would unacceptably compromise the safety of pedestrians or other road users'.
- 8.15 Officers acknowledge the concerns raised by residents regarding difficult parking conditions. This is a factor associated with a high density living

environment, in a town centre location, where many properties do not have off-street parking. The provisions of parking permits sought to reduce non-residents from parking in the area, during working hours.

- 8.16 The development would result in a change from the existing situation on the site, from one where residents were unlikely to have cars, to a situation where some residents will have cars. However, the extant permission which allows up to 16 residents at the property, does not restrict the number of staff, which could be considerable for such a use.
- 8.17 The current proposal would only have one full-time employee during normal working hours. Parking permits in this location are provided by Hampshire County Council. Residents would be unlikely to qualify for permits due to the temporary nature of their occupation, and the need to be able to provide proof of residency (council tax bill or utility bill).
- 8.18 Car ownership of those residents living at the site is also likely to be lower than average, due to the socio-economic position of those residents likely to seek housing assistance from the Council. As such, the provision of four spaces is considered to be an acceptable provision for the proposal. Additional spaces for 2 cars could be achieved in the area of land to the east of 1 Arundel Drive, which lies within the application site.
- 8.19 The site is considered to provide adequate car parking to meet the proposed needs. However, in an area with extensive existing on-street car parking, the proposal will not result in a detrimental impact on highway safety.
- 8.20 Having regard to the above, it is considered that the proposed change of use would comply with the requirements of Policy DSP45, together with CS17, and is therefore acceptable.

b) Planning History

- 8.21 A number of third parties have highlighted their concerns regarding car parking and noise issues that could result from the change of use. It is important to set out in greater detail the planning history of the site in order to consider whether the current scheme is significantly different to previous permitted uses.
- 8.22 The original dwellinghouse was granted planning permission to convert to a residential home for the elderly in 1986. This was granted with the number of residents limited to eight (reference FBC.5577/3).
- 8.23 In 1989 planning permission was granted on the site for a two storey extension, (reference FBC.5577/8). That grant of planning permission

allowed an increase in number of residents to a maximum of 16 people, predominantly due to the large size of the rooms and their ability to accept couples. Its use as a care home which could accommodate 16 residents continued and was amended in 2000 under application P/00/1377/VC where its occupation could be expanded to include both the elderly and adults with mental illness or learning difficulties. This permission did not limit the numbers, and therefore the maximum of 16 people imposed in 1989 remained in effect.

- 8.24 The 2005 appeal decision to application P/04/0279/CU sought to incorporate the use of 1 and 1a Arundel Drive into the permitted use.
- 8.25 Therefore, in accordance with the above permissions, the use of 92 Gordon Road can currently be run as a residential institution for up to 16 residents, despite only having nine bedrooms.
- 8.26 As a care facility, whether for the elderly or adults with mental illnesses or learning disabilities, there would have been a need for 24 hours a day staffing, which would have resulted in car parking requirements. The current proposal only requires one member of staff, during office hours. This would enable more/ all of the car parking to be available for residents.

c) Suitability of the location

- 8.27 A significant number of third party letters of objection raised concerns that the scheme would be used as a homeless shelter, operated by Two Saints, a local homeless charity which currently operates a site in Gosport Road Fareham.
- 8.28 The applicant is clear that it is intended to use the property as emergency accommodation for residents within Fareham Borough that are in need of such a facility. The property will not be used as a 'move-on' style of accommodation, or for residents that have more complex needs, including those with drug or alcohol dependency.
- 8.29 The site will be owned and managed by Fareham Housing on behalf of Fareham Borough Council. All occupiers would be subject to assessment from the housing team prior to placement. Each case is individually assessed and no high risk, or individuals with complex needs would be placed in this type of accommodation. Due to this prior assessment, any anti-social behaviour is likely to be very limited.
- 8.30 As stated within the supporting Planning Statement submitted with the application, Fareham Housing is currently largely reliant on Bed and Breakfast accommodation within the Borough to meet this need. The Council has a

statutory duty to provide emergency accommodation, and this property provides an appropriate site to meet this need, in a sustainable location close to services and facilities.

- 8.31 The length of stay by users of the site is also determined by their individual need but could range from as little as one night to several months. It is unlikely that the site would be fully occupied as Fareham Housing will wish to make sure capacity is available in an emergency situation.
- 8.32 Its use as an HMO is therefore considered to be appropriate within a residential area.

d) Impact on Protected Sites

- 8.33 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.34 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.35 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites' (PS).
- 8.36 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated PS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated PS. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.37 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the PS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.38 In respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. Whilst the existing use is considered to be exempt from making a recreational disturbance contribution due to the unlikely potential for occupiers to venture down to the PS, the proposed use will be wholly occupied by existing residents of the Borough, and these occupiers will be managed by Fareham Housing. In this instance, and in accordance with the information provided in the Environmental Impacts Statement, no additional impact on the Solent SPAs will be created by the change of use.
- 8.39 In addition, in respect of impact from recreational disturbance on the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site, the site lies more than 13.8km away. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.40 As the site lies more than 13.8km away, this mitigation is not required, nor would it be due to the nature of the proposal, as outline in the preceding paragraph.
- 8.41 In respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted those increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.
- 8.42 Having regard to the planning history, which has an extant permission for the site to be occupied by 16 residents; as no physical changes are being made to the internal configuration of the building; and, as all the residents will be existing Borough residents, there will be no increase in nitrogen output from

the building as there will be no increased in overnight accommodation provided.

8.43 The Council's Appropriate Assessment concludes that the proposal will not result in an adverse effect on the integrity of the PS either alone or in combination with other plans or projects.

8.44 Natural England has been consulted on the Council's Appropriate Assessment and comments are awaited. Subject to Natural England raising no objection in respect of recreational disturbance on The Solent SPAs, New Forest SPA, SAC and Ramsar Site or on water or air quality implications, it would be considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan.

9.0 Summary

9.1 Officers acknowledge the concerns raised by local residents about the proposed change of use.

9.2 The site has not been in use as a single dwelling house for many decades and has been occupied throughout that time by unrelated residents. In addition to this there will have been comings and goings at the site associated with staff arriving and leaving.

9.3 The proposed use will maintain the residential use of the site in this residential area. There is potential that future residents will be car owners; this fact needs to be balanced against the fact that previous uses at the site required higher levels of staff, of which some will have driven to the site. On street car parking is prevalent in the area and Officers do not believe that the proposed use will materially worsen highway safety conditions.

9.4 The use is to accommodate people or families who find themselves suddenly or temporarily homeless. Fareham Housing will assess any residents who find themselves in this situation and decide whether the accommodation at Gordon Road would be appropriate for them.

9.5 Having carefully considered all the relevant planning considerations, Officers consider the use in this location is acceptable in planning terms and complies with the policies of the Council's adopted development plan.

10.0 Recommendation

10.1 DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment;

And,

10.2 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun within three years from the date of this decision.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

- a) Location Plan
- b) Site Location Plan
- c) Ground Floor Plan and Site Plan (Drawing: 001B)
- d) Budget Open Fronted Smoking Shelter

REASON: To avoid any doubt over what has been permitted.

3. The premises shall be used as a House in Multiple Occupation for emergency accommodation purposes (Sui Generis uses) and for no other purpose including any other use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

4. The use hereby permitted shall not be brought into use unless and until the car parking arrangements have been marked out in accordance with the approved plans. The car parking shall thereafter be retained for that use for the lifetime of the development.

REASON: In the interests of highway safety.

5. The use hereby permitted shall not be occupied until details of water efficiency measures to be installed have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

6. None of the development hereby approved shall be occupied until the proposed bin storage area has been implemented in accordance with the approved plans. The areas shall be subsequently retained for bin storage or collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

7. None of the development hereby approved shall be first occupied until the bicycle storage hoop has been installed and made available. This storage shall thereafter be retained and kept available at all times.

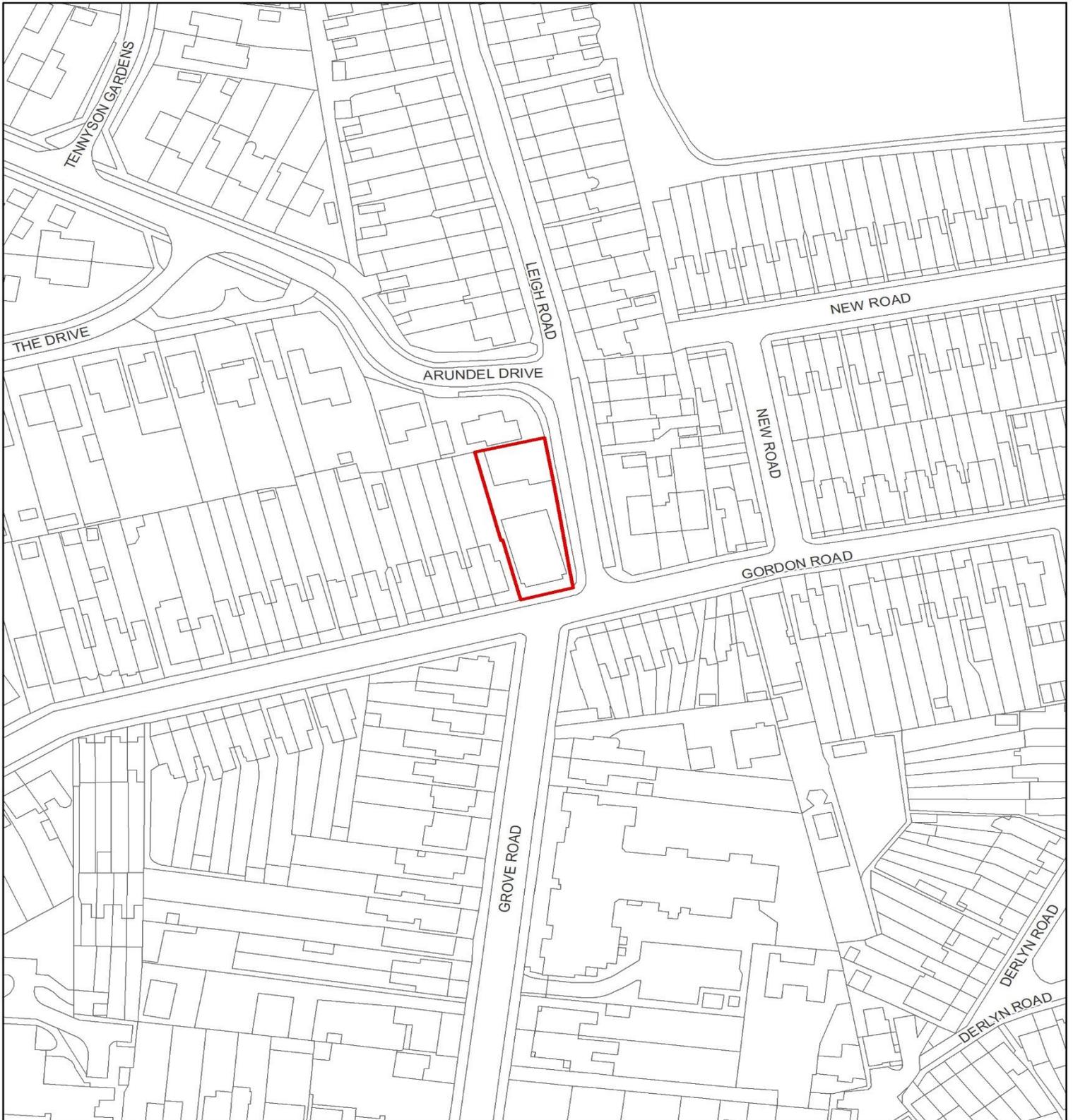
REASON: To encourage cycling as an alternative mode of transport.

10.0 Background Papers

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



92 Gordon Road
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