

DELEGATED OFFICER REPORT

Site Address: Former Game Store, 95 London Road, Waterloo, PO7 7EQ

Proposal: Prior Approval for development consisting of works for the construction of 1No. 1 bed and 3No. 2 bed dwellinghouses upon the topmost storey on a terrace building where that development comprises rebuild of first floor together with any associated works.

Application Type: Prior Approval - dwellings/terrace/mixed

Application No: APP/25/00068 Expiry Date: 26/03/2025

Applicant: Mr P Harding
Questmap

Agent: Ranjeet Shahi Case Officer: Tina Pickup
RS Studio

Ward: Waterloo

Recommendation: **GRANT PRIOR APPROVAL**

1 Site Description

- 1.1 The amended application site relates to two units (95 and 95A) within a commercial building within the pedestrianised section of London Road within Waterloo Town Centre. It is located on the north side of the road, adjacent the former Nat West bank and the site itself was formerly occupied by Game. To the London Road it visually appears as a two storey building with parapet wall frontage and first floor windows, but behind the parapet is a pitched roof single storey building with ancillary storage in the roof space. The building is now vacant and boarded up and in a poor state of repair. The original red lined application site included the stairwell in the adjacent building at Number 97, but this has been omitted from the amended plans.
- 1.2 The majority of the buildings in the vicinity similarly appear as two storey with number 286 - 288 opposite and the Clock House to the south being 3 storey. Notably a series of similar prior approval upward extensions have been permitted for flats above the nearby Wellington Way blocks (see APP/23/00105 - 107) and the permitted scheme under APP/23/00107 includes number 97 and would lie immediately adjacent the current application site, on its northern side.
- 1.3 The site has a rear service yard and lies within the defined Waterloo Town Centre (policy CS4) and falls within the Primary Frontage (policy AL3). The site lies outside any current or future flood zone (using the EA's updated maps).

2 Planning History

94/51934/003 - Retention of roller shutters to front of premises., PERM,06/07/1994

05/70302/000 - Display of 1 No. internally illuminated static fascia sign and 1 No. non illuminated static projecting sign on the front elevation., PERM,05/05/2005

3 Proposal

- 3.1 Prior Approval for development consisting of works for the construction of 1No. 1 bed and 3No. 2 bed dwellinghouses upon the topmost storey on a terrace building where

that development comprises rebuild of first floor together with any associated works.

- 3.2 The application is made under Schedule 2, Part 20, Class AB of the Town & Country Planning (General Permitted Development) Order 2015, as amended: new dwellinghouses on terrace buildings in commercial or mixed use.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

If prior approval is granted we will require a CIL Form 5: Notice of Chargeable Development prior to commencement.

If the applicant chooses to address SRMS and Nutrient Neutrality mitigation prior to decision, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

As this is a prior approval application, payment in respect of SRMS and Nutrient

Neutrality is required up front before commencement. However, we strongly recommend the applicant settles this amount prior to the decision being made. If a prior approval is implemented without having met the obligations under the Habitat Regulations, there will be a breach of planning control.

Councillor Gwen Robinson

None received

Councillor Peter Wade

None received

Councillor Ryan Brent

None received

Ecologist

Thank you for consulting me on this application. Based on my review of the application documents, online sources and GIS mapping I am satisfied that there is unlikely to be ecological impacts arising from the proposed development. No further information is necessary.

Economic Development

None received

Environmental Health Manager

Contamination

I have read the Lustre Consulting Phase 1 Environmental Desk Study ref: 1777/AR/11-2027\2017 (Dec. 2017), and note it's conclusions. The study was based upon a development scenario which differs from that under application, and so it's conclusions do not necessarily directly apply.

Additionally, having consulted HBC's archive records, it would appear that the application land was never directly associated with the motor works use. Consequently, it is considered that there are no material contamination considerations which would apply to a scheme of residential development which includes neither ground floor accommodation, nor ground floor private or communal (soft-landscaped) amenity space.

No objections arise, and no conditions are proposed.

Nuisance/Amenity

The scope of material planning matters under development Class AB is noted to be limited. However, I also note the scope of comments made by my colleagues under similar/related applications APP/23/00105 (to .../00107) and that the decision notices to those applications included the requested conditions and informatives irrespective that the subjects sought to control aspects which fall outside of the relevant matters for class AB prior approval (namely (h) impacts of noise from commercial premises, and (i) impacts of the residential use on existing trade or business uses).

I would suggest that conditions 2, 3, 4 & 5 of APP/23/00107, alongside informatives (7) & (8) & (9) of that consent, are replicated on the decision notice for this application.

The reason for this recommendation is that this development is substantially similar in character to the above-referenced 2023 applications, and in the interests of consistency. For clarity, if further comments on nuisance and amenity are

subsequently offered by Environmental Health (i.e. post-dating 13/03/25), those comments should take precedence over these.

Subsequent Nuisance/Amenity comments:

We have no issue with the principle of the development. However, it is important that the development is delivered in a manner compatible with the site's location and existing neighbouring land uses.

In line with the 'Agent of Change' principle, the responsibility for managing the impact of any change lies with the person or organisation introducing it. Given the lack of detailed information provided with the application, we request that any approval is subject to the following conditions to ensure that:

1. The new residential units (C3 Use) are adequately protected; and
2. Potential impacts from the ground floor commercial units (E Use) are appropriately controlled.

External Noise Intrusion into Apartments / Internal Amenity

The proposed development is located within the main shopping area of a mixed residential and commercial zone, which is currently undergoing significant redevelopment as part of a comprehensive regeneration initiative. Noise from shoppers, service deliveries and night-time economy activities - both now and in the future - needs to be considered, particularly during the summer months when apartment windows may be open for thermal comfort. *Therefore sound insulation, ventilation & cooling strategy condition recommended - see file for details*

Sound Insulation between Commercial and Residential Elements

The proposed development includes commercial floorspace (Use Class E) on the ground floor. Planning Use Class E encompasses a broad range of commercial, business and service uses.

Approved Document E of the Building Regulations 2010 (as amended) sets out 'minimum' legal standards for buildings' for resistance to the passage of sound. The performance standards in tables 1a and 1b are applicable to walls, floors, and stairs separating spaces used for normal domestic purposes. The document makes it clear that a higher standard of sound insulation may be required between spaces used for normal domestic purposes and those for communal or non-domestic purposes. In these cases, the appropriate level of sound insulation will depend on the specific operational characteristics of the ground floor uses. *Therefore separating noise insulation condition recommended with acoustic commissioning testing - see file for details*

Building Services Plant Noise

In the event that new fixed building services plant and equipment are introduced as part of the development, such as Heat Pumps, we would also recommend a plant noise condition to protect the amenity of residents in the local area from undue noise disturbance - *condition suggested - see file for details*

Hampshire Highways

The Highway Authority would advise that it is considered that the proposal would not result in a detrimental impact on the operation or safety of the local highway network as the proposal is essentially a 'car free' development within a town centre location close to local facilities and services including public transport. Havant BC, as Local Parking Authority, will consider the suitability of the site being car free having regards to the Adopted Parking Policy and Standards SPD.

Having regards to the above comments the Highway Authority would recommend – No objection (no conditions).

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED
Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Planning Policy (Nutrients)

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

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: 30

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
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None received	
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7 **Preliminary Matters**

- 7.1 Article 3 (1), 'Permitted development of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states:

"Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

- 7.2 In turn Regulation 75 of the Conservation of Habitats and Species Regulations 2017 (as amended) sets out that to be permitted development, any development that is likely to have a significant effect on a European site must not be begun until written notification of an appropriate assessment has been undertaken in accordance with Regulation 77.
- 7.3 In this instance, as part of the Prior Approval process, 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 Regulations 2017 (as amended). 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 (as defined in the applications HRA) due to both additional recreational disturbance and the decrease in water quality that would be a result of the proposed development.
- 7.4 The application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures based on the Position Statement and Mitigation Plan for both recreational disturbance and Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.5 The Appropriate Assessment concluded that the avoidance and mitigation package is sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has paid the appropriate mitigation for water quality mitigation, totalling £13,566.60 and the associated Deed has been completed. Natural England have raised no objection to the HRA AA. Accordingly the requirements of Article 3 are considered to have been met, in that regulations 75 to 78 of the Habitats Regs have been complied with prior to commencement.
- 7.6 The nitrogen budget is based on the assumption that the fixtures and fittings in the development meet a water efficiency of 110 litres per person per day. Therefore two conditions would be required to ensure that the development is fitted out with measures to meet the water efficiency of 110 litres per person per day in perpetuity, to ensure compliance with the nutrient budget and HRA AA.
- 7.7 In addition, Article 3 (9A) does not grant permission for, or authorise any development of, any new dwellinghouse:
- (a) where the gross internal floor area is less than 37 square metres in size; or
 - (b) that does not comply with the nationally described space standard issued by

the Department for Communities and Local Government on 27th March 2015.

- 7.8 In this instance all four flats meet the minimum size requirement set out in the nationally described standards for their relevant 1 bed, 2 person unit, or 2 bed 3 person unit, and as such would comply with Article 3 (9A).

8 Planning Considerations

- 8.1 **Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development of new dwellinghouses on terrace buildings in commercial or mixed use.**

- 7.6 Class AB (1) allows development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building subject to a number of criteria.

- 7.6 **AB.1. Development is not permitted by Class AB if –**

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;

The building was constructed in the 1960's ie after 1st July 1948.

- (b) on 5th March 2018 the building was in a use other than –

- (i) a use or mixed use within paragraph AB(2)(a) or (b); or
- (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

The building was in use as an A1 retail shop with ancillary storage above - now a Class E use. The lawful use therefore qualifies.

- (c) the additional storeys are constructed other than on the principal part of the building;

The upward extension would be directly above the ground floor of the principal building.

- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of –

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

The proposal complies.

- (e) the new dwellinghouses are not flats;

The proposal would provide 4 flats.

- (f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres.

The building would be about 7m high and complies.

(g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);

The proposal complies. The height of the highest part of the extended building would not exceed the height of existing buildings in the terrace by more than 3.5m.

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than –

- (i) 3.5 metres, where the existing building consists of one storey; or
- (ii) 7 metres, where the existing building consists of more than one storey;

The existing building is essentially single storey with ancillary storage in the roof space, and the height of the highest part of the extended building would not exceed 3.5m above the highest part of the existing building.

- (i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;

The existing building has not previously been enlarged by an additional one or more storeys.

(j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

AB (3) (a) relates to engineering operations reasonably necessary to construct the additional storeys. The proposed works would not require the provision of visible support structures on or attached to the exterior of the building upon completion of the development.

(k) development under Class AB (3) (a) would consist of engineering operations other than works within the existing curtilage of the building to –

- (i) strengthen existing walls;
- (ii) strengthen existing foundations; or
- (iii) install or replace water, drainage, electricity, gas or other services;

AB (3) (a) relates to engineering operations reasonably necessary to construct the additional storeys. No other engineering operations are proposed.

(l) in the case of Class AB(3)(b) development there is no existing plant on the building.

AB (3) (b) relates to replacement or new plant on the roof of the extended building to serve the new dwellinghouses. There is no existing plant on the building.

(m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal

part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building.

AB (3) (b) relates to replacement or new plant on the roof of the extended building to serve the new dwellinghouses. No plant is required as part of the proposal.

(n) development under Class AB(3) (c) would extend beyond the curtilage of the existing building;

AB (3) (c) relates to provision of safe access to, and egress from, the new dwellinghouses via additional staircases etc. As originally proposed access to the flats was to be via the stairwell in number 97 adjacent. Since this would have been beyond the curtilage of the existing building the original proposal failed this criteria. Accordingly revised plans have been submitted with the addition of a new staircase at the rear of the site, enabling safe access to be achieved within the curtilage of the existing building. Therefore the amended plans now comply with clause (n).

(o) development under Class AB (3) (d) would –

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward fronting a highway and forming a side elevation of the existing building; or

AB (3) (d) relates to works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses. The proposed bin and cycle store is shown within an existing single storey linked outbuilding at the rear, which is within the site boundary.

(p) the land or site on which the building is located, is or forms part of –

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3km of the perimeters of an aerodrome.

The site is not within any of the areas mentioned in paragraph (p).

Conditions

- 7.7 AB.2 (1) Where any development under Class AB is proposed, development is permitted subject to a condition that before the beginning of the development, the developer must apply to the local planning authority for prior approval as to –

(a) transport and highways impacts of the development;

- 7.8 As noted above, the Highway Authority have reviewed the information submitted and

raise no highway objections.

- 7.9 The application has been submitted on the basis of no on site parking and the supporting statement notes the site is in a highly accessible location close to shops, employment and amenities, as well as being close to multiple bus routes and where both cycling and walking are viable transport options. This is noted and agreed. Furthermore it is noted that cars have previously parked at the rear of the building, potentially half in the site and half outside the site overhanging the adopted highway. But there is some limited space at the rear for adhoc parking or dropping off, which would help to provide some informal servicing for future occupiers.

- 7.10 Whilst there is no parking provision available, it is considered that the site is within a sustainable location being near to facilities and local transport routes. As such, it is considered that the benefit of additional residential units within such a location outweighs the lack of on site parking provision in this instance.

(b) air traffic and defence asset impacts of the development;

- 7.11 The development would not interfere with any air traffic or defence asset.

(c) contamination risks in relation to the building;

- 7.12 The contamination report previously submitted for the adjacent developments has been re-submitted, but does not relate to the same land. However, since the proposals relate to building upwards above the existing building, with no ground works involved, nor any ground floor amenity landscaped space, then there would be no resultant ground disturbance or contamination risks. Environmental Health have been consulted and raise no objection.

(d) flooding risks in relation to the building;

- 7.13 The building is situated within Flood Zone 1 and it is not considered that there would be any increase in flood risk as a result of the development.

(e) the external appearance of the building, including—

- (i) the design and architectural features of –
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
- (ii) the impact of any works under sub-paragraph AB(3)(c) or (d);

- 7.14 The parapet fronting the pedestrianised London Road would remain, but the first floor window openings and spacings would be altered. They would however be symmetrical and of an appropriate scale to the building and surrounding development. The application form indicates the principal elevation would be rendered. Whilst a material change from the existing brick, it is noted that other buildings fronting the pedestrianised London Road are also rendered. The plans also indicate some vertical cladding to the rear which the agent has advised would match that being used on the adjacent development. Since condition (e) only requires the appearance of the principal elevation or any side elevation fronting a highway to be considered then the cladding at the rear is strictly beyond control, although it is noted that the materials would match adjacent developments and provide a visual enhancement to the rear service yard. Overall it is considered the external appearance of the principal elevation fronting London Road would be appropriate to the mixed high street design.

- 7.15 With respect to the works under sub-paragraphs AB(3) (c) and (d) (ie access and waste storage) the proposed new external stairwell would be accessed from the southern rear corner of the site, and be largely hidden behind an existing single storey flat roof projection. It would lead to a first floor walkway serving the flats, with balustrade railings facing the rear service area. The bins would be contained within an existing single storey building located in the northern rear corner, and hence would be enclosed and not visually untidy outside. Therefore the external appearance of these works could be carried out without resulting in any adverse impacts to the character of the locality.

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses; _

- 7.16 All of the bedrooms and living areas of the proposed flats would be served by windows thereby providing adequate natural light in all habitable rooms of the new dwellinghouses.

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

- 7.17 The proposed development would be directly above existing commercial units and adjacent other first floor flats also recently permitted under other prior approvals. It is not considered that the development would have a significant adverse impact on the amenities of either the commercial units below or neighbouring premises by reason of overlooking, loss of privacy or loss of light.

(h) impact of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

- 7.18 The site is located above commercial premises and within a town centre location and as such future residents could be subject to noise. Environmental Health have raised no objection in principal, subject to conditions controlling potential noise from various sources. However the prior approval legislation only allows consideration of noise from commercial premises to be considered. Environmental Health have suggested 4 conditions - the first one relates to noise from external factors, but given the sites location within a commercial centre, then those external factors could be attributed to commercial premises, and hence is considered a relevant condition. The second relates to provision of sound insulation between the commercial use below, and is therefore related and relevant. The third relates to compliance testing for the first 2 conditions and is therefore appropriate. However the fourth relates to future plant noises that may be required for the residential development, and is therefore not considered sufficiently related to noise from commercial premises to impose. With the imposition of the suggested 3 conditions, it is considered that the living conditions of future occupiers would be adequately protected from noise.

(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area; _

- 7.19 It is not uncommon to have mixed uses comprising of retail/commercial at ground floor and residential above. Arguably the increase in residents would increase footfall and customer base for the local businesses. Overall it is not considered that the proposal would have any harmful impact on trade or business in the area.

(j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012190 issued by the Secretary of State. _

7.20 The development will not impact on a protected view.

8 Conclusion

8.1 The construction of new dwellinghouses on terrace buildings in commercial or mixed use is permitted development, under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, subject to prior approval. In light of the foregoing analysis it can be concluded that the development complies with the relevant permitted development criteria and moreover the matters which are the subject of prior approval, have been satisfied with appropriate design and details. Appropriate mitigation has been secured for the potential significant effects on the European sites arising from this development. Prior Approval can therefore be granted, subject to appropriate conditions.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PRIOR APPROVAL** for application APP/25/00068 subject to the following conditions

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

Supporting Statement by RS Studio 1802_L01_Rev 0
Existing Floor Plans inc Location Plan - Drawing Number 1802-P-01 A
Existing Plans and Elevations - Drawing Number 1802-P-02 A
Proposed Floor Plans - Drawing Number 1802-P-03 A
Proposed Roof Plan and Elevations - Drawing Number 1802-P-04 B
Nitrogen Budget
Havant Occupancy Calculator

Reason: - To ensure provision of a satisfactory development.

2

The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation 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. 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.

- 3 At all times following occupation of the development 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.

- 4 Prior to the commencement of the development, full details of the sound insulation, ventilation and cooling strategy for the hereby approved flats shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the flats have been designed to achieve the following internal noise criteria, while meeting the statutory requirements of Approved Document O: Overheating and Approved Document F1: Ventilation of the Building Regulations 2010 (as amended):

- Living Rooms: 35 dB LAeq,16hr (07:00 to 23:00)
- Bedrooms: 30 dB LAeq,8hr (23:00 to 07:00)
- Bedroom: 45 dB LAFmax not to be exceeded more than 10-15 times per night from sources other than emergency sirens

The approved scheme shall be fully implemented and adhered to.

Reason: To protect the amenity and quality of life of occupants of the apartments from undue noise disturbance, having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the commencement of the development, full details shall be submitted

to, and approved in writing by the Local Planning Authority, setting out how the separating construction between commercial and residential elements of the scheme shall achieve a minimum airborne sound insulation performance of ≥ 60 dB DnT,w.

The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and shall be retained and maintained thereafter.

Reason: To minimise the risk of noise disturbance between commercial and residential uses, having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Prior to occupation of the development, acoustic commissioning testing shall be carried out by an ANC or IOA accredited organisation to demonstrate compliance with Conditions 4 and 5 above. The commissioning protocol shall be agreed in writing with the Local Planning Authority prior to testing, and the results shall be submitted to and approved in writing with the Local Planning Authority before the occupation of the scheme.

Reason: To verify that the as-built development meets the criteria set at planning and is fit for its intended purpose having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.