
Site Address: Land rear of 25 Mengham Road, Hayling Island, PO11 9BG

Proposal: Conversion and partial demolition of existing bakery and offices to 4 No. self-contained flats comprising 1No. 3 bed, 1No. 2 bed & 2No. 1 bed with associated parking and cycle storage.

Application Type: Full Planning Permission

Application No: APP/23/00377 Expiry Date: 13/07/2023

Applicant: Mrs Elliot
HTE Holdings Ltd

Agent: Mrs Fox Case Officer: Lesley Wells
Critchley Architecture And
Design (CAAD) Ltd

Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is situated just past the corner of the junction of Mengham Road and St. Leonards Avenue. The application site lies to the rear of No 25 Mengham Road, being the former company's bakery and offices for Heidi's Swiss Patisserie.
- 1.2 The site is within Mengham/Gable Head District Town Centre. The site falls within a Secondary Frontage, with access off St Leonard's Avenue to the north.
- 1.3 To the west of the site is a Funeral Directors, which includes a Chapel of Rest.
- 1.4 Along the northern boundary, but not within the site, are trees, together with a public footpath which traverses from St Leonard's Avenue to the east to Elm Grove to the west.
- 1.5 The majority of nearby building are two storey, with a mix of flat and pitched roofed commercial buildings and pitched roof residential properties.
- 1.6 The site is within Flood Zone 1, a very low risk and would remain so with climate change in 2115.

2 Planning History

02/52043/008 - Erection of canopy to rear., PERM,16/12/2002

02/52043/007 - Construction of detached building to form two flats for staff with revised vehicular access from St. Leonards Avenue and associated parking; shed to rear., S106,28/04/2003

01/52043/006 - Erection of disabled toilet to rear of approved bakery and alteration to curtilage of approved dwelling house as proposed by planning permission

00/52043/004., PERM,27/02/2002

01/52043/005 - First floor extension to store approved by planning permission

00/52043/004, alterations to internal layout and elevations., PERM,24/10/2001

00/52043/004 - Demolition of garages and part of bakery, two storey extension to rear to provide finishing area, storage, office and staff facilities with associated parking. Construction of detached 3 bedroom chalet bungalow for staff. New and revised vehicular access from St. Leonards Avenue., S106,17/07/2001
06/52043/009 - New metal staircase and first floor lobby., PERM,30/03/2006
06/52043/010 - Single storey store extension., PERM,29/11/2006

3 Proposal

Conversion and partial demolition of existing bakery and offices to 4 No. self-contained flats comprising 1No. 3 bed, 1No. 2 bed & 2No. 1 bed with associated parking and cycle storage.

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)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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

Arboricultural Officer - No Objection

Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

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

Tree protection measures:

No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

Officer Comment: *The above conditions are recommended, if permission is granted.*

Building Control - No Comment

Councillor Leah Turner - Hayling East - No Comment

Councillor Mark Coates - No Comment

Councillor R Raines - Hayling East - No Comment

Crime Prevention -Minor Apps - No Comment.

Community Infrastructure - Comments

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

Additionally, 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 number of additional dwellings and their 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/nitrogendvelop>

Ecologist - No Objection

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The application site comprises a relatively modern building with pitched roofs and clad with hanging tiles on all visible elevations. I would not expect the structure to be of particular ecological value and on balance I do not see a justification for requesting additional information.

I would like to see some small ecological enhancements if possible. The building would appear suitable for the installation of external nest boxes for Common Swift. Several of these purpose-built boxes could be attached to the gable apex sections: they are inexpensive and are proven to benefit this declining bird species. I would be happy for the provision of Swift boxes to be secured by condition.

Officer Comment: *A condition for Swift boxes is recommended, if permission is granted.*

Economic Development - No Comment

Environmental Health - Contamination - No Objection

Observations / Comments:

Environmental Health has previously reviewed the ground contamination risk at these properties under pre-application enquiry GEN/18/00214. Those comments remain valid to the current application, which is substantially similar in nature (being ground-floor residential with private amenity gardens). Appended for completeness.

In line with those comments, where Development Management is minded to grant consent for these proposals, I offer no objections subject to the imposition of the following pre-application & compliance conditions;

Contamination (Standard – omitting EDS) [1]

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-), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action. All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: To ensure that future occupants of the development are not put at unacceptable risk from contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services"

Verification (Standard) [2]

Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved. Reason: To ensure that future occupants of the development are not put at unacceptable risk from contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services"

For the benefit of the applicant, the need for an environmental desk study has been omitted as the risk drivers for this site have already been identified, and are fairly clear. It is not considered likely that additional desk-based research would add substantial value to by steering the intrusive investigation, and similarly unlikely that the Council would accept desk-based research which concludes that intrusive works are unnecessary. The omission from the condition requirements is for the benefit of the applicant, and where the applicant chooses to commission & submit such a study, the Council will take account of its content in connection with the above-proposed conditions.

It is not the Council's role to dictate the scope of a site investigation, however it is sometimes helpful to outline a scope which would address the principle concerns. Those concerns relate principally to the existence of fuel-derived hydrocarbons (from retail sale of petrol, diesel, and kerosine & lamp oil), but would also include some metals used as fuel additives (Lead), and contaminants associated with the service & repair of vehicles (lubricant-derived hydrocarbons, metals used in decorative & anti-corrosion finishes, solvents). Contaminants may be present in soils, groundwater, or may be detectable as either gas or vapour. The presence of existing structures at the site are a complication, and will hamper access to the site for investigative work.

In order to provide sufficient surety, given the above-referenced context, it is recommended that the intrusive site investigation include;

- the advancement of a minimum of 3 window-sample-probes (or windowless sample cores) to depths at least sufficient to reach local groundwater (anticipated to be encountered at less than 2m depth)
- collection of groundwater samples from a minimum of two different locations
- routine screening of trial holes (or recovered soil cores-) using a photo-ionisation detector (PID, as an indication of the presence of total volatile hydrocarbons).
- routine sampling of soils for CLEA metals, TPH-CWG, PAH(16) & Asbestos presence (screen).
- scheduling of at least one soil sample for BTEX, MTBE (in addition to above)
- routine sampling of groundwater for TPH-CWG & BTEX. Dissolved-phase metals should be included if groundwater is encountered within 1m of current ground levels.
- Ideally (as best practice) at least one sample of groundwater scheduled for VOC

analysis.

The council will not insist upon the advancement of trail holes within the building footprint in the first instance, but the above recommendations are designed to allow inferences to be made as to whether contaminants are likely to be present within the footprint of the buildings, and to gauge the likely level of risk. Where results are significantly adverse, additional intrusive works (which may include holes within the footprint of buildings-) could be required. Completing some or all trail holes as wells might aid in minimising the extent of further intrusive works by allowing the vapours, gasses and groundwater to be monitored from the original trail holes.

An investigation that omits or falls short of 'minimum' requirements should provide a robust justification for doing so. The Council may reject as inadequate any report that does not adequately consider the sources, contaminants, and pathways which comprise the anticipated risk drivers for the development.

Whilst I would not anticipate levels of contamination which are likely to be so difficult to remediate or mitigate so as to make the development uneconomic; I would nevertheless draw your attention to the final paragraph of the appended.

Policy does dictate the new development be demonstrated to be suitable for use (NPPF 2021 para 183 c)), so the imposition of conditions to assess contamination risks is unavoidable. If the applicant raises substantial objection to the recommended conditions, in the context of the suggested scope of investigation; then I would recommend that the applicant consider withdrawing the application, or Development Management consider refusal.

Officer Comment: If permission is granted the above 2 conditions are recommended, together with the comments as an informative on the decision notice.

Envrionmental Health - Comments Pollution - No Objection

Noise Assessment Condition

Prior to commencement of the development, a noise assessment shall be submitted to the Council for a written approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal noise levels for rooms- and (if provided) external amenity standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport & commercial noise sources.

Pre-Occupation Noise condition

Prior to occupation of the development hereby permitted a report shall be submitted to the Local Planning Authority in writing to confirm that the measurements employed with regard to the building envelope, including fenestration and ventilation, for this residential unit, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. Similarly, for traditional external areas that are used for personal amenity space, such as gardens and patios the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Construction/ Demolition Management

No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP), to include details of: (a) provision of boundary hoarding; (b) hours of operation; (c) means to control dust and emissions to air; (d) means to control noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority. The CMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement. Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Artificial Light condition

Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment, and local residents from light pollution.

Regards

Informative regarding Hours of Work:

You are hereby advised to ensure that no works or ancillary operations associated with any demolition, excavation, clearance, and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8.00 – 13.00. This is to protect the occupants of nearby residential properties from noise and vibration nuisance.

Informative regarding Bonfires: You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e., demolition, excavation, clearance, and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action. This is to protect the occupants of nearby residential properties from smoke pollution.

Informative regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site. This is

to protect the occupants of nearby residential properties from dust pollution. Please do not hesitate to contact me if you wish to discuss any of the above matters raised or would like further explanation. Jonathan Driver of this office will likely provide separate comment on other issues.

Officer Comment: *If permission is granted the above conditions and informative are recommended.*

Hampshire & Isle of Wight Fire & Rescue - Comments

Drawings and Documents Referenced

Title Drawing / Doc No Revision Date Location/Block Plan 20058-111 N/A 13/04/2023

Proposed Ground Floor Plan 20058-413 B 23/06/2023

Description of Works:

HIWFRS understands that the project involves conversion and partial demolition of existing bakery and offices to form 4 self-contained flats.

The inspector has considered the information provided and has made the following comments:

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12

(Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Access for High-reach Appliances

High reach appliances currently operated by the HIWFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows.

Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

Water Supplies

Additional water supplies for fire fighting may be necessary. You should contact the W

Officer Comment: *If permission is granted, the above advice would be an informative on the decision notice.*

Hampshire Highways - No Objection

Due to the scale of the proposal, being 5 dwellings or less, and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Landscape Team, Havant Borough Council

Final Comments

Having reviewed the amended ground floor plan we are satisfied with the alteration and have no further landscape comments.

Interim Comments

We welcome the amendments to the layout and the inclusion of private amenity space for the ground floor. We would recommend the use of one larger planting bed to the frontage which could accommodate a tree to add vertical screening to break up the car parking. Due to limited canopy space the use of fastigate trees should be explored.

Initial Comments

From a landscape perspective we do not object to the principal of this development, however we have the following comments:

- The proposed development does not offer any private outside amenity space to all units and is deemed contrary to HBC design guides, which states; All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment. Where ground floor apartments are being proposed the applicant should endeavour to provide private gardens for individuals where possible. When not possible communal gardens should be provided, with safe and convenient access for residents. In addition, the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens.

I recommend the PB F4 and PB F3 are relocated to abut to the highway and will create space for a some amenity space and will improve the views from flat 3 and 4.

- Recommend to break up parking bays which soft landscaping to the frontage on St Leonards Road.

Nitrates Team - No Objection

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/>

Natural England - No Objection

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on your 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 European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 01 August 2023, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution 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.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure We note that an alternative occupancy figure has been used in the nutrient budget calculation. Please note that the Natural England Solent Nutrient Budget Calculator uses a default value for the number of residents per dwelling of 2.4, reflecting the national average from Office of National Statistics (ONS) data. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. However please note, unless there is a clear justification for them to differ, such rates would need to be applied consistently in line with other policy requirements/approaches used in relation to the scheme (e.g. for calculating open space requirements). These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Norse South East, Operations Director - No Comment

Waste Services Manager - No Comment

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: 50

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Representations Received

None.

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's 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 entered into a legal agreement to secure the mitigation packages.

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Loss of Commercial Use
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Access & Parking
- (vi) Impact on Trees
- (vii) Flood Risk & Drainage
- (viii) Impact on Ecology
- (ix) Landscaping
- (x) Contamination
- (xi) CIL

(i) Principle of development

7.2 The application site is situated within a sustainable urban area where further development is considered acceptable subject to the usual development control criteria. In this case the development would lead to the loss of the former Heidi's Swiss bakery and offices, which is a Class E use. This is considered further below under the heading 'Loss of Commercial Use'.

7.3 The conversion of the building to 4 flats in such a location would contribute, albeit modestly, to the Council's overall housing requirement. The Council, at the time of writing the report, cannot demonstrate a 5-year land supply of housing, which is currently only 1.81 years.

7.4 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly

protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011 sets out that development will be permitted that makes the most effective use of land in the borough.

- 7.5 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a high-density development at 75 dwelling per hectare on a site of approximately 0.053 hectares.
- 7.6 The adopted Local Plan policies echoes the advice in the National Planning Policy Framework (NPPF).
- 7.7 Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 7.8 Paragraph 124 of the Framework supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.
- 7.9 The Framework goes further and sets out at Paragraph 123 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 7.10 The principle of making an efficient use of an existing urban site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of a number of detailed planning considerations as set out below.

(ii) Loss of Commercial Use

- 7.11 The site is within Mengham/Gable Head District Town Centre. The site falls within and on the edge of a Secondary Frontage, with access off St Leonard's Avenue.
- 7.12 The proposal would result in the loss of a business use, i.e. a former bakery and associated offices, which is no longer operating from the site. This former use was a class E(g) use, which now operates from Emsworth.
- 7.13 Havant Borough Local Plan (Core Strategy) 2011 sets out in policy CS2 that the loss of current employment sites will generally be resisted.
- 7.14 Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 states that planning permission will be granted for appropriate town centre proposals which amongst other matters promote and enhance the District Centres, support small and independent businesses and encourage high quality, mixed-use development in designated centres that retain active ground floor frontages.
- 7.15 Policy AL3 states that Planning Permission will be granted for development proposals that (amongst other matters):

1. Provide main town centre uses in the town, district and local centres as defined on

the Policies Map, and so contribute to their vitality and viability.

- 4. Retain at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use.*

Exceptions to parts (3) and (4) may be made to allow a change of use to non-retail if more than 25% of units in the unbroken run of frontage are vacant at the time of the application.

- 7.16 Policy DM3 provides further detail in relation to the loss of B class employment uses:

DM3 Protection of Existing Employment and Tourism Sites

"1. The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered."

"In all cases the marketing process requires as a minimum:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.*
- ii) Dated photographs of marketing board/s of an appropriate quality, size, scale, location and number, during this time, on the premises.*
- iii) An enquiry log, how it was followed up and why it was unsuccessful.*
- iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements spread across a six month period).*
- v) Evidence of marketing via the internet."*

- 7.17 As to the above policies, the commercial use of the building as a bakery and offices have never had an active ground frontage, with the linked former retail element providing this fronting Mengham Road. As to development to the south of the site fronting St. Leonard's Avenue, these comprise two chalet bungalows, albeit tied to the business at 25 Mengham Road. There is also residential development above 25 Mengham Road at first floor, with access off St Leonard's Avenue.

- 7.18 The application has been marketed since August 2022, by Wheeler & Lai, Chartered Surveyors. This was advertised via their web-site, by social and digital marketing and with boards placed outside the premises. An enquiry log shows that the level of interest was low, *"... mainly due to the configuration and potential works to fit out for various purposes."* It has been stated that only three offers (one a revision of an original offer) were received during the marketing period for the freehold, which were not proceeded with. The former bakery was advertised to buy or let, with the latter at a cost of £30,000 per annum, exclusive of VAT and service charge, with a floor area of 358 sqm.

- 7.19 The marketing of the property for just under a year has failed to secure a commercial, economic use for the building. Having regard to the marketing information, on the balance of probability, it demonstrates that there is little in the way of demand for this

commercial building, indicating it is no longer fit for purpose and unviable for its current use, or for an alternative economic use. Furthermore, due to location of the building in St Leonard's Avenue, which falls within a Secondary Frontage, not within Mengham Road itself, its loss is not considered to undermine the viability or vitality of the Town Centre. Therefore, on balance, the principle of the change of use to residential is considered acceptable in this location, which in appearance terms would complement existing residential development along this part of St Leonard's Avenue.

(iii) Impact upon the character and appearance of the area

- 7.20 The proposal is for the conversion of an existing commercial building. To facilitate the development a single storey link between the rear of the building and the retail element would be demolished to provide a garden for flat 4. A double set of gates facing west, but adjacent to the northern boundary would also be removed. The exterior works to the building would be to the facade of the building on the north and south elevations with a small roof addition to match existing. As to the facade this would also include new windows and doors in the two elevations. It is considered that the changes to the facade of the building would not materially impact on the appearance of the building itself, or the character and appearance of the area, and would be in accordance with policy CS16 of the Core Strategy.

(iv) Impact upon residential amenity/sensitive commercial activities

Impact on existing residents

- 7.21 The occupiers of the properties most likely to be impacted by the proposal would be Nos. 1, 1a and 1b St Leonard's Avenue. The occupation of Nos. 1a and 1b are tied by a Section 106 agreement to the business at 25 Mengham Road. As 25 Mengham Road remains in commercial use, it is understood that no decision has yet been made on whether to apply to remove this restriction.
- 7.22 As to No. 1 St Leonard's Avenue to the north, this is set back off the road with a blank flank wall to the side of the site, together with 1.8m close boarded fencing to the rear of the property. The separation distance between the two buildings is approximately 5m with a public footpath and trees along the southern boundary in between. Having regard to the previous commercial activities associated with the site, it is considered that the change of use to residential would not adversely impact on the residential amenity of No. 1 St Leonard's Avenue.
- 7.23 With regard to No. 1b St Leonard's Avenue, the gardens for flats 2 and 3 would abut the garden of this property. Having regard to the activities associated with the previous commercial use of the site, the change of use to residential would not give rise to an unacceptable loss of amenity to the occupiers of No. 1b St. Leonard's Avenue. The same is considered to be the case with No. 1a St Leonard's Avenue, located further to the south. The on-site parking for these two dwellings would remain as existing to the front/side of these properties.
- 7.24 As to windows at first floor on the south elevation the existing openings would be replaced and increased in size to service bedrooms 1 and 3 in flat 1. The new window to bedroom 1 would overlook the rear garden of flat 4 on the ground floor and a yard, with oblique views of the gardens to Nos. 1a & 1b St Leonards Avenue and the garden to flat 2. Overlooking of garden areas within flatted development is to be expected with the oblique overlooking from this window acceptable in respect of Nos. 1a & 1b St Leonards Avenue. The enlarged window serving bedroom 2 would

overlook the rear gardens of Nos. 1a & 1b St Leonards Avenue and the garden areas of flats 2 and 4. Overlooking of the private amenity area of these properties would be limited by existing trees/vegetation within these gardens, with some level of overlooking within built up areas not unusual and considered, on balance, to be acceptable.

Impact on future residents

- 7.25 The size of these 4 flats would comply with the Government's Technical housing standards – nationally described space standard. There would be 3 flats on the ground floor comprising of 2No. 1bed flats and 1No. 2 bed flat, with 1No. 3 bed flat at first floor. Garden spaces are provided for each flat. The garden areas for each flat are colour coded on the Proposed Ground Floor Plan as are the allocated car parking spaces. These garden areas vary in size but would provide an adequate level of amenity space for future occupiers..
- 7.26 On site allocated car parking fronting St. Leonard's Avenue would be provided, together with secure cycle storage (8 racks) the level of which accords with Havant's Car Parking SPD. Bin storage would be provided along the southern boundary, with an existing 1.8m fence enclosing this part of the site.
- 7.27 The Class E1 retail use of 23 and 25 Mengham Road and the proposed residential use is considered acceptable, as such uses are compatible, which would not give rise to an unacceptable level of noise and disturbance to the residential amenity of future occupiers, and with the Council's Environmental Health Officer raising no objection, whilst recommending a number of conditions and informative. If permission is granted the recommended conditions and informatives would be imposed on the decision notice.
- 7.28 The proposal would provide a satisfactory level of accommodation for future occupiers, in accordance with Policies DM10 and CS16 of the Core Strategy.

Impact on sensitive commercial use

- 7.29 A Funeral Parlour with a Chapel of Rest is located to the west of the site. Having regard to the level of activity that would have been associated with the former commercial use of the site, the conversion to residential would be compatible with this sensitive commercial use.
- 7.30 It is noted that no representations have been received in respect of the proposal.

(v) Access & Parking

- 7.31 The proposal makes use of the existing wide access to the site off St Leonard's Avenue with parking, as now, directly off this road to the east of the building. This requires vehicles to either reverse into or out of the existing parking spaces crossing over the dropped kerb and pavement. Having regard to the existing parking arrangements for this commercial site, and the nature of the proposal, the continued use of this parking arrangement is considered to be acceptable in highway safety terms.

As to parking provision along St Leonard's Road, following an amended plan, this has been 'broken up' to provide for some planting, which would help soften up this area and its impact on the locality.

The level of parking to be provided would be as follows:

Flat 1	177m ²	3 bed, 6 person	3 parking bays
Flat 2	65m ²	2 bed, 3 person	2 parking bays
Flat 3	50m ²	1 bed, 2 person	1 parking bay
Flat 4	53.5m ²	1 bed, 2 person	1 parking bay

7.32 This level of parking slightly exceeds that required by Havant's Design Guide SPD in respect of Flat 1, with normally only 2 spaces required. That said, the level of parking is considered to be appropriate in this location, in accordance with Policy DM13 of the Core Strategy.

7.33 As to cycle provision, 8 racks would be provided within secure storage areas, fronting onto St. Leonard's Avenue. Bin storage would also be provided alongside the cycle provision to the north of the site. The cycle provision accords with Havant's Parking SPD.

(vi) Impact on Trees

7.34 There are several trees along the northern boundary which overhang, but do not fall within the site. The Council's Arboricultural Officer has been consulted over the proposal, raising no objection as the resulting development could improve the ground conditions of the neighbouring trees. However, conditions relating to tree protection measures and pruning works are recommended if permission is granted. Such conditions are recommended.

(vii) Flood Risk & Drainage

7.35 The site falls wholly within Flood Zone 1. Overall, the development is a low flood risk. (less than 0.1% AEP) and so is suitable for the residential development proposed. The site would remain in Flood Zone 1 with climate change in 2115.

7.36 As to foul and surface water drainage for the development this would be discharged to the main public sewer which would fall within the remit of Building Control.

(viii) Impact on Ecology

7.37 The Ecologist has been consulted over the proposal and has advised that due to the relatively modern building the subject of the application it is not expected that "*the structure to be of particular ecological value and on balance I do not see a justification for requesting additional information.*" However, to secure some small ecological enhancements, external nest boxes for Common Swift are recommended by way of a condition. If permission is granted, such a condition is recommended.

(ix) Landscaping

7.38 Following amended plans gardens areas have been provided for each of the flats to the north and south of the building. As mentioned above, landscaping has been provided within the car parking area, to soften up the appearance of the frontage. The Landscape Team has been consulted over the amended plans and are content with the revised scheme.

(x) Contamination

- 7.39 As to potential contamination of the site, having regard to its former commercial use, the Council's Environmental Health Officer has been consulted over the proposal. No objection has been raised, subject to conditions concerning an assessment of the nature and extent of the contamination at the site is undertaken prior to commencement and that prior to occupation a verification report is submitted which demonstrates, amongst other matters, that the site remediation criteria has been met. If permission is granted, the conditions put forward are recommended.

(xi) CIL

- 7.40 The proposal is for the change of use of an existing commercial building, which has been in lawful use for at least 6 months of the previous 3 years. Therefore, the proposal is not CIL liable

8 Conclusion

- 8.1 The proposal would result in the loss of a commercial use which adopted policy seeks to retain, where possible. However, a marketing exercise failed to secure an alternative commercial use for the building and consideration has been given to an appropriate alternative use, as provided for in policy DM2 of the Core Strategy. The development would provide for the provision of homes within the Borough, which does not currently have a 5 year supply of deliverable housing sites, within an appropriate sustainable location. The proposal would not adversely impact on the character and appearance of the area, or the residential amenity of neighbouring properties. No changes are proposed to the access which is considered to be acceptable in highway safety terms with an appropriate level of on-site car parking and cycle provision in accordance with Havant's Car Parking SPD. The impact on drainage, flood risk, trees and ecology has been assessed and considered acceptable, as is the landscape proposal. The proposal accords with the development plan when considered as a whole and conditional planning permission is recommended.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00377 subject to the following conditions:

1 GENERAL

The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Plans

Location & Block Plans - Drawing No. 20058 - 111

Proposed Elevations - Drawing No. 20058 - 413E

Proposed Ground Floor Plan - Drawing No. 20058 - 413 Rev C

Proposed First Floor Plan - Drawing No. 414
Proposed Lighting Plan - Drawing No. 20058-415
Documents

Documents

Design, Access, Planning & Marketing Statement
European Site Avoidance and Mitigation Checklist
Nutrient Budget Calculator & Occupancy Calculator

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

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

5 PRECOMMENCEMENT

Prior to commencement of the development, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority which assesses external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal noise levels for rooms and external amenity standards in accordance with the criteria of BS8233:2014. The approved details shall be implemented prior to the occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport and commercial noise sources having regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants;

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks; and

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: To ensure that future occupants of the development are not put at unacceptable risk from contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services.

- 7 No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. Such plan shall include details of:
- (a) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;
 - (b) The provision to be made within the site for a material storage compound during site clearance and construction of the development;
 - (c) provision of boundary hoarding;
 - (d) hours of operation;
 - (e) means to control dust and emissions to air; and
 - (f) means to control noise and vibration

The CMP shall be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Details of any external lighting of the site shall be submitted to and approved

in writing by the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment, and local residents from light pollution, having regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

10 **PRIOR TO OCCUPATION**

Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 6 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan"). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that future occupants of the development are not put at unacceptable risk from contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services.

11

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.

- 12 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 Prior to the occupation of the development hereby approved details of 2 Swift Boxes and their location on the building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 3 months of such approval.

Reason: In the interest of ecology having regard to Policy CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 Prior to occupation of the development hereby permitted a report shall be submitted to the Local Planning Authority in writing to confirm that the measurements employed with regard to the building envelope, including fenestration and ventilation, for this residential unit, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8

hour for bedrooms. Similarly, for traditional external areas that are used for personal amenity space, such as gardens and patios the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16 **POST OCCUPANCY**

The landscaping works shown on the approved plan, ref. drawing no 20058-413C, Proposed Ground Floor Plan, shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 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.