

From: Umunnakwe, Chima
Sent: 29 August 2023 13:31
To: Pickup, Tina
Subject: RE: APP/23/00560

Hi Tina,

Thank you for providing an insight into prior – approval application in context.

In my introduction I referred to road noise, and I can see from the legislation extract that it is all about noise from commercial premises. The two conditions I recommended fit perfectly when considering commercial and road traffic. Therefore, I am happy to amend my consultation response by removing the artificial light condition and provide the two noise conditions as follows:

To ensure that the future residential dwellings are sufficiently protected from commercial noise, it is recommended that the following noise consideration be made when considering approval.

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 BS8233:2014 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

I hope this helps. However, let me know if you need anything else.

Regards

Chima Umunnakwe

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NB: Working days are Monday – Thursday (compressed)

From: Pickup, Tina <Tina.Pickup@havant.gov.uk>

Sent: 23 August 2023 16:12

To: Umunnakwe, Chima <Chima.Umunnakwe@havant.gov.uk>

Subject: RE: APP/23/00560

Dear Chima,

Thank you for your comments on APP/23/00560, below.

However the application is made under Schedule 2, Part 3, Class MA of the Planning Act for Prior Approval, not planning permission. As a Prior Approval application the proposal is effectively permitted development but they need to notify us of the proposal and we are only allowed to consider specific points/issues, which are not as broad as planning applications. We have to determine the prior approval and provide a response within 56 days otherwise they can literally start – so if we miss the deadline they benefit from deemed consent with no conditions at all.

FYI I have copied below from the legislation what we can consider, and you can see that from an EH point of view we are limited to contamination; noise, but only noise arising from commercial premises on the intended occupiers; and natural light for all habitable rooms.

(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;

(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; **F111**...

(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,

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

So I am afraid that your suggested conditions go beyond the realm of what we are able to consider, things like road noise can't be taken into account. I just need your comments and any conditions tightly related to contamination/noise from commercial uses; and natural light please.

Any chance you can re-consider and re-do this one please?

Thanks, Tina

Tina Pickup
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