

DELEGATED OFFICER REPORT

Site Address: 21 Mengham Road, Hayling Island, PO11 9BG
Proposal: Application to determine if Prior Approval is required for a proposed Change of use from Commercial, Business and Services (Use Class E) to 3No. 1 bed Dwellinghouses (Use Class C3).
Application Type: Prior Approval CoU E to C3
Application No: APP/24/00618 Expiry Date: 22/10/2024
Applicant: BH Deals
Agent: Mr Watson Case Officer: Tina Pickup
 NW Architects
Ward: Hayling East

Recommendation: **GRANT PRIOR APPROVAL**

1 Site Description

- 1.1 The application site, number 21, relates to the whole first floor of a semi detached two storey building, that is in use as two separate Class E (a) retail shops on the ground floor (numbers 17 & 19). It is understood the first floor was previously used as an office, but is now currently vacant. The building is constructed of red brick beneath a pitched roof having a double gable front to Mengham Road.
- 1.2 It is located on the north side of Mengham Road, within the identified Primary frontage (policy AL3) of this defined District Centre (policy CS4). Mengham Road features traffic calming at this point, with double yellow lines and a few short stay (30 minute) on street parking spaces. The parking restrictions are applicable from 9am to 6pm Monday to Saturdays, and therefore on street parking is un-restricted overnight and on Sundays.
- 1.3 To the east of the application site is a private rear access, running adjacent the flank wall of 23 Mengham Road. This serves a small rear service yard for both ground floor units, and also appears to be shared with number 13 beyond. The rear of the building has at its eastern half, a small single storey flat roofed addition that includes a door into a stairwell serving the first floor. The eastern ground floor shop unit does not have a rear access, and relies solely on the front shop entrance. The western shop unit has a rear door off the rear service yard.
- 1.4 The surrounding area is characterised by predominantly two storey development of a mix of flat roofed and pitched, with commercial ground floor uses and a mix of office or residential at first floor. The site is relatively flat and located outside any current or future flood zone.

2 Planning History

96/61923/000 - Retention of window at first floor level to south elevation, PERM, 09/12/1996

Another current application on same site:

APP/24/00645 - Roof conversion/ extensions to create 1No. apartment and associated works - *as yet not determined*

3 Proposal

- 3.1 Application to determine if Prior Approval is required for a proposed Change of use from Commercial, Business and Services (Use Class E) to 3No. 1 bed Dwellinghouses (Use Class C3).
- 3.2 The application proposes the conversion of the first floor only to provide 3No. 1 bed 1 person flats using existing window openings - there would be no new openings. Pedestrian access to the flats would be taken via the existing access door and stairwell at the rear of the site. An amended site plan has been submitted showing provision of 5 bike stores and a communal bin store at the rear of the site.

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.

Environmental Health Protection Team

Thank you for consulting the Environmental Protection Team on this application. Please note these comments relate to the impacts of noise from commercial premises on the intended occupiers of the development consisting of 3 self-contained flats at first floor level above existing commercial premises.

We note the presence of what appears to be existing air conditioning plant on the north elevation. These appear to be depicted on the 'existing' elevation plans, although existing plant just above the flat roof does not appear to be shown. However, we note the absence of any plant on the 'proposed' elevations. As such, confirmation should be sought from the applicant that it is their intention to remove all existing external plant. The presence of plant may cause noise issues at the proposed flats, especially during the evening, night-time and during the early morning when background noise levels are lower. Tonal noise may be particularly problematic and may give rise to annoyance in the proposed kitchen/sitting room areas when windows are open for ventilation. Any plant to remain should be enclosed, and anti-vibration mounted to control noise emissions.

The existing commercial uses on the ground floor (currently a charity shop and card shop) are unlikely to give rise to noise problems at first floor level. However, it is possible that any permitted change of use at ground floor level could give rise to noise and odour problems where the shops are converted to takeaways/restaurants for example. For this reason, we recommend that a high standard of sound insulation is installed between the ground and first floor to control airborne and structure borne noise,

Prior to commencement of the development the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed between the ground floor and the first floor flats. The scheme shall be designed to provide a minimum value of 50 dB DnTw+Ctr for airborne sound insulation, and a maximum value of 64 dB L'nTw for impact sound insulation.

Following uncertainty whether the existing plant is to be removed from site, suggested additional conditions to enclose plant:

1 - Noise emitted from any fixed building services plant and equipment shall be controlled to at least 5 dB(A) below the lowest representative existing background sound level, when assessed in accordance with BS 4142:2014+A1:2019, at a position 1 metre outside any habitable window of any residential or other noise-sensitive property. This criterion applies to the total contribution of noise from all plant and equipment associated with the development operating during any given period.

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority, demonstrating how noise will be controlled to meet this condition. The scheme shall be fully implemented in accordance with the approved details and thereafter retained and maintained for its designated purpose.

The baseline noise survey must cover a period sufficient to faithfully represent the prevailing noise climate at the nearest noise-sensitive premises during the plant's operating hours. In most cases this will cover survey during the weekday and weekend period. The typical minimum background sound level should be defined as the 10th percentile value for the daytime (07:00-23:00) and night-time (23:00-07:00) when the plant may operate. The assessment must include valid predictions and valid assessment of any acoustic features.

Reason - To protect the existing noise climate and the amenity and quality of life of local residents from undue noise disturbance.

2 - Prior to the plant becoming fully operational, acoustic commissioning testing shall be conducted by a suitably qualified and independent acoustic consultant to demonstrate compliance with Condition 1. The commissioning protocol shall be agreed in writing with the Local Planning Authority prior to testing.

The results of testing, along with full details of the installed noise mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. If the plant does not meet the required noise limits, additional mitigation measures shall be implemented, and re-testing conducted until compliance is achieved.

Reason - To confirm that the installed plant scheme operates within acceptable noise limits, protecting the amenity and quality of life of nearby residents.

Contamination Team

Presumably this is Class MA development, so contamination will be a material consideration too. The site adjacent is associated with retail sales of petroleum from prior to '66, below ground fuel tanks are expected to have been present.

Ground conditions would need to be confirmed if there was a ground floor accommodation proposed, to ensure no vapour risk. Hydrocarbons in/on groundwater could pose a risk to potable water pipes – it's not likely that the existing supply is via a PVC or MDPE pipe given the age of the building (1952 expected, meaning cast iron is likely), however this is a possible exposure route for new long-term chronic exposure that is materially different to exposure to water at a commercial property (e.g. as an employee).

As this is the only plausible exposure route, I'm not sure that the usual Contamination condition would be justified/proportionate, especially as the most reliable means of determining risk would be to simply test the existing supply. We could rely on Building Control (doc C – resistance to contaminants), though in practice this probably won't come up.

A limited condition relating specifically to the potable supply pipework would be more focussed, and would be for reasons of contamination risk:

Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), the existing water supply shall be tested for a comprehensive chemical suite in accordance with UKWIR Guidance (Report Ref: 10/WM/03/21) and the test results submitted for approval by the LPA. Where it appears that the potable supply might be affected by a significant contaminant, a scheme of mitigation and remedial work must also be submitted, demonstrating how it will be ensured that the water supply will be made & demonstrated to be wholesome within the meaning of SI 2016/614 Regulation 4. Any mitigation and remedial scheme agreed in accordance with this condition must then be implemented in full, prior to the first occupation of the hereby approved residential flats, to the satisfaction of the Local Planning Authority.

Reason: *Contaminants may be present at the site as a result of previous land uses (&/or activities) on adjacent land, which could be capable of penetrating potable supply pipework and affecting the quality of supply to the detriment of the health of future occupants. In line with the objectives of policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 189-191 of the National Planning Policy Framework 2023, to ensure that neither the development nor its future occupants are placed at unacceptable risk from soil contamination.*

Hampshire Highways

The Highway Authority would confirm that having regard to the scale of the proposal, relating to the conversion from Commercial, Business and Services to provide 3 x 1 bedroom residential units, and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. For more information on standing advice please use the following link:

www.hants.gov.uk/transport/developers/consultation

Following submission of Tracking Plan:

HCC's standing advice should be referred to in the first instance.

However, with regard to the further submissions, the following observations are made. The vehicle tracking drawing for both an estate car and a panel van indicate the tight nature of the parking and turning arrangements. With the panel van requiring to use land outside of the application site where other vehicles may be parking, further compromising the available turning opportunities for vehicles which could lead to reversing out across the footway and on to the public highway to the detriment of highway safety. The Planning Authority, as local parking authority, will also consider whether the provisions for car and cycle parking meet the requirements of the Adopted Parking Policy and Standards SPD.

Natural England

NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Nutrient Team

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: 36

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
proposal for 3 additional residents on Hayling Island.	
There are already too many residents on the Island for the utility infrastructure, road access and amenities eg Doctor's surgeries.	Note this strategic policy comment
There are a lot of properties on the Island, where either residential accommodation is being built in the back garden, business / agricultural premises are being changed to residential use or where existing	Policy Team keep records of housing

residential accommodation is being converted/replaced to house more people. I would like to think that a tally is being kept of the permissions given for these types of build so that there is a more accurate picture of development, and increase in population, on the Island. The equivalent of a large housing estate is being built by stealth. I would urge the decision makers in this process to travel on and off the Island - it is always time-consuming and so travel could be tried at any time of the day to witness the quantity of traffic on our one road on and off the Island. Do the emergency services have any say in these decisions?	numbers; anything with net gain in population also recorded for nutrient purposes see Hayling Island Transport Assessment
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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 the increase in recreation 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 two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for 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 packages are 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 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 and so it is necessary to condition the provision of a water calculator to ensure compliance with the nutrient budget and HRA AA.
- 7.6 However the monies have not yet been paid, but it is not a criterion to secure mitigation at this stage. To meet with Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 (as amended), in accordance with Article 3(1) the mitigation must be secured before the development is commenced. An Informative can be added reminding the applicant of this obligation.
- 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 three one bed flats would have a floor space of at least 37sqm (37.3sqm; 40.7sqm; and 47.5sqm) which meets the minimum requirement set out in the nationally described standards for 1 bed, 1 person units, and as such would comply with Article 3 (9A).

8 Planning Considerations

- 8.1 The General Permitted Development Order (GPDO) (as amended) grants at Schedule 2, Part 3, the general permitted development rights for changes of use. Class MA sets out the principle of the proposed change of use from Class E commercial uses to C3 dwellings, such that it is only the matters set out in the relevant 'prior approval' process that can be considered.
- 8.2 Class MA of the GPDO sets a number of conditions and limitations (MA.1.) as follows:
- 8.3 **MA.1.-(1) Development is not permitted by Class MA –**
- (a) criteria deleted
 - (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
The building is currently in use as a card shop and charity shop on the ground floor (Class E). The proposal therefore complies with criteria MA.1. (b)
 - (c) criteria deleted
 - (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

None of the above apply.

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

None of the above apply.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

The site is not occupied under an agricultural tenancy.

(g) before 1st August 2022, if –

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

There is no Article 4 restricting changes of use, so this is not applicable to the application proposal.

8.4 **Conditions**

MA.2.-(1) Development under Class MA is permitted subject to the following conditions:

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area; (n/a)

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

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; (n/a)

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, (n/a)

the impact on the local provision of the type of services lost; and

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building (*ie 18m high or 7 storeys or more - it is not, development on first floor of a 2 storey building*)

In this case, having reviewed the application, the local planning authority has determined that prior approval is required in this instance for MA.2 - (2) - (a), (b), (c), (d), & (f).

- 8.5 The Local Planning Authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
- 8.6 The provisions of the GPDO require the Local Planning Authority to assess the development proposals solely on the basis of the limited number of considerations set out above.
- 8.7 Development Plan Policies and the National Planning Policy Framework can be considered relevant to prior approval cases insofar as they relate to the development and prior approval matters.
- 8.8 Development must be completed within a period of 3 years starting with the prior approval date.
- 8.9 Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
- 8.10 The Procedure for determining applications for Prior Approval under Part 3 must follow the provisions given in paragraph W.**
- 8.11 (a) transport impacts of the development, particularly to ensure safe site access;**

Vehicular access to the rear of the site is very tight and shared with number 13 to the west. The submitted tracking plan demonstrates that it is not possible to turn a vehicle to leave in a forward gear within the application site - the only way it is possible is to rely on land beyond the application site at the rear of number 13. Hampshire County Council Highways note this inability to turn within the application site could lead to reversing out across the footway to the detriment of highway safety.

As 1 bed flats each unit should have 1 space to comply with the adopted Parking SPD. However it is noted that this application proposal does not include any on-site car parking and hence there would be no regular vehicular access to the rear generated by this proposal.

The supporting Parking Statement justifies the lack of any on site parking provision based on the site's sustainable location. It is noted the site is located within the District Centre with its local shops and services easily accessible, and wider health centre, education, restaurants etc all available within 2km. It notes bus stops are within 100m of the site providing access to Havant and wider areas. Therefore the report concludes that future residents will not be reliant on a private car.

The site's sustainable location is noted, with traffic calming and short stay day time parking spaces available in Mengham Road opposite the site, together with nearby public car parks. The double yellow lines outside the site would prevent adhoc parking on the highway. It is also noted that secure cycle stores would be provided for each flat, encouraging alternative modes of transport. Overall it is considered that future occupiers would not need to be reliant on a car and there are sufficient opportunities to legally park a car within close proximity of the site for visitors and deliveries.

On balance it is considered that the conversion of the first floor from office use (which would have generated some traffic movements and parking demand itself) to 3no residential flats would not be sufficiently harmful to justify a refusal based on highway grounds, and it is considered that the site access and transport impacts of this development proposal, with no on-site parking, is acceptable.

(b) contamination risks in relation to the building.

Environmental Health have noted that due to the historic likely presence of below ground fuel tanks, then contamination to the groundwater could pose a risk to water pipes and drinking water quality, to the detriment of the health of future occupiers. They therefore recommend a pre-commencement condition that tests the existing supply and dependent on results a scheme of mitigation and remedial work to ensure the water supply is safe. The agent has confirmed their agreement to the imposition of such a condition.

With the imposition of the suggested condition it is considered that the proposed conversion of the first floor to residential flats would be compliant with policies DM10 and DM17 to minimise contamination risks.

(c) flooding risks in relation to the building.

The application site is within flood zone 1 and is not identified in an area at risk of either current day or future flooding.

(d) impacts of noise from commercial premises on the intended occupiers of the development.

The site is located in a District Centre where a certain level of noise would be expected. The ground floor of the premises is in use as Class E retail units and whilst the current users (a card shop and charity use) are unlikely to result in noise problems to the first floor, future alternative Class E uses could give rise to noise problems. Therefore Environmental Health recommend a pre-commencement condition to secure noise insulation between the ground and first floor flats, which the agent has agreed to.

Environmental Health also note there are existing air conditioning plant on the rear of the building which could result in noise issues to future occupiers. It is unclear whether these are to remain or be removed, and the agent has failed to clarify. In the event that they remain, they should be enclosed and anti-vibration mounted to control noise emissions, which can be conditioned as per Environmental Health's follow up consultee comment.

Overall it is considered that the impacts of noise from commercial premises on the intended occupiers can be adequately controlled through conditions and would be acceptable, in accordance with policies DM10, DM18 and CS16.

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

All kitchen/living rooms, as well as bedrooms, have existing windows which are not obstructed and would be expected to provide adequate levels of natural light to all habitable rooms. Environmental Health did not raise any comment or objection to this issue. Overall this issue is considered acceptable.

8.12 Paragraph W (13) states:

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

It is considered that the conditions relating to contamination and noise, as detailed above, are necessary and relevant to the subject matter of the prior approval.

9 Conclusion

9.1 The proposed change of use to 3no 1 bed 1 person flats is supported by the current GPDO and the NPPF, and with appropriate conditions there are considered to be no adverse impacts relating to transport, contamination, flooding, noise and natural light provision arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions and informative's.

9.2 The development would comply with the requirements of Class MA and the provisions of paragraph W of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended).

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PRIOR APPROVAL** for application APP/24/00618 subject to the following conditions

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

Site Location Plan - Drawing Number 23073-S131A

Site Plan - Drawing Number 23073-P200 Rev A

Proposed Ground Floor Plan - Drawing Number 23073-P210

First Floor Plan - Drawing Number 23073-P211 Rev A
Second Floor Plan - Drawing Number 23073-P212 Rev A
Elevations Proposed - Drawing Number 23073-P220 Rev A
Proposed Bike & Bin Store - Drawing Number 23073-P221

Reason: To ensure provision of a satisfactory development.

- 2 Prior to the commencement of development hereby approved, the existing water supply shall be tested for a comprehensive chemical suite in accordance with UKWIR Guidance (Report Ref: 10/WM/03/21) and the test results submitted for approval by the LPA. Where it appears that the potable supply might be affected by a significant contaminant, a scheme of mitigation and remedial work must also be submitted, demonstrating how it will be ensured that the water supply will be made & demonstrated to be wholesome within the meaning of SI 2016/614 Regulation 4. Any mitigation and remedial scheme agreed in accordance with this condition must then be implemented in full, prior to the first occupation of the hereby approved residential flats, to the satisfaction of the Local Planning Authority.

Reason: Contaminants may be present at the site as a result of previous land uses (&/or activities) on adjacent land, which could be capable of penetrating potable supply pipework and affecting the quality of supply to the detriment of the health of future occupants. In line with the objectives of policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 and DM18 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 189-191 of the National Planning Policy Framework 2023, to ensure that neither the development nor its future occupants are placed at unacceptable risk from soil contamination.

- 3 Prior to the commencement of development hereby approved, a scheme detailing sound transmission reduction measures to be installed between the ground floor and the first floor flats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to provide a minimum value of 50 dB DnTw+Ctr for airborne sound insulation, and a maximum value of 64 dB L'nTw for impact sound insulation. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To protect the amenity and quality of life of occupants of the hereby approved flats from undue noise disturbance, having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 4 No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority, demonstrating how noise will be controlled from any fixed building services plant. Noise emitted from any fixed building services plant and equipment shall be controlled to at least 5 dB(A) below the lowest representative existing background sound level, when assessed in accordance with BS 4142:2014+A1:2019, at a position 1 metre outside any habitable window of any residential or other noise-sensitive property.

This criterion applies to the total contribution of noise from all plant and equipment associated with the development operating during any given period.

The scheme shall be fully implemented in accordance with the approved details prior to first occupation of the hereby approved flats, and thereafter retained and maintained for its designated purpose.

The baseline noise survey must cover a period sufficient to faithfully represent the prevailing noise climate at the nearest noise-sensitive premises during the plant's operating hours. In most cases this will cover survey during the weekday and weekend period. The typical minimum background sound level should be defined as the 10th percentile value for the daytime (07:00-23:00) and night-time (23:00-07:00) when the plant may operate. The assessment must include valid predictions and valid assessment of any acoustic features.

Reason: To protect future residents from existing noise climate and the amenity and quality of life of local residents from undue noise disturbance, having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 5 Prior to first occupation of any hereby approved flat, any method to control noise submitted under Condition 4 above, shall be subject to acoustic commissioning testing, conducted by a suitably qualified and independent acoustic consultant, to demonstrate compliance with Condition 4. The commissioning protocol shall be agreed in writing with the Local Planning Authority prior to testing.
- The results of testing, along with full details of the installed noise mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. If the plant does not meet the required noise limits, additional mitigation measures shall be implemented, and re-testing conducted until compliance is achieved.

Reason: To confirm that the installed plant scheme operates within acceptable noise limits, protecting the amenity and quality of life of nearby residents, having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

6

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.

- 7 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.