

Recommendation: **PRIOR APPROVAL IS REQUIRED AND HEREBY GIVEN**

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS20 (Transport and Access Strategy)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)
DM18 (Protecting New Development from Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager - contamination

Comments here relate to contamination only. Mark Moss has been allocated this consultation to comment on noise from commercial premises. I would anticipate further comment to follow on noise, given the proximity to commercial premises, and the town centre location in general.

As regards contamination exposure risks, I note that conversion works are proposed only at 1st & 2nd floor level, and that no private garden areas are proposed. The form of development is minimum risk for a residential use class, and as no high-risk landuses are known to have previously occupied the site, this is sufficient to conclude that development is likely to be acceptable.

The building appears to have been constructed on land occupied by the former cattle market at some point between 1966 & '73. Consequently, there is a high likelihood of asbestos containing materials being present within the building fabric. This is regarded as a potential pollutant, and not a contaminant, and as such the Construction & Demolition Management and Control of Asbestos Regulations are the appropriate regimes to control this risk.

No adverse comments.

Environmental Health Manager - noise

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I have perused the documentation provided by the applicant, and would have no objection in principle to the development.

However it is noted that there are existing commercial / business units on the ground floor and without any current clarification by the applicant, it is assumed these will remain as such. I also note a drive through entrance below the first floor to parking at the rear of 51.

I would therefore ask that the following conditions be added to any approval that may be granted, and furthermore based on the close proximity of neighbouring residential properties, I would also ask that the following informatives also be added:

Condition 1:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope which includes all fenestration and ventilation, and further including all floor levels, for all residential units, 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.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels, especially potential noise from any commercial / business activities taking place on site, and / or traffic and other noise from street level.

Condition 2:

The applicant to ensure that any external lighting that may be installed on this site, within the grounds or attached to the building, is so positioned so as not to cause nuisance to future residents or neighbouring properties.

Reason:

This is in order to protect the occupants of nearby residential dwellings from light pollution.

Informatives recommended re hours of work, bonfires and dust control.

Officer comment: *Conditions regarding control of light pollution are not a matter within the remit of a prior approval application. An informative is recommended instead.*

Highways Engineer, Development Engineer

The highway Authority have no adverse comment to this application

Planning Policy, PPUD

There are no policy comments for this application.

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: 88

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 The change of use of the premises proposed is the subject of recent changes to the General Permitted Development Order (GPDO) which have given a general permitted development right for such changes to take place with only a 'prior approval' process to go through. Consequently the principle of the change of use is considered acceptable. Having regard to the relevant conditions of the GPDO it is considered that the main issues arising from this application are:

- (i) Transport and highways impacts of development
- (ii) Contamination risk on the site
- (iii) Flooding risks on the site
- (iv) Impacts of noise from commercial premises on the intended occupiers of the development
- (v) Other matters

(i) Transport and highways impacts

The existing parking and access facilities on the site would not be altered as part of the proposal. The site is located in a highly accessible and sustainable location within Havant Town Centre and as such there are no concerns over transport and highway issues.

(ii) Contamination risk

The proposal comprises conversion works with no new build and are situated at upper floor level. The curtilage of the premises contains predominantly hard surfaced car parking with little scope for ground interruptions, and the Environmental Health officer considers the proposed use to be at minimal risk of contamination. Consequently with regard to contamination risks, there are no concerns.

(iii) Flood risk

The site is not within either Flood Zones 2 or 3 and as such there are no flood risks concerns associated with the proposal.

(iv) Impacts of noise from commercial premises on the intended occupiers of the development

The site is located with the commercial setting of Havant Town Centre and is surrounded by offices, retail and other residential properties. On this basis, it is not considered that there are any in-principle noise concerns associated with the surroundings which will prejudice the amenity of the future occupiers of the development. However the comments of the Environmental Health officer are noted in relation to the protection of the new dwellings from noise from adjacent commercial uses, and a performance condition is recommended in order to ensure that a reasonable standard of amenity is met.

(v) Other Matters

Under the Habitat Regulations the proposal results in new dwellings, for which avoidance and mitigation measures must be secured to protect the habitats and species of the Borough's European sites. To comply with these regulations the applicant is required to make a financial contribution towards the Solent Mitigation Project before development commences.

In this case, the applicant has paid the relevant contribution of £1160 (which includes the financial contribution of £181 per dwelling, an administration fee of £20 and a monitoring fee of £54) and submitted a signed copy of the Payment Form/Deed. The requirement of the Habitat Regulations have therefore been met.

The proposed development also comprises 'chargeable development' under the CIL Regulations as the applicant has confirmed that the floorspace to be converted has not been in lawful use for a continuous period of at least 6 months in the last 36 months.

8 **Conclusion**

The proposed change of use is supported by the current GPDO and the NPPF, and there are considered to be no adverse impacts relating to flooding, transport, contamination or noise arising from the proposal. Prior Approval should therefore be granted.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to determine **PRIOR APPROVAL IS REQUIRED AND HEREBY GIVEN** for application APP/17/01094 subject to the following conditions:

- 1 The development shall be completed within a period of 3 years starting with the date of this approval notice.
Reason: To comply with the requirements of Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 2 Acoustic mitigation measures shall be undertaken in conjunction with the proposed conversion works to ensure that, with regard to the building envelope which includes all fenestration and ventilation, and further including all floor levels, for all residential units, it shall 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.
Reason: To ensure the residential amenity of the proposed dwellings is not impacted upon by any external noise levels, especially potential noise from any commercial / business activities taking place on site, and other noise from street level, and having due regard to Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.