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For: Punch Partnerships (PML) Limited

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**The Town and Country Planning (Development Management Procedure) (England)  
Order 2015  
Grant of Planning Permission**

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**Application Number:** APP/23/00588

**Site Address:** The Swan, Jessie Road, Havant, PO9 3TH

**Proposal:** Erection of 3 two-bed dwellings (Use Class C3) on the land adjacent to the public house, utilising new vehicular access, with associated parking and landscaping, including reconfiguration of beer garden and car park of the public house.

Further to your application received on 10 July 2023, which was valid from 04 August 2023 Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

**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**

Proposed Site Layout Plan - Drawing No. 17.2292.100 rev P24

Our Ref: APP/23/00588

Proposed Roof & Floor Plan - Drawing No. 17.2292.101 P3  
Proposed Elevations - Drawing No. 17.2292.102 P1  
Proposed Context Elevation - Drawing No. 17.2292.103 P3  
Location & Block Plan - Drawing No. 17.2292.104P1  
Proposed PH Ground Floor - Drawing No. 17.2292.106P1  
Proposed South Elevation - Drawing No. 17.2292.107P1

Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP07  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP08  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP09  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP010  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP11  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP12  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292. SP13  
Swept path analysis of a large car (4.8m long) - Drawing No. 17.2292.SP14

## **Documents**

Planning Application  
Cover Letter dated 16/6/2023  
European Site Avoidance & Mitigation Checklist  
Occupancy Calculator  
Solent Budget Calculator  
Arboricultural Impact Assessment  
Parking Provision  
Transport Statement

Technical Note Ref: 1710-046/TN/05

**Reason:** To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, or roof conversion shall be constructed within the curtilages of the three dwellings without the prior approval of the Local Planning Authority.

**Reason:** In the interests of the amenities of the neighbouring properties and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Deliveries and collections to the public house shall only take place outside of the operational hours of the public house, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To avoid servicing of the public house taking place from the highway in the interests of highway safety having regard to policy DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted shall only be carried out in accordance with the Arboricultural Implications Assessments and Method Statement Ref 17970-AIA3 29 June 2023, unless otherwise agreed in writing with the Local Planning Authority.

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

## 6 PRECOMMENCEMENT

Prior to commencement of the development, a noise assessment shall be submitted in writing to the Local Planning Authority for approval of 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 (if provided) external amenity standards in accordance with the criteria of BS8233:2014. The 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 and commercial noise sources having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. This is a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 7 Prior to the commencement of the development hereby approved, a scheme shall be provided in writing to demonstrate that the external noise levels within the curtilage of the residential units and amenity areas for the site shall conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T and preferably with the desired LAeq,T level of 50 dB as specified in section 7.7.3.2 of BS 8233:2014.

Guidance on the noise mitigation works to be provided to ensure noise reduction for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the development and be retained thereafter.

**Reason:** To protect the amenity of future residents having regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. This is a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 8 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 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.

- 9 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, ecology, 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

- 10 The car parking and servicing arrangements shown on the approved plans to serve the public house hereby permitted shall be made fully available for use prior to the commencement of the development of the three dwellings hereby approved and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

#### 11 **ABOVE GROUND**

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

#### 12 **PRIOR TO OCCUPATION**

The car parking, servicing and cycle arrangements shown on the approved plans to serve the three dwellings hereby permitted shall be made fully available for the 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.

- 13 Prior to occupation of the three dwellings hereby approved visibility splays of 2.4m x 43m for the accesses shall be provided, with the visibility splay kept free of obstruction.

**Reason:** In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 A scheme of hard and soft landscaping, including boundary treatment and details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, to include at least three heavy standard trees (12-14cm girth at 1.5m above ground level), shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

**Reason:** To ensure a satisfactory appearance and to safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant (Core Strategy) 2011 and the National Planning Policy Framework

- 15 Prior to occupation of the three dwellings hereby permitted a report shall be submitted in writing to the Local Planning Authority to confirm that the measurements employed with regard to the building envelope, including fenestration and ventilation, for these 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 Prior to occupation of the public house garden the acoustic fence shown on the Proposed Site Layout plan drawing number 17.2292.100 rev P24 shall be erected along the northern and western boundaries and shall thereafter be retained and maintained in the approved positions.

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

- 17 Prior to the use of the public house car park hereby approved details of the wall to replace the bollards as shown on the Proposed Site Layout plan drawing number 17.2292.100 rev P24 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected prior to the use of the approved public house car park and thereafter retained and maintained.

**Reason:** In the interests of health and safety for the patrons of the public house

18

1. 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.

19

Prior to the occupation of the development hereby approved details of Electric Vehicle Charging points for the three dwellings shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual dwelling and retained at all times thereafter.

**Reason:** In the interests of energy efficiency having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

20

## **POST OCCUPANCY**

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.

**Other Important Information:**

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See [www.planningportal.co.uk](http://www.planningportal.co.uk)
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
  - Offering a pre-application advice service, and
  - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit.
- (5) You are hereby requested 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: 08.00 - 18.00 and Saturday: 08:00 - 13.00. This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance
  - (6) 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

Our Ref: APP/23/00588

enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action. This is in order to protect the occupants of nearby residential properties from smoke pollution.

- (7) 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 in order to protect the occupants of nearby residential properties from dust pollution.

- (8) Highway Authority

The applicant should be made aware that they will require a S171/184 license to close the existing access via Jessie Road/Ernest Road and to reinstate with full height kerbs. Further information can be found at the following link: [Apply for a vehicular access | Hampshire County Council \(hants.gov.uk\)](#)

*Alex Robinson*

Alex Robinson  
Executive Head of Place

28 June 2024

# TOWN AND COUNTRY PLANNING ACT 1990

## NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/appeal-householder-planning-decision> for householder applications; <https://www.gov.uk/appeal-planning-decision> for full applications; <https://www.gov.uk/planning-inspectorate> for anything else.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Our Ref: APP/23/00588

# **IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS**

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

**023 9244 6571**

# Southern Gas advisory note

## In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work  
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here  
<https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.