

DELEGATED OFFICER REPORT

PROPOSAL	Change of use at first floor from Class E to C3 residential (Retrospective Planning Application).
LOCATION:	158A Stakes Hill Road, Waterloooville, PO7 7BS
REFERENCE NO:	APP/25/00464
APPLICANT:	Mr Patel
APPLICATION TYPE:	Full planning permission
CONSULTATION EXPIRY DATE:	
APPLICATION EXPIRY DATE:	06/08/2025
WARD:	Stakes
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The application site comprises a detached part 2 storey, part single storey building located on the corner at the junction of Philip Road and Stakes Hill Road in Waterloooville.
- 1.2 The building fronts Stakes Hill Road and parking provision to the rear is accessed from Philip Road. The building has been converted to a shop at ground floor level.
- 1.3 Up until recent years, the building was in use as a dentist across ground and first floors. The property has since been converted into a convenience store at ground floor level – this was a permitted change within the Class E Use Class. The first floor has since been converted into a 2 bedroom flat.
- 1.4 The property is not listed and is not within a Conservation Area.

2. Planning History

99/50538/002 - Provision of ATM (cash point) machine to east elevation,
REF,24/02/2000

99/50538/003 - Provision of projecting sign to east elevation, at first floor level,
REF,24/02/2000

97/50538/000 - Shopfront alterations, internal alterations and single story infill extension to rear., PERM,27/02/1998

97/50538/001 - 1 no. internally illuminated fascia sign to front elevation and 1 no. internally illuminated projecting sign to side elevation and 1 non-illuminated sign to rear elevation, PERM,27/02/1998

08/50538/004 - Demolition of existing building; erection of 3No. 1 bed flats (3 storey) and 2No. 3 bed semi-detached houses (2 storey.), WD,02/10/2008

08/50538/005 - Change of use of the premises from A1/C3 use class (retail/residential) to a dental surgery (use class D1)., PERM,16/12/2008
08/50538/006 - To re-instate existing windows and install new windows at the premises., PERM,20/01/2009

09/50538/007 - Discharge of Condition No. 2 of Planning Permission
08/50538/005., PERM,12/03/2009

APP/24/00537 - Display of 1No illuminated Nisa Vinyl Fascia sign on front elevation and 1No illuminated Nisa Vinyl Fascia on side elevation. Installation of 4No. mock windows display of 4mm clear polycarbonate panel with internally applied full colour vinyl graphic in extruded aluminium frame and associated vinyl display and car parking signs. , PERM,30/10/2024

3. Proposal

- 3.1 The proposal seeks to regularise the change of use of the first floor of the property from a Class E use (formerly part of a dental surgery) to a C3 use as a 2 bedroom flat.
- 3.2 Cycle storage is available, and two parking spaces are located within the rear car park.

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

Havant Borough Local Plan (Core Strategy) March 2011

CS9 (Housing)
CS11(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS21 (Developer Requirements)
DM2 (Protection of Existing Community Facilities and Shops)
DM10 (Pollution)
DM13 (Car & Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
 DM18 (Protecting New Development from Pollution
 DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: N/A
 Conservation Area: N/A

5. Statutory and Non Statutory Consultations

Property Services Manager

Estates have no comment to make, as HBC only has a subsoil interest in the adjoining highway.

Environmental Health

- **First comment:**

Sound Insulation between Commercial and Residential Elements

The proposed development includes commercial floorspace (Use Class E) on the ground floor. Planning Use Class E encompasses a broad range of commercial, business and service uses.

Approved Document E of the Building Regulations 2010 (as amended) sets out 'minimum' legal standards for buildings' for resistance to the passage of sound. The performance standards in tables 1a and 1b are applicable to walls, floors, and stairs separating spaces used for normal domestic purposes. The document makes it clear that a higher standard of sound insulation may be required between spaces used for normal domestic purposes and those for communal or non-domestic purposes. In these cases, the appropriate level of sound insulation will depend on the specific operational characteristics of the ground floor uses.

It is reasonable to expect that the separating structure should provide a good inherent level of sound insulation between different use classes. Accordingly, we recommend imposition of the following condition:

Condition X:	Prior to the commencement of the development, full details shall be submitted to, and approved in writing by, the Local Planning Authority setting out how the separating construction between commercial and residential elements of the scheme shall achieve a minimum airborne sound insulation performance of $\geq 55 \text{ dB } D_{nT,w} + C_{tr}$. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and shall be retained and maintained thereafter.
Reason:	To minimise the risk of noise disturbance between commercial and residential uses.

Condition X:	Prior to occupation of the development, acoustic commissioning testing shall be carried out by an ANC or IOA accredited
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	organisation to demonstrate compliance with Conditions X. The results shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the scheme.
Reason:	To verify that the as-built development meets the criteria set at planning and is fit for its intended purpose.

• **Second comment:**

The proposed development site may be exposed to road traffic noise from Philip Road and Stakes Hill Road and plant / equipment or activities associated with The Fox and Hounds Public House.

Noise – further information required

No information has been provided assessing the potential noise impact from road traffic or nearby commercial uses including deliveries and plant / equipment.

I therefore recommend that in order for this section to make an informed comment the applicant should be requested to provide further information assessing the noise impact of the external noise sources on the proposed residential accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact.

The report should be prepared by a person with appropriate acoustic qualifications and should be with full regard to all relevant guidance including BS8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound.

• **Further comment**

The agent's comments regarding the existing noise environment are noted; however, they are based on assumptions rather than objective acoustic evidence. For planning purposes, an assessment must be supported by proportionate, measurable data to robustly address potential noise impacts.

The proposed development constitutes an "agent of change". In accordance with paragraph 187(e) of the NPPF and PPG - Noise (paragraph 009), the responsibility lies with the applicant to ensure the internal noise environment of the dwelling is suitable without reliance on imposing restrictions on existing neighbouring business uses. The development is directly above a convenience store, which presents a credible risk of noise from external plant (e.g., refrigeration or air handling units) as well as deliveries. No information has been submitted assessing these potential sources.

Building Regulations do not require an environmental noise impact assessment and therefore cannot determine the adequacy of glazing, ventilation performance, or overall internal noise levels arising from external sources.

Additionally, there is insufficient evidence regarding the sound insulation performance of the existing separating floor between the commercial ground floor and the proposed residential accommodation above. For residential use above commercial premises, the separating floor is expected to achieve a minimum performance at least +5 dB above Building Regulations standards, to provide appropriate protection against noise transfer from the commercial use below.

The suggestion of applying an appropriate planning condition is reasonable. Environmental Health would support the application subject to a pre-commencement condition requiring a noise impact assessment. The assessment should evaluate the external noise environment relative to the existing building fabric and identify any mitigation measures necessary to ensure acceptable internal noise levels.

The following conditions are recommended.

Noise mitigation scheme

No development shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by a suitably qualified acoustic consultant and shall have regard to relevant guidance including, but not limited to, ProPG: Planning & Noise (2017), BS 4142:2014+A1:2019, BS 8233:2014, and ANC AVO Guidance (2020).

The assessment shall:

1. Measure and assess the external noise climate, including road traffic noise and any relevant commercial noise sources that are capable of materially contributing to the noise climate at the proposed residential unit.
2. Assess whether the existing glazing, façade construction and ventilation arrangements provide sufficient sound insulation to achieve the following internal noise levels within completed residential rooms, with the relevant means of ventilation operating:
 - 35 dB LAeq,16hr (07:00–23:00) in living rooms and bedrooms
 - 30 dB LAeq,8hr (23:00–07:00) in bedrooms
 - 45 dB LAmax,F not exceeded more than 10 times per night (23:00–07:00) in bedrooms
3. Assess the separating floor between the ground-floor commercial use and all first-floor residential units, and determine whether it achieves a minimum performance of 53 DnT,w + Ctr.

Where the approved assessment identifies that any existing building elements or ventilation arrangements are insufficient to meet the above criteria, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved Noise Mitigation Scheme shall be implemented in full prior to first occupation of the residential units and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To protect the amenity and living conditions of future occupants of the residential units.

Noise validation testing

A noise validation report, prepared by a suitably qualified acoustic consultant, demonstrating full compliance with the internal noise criteria set out in Condition [X], shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The assessment shall be carried out with the approved ventilation strategy operating (i.e., windows open where relied upon for ventilation, or windows closed with trickle vents open, or windows closed with mechanical ventilation operating, as applicable).

Where compliance is not achieved, additional noise mitigation measures shall be installed and further testing undertaken until the required standards are met. All approved noise mitigation measures shall thereafter be retained, maintained and operated for the lifetime of the development.

Reason: to protect the amenity of future occupiers of the residential units

- **Final comment**

Without agreement to the pre-commencement condition and provision of the requested noise information, Environmental Health would recommend the application is refused due to insufficient information to demonstrate that the proposed development shall not result in adverse noise impacts to future occupants.

Final Comment – Recommend Refuse

It is recommended that the application be refused due to insufficient noise information.

The proposed development adjoins a commercial premises (convenience store), which is likely to generate noise from external plant and delivery activities. These potential sources have not been assessed.

In addition, a public house is located nearby; however, no quantitative noise assessment has been provided to evaluate the potential impact on future occupiers of the proposed development.

The applicant has therefore failed to demonstrate, with sufficient supporting evidence, that future occupiers would not be exposed to adverse or significant adverse noise impacts arising from surrounding commercial uses.

Officer Comment: *The Local Planning Authority's response to EH's comments are set out below under Section 7.*

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Refer to standing advice (4/7/25)

Natural England

First Comment:

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is set out at Annex A.

(Officer Comment: the original appropriate assessment undertaken by the LPA was later superseded)

Final Comment:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) 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. Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice	3x initial site notices	20/06/2025	11/7/2025	Is advertised in the public interest

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 11

No neighbour comments received.

Ward Members:

Cllr Lloyd – no comment received

Cllr Milne – no comment received

Cllr Hagan – no comment received

Material planning considerations are addressed in Section 7.

7 Planning Considerations

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

1. Principle of Development
2. Design/Character
3. Impact on Neighbouring Amenity
4. Future Residential Amenity
5. Highways
6. Habitat Regulation and Appropriate Assessment
7. Other Matters

1. Principle of Development

7.2 It is understood that the building has historically been occupied as a retail unit at ground floor level with manager's accommodation above.

7.3 Planning application 08/50538/005 granted planning permission for the conversion of the building to a dental surgery at ground and first floor level.

7.4 In recent years, the dental surgery use has ceased. At ground floor level, the property was subsequently converted into a convenience store as a permitted change under Use Class E.

7.5 This planning application is now retrospective. Works at first floor level have converted the former dental surgery to a Class C3 residential use. This application seeks to regularise the change of use at first floor level.

7.6 Core Strategy Policy CS17 seeks to concentrate new housing within the five urban areas of the Borough, which includes WaterlooVille. The Policy also prioritises development on previously developed land including redundant or underused buildings within the urban area.

7.7 The site is located within the WaterlooVille urban area and is in a relatively sustainable location and within easy walking distance of nearby facilities and public transport routes and options.

7.8 Policy DM2 (Protection of Existing Community Facilities and Shops) states:
"Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, including local shops, will only be permitted where both the following criteria can be met: 1. It has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community. 2. The facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve".

7.9 A dental surgery is considered to be a community facility, which falls within Class E(a) – medical or health services provided to visiting members of the public. Policy DM2 expects a 12 month marketing exercise to be undertaken to help justify the loss of the facility.

- 7.10 No marketing exercise of the property has been undertaken, and the premises is now occupied under a Class C3 use. The proposal therefore fails to satisfy the requirements of policy DM2.
- 7.11 The Council's Five Year Housing Land Supply Update (December 2025) indicates the Council has 1.3 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is normally a presumption in favour of sustainable development (para 11d of the NPPF). The tilted balance means that permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full tilted balance assessment shall be undertaken in the conclusion of this report.

2. Design and Character

- 7.12 The works undertaken are now retrospective and have largely consisted of internal works to upgrade the property to a modern living standard. The works have not materially altered the appearance of the exterior of the building, and it has not been extended whatsoever. As such, the property appears as it has done for many years at first floor level.
- 7.13 In summary, the change of use has not resulted in any visual impact upon the property or the wider locality. Consequently, the design and appearance of the proposal is deemed appropriate in context of the existing building and surrounding locality and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

3. Impact on Neighbouring Amenity

- 7.14 The proposal does not seek to alter or extend the existing property. As such, there would be no identifiable harm in terms of overshadowing, overlooking or overbearing impacts to neighbouring residents.
- 7.15 The proposal would re-instate an historic residential use of the first floor. As a two bedroom flat, any noise or odour generation would be on a modest scale. Given the separation to the nearest residential properties, Officers are satisfied there would be no resultant harm. The proposal is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

4. Future Residential Amenity

- 7.16 The proposal provides a two bedroom flat with a floor area of 74.7sqm. This exceeds the minimum size requirements as set out on the Nationally Described Space Standards. The development provides one double bedroom and one good sized single bedroom along with a kitchen, shower room and living room.
- 7.17 Each habitable room would benefit from windows, which would allow occupants access to natural daylight and ventilation.
- 7.18 Future occupants would benefit from two parking spaces, space for cycle storage and bin storage areas.
- 7.19 Environmental Health has raised concerns regarding potential noise disturbance to occupiers, having regard to the ground floor commercial use, the nearby public house

and the surrounding highway network. Those comments have been carefully considered. However, the site lies within an established and relatively busy mixed-use area, where a degree of background noise from traffic and nearby commercial activity is to be expected. The relationship between the first floor accommodation and the nearby public house is not a new relationship, and the building has historically included residential accommodation at first floor level, albeit formerly linked to the shop below prior to the later dental surgery use. The current proposal would reinstate residential use at first floor level as an independent flat and would not introduce a materially different relationship with the surrounding public house or highway environment.

- 7.20 The external noise environment associated with the convenience store, including deliveries and any external plant, is also likely to be broadly comparable to commercial activity which could reasonably have arisen from the lawful mixed commercial/residential use of the building and its subsequent lawful Class E use at ground floor level. Whilst the applicant has not provided a quantitative acoustic assessment, the proposal would make use of an existing building in a sustainable urban location and would provide an additional dwelling at a time when the Council is unable to demonstrate a five-year housing land supply. The proposal is also retrospective, and a refusal may result in the eviction of the occupiers, at a time when there is a recognised shortage of housing within the Borough and significant pressure on the availability of suitable accommodation. This attracts weight in favour of regularising the existing residential use, subject to securing appropriate mitigation by condition. In these particular circumstances, and subject to a suitably worded condition requiring details and implementation of the separating construction between the commercial and residential elements of the building, it is considered that the residual noise impacts would not significantly and demonstrably outweigh the benefits of granting permission. Subject to that condition, occupiers would benefit from acceptable living standards in accordance with Policy CS16 of the HBLP (Core Strategy) and the National Planning Policy Framework.

5. Highways

- 7.21 The proposal is located within an established residential area with access to public transport.
- 7.22 During the lifetime of the application, it has been demonstrated that two parking spaces within the rear car park would be allocated to occupants of the flat. No alterations or improvements to the vehicular access are required.
- 7.23 Cycle storage for two bicycles is also demonstrated on the drawings. As such, the development is in accordance with the guidance of the Havant Parking SPD and Policy DM13 of the Core Strategy.

6. Habitat Regulation and Appropriate Assessment

- 7.24 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.
- 7.25 Recreational Pressure
- 7.26 The project being assessed would result in a net increase of one dwelling 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, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

- 7.27 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.

7.28 Water quality

- 7.29 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.
- 7.30 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.

7.31 Appropriate Assessment conclusion

- 7.32 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 and relevant moneys have been paid.

7. Other Matters

- 7.33 The proposal involves the change of use of existing first-floor floorspace to residential use, with no extensions or additional gross internal floorspace proposed. On this basis, the development would not generate any net additional chargeable floorspace and would not give rise to a CIL liability.
- 7.34 The proposal relates to the change of use of existing first-floor floorspace within an existing building, with no extensions or external operational development proposed. The development would not result in the loss or degradation of any priority habitat, or more than 25 square metres of on-site habitat / 5 metres of linear habitat. It therefore falls within the de minimis exemption and is not subject to the mandatory 10% biodiversity net gain.

8 Conclusions

- 8.1 The application is retrospective and seeks to regularise the conversion of the first floor of the former dental surgery to a two-bedroom dwelling. As set out above, Core Strategy Policy DM2 seeks to protect existing community facilities and requires evidence, normally through a marketing exercise, to demonstrate that such premises are no longer viable or required for a community use. No such marketing evidence has been provided. Accordingly, the proposal does not fully satisfy Policy DM2 and this weighs against the development in the planning balance.
- 8.2 However, the Council can currently demonstrate only 1.3 years of housing land supply. The relevant policies for the supply of housing are therefore to be treated as out of date and the presumption in favour of sustainable development is engaged. In accordance with paragraph 11(d) of the National Planning Policy Framework, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.3 In this case, the former dental surgery occupied both the ground and first floors of the building. The ground floor has been brought back into active commercial use as a convenience store, thereby retaining a community-serving facility at the site, albeit within a reduced floor area. This moderates the harm arising from the loss of the former dental surgery use and attracts limited positive weight in favour of the proposal.
- 8.4 The proposal would provide one additional two-bedroom dwelling within the Borough, making effective use of an existing building in a sustainable urban location. Although the contribution is modest in numerical terms, it would add to the local housing stock, including the rental stock, at a time when there is a substantial shortfall in housing land supply. The application is also retrospective and the dwelling is occupied. Refusal of permission would be likely to place the occupiers at risk of displacement while a 12-month marketing exercise was undertaken. These matters attract positive weight in favour of the proposal.
- 8.5 The dwelling provides an acceptable standard of accommodation, including appropriate parking, bin and cycle storage, and is located within walking distance of local schools, shops, a community centre, public transport opportunities and other services. Occupiers are therefore likely to support local businesses and services, contributing to the vitality and viability of the local area. These factors also weigh in favour of the proposal.
- 8.6 Environmental Health's concerns regarding the absence of a quantitative noise assessment, and the potential for noise from the ground floor commercial use, nearby public house and surrounding highway network, are afforded moderate weight against the proposal. However, the first floor has historically been in residential use, the relationship with the public house and surrounding mixed-use environment is not materially new, and the site is within an established urban area where a degree of background noise is expected. The recommended condition requiring details and implementation of the separating construction between the commercial and residential elements of the building would provide a proportionate mechanism to secure mitigation. On this basis, the Environmental Health objection is

not considered to amount to a reason for refusal when weighed against the housing benefits and other material considerations identified above.

- 8.7 Matters relating to parking, cycle storage, refuse storage, nutrient neutrality and recreational disturbance have been addressed through the submitted details, conditions and the completed legal agreement. These matters are therefore neutral in the overall planning balance.
- 8.8 Overall, the absence of a marketing exercise and the consequent conflict with Policy DM2 are acknowledged and weigh against the proposal. Environmental Health's concerns are also acknowledged and attract weight against the scheme. However, the harm is limited by the retention of an active community-serving commercial use at ground floor level, the site's sustainable urban location, the provision of an additional dwelling, and the Council's significant housing land supply shortfall. Subject to the recommended conditions, including the requirement for details and implementation of the separating construction between the commercial and residential elements of the building, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The tilted balance therefore weighs in favour of granting permission, and the application is recommended for approval.

9. RECOMMENDATION:

That the Interim Head of Planning be authorised to Approve with Conditions for application APP/25/00464

Conditions:

1	The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 03 A EX Rev D Proposed Plans 03 A EX&PP Existing and Proposed Elevations Havant Occupancy Calculator Amended Solent Nutrient Budget Calculator received 26th November 2025 Amended water efficiency calculations received 26th November 2025 Amended European Site avoidance and mitigation checklist received 26th November 2025 Reason: - To ensure provision of a satisfactory development.
2	The car parking space to serve the development hereby permitted as shown on the approved plans shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property. The parking space shall be retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

	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.
3	Waste bins for the purposes of refuse and recycling shall be stored in the location as shown on the approved drawings. The bins storage area shall be kept free from obstruction and retained as such thereafter. Reason: To provide appropriate and essential infrastructure for domestic waste management without causing harm to the character and appearance of the locality and impact on residential amenity is kept to a minimum and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
4	Bicycle storage facilities shall be provided in the location as shown on the approved drawings within 4 months of the date of approval of this planning application. The bicycle storage area shall be kept free from obstruction and retained as such thereafter. Reason: To allow for sustainable travel options in accordance with the guidance of the Havant Parking Supplementary Planning Document 2016 and Core Strategy Policy DM13 and the National Planning Policy Framework.
5	Within 3 months of the date of this permission, a) full details shall be submitted to, the Local Planning Authority in writing setting out the separating construction between the ground floor commercial use and the first floor residential accommodation. The details shall demonstrate how the separating construction either achieves, or will be upgraded to achieve, a minimum airborne sound insulation performance of ≥ 55 dB DnT,w + Ctr; and b) The approved separating construction, including any necessary upgrade works identified through the approved details, shall be fully implemented within 6 months of the date of the discharge of a) above and shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development. Reason: To safeguard the living conditions of occupiers by minimising noise transfer between the commercial and residential elements of the building, while recognising the retrospective nature of the development and having regard to Policies CS16 and DM18 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.
6	Within 3 months of the date of this permission: (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.
7	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.

Informatives:

1	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. Amendments were made to address matters relating to parking and bicycle storage.
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