

DELEGATED OFFICER REPORT

PROPOSAL	Non-material amendment to planning application APP/24/00612 to amend the wording of Condition 4 with regards to noise level requirements.
LOCATION:	Land South of Lower Road and West of Old Manor Farm, Havant
REFERENCE NO:	APP/25/00420
APPLICANT:	Bargate Homes
APPLICATION TYPE:	Non-Material Amendment
CONSULTATION EXPIRY DATE:	
APPLICATION EXPIRY DATE:	18/06/2025
WARD:	Bedhampton
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The application site comprises the western part of a parcel of land located south of Lower Road in Bedhampton. It is bounded by a development of 50 dwellings to the east (granted under planning permission APP/19/00427); the railway line to the south; the A27 and the junction of the A3(M) to the west; and immediately to the north of the site (to the south side of Lower Road) is a small industrial complex including a large shed and external storage areas.
- 1.2 The site lies to the west of the Havant/Bedhampton residential area and to the north of Langstone Harbour and comprises approximately 4.02ha of agricultural land. It is located circa 1km west of Bedhampton railway station, Bidbury Mead Recreation Ground and Bidbury school. Bedhampton is predominantly a low rise residential area, of varying styles and materials.
- 1.3 Whilst the application site falls outside of the Old Bedhampton Conservation Area, the boundary of the Conservation Area includes the Old Manor Farm site, which is located immediately to the north-east of the site. Compared to the density of Bedhampton as a whole the density of the Conservation Area is relatively low and features a number of character buildings. The materials found in the Conservation Area are predominantly brick with tiled roofs, some with parapet detailing as with The Old Rectory and Bidbury House. Most buildings do not exceed 2.5 storeys and generally feature a pitched roof structure.
- 1.4 Along Lower Road, further to the north of the site are a number of dwellings which vary greatly in their vernacular style. Dwellings range from small period terraced cottages to large detached two storey houses, with a number of single storey and chalet style bungalows.

- 1.5 The site is located within Flood Zone 1 in the current day - however it is highlighted as an area as 'sensitive to change circa 300mm increase' in the latest Strategic Flood Risk Assessment (SFRA), which will be used as evidence for the forthcoming Local Plan.
- 1.6 There is an area covered by a Tree Preservation Order in respect to a group of mature conifer trees beyond the northern site boundary adjacent to Lower Road.
- 1.7 The application site itself is referred to as Lower Road Phase 2 and benefits from outline planning permission (APP/21/01071) for up to 43 dwellings, associated landscaping, open space and allotments with access from Lower Road and reserved matters were approved under application APP/24/00612

2. Planning History

NMA APP/25/00418 –

Non-material amendment to APP/24/00612 to amend previously approved drawings, to include alterations to boundary treatments, fenestration, roof forms and detailing.

GRANTED

RESERVED MATTERS: APP/24/00612 -

Approval of reserved matters comprising layout, landscape, scale and appearance, pursuant to outline planning permission APP/21/01071 for the development of 43 dwellings along with public open space and associated infrastructure works (Approved 06.02.2025). Request to Discharge Condition 6 (Received 20/05/2025). Request to Discharge Condition 5 & 11 (Received 20/05/2025). Request to discharge conditions 2, 3, 4 (Received 27.06.2025). Request to discharge condition 8, 10 (Received 01.07.2025).

OUTLINE: APP/21/01071

Outline planning application for up to 43 dwellings, with access from Lower Road and associated landscaping, open space and allotments, and all other matters reserved.(16.05.23). Request to discharge condition 8 (03.04.25). Request to discharge conditions 11 and 12 (09.04.25). Request to discharge conditions 14 and 16 (09.04.25). Request to Discharge Condition 17 (13/06/2025). Request to Discharge Condition 10 (13/06/2025). Request to Discharge Condition 18 (13/06/2025).

3. Proposal

Non-material amendment to APP/24/00612 to amend the wording of Condition 4 with regards to noise level requirements to the following;

4. No dwelling shall be occupied until a post completion noise survey has been undertaken and a report submitted to and approved in writing by the local planning authority. The post validation testing will need to be undertaken by a competent person to determine compliance with the BS8223:2014 standards. Such testing should be achieved using at least 3 sample dwellings, nearest to the measurement positions Locations 1, 2 & 3. A report shall be produced which details the post validation testing that has taken place. This report is to confirm the expected noise levels within the proposed dwellings have been achieved, especially at bedroom and living room first floor level, and are in line with those levels laid out in BS8233:2014, and

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 LAeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Listed Building Grade: N/A
Conservation Area: Setting of Old Bedhampton Conservation Area

5. Statutory and Non Statutory Consultations

HBC Environmental Health Officer

I have reviewed the 24 Acoustics letter reference R11014-2 Rev 0 (20 March 2025) and I can confirm that the suggested amendment to condition 4 is agreeable.

It is noted that the acoustic environment at the proposed development site is rather poor with high noise levels from road traffic throughout the site. It is acknowledged that the layout of the development and landscaping has been agreed, however there are concerns that due to the noise levels throughout the development site that the housing may not be of the best quality or provide a desirable area for people to buy houses and live.

It is suggested that the developer considers whether a better acoustic outcome could be achieved by installing earth bunds with continuous acoustic fencing at the boundaries adjacent to the A27 and A3(M) to improve the acoustic environment of the site. Should the developer choose to implement the suggestion, they should engage with an acoustic consultant to advise of the specification, dimensions and design of the bund and fence.

It is anticipated that gardens shall benefit from close boarded timber fences to minimise noise from road traffic.

6 Planning Considerations

- 6.1 As detailed in paragraph 3.1 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.

- 6.2 The proposal seeks amendments to condition 4 relating to noise. This would remove the following text from the condition;
In addition to a windows closed scenario, levels should also be provided with windows in an open position. Similarly for traditional external areas that are used for personal amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq, 16 hour with an upper guideline value of 55 dB LAeq, 16 hour in noisier environments. External amenity area levels are also required to be tested upon completion, to confirm the levels detailed here, and as a result of any proposed mitigation measures, have been met.
- 6.3 The supporting acoustic statement sets out that the above requirements cannot be met, given the off-site noise sources. The Council's Environmental Health Officer has agreed to the amended condition. It is outside the scope of this application to seek earth bunds as additional noise mitigation as landscaping has been approved at reserved matters stage.
- 6.4 The proposed changes would not result in a material change in the proposed development. The proposal seeks to amend a condition that cannot be achieved due to existing off-site noise sources.

7 Conclusion

- 7.1 Overall, the proposed amendment to condition 4 would not result in a material change to the extant planning permission and the changes are recommended for approval.

8. RECOMMENDATION:

That the Executive Head of Place be authorised to Approve with Conditions for application APP/25/00420:

Conditions:

4. No dwelling shall be occupied until a post completion noise survey has been undertaken and a report submitted to and approved in writing by the local planning authority. The post validation testing will need to be undertaken by a competent person to determine compliance with the BS8223:2014 standards. Such testing should be achieved using at least 3 sample dwellings, nearest to the measurement positions Locations 1, 2 & 3. A report shall be produced which details the post validation testing that has taken place. This report is to confirm the expected noise levels within the proposed dwellings have been achieved, especially at bedroom and living room first floor level, and are in line with those levels laid out in BS8233:2014, and 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 LAeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

Reason: In the interest of amenity of the future occupiers of the site and in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

Informatives:

1.	<p>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:</p> <ul style="list-style-type: none">• 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, <p>In this instance:</p> <ul style="list-style-type: none">• Your application was acceptable as submitted and no further assistance was required.
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