

DELEGATED OFFICER REPORT

Site Address:	Oklahoma, 4 Long Copse Lane, Emsworth, PO10 7UL		
Proposal:	Demolition of existing dwelling and the construction of 5 new dwellings with associated external works and landscaping.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00987	Expiry Date:	31/01/2025
Applicant:	Mr Davis		
	Philips Build Limited		
Agent:	Chris Purdy	Case Officer:	Arleta Miszewska
	MH Architects Limited		
Ward:	Emsworth		

Recommendation: **REFUSE PERMISSION**

1 Site Description

Oklahoma, 4 Long Copse Lane, Emsworth, PO10 7UL

The application relates to a site located on the southern side of Long Copse Lane, in a close proximity to the junction with Hollybank Lane. The site is of rectangular shape and consists of a detached dwelling accessed from Long Copse Lane, served by an ample frontage and a large rear garden. The plot abuts residential properties to the east, west and south, and forms a part of a linear development alongside the southern side of Long Copse Lane. In contrast, the northern side of Long Copse Lane is a predominantly undeveloped countryside.

The surrounding area and the street frontage of Long Copse Lane have a verdant character created by a dense mature vegetation. The group of trees at the frontage together with the existing hedge forms a significant feature to the street scene in terms of arboricultural contribution, therefore a TPO was placed on the part of the vegetation during the course of the application. At the time of writing this report, the TPO has not yet been confirmed. Whilst it is still in a provisional stage, it is in full effect. To the south of the plot, there is another TPO group.

To the north-east of the application site lies a countryside land which is subject of an outline application (APP/21/00893) for approximately 210 dwellings. However, at the time of writing this report, the application has not been determined and there is no certainty that planning permission will be granted. It is noted that the site was previously identified in the Council's Housing Delivery Position Statement (March 2022) as a "site not in accordance with the Development Plan where the Council accepts the principle of development". However, the Statement has been withdrawn earlier this year and the site is not allocated for a housing development in the current Local Plan. Whilst the site features in the emerging Local Plan, this Plan is at a relatively early stage of preparation and carries no weight in decision making. Therefore, at the time of writing this report, no weight can be given to the proposed development and associated improvement works to Long Copse Lane.

2 Planning History

APP/25/00005/tp1 - Making of a Tree Preservation Order (in full effect whilst awaiting

confirmation)

3 Proposal

Demolition of existing dwelling and the construction of 5 new dwellings with associated external works and landscaping.

The proposed development consists of 5 dwellings and an altered vehicular access from Long Copse Lane. Two of the dwellings would face Long Copse Lane and the other three would be located within the rear of the site. The internal access would run alongside the eastern boundary, towards the south of the site and terminating centrally with a turning area.

Three of the dwellings would be 4-bedroom detached and two would be 3-bedroom semi-detached. The proposed occupancy would be as follows:

Plot 1: 4 bedroom - 6 person dwelling
Plot 2: 4 bedroom - 7 person dwelling
Plot 3 and 4: 3 bedroom - 5 person dwelling
Plot 5: 4 bedroom - 6 person dwelling

The two dwellings at the front would benefit from a garage and a total of 2 car parking spaces per each dwelling. The dwellings within the rear part of the plot would be served by individual garden sheds and a car barn, and would also be facilitated by a total of 2 car parking spaces each. In addition, there would be two visitors car parking spaces located next to the car barn.

There would be a modest soft landscaping within the site, mainly on the eastern boundary consisting of trees and hedges.

4 Policy Considerations

National Planning Policy Framework
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
CS20 Transport and Access Strategy
CS21 Developer Requirements
DM8 Conservation, Protection and Enhancement of Existing Natural Features
DM10 Pollution
DM13 Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations) July 2014

Policy AL1 Presumption in Favour of Sustainable Development
Policy AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements

Emsworth Neighbourhood Plan Post Examination Version 2020

D1 - Emsworth Design Policy

D2 - Emsworth Height Mass and Materials
D3 - Emsworth Layout, Form and Density

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Charles Robert
No comments received.

Councillor Grainne Rason
No comments received.

Councillor Reuben Mychaleckyj
No comments received.

Building Control - surface of main access road to be confirmed to ensure compliance with Requirement B5; the large tree shown to be overhanging the entrance to the access road may affect accessibility of Fire Authority Vehicles - Requirement B5; collection point waste authority vehicles to be confirmed to ensure distances comply with Requirement H6.

CIL Team - development is CIL Liable; comments regarding Biodiversity Net Gain; pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:
(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. b) Issue the Nutrient Neutrality Unilateral Undertaking.

Ecology - no objection, subject to conditions; the site is of limited ecological value overall; the suitability for a range of protected and notable species has been assessed and I am content with the conclusions made; the site is not likely to be of particular value for most species and there is no evidence to suggest that e.g. Great Crested Newt occurs or will be affected; small, non-breeding roosts of Soprano Pipistrelle and Brown Long-eared Bats within the dwelling are present; permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law; confirms that development is not unlikely to be licensed, recommends that bats mitigation is secured with a condition; there would be a deficit of habitat units arising from the proposed development, therefore, off-site measures are required to be secured with a legal agreement and planning conditions.

Emsworth Residents Forum - no response received.

Engineering/Drainage - no response received.

Hampshire Constabulary (Crime Prevention) - no response received.

Hampshire Highways -

Initial response - objects; visibility at the access is not suitable for an intensification of use and would lead to highway safety issues; the proposed development would

unlikely increase the number of personal injury occurrences on Long Copse Lane; confirms that the proposed form of access (a vehicle crossover arrangement) would be acceptable for the quantum of development proposed; further information required regarding automatic traffic count; notes that there is a tree located within the frontage of the neighbouring property to the east and that the visibility from the access would remain reliant on the neighbour maintaining the tree canopy to create the access and for this to be maintained in perpetuity, appropriate visibility splays to the west could be achieved; concern over Swept Path Analysis indicating that in some instances two cars and the car and delivery vehicle would be unable to pass directly at the site access; concern over the certainty of the works to widen Long Copse Lane due to the planning permission which would trigger the improvement works has not yet been granted.

Interim response - further information submitted does not appropriately address the concerns previously raised, previous comments made and the reason for refusal remain.

Final response - inadequate visibility splays are proposed at the junction of the access with the highway, this would cause danger and inconvenience to users of the adjoining highway and the development site and is contrary to the National Planning Policy Framework paragraph 116; the Highway Authority have previously recommended refusal to this planning application due to the reliance on 3rd party land in the primary direction for visibility to be achieved at the proposed access; concerns have been raised over the achievable visibility at the pre-application stage and the Highway Authority have maintained this position throughout the planning application process; the response letter provided by the applicant does not override previous concerns raised; the Highway Authority have again reviewed the historic highway boundary records and remain of the view that the trees in question fall within the adjacent property boundary and therefore not under the ownership of the applicant or the Highway Authority; is complex and challenging to plot but as per the detailed highway boundary review, there is clear evidence that the trees in question mark the historic and current highway boundary; the fact that the trees to some extent now fall within the highway boundary does not make them a highway asset, they remain under the ownership of the private landowner; the presence of the trees within the boundary due to growth does not grant the Highway Authority powers under the Highways Act to remove the trees or require works to them unless they are presenting an issue in relation to Highway Safety; a new development should not require the powers of the Highway Authority in order to facilitate safe and suitable access by creating a new highway safety issue; regardless, should the trees in question be present or not, the splays still remain reliant on 3rd party land for full achievable visibility in the primary direction; there would be nothing to stop the adjacent landowner removing the trees and replacing this with a boundary feature or hedge within permitted development rights which would wholly obstruct the visibility shown; the applicant nor the Highway Authority would have control to ensure that this does not occur; additionally, should the splays be shown at 31.0m or 43.0m, the same problem occurs and the reliance on 3rd party land remains.

Landscape - the retention and enhancement of the existing trees and hedgerow to the Long Copse Lane frontage is essential to retain the character of the lane; the plans appears to keep them which is good; we welcome the use of heritage style building materials such as flint.

Norse South East, Operations Director (waste service) - no response received.

Nutrient Team -

Initial response - unclear whether the applicant wishes to use the Council's mitigation scheme or a third party scheme.

Final response - I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals. It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:
<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

Southern Water - the applicant has not provided details of the proposed means of disposal of foul/surface water drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as the relevant information is provided. Pre-commencement condition recommended securing details of the proposed means of foul/surface water drainage disposal.

Tree Officer -raise objection to the proposal due to the BS: 5837 B Cat tree removal, impact on other trees and the part loss of an important hedge; will negatively affect the area in terms of the verdant character of the street-scene; the Council will be undertaking statutory protection for the important B Class trees to ensure that they are not damaged or removed because of any on-site activity; objection to the planning application on Arboricultural grounds as it is conflict with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Further comments regarding a TPO group to the south of the site - I raise no objection to the minimal impact (minor incursion into RPA) to the trees at the rear of the site if the AMS is adhered to - although Arboricultural supervision would be required for any work in this area. However, to caveat this, my opinion is that a reduction of units would be preferable so as to ensure that no encroachment into the tree RPA takes place.

Waste Services - no response received.

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: 7

Number of site notices: 4

Statutory advertisement: Not applicable.

Number of representations received: A total of 43 public comments have been received. Some residents commented more than once. Some households submitted more than one representation. Concerns raised relate to the following matters:

Ecology and trees

- " Ecological reports are generic and do not acknowledge the presence of grass snakes, bats, slow worms, common newts, great newts, lizards and horned stag beetles,
- " Removal of healthy trees, removal of a listed Oak tree,
- " Trees on the southern boundary should be retained, and
- " Loss of hedgerows.

Impact on residential amenities

- " Properties to the south, east and west will lose some ambient light, sunlight,
- " Loss of privacy to neighbouring properties, loss of privacy between proposed properties, Plot 2 will overlook raised patio area of neighbouring property,
- " Plot 2 will obscure clear window of neighbouring property removing light and sunlight,
- " External light disturbance to adjacent properties,
- " Insufficient information regarding external lighting,
- " Noise, light and fume pollution impacts from access road onto property to the east,
- " Noise, light and fume pollution impacts from parking areas onto adjacent properties,
- " Existing properties will be dominated by new buildings to their north, and
- " Bin carry distance exceeds the requirement by more than 30%.

Highways and car parking

- " Insufficient car parking provision on site (including visitors parking), inadequate car parking arrangement, will increase crime, anti-social behaviour and access to gardens,
- " Insufficient information regarding maintenance arrangements of shared parking areas,
- " Additional bins will further obstruct visibility on the Lane, inadequate waste bin arrangements,
- " Proposed access is on a bend with poor visibility, too close to the junction with Hollybank Road, dangerous,
- " Inappropriate location, poor surface condition of Long Copse Lane, too narrow in places for two cars to pass safely, no pedestrian footpaths,
- " Increased traffic on Long Copse Lane and near roads,
- " Increased parking on the lane, will further obscure visibility from existing access points,
- " Pedestrian, cyclists and horse riders safety on Long Copse Lane,
- " Grass verges have been ruined during previous construction works on Long Copse Lane, and
- " Insufficient public transport which increases reliance on car use.

Design and impact on the character and appearance of the area

- " Overdevelopment,
- " Does not enhance the area,
- " Development will destroy open countryside,
- " All neighbouring properties are detached therefore out of character,
- " Backland development on cumulative gardens therefore it has a negative effect on existing character,
- " Removes a green core,
- " Impact on dark sky zone,

- " Inappropriate design, will destroy rural character of the lane, removal of a tree on the boundary will destroy the rural character, replacement tree would not be acceptable, out of character, plot widths differ from immediate neighbours, scale of properties out of character and will dominate and crowd adjacent gardens and properties, roof form out of character,
- " Inappropriate layout, density out of character, and
- " Lower area of development does not engage with the street or public realm.

Flooding and surface water

- " The lane and the site are subject to flooding during wet periods,
- " Impact on surface water drainage of nearby properties and area,
- " Water run off,
- " The site has an underground stream which also runs underneath properties in Pine Court, which are built on pilings. The proposed development will damage the pilings,
- " Further hard surfacing will increase surface water flooding,
- " insufficient Southern Water infrastructure to deal with waste water from the development, and
- " No consideration of sustainable urban drainage system.

Construction phase impacts

- " Construction access, the Lane is inappropriate for construction vehicles, parked construction vehicles will obstruct and block the Lane, and will damage road verges,
- " Construction nuisance in terms of noise, dust, additional traffic and loss of privacy to adjacent properties, and
- " Construction impacts from previous and ongoing developments in the nearby area.

Other concerns

- " Existing property is in good condition, no reason to replace it with the proposed development, environmental implications of demolition and construction of new homes,
- " Will set a precedent,
- " Insufficient health care provision and housing anywhere in the borough makes the situation worse,
- " Insufficient education provision (local younger age-group places are already oversubscribed),
- " Will not agree to a part of front garden being taken for widening of Long Copse Lane,
- " No justification for the development,
- " Inappropriate property size, Emsworth needs smaller houses,
- " Concern of cost of properties, not being affordable,
- " Inadequate public consultation, no site notices displayed, and
- " Proposed Section and Street Scene Plan misrepresents the distance from the existing building to the west and is therefore misleading.

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:

- (i) Principle of development
- (ii) Highways safety and car parking
- (iii) Design, landscape and trees
- (iv) Ecology and Biodiversity Net Gain (BNG)
- (v) Residential amenity
- (vi) Other considerations
- (vii) Planning balance

(i) Principle of development

The site lies within the built up area as defined by Policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011 (Core Strategy) and Policy CS2 Havant Borough Local Plan (Allocations) 2014 (Allocations). Within the built up area there is a presumption in favour of sustainable development subject to the relevant development management considerations outlined below.

The Council is currently unable to demonstrate a 5 Year Housing Land Supply. There is, therefore, a presumption in favour of sustainable development, and the contribution this site could make to supply must be considered in the planning balance.

The current five-year requirement with a 20% buffer is 5,352 dwellings, which equates to the provision of 1070.4 dwellings a year. The proposed development of 5 dwellings would, therefore, increase the Council's supply position by a modest 0.005 years (rounded) ($5 \text{ dwellings} / 1070.4 = 0.0046 \text{ years}$).

(ii) Highways safety and car parking

Proposed access

The Local Highway Authority confirmed that the existing access onto the site does not meet current highways standards. Therefore, the access is proposed to be stopped up and relocated further to the west by approximately 5m. The new access would be 5m wide and in the form of a vehicle crossover arrangement. The Local Highway Authority confirmed that this form of access would be acceptable for the quantum of development proposed.

Results of an Automatic Traffic Count (ATC) have been submitted to inform the proposed visibility splays. The Local Highway Authority has not agreed the results of the count and raised concern that the relevant standards have not been correctly applied in calculating the required visibility requirements. A further point has also been made in respect of the planned improvement works to Long Copse Lane, which would likely result in increased traffic speeds, which have not been accounted for.

The Local Highway Authority also noted that there is a tree located within the frontage of the neighbouring property to the east and that the visibility from the access would remain reliant on the neighbour maintaining the tree canopy to create the access, and for this to be maintained in perpetuity. The removal of this tree would be necessary to ensure that appropriate visibility is guaranteed and to deliver a safe and suitable access to the site. However, having reviewed historic land ownership records, the Local Highway Authority confirmed that the tree, whilst on the highway boundary, falls within the historic property boundary and, therefore, legally falls under the ownership of the property owners.

It has been noted that the applicant could revise the visibility splays to accord with the relevant standards, however, this would result in larger proportion of the visibility splays relying on a third party land in the eastern direction, and could potentially rely on a third party land in the western direction.

In terms of visibility splays to the west, a clearance of vegetation would be required to achieve the required standards. The land within these visibility splays falls within the land ownership of the applicant and, therefore, the applicant would have the right to remove the vegetation and maintain the visibility splays as required.

In conclusion on access arrangements, the Highway Authority was not satisfied that the lack of visibility at the access is suitable for an intensification of use and would lead to highway safety issues.

Swept Path Analysis has been provided for two standard size cars and a delivery vehicle passing a car at the site access at 10mph. The Highway Authority noted that in some instances where two cars and the car and delivery vehicle would be unable to pass directly at the site access. Whilst this would be a low flow access arrangement, the interaction with the substandard visibility raises a concern with the safe and suitable operation of the access.

Swept path analysis for a fire tender at 10mph demonstrates that the fire tender would be able to access the site appropriately. Whilst the submission argues that any swept path analysis would be improved once the works to widen Long Copse Lane are undertaken, no drawings have been submitted to demonstrate this. Furthermore, the planning permission which would trigger the improvement works has not yet been granted, therefore, there is no certainty that these works will be implemented.

In response to the above comments, the applicant has submitted a Highways Response Note which provided more information and clarification on matters relevant to the Automated Traffic Count results, the methodology used to calculate vehicle speeds which inform the design of the proposed visibility splays. In addition, the applicant referred to the potential future improvements to Long Copse Lane as a result of pending planning application APP/21/00893. Finally, the applicant has also made an argument that the vegetation contained within the east facing visibility splays could be maintained by Hampshire Highways at a required height that would be appropriate to facilitate a safe access from the site.

The Local Highway Authority was reconsulted on this information and commented that the response note submitted did not appropriately address their concerns and recommended refusal as per their original comments.

In response, the applicant has provided a further submission arguing that the proposed visibility splays would meet the requirements set out in the relevant HCC TG guidance documents as well as claiming that the Highways Authority has the right and should maintain necessary visibility from the existing access from the site. The applicant also made a further reference to the highways position in relation to the pending application APP/21/00893.

In response, the Local Highway Authority has reviewed the situation and confirmed that the Authority has no rights to maintain the vegetation within the east facing visibility splays and it is the adjacent property owner's right to maintain that land. This right also includes planting of future vegetation to replace the existing, which could

obscure entirely the required visibility splays. On this basis, the Authority recommended a refusal setting out the reason below:

Inadequate visibility splays are proposed at the junction of the access with the highway. This would cause danger and inconvenience to users of the adjoining highway and the development site and is contrary to the National Planning Policy Framework paragraph 116.

Contrary to third party comments, the Local Highway Authority does not raise concern over the proximity of the proposed access to the junction with Hollybank Lane, subject to appropriate visibility splays being achieved. No concerns have also been raised in respect of the adequacy of the public transport provision, increased traffic, the physical condition of Long Copse Lane and the safety of its users. Therefore, these concerns cannot give grounds to refuse this application.

Internal Layout

The Local Highway Authority does not provide comments on the details of internal layout of development of this scale and instead standard highways advice is applicable. This requires that the internal layout of the development links a pedestrian/cycle access to an existing pedestrian and cycle facilities across the immediate frontage of the site. However, in this instance, Long Copse Lane does not offer pedestrian or cycle link, therefore, it would not be reasonable to require the internal layout to provide such link.

Furthermore, it is required that a provision should be made within the site boundary for turning provision so that vehicles can enter and leave the highway in a forward gear. The application is supported by swept path analysis plans showing that turning areas for a delivery van as well as a fire vehicle demonstrating that cars would be able to leave the site on a forward gear. Further swept path analysis plans have been submitted showing that two large family cars would be able to pass each other alongside the access road.

Car parking

The proposed development would provide 3no. 4-bedroom dwellings and 2no. 3-bedroom dwellings. Therefore, in accordance with the Council's car parking requirements, the development should include 13 car parking spaces (2 spaces for each 3-bedroom dwelling and 3 spaces for each 4-bedroom dwelling). The submitted site layout plan shows the provision of 12 car parking spaces (in the form of a garage, car barn and on-plot spaces), including 2 car parking spaces for each dwelling. The submitted Planning Statement clarifies that 2 car parking spaces, located to the north of the proposed car barn, would be visitors' spaces.

Therefore, the proposed development would result in an under provision of three car parking spaces (an under provision of one space per each 4-bedroom house). Whilst in a more urban setting, where nearby roads offer on-street parking, such under provision could be justified, especially in the context of a lack of a 5 year housing land supply, this case is set in a different context. It is noted that Long Copse Lane does not offer on-street car parking and prospective residents would have to drive further away from the site to search for a parking space. This in itself would raise an amenity issue contrary to planning policies which support development that creates quality residential environment. Furthermore, the lack of nearby on-street car parking spaces could result in attempts of unneighbourly parking on Long Copse Lane, especially a

short-term parking, for example to unload shopping. Parked cars and the resultant damaged green verges would have a negative visual and landscape impact on the rural character of the lane, and could lead to a neighbour disputes which would be contrary to policies promoting social cohesion. The strength of residents' concerns over impact on the rural character of Long Copse Lane as well as green verges being damaged is noted.

Moreover, there is also a concern that some prospective residents and visitors could attempt to park a vehicle alongside the internal road. The submitted swept path analysis plan for a fire vehicle does not indicate that there would be a sufficient space for a fire vehicle to pass a parked car. Therefore, in a fire event, whilst unlikely, but reasonably possible, a parked car could prevent an access for a fire vehicle. The submitted information does not provide sufficient information to conclude that this concern could be satisfactorily addressed. Whilst there is no policy basis to refuse the development for this reason, nonetheless, this emphasises the negative implications of the under provision of car parking on site.

Therefore, the under provision of 3 car parking spaces (one space for each 4 bedroom dwelling) would raise a concern over residential amenity, landscape and visual impact on the established character of Long Copse Lane, as well as social cohesion.

Refuse Arrangements

The Local Highway Authority confirmed that due to the quantum of development, kerbside collection would be acceptable. Appropriate forward visibility needed to be demonstrated for vehicles approaching Hollybank Lane from the left. Furthermore, appropriate passing places should be identified for a car to pass a refuse vehicle whilst servicing is being undertaken, given the proximity of the site access to the Hollybank Road bend.

The Local Highway Authority concluded that, whilst the principles of kerbside collection are accepted, the lack of evidence base provided raises questions on the safe and suitable nature of kerbside collection for an increased quantum of development.

In terms of drag and carry distances, the submitted Indicative Bin Store Location and Carry Distances plan indicates that the distance between the bin collection point to the access onto the site would be 25m, in accordance with the current building regulation standards. The carry distance between the collection point and the three dwellings located within the rear part of the site would exceed the expected standard of 30m set out in the Manual for Streets. The Council's adopted Core Strategy refers to the design principles and criteria set out in the Manual for Streets and, therefore, a significant weight is attached to this requirement.

Contrary to third party comments, the Local Highway Authority did not raise concerns over bins restricting visibility on the Lane, therefore, there is no basis to refuse this application for this reason.

(iii) Design, landscape and trees

Design

The proposed development would consist of 5 dwellings to be located in what currently is a single plot consisting of a single dwelling. Two dwellings would face Long

Copse Lane, retaining the established front building line, the other three dwellings would be located within the rear of the site. They would be positioned in such a way that they would align with the terraced properties located in Wraysbury Park Drive. However, the proposed dwellings would be larger than these in Wraysbury Park Drive, they would resemble the footprints of the properties located between Long Copse Lane and Hollybank Lane. The density of the proposed development would be higher than to the west but lower than to the east. As such, in terms of urban grain, plot size and garden size, the proposal would create a transition between the two rather contrasting areas. Officers note that the immediately surrounding area consists of detached, semi-detached and terraced properties. Therefore, the proposal including semi-detached houses would not be out of character, as suggested in third party comments.

In terms of detailed design, the proposed dwellings would be of a traditional design. The proposed size, height, roof design, including roof pitch, windows proportions, external materials and architectural detailing are considered contextually appropriate. Whilst the dwellings would be visible from the public vantage points due to the widened vehicular access, they would have an acceptable impact on the character and appearance of the street scene.

The development would be served by an internal access road, which would be visible from the Lane. It is noted that the existing dwelling is already served by a hardsurfaced access, and the frontage of the dwelling is also hardsurfaced providing an ample area for car parking. Whilst the proposed access arrangements would increase the visibility of the hard surfacing within the site, given the existing situation, this would not justify a planning refusal.

The dwellings at the rear would be served by an extensive area of hardsurfacing that has not been visually softened by sufficient planting. Whilst this is a limitation of the proposed development that would not contribute towards the creation of a quality residential environment, this would not be prominent from the public view points and, therefore, it would have limited impact on the character and appearance of the surrounding area and the streetscene.

Concerns over the replacement of residential garden with new dwellings and the resultant light pollution and impact on dark sky is noted. Whilst there is no policy basis to expect development in Havant to maintain dark sky, had the Local Planning Authority been minded to grant planning permission then a planning condition would have been imposed to secure details of external lighting to avoid potential light pollution to the adjacent properties.

Finally, concerns over the proposal being an overdevelopment of the site are acknowledged. It is noted that the proposal does not provide the required number of car parking spaces and the Tree Officer also suggested in his comments that the reduction of the number of dwellings at the rear of the site would assist in avoiding harmful impact on the trees. This suggests that the size of the existing plot cannot satisfactorily accommodate the number of dwellings proposed. However, it also noted that the Tree Officer did not recommend a refusal on the basis of impact on the trees and instead suggested that the concerns could be addressed by a condition securing an Arboricultural Method Statement and an Arboricultural supervision for any works in this area. It is also noted that should the 4-bedroom dwellings be internally altered into 3-bedroom dwellings, then the development would provide the required car parking provision without the reduction of the number of the dwellings or their footprint. As suggested above, in terms of urban grain, the proposal is considered acceptable.

Therefore, refusing the application on the basis of overdevelopment would not be justified.

Landscape and trees

The application proposes the removal of three trees located near the eastern boundary of the site as well as two trees and other planting on the northern boundary, in order to create the proposed vehicular access onto the site.

The application is supported by an Arboricultural Impact Assessment and Method Statement, a Tree Constraints Plan, Existing Tree Schedule and a Tree Retention and Protection Plan.

The Arboricultural Impact Assessment identifies the tree on the eastern boundary as small specimens of limited arboricultural or ecological value. The frontage trees are identified as of a moderate value and include a large Hazel tree and a moderately large Oak tree. The Assessment concludes that both trees are of some screening and character value, however, they are not well connected ecologically and lie at the end of the section of the hedge.

Officers note the strength of public representation made against the removal of the boundary planting, and in particular the Oak tree.

The Council's Tree Officer has reviewed the application and raised no objection to the minimal impact (minor incursion into RPA) to the trees at the rear of the site. Had the Local Planning Authority been minded to grant planning permission then an Arboricultural Method Statement and an Arboricultural supervision for any works in this area would have been secured with a planning condition.

However, the Tree Officer raised an objection to the loss of boundary vegetation which would be harmful to the verdant character of the street scene and confirmed that the Council will be undertaking a statutory protection for the important B Class trees to ensure that they are not damaged or removed because of any on-site activity. As such, the Tree Officer concluded that the application would conflict with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

In terms of landscape impact, the Landscape Officer's comments state that "*the retention and enhancement of the existing trees and hedgerow to the Long Copse Lane frontage is essential to retain the character of the lane*" and that "*the plans appears to keep them which is good*". However, as discussed above, a partial removal of frontage vegetation is proposed in order to achieve a vehicular access together with required visibility splays. Therefore, it is considered that the proposal would have a negative landscape impact on the verdant character of the Lane.

(iv) Ecology and Biodiversity Net Gain (BNG)

All development within the Borough is expected to protect, conserve and enhance the Borough's Local Ecological Network.

The application is accompanied by Ecological Impact Assessment (South Downs Ecology, November 2024) as well as a Biodiversity Net Gain Assessment (South Downs Ecology, November 2024) and a completed Biodiversity Net Gain Statutory Metric (South Downs Ecology, November 2024).

Whilst third party comments regarding the depth of the submitted ecological information are noted, the Council's Ecologist raised no objection to the extent, quality or methodology of the surveys undertaken and the conclusions made. He confirmed that the site is of limited ecological value and there is no evidence to suggest that e.g. Great Crested Newt occurs or will be affected.

In respect of presence of bats, the Council's Ecologist commented that detailed bat surveys at the site have revealed small roosts of Soprano Pipistrelle and Brown Long-eared Bats within the dwelling. These consist of small, non-breeding roosts. Therefore, the proposed development would affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations).

Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law.

A European Protected Species (EPS) licence can only be granted if the development proposal is able to meet three tests:

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b))...*

To grant planning permission the Local Planning Authority must be satisfied that the development meets tests 1 and 2 above.

The proposal is for the demolition of the existing dwelling and the erection of 5 units of accommodation, which in economic terms would provide employment during the build and the potential increase in spend in the area from future occupiers. In social terms the erection of the buildings would provide much needed housing, for which there is a recognised need in the Borough. As to the proposal there is no satisfactory alternative, as the development may only take place within the site.

The Ecological Impact Assessment (South Downs Ecology, November 2024), which has identified the presence of bats, also includes proposed mitigation strategy detailing specific measures to avoid harm to bats during the construction works and to provide compensatory roosts and enhancement features within the development. The Council's Ecologist supports this mitigation strategy and raises no objection, on the grounds of harm to bats, subject to a condition securing the proposed mitigation measures.

Therefore, the proposal would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The Council's Ecologist is "...confident that the development is not unlikely to be licensed."

The Supreme Court in *R. (Morge) v Hampshire CC* [2011] UKSC 2; [2011] Env. L.R. 19 held that the duty of the local planning authority is limited to that set out in reg. 9(5) of the Regulations (ie Conservation (Natural Habitats etc.) Regulations 1994), namely: "to have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions."

In paragraph 28 of his judgment Lord Brown of Eaton-under-Heywood referred to what Ward L.J. had said in the Court of Appeal (in para.61 of his judgment) (part set out below):

"The planning committee must grant or refuse planning permission in such a way that will 'establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range ...' If in this case the committee is satisfied that the development will not offend art.12(1)(b) or (d) it may grant. " " If the planning committee conclude that Natural England will not grant a licence it must refuse planning permission. If on the other hand it is likely that it will grant the licence then the planning committee may grant conditional planning permission. If it is uncertain whether or not a licence will be granted, then it must refuse planning".

In light of the above and having assessed the proposal, there is a need in economic and social terms for the development and there is no satisfactory alternative and as a result tests 1 and 2 above are satisfied. As to the third test, (the favourable conservation status of the species) this is met because the applicant's ecologist has characterised the status of the bat roost and set out measures that ensure favourable conservation status of the species can be maintained. Further, it is considered that Natural England is likely to grant a licence for the proposed works.

Had the Local Planning Authority been minded to grant planning permission then a planning condition would have been imposed to secure the proposed mitigation measures in relation to bats.

In respect of Biodiversity Net Gain (BNG), the proposed development would result in a net loss of 8.58% in habitat units alongside a gain of 49.77% in hedgerow units. There would be a deficit of habitat units arising from the proposed development. The applicant cannot obtain the required habitat units within the application site and must, therefore, pursue off-site measures, either through a habitat bank or an alternative off-site location over which the applicant has control. No details of any off-site option are provided, although information is provided on the type of potential gain that could be sought to meet the deficit.

All off-site BNG measures must be secured through a legal agreement. BNG measures must be secured for a minimum of 30 years. Details of how the proposed BNG measures are to be managed, maintained and secured for the required 30 year period can be provided within a completed Biodiversity Gain Plan this is a mandatory part of BNG, to be provided post-permission.

Had the Local Planning Authority been minded to grant planning permission then planning conditions would have been imposed to secure all BNG measures, including a deemed condition securing the submission of a Biodiversity Gain Plan prior to the commencement of development.

(v) Residential amenity

Impacts on adjacent properties

The Council's Design SPD sets out standards for residential development which is required to avoid any harmful impacts on amenities of adjacent properties, including light, outlook and privacy.

2a Long Copse Lane

The development would be in a close proximity to no. 2a Long Copse Lane, namely Plot 2. The dwelling within this Plot would be positioned closer to the frontage of the site than the existing dwelling, and it would almost match the front building line of no. 2a. No. 2a benefits from a high level window at ground floor, which the proposed dwelling in Plot 2 would be next to. However, as this is not a primary window (primary window appears to be within the front elevation of no. 2a), any loss of outlook or light would not result in an unacceptable adverse impact justifying a refusal. The proposed dwelling in Plot 2 would benefit from a ground and first floor window in the elevation facing no. 2a. The first floor window would serve an en-suite and could be conditioned to be obscure glazed and non-opening. Views from the ground floor window, given its close proximity to the common boundary, would be obscured by a boundary treatment, which detail could also be secured with a planning condition to ensure privacy. The adjacent property also benefits from a ground floor window within the single storey rear extension directly facing the application site, however, as this window currently faces the existing dwelling, the impact of the proposed dwelling on this window would not be materially different.

Concerns have been raised over loss of privacy in the existing raised patio area at no. 2a from the dwelling in Plot 2. It is noted that this dwelling would have 3 windows at first floor level, including two windows serving bedrooms. Any views from the windows of the patio area would be at an oblique angle and would not be unusual in a linear development and would not be considered unacceptably harmful.

As such, it is considered that the proposed development, namely the dwelling to be located in Plot 2 would not have unacceptably adverse impact on the residential amenity of the adjacent dwelling, in term of loss of light, outlook and privacy to extent justifying a planning refusal.

6 Long Copse Lane

The dwelling at no. 6 Long Copse Lane would be located a sufficient distance away from any new dwellings within the site not to be affected by the built form, in terms of a loss of light and outlook. The dwelling in Plot 1 would have windows at ground and first floor level facing no. 6. However, these windows would serve a WC and a bathroom and could be conditioned to be obscure glazed and non-opening to avoid any harmful loss of privacy.

In terms of potential noise impacts, the proposed development would result in an intensified use of the existing vehicular access for 5 properties, including 3 properties using the entire length of the internal access road that would run alongside the eastern boundary of the site and would be immediately adjacent to no. 6. The road would run alongside the entire boundary of this property, including its frontage, the dwelling itself and the rear garden.

The submitted Planning Statement has noted that entire length of the access road would only be utilised for vehicular movement associated with the three properties to

the rear. Therefore, such usage would be limited. It has also been noted that vehicles would likely travel at a slow speed and there would unlikely be any manoeuvring taking place near no. 6. Finally, the applicant has also agreed to a provision of a 2m high acoustic fence on the boundary with no.6 which would further reduce any negative impacts in terms of noise and light pollution. Therefore, it is considered that the proposed development, subject to a further noise information, could be designed to avoid any harmful impact on no. 6, in terms of noise, fume and light pollution resulting from the use of the internal access road.

51 Wraysbury Park Drive

The proposed dwelling in Plot 3 would be located in a close proximity to no. 51 Wraysbury Park Drive. This property does not benefit from any first floor windows facing the application site. Any potential overlooking at ground floor level could be prevented through the use of an appropriate boundary screening. The proposed dwelling in Plot 3 would be located immediately to the west of no. 51 and, therefore, it would not cause unacceptably adverse impacts in terms of loss of light or outlook.

50 and 50A Hollybank Lane

Directly beyond the rear boundary are two storey dwellings at 50 and 50a Hollybank Lane. Both dwellings are located close to the rear boundary with the application site. The three dwellings to be located near the rear boundary would benefit from clear windows at first floor level directly facing the dwellings to the rear. In situations like this, the Council's Design SPD requires a separation distance of 20m to avoid harmful overlooking. The locations of the proposed dwellings in Plots 3, 4 and 5 would provide separation distances exceeding this requirement. Furthermore, whilst the outlook from the existing properties would change, due to the separation distance, there would be no demonstrably harmful loss of outlook. Finally, the proposed dwellings would be located to the north of these neighbouring dwellings, therefore, not causing a detrimental loss of light.

For the reasons set out above, it is considered that the proposed development, due to its detailed design, the number and location of dwellings in relation to the common boundaries and the adjacent properties, would not cause unacceptable adverse impacts, in terms of a loss of light, outlook and privacy as well as environmental impacts, such as noise, light and fume pollution.

Amenities of prospective occupiers

The proposed dwellings would meet the minimum internal space standards set out in the Technical housing standards - nationally described space standard (March 2015) by Department for Communities and Local Government.

The submitted plans show that the dwellings would be served by rear gardens of varying sizes together with on-plot facilities for bin/refuse storage and cycle storage.

The relationship between the proposed properties, in terms of light, outlook and privacy is considered acceptable due to no windows directly facing each other and the orientation of the dwellings.

(v) Other considerations

The site is located within a Flood Zone 1 (lowest flood risk). No objection subject to

condition requesting more information has been received from Southern Water. Had the Local Planning Authority been minded to grant planning permission then further detail of foul and surface water drainage would have been secured with an appropriately worded planning condition. A surface water strategy would have been expected to ensure that the proposed development is not at risk of flooding and does not increase flooding elsewhere, i.e. in Long Copse Lane. Southern Water would have been re-consulted on the strategy.

In terms of impacts on the SPA and nutrient neutrality requirements, appropriate information has been submitted with the application to demonstrate that the applicant would be willing to provide adequate mitigation package in respect of nutrient neutrality and recreational disturbance. Had the Local Planning Authority been minded to grant planning permission then the mitigation package would have been a subject to an HRA/AA in consultation with Natural England, and would have been secured with a legal agreement (or unilateral undertaking) and a planning condition.

Third party comments not addressed above

In terms of third party comments not addressed above, there is no requirement for a justification of a development, and the condition of the existing building does not give grounds to refuse the application. Whilst environmental implications of demolition and construction of new houses are taken into consideration, they could be satisfactorily mitigated and controlled with planning conditions, if the application was to be recommended for approval.

Concerns over inadequate health care and education provision are acknowledged, however, due to the small scale of the proposed development, these concerns would not justify a refusal, in particular in the absence of objection from the relevant authorities.

In terms of setting a precedent, every case is considered on its own merits and approving, or refusing, an application on this site would not guarantee that the same result would be considered acceptable elsewhere.

Concerns over land take associated with the wider improvements of Long Copse Lane are noted, however, these improvements are part of a separate application and cannot give grounds to refuse this application.

Concerns over proposed property sizes and the need for smaller houses as well as the need for affordable houses is noted. However, in light of the Council's overall shortage of houses and the lack of 5 year housing land supply, refusing the application on the basis of size or cost of the proposed dwellings would not be sustainable. Whilst the need for affordable housing is acknowledged, there is no policy basis to require such provision from a development of this scale.

With respect to concerns over construction phase impacts, including the condition of Long Copse Lane not being appropriate for construction traffic, parked construction vehicles blocking and damaging the road verges, noise, dust, additional traffic as well as impact on privacy, whilst these are acknowledged, they could be satisfactorily controlled and mitigated with a Construction Environmental Management Plan. Had the Local Planning Authority been minded to grant planning permission then this would have been secured with a planning condition.

In terms of concerns over increased crime, anti-social behaviour and access to

gardens, the proposed development would be located in a residential area and the proposed layout is typical for a development of this scale and nature. It is not considered that the development would increase crime and anti-social behaviour. Hampshire Constabulary (Crime Prevention) was consulted on this application and no comments were received.

Concerns over insufficient information regarding maintenance arrangements of shared parking areas has been received. Had the Local Planning Authority been minded to grant planning permission then details of maintenance of common areas would have been required and considered.

Concerns over damage of pilings underneath the properties in Pine Court is noted, however, any damage to a private property as a result of the proposed development would be a private matter between the affected property owners and the developer.

In terms of the proposed street scene plan misrepresenting the distance to the property to the west, the application has been assessed on site and Officers are aware of the exact location of the neighbouring property.

Finally, concerns over public consultations have been received, however, the application was advertised in accordance with relevant legislation and procedures, which included letters to residents and a number of site notices displayed alongside Long Copse Lane and in Hollybank Lane.

(vii) Planning balance

The site lies within a built up area where development is considered acceptable in principle, subject to compliance with relevant local and national policies, in particular those safeguarding a quality development, highways safety, residential amenity and ecology.

The Council is currently unable to demonstrate a 5 Year Housing Land Supply. Therefore, there is a presumption in favour of sustainable development, and the contribution this site would make to supply must be given substantial weight.

The Local Highway Authority has objected to this application on the basis of the proposed vehicular access into the application site not achieving required visibility splays, and in particular a third party control over the land which falls within the eastward visibility splays. This means that the applicant cannot ensure that the visibility splays are adequately maintained in perpetuity. Without adequate visibility splays, the proposed access cannot be considered safe.

The Local Highway Authority also noted that appropriate passing places should be identified for a car to pass a refuse vehicle whilst servicing is being undertaken in Long Copse Lane, given the proximity of the site access to the Hollybank Road bend. Appropriate forward visibility needed to be demonstrated for vehicles approaching Hollybank Lane from the left. In the absence of this information, it cannot be concluded that the proposed kerbside waste collection would be acceptable, in highways safety terms. Additionally, it is noted that the wheely bin carry distance between the collection point and the three dwellings located within the rear part of the application would exceed the expected standard of 30m. This raises concern over the quality of residential amenity of the future occupiers.

The Local Planning Authority also raises a concern over the under provision of car

parking spaces for the 4-bedroom dwellings. There is a concern that this would not create a high quality residential environment for the prospective occupiers of the development and would lead to potential parking in Long Copse Lane, and beyond, resulting not only in harmful visual and character change of Long Copse Lane, potential damage to grass verges, further compromising the quality of the established landscape but also to a potential neighbour dispute which would go against the aim of promoting social cohesion.

Furthermore, the submitted swept path analysis plan for a fire vehicle does not indicate that there would be a sufficient space for a fire vehicle to pass a parked car. In light of the under provision of car parking, such scenario would not be unlikely. No other information has been submitted to successfully demonstrate what alternative measures could be put in place to ensure that the development is acceptable in terms of risk of fire.

The strength of public representation made against the removal of the boundary planting, and in particular the Oak tree is noted. The Council's Tree Officer raised an objection to the loss of the front boundary vegetation, considered to be harmful to the verdant character of the street scene. The strength of the concern is reflected in the fact that, during the course of the application, the Council placed a group TPO on the part of the frontage planting, including the Oak tree. It is considered that the proposed development would result in harm to the established character of the lane, in terms of its arboricultural and landscape impacts.

In terms of design, the proposed development is considered acceptable with regard to its layout, built form, mass and density. The architectural detail and external materials proposed would be contextually appropriate. Subject to details of external materials, soft and hard landscaping, the proposed development would create a visually attractive place.

In terms of ecology, the submission is accompanied by adequate information to demonstrate the development impacts as well as appropriate measures of mitigation, in particular in respect of bats. In respect of Biodiversity Net Gain (BNG), the proposed development would result in a net loss of 8.58% in habitat units alongside a gain of 49.77% in hedgerow units. There would be a deficit of habitat units, however, the applicant could pursue off-site measures. These could be appropriately secured with planning conditions.

In terms of residential amenities, the proposed development, due to its detailed design, the number and location of dwellings in relation to the common boundaries and the adjacent properties, would not cause unacceptable adverse impacts, in terms of a loss of light, outlook and privacy as well as environmental impacts, such as noise, light and fume pollution.

The amenities offered to the prospective occupiers, with the exception of the under provision of car parking spaces for 4-bedroom dwellings, would otherwise meet the Council's expectations. The dwellings would meet the minimum space standards, would be served by rear gardens and on-plot facilities for bin/refuse storage and cycle storage. The relationship between the proposed properties, in terms of light, outlook and privacy is also considered acceptable.

Details of foul and surface water drainage for a development of this scale could be secured with an appropriately worded planning condition, to ensure that the development is not at risk of flooding and does not increase flooding elsewhere.

Appropriate information has been submitted with the application to demonstrate that the applicant would be willing to provide adequate mitigation package in respect of nutrient neutrality requirements and recreational disturbance.

Drawing above considerations together, Officers recognise that the proposed development raises conflicting issues. On one hand, it would make a modest but important contribution towards the Council's much needed housing supply, at the time when the Council cannot demonstrate a 5 year housing land supply. The construction phase would provide an opportunity to boost the local construction industry, and the prospective residents would likely contribute to the vitality and viability of local centres. The development would also deliver biodiversity net gain.

On the other hand, there is a great concern over the highways safety of the prospective residents of the development as well as users of Long Copse Lane, including drivers, cyclists and pedestrians, etc. due to the inadequate visibility splays at the access onto the site. Further, there is concern over the loss of a part of a boundary planting, which is important in landscape and arboricultural terms and now protected with a Tree Preservation Order due to its valued visual contribution. Potential implications of the under provision of car parking spaces on the residential amenity, area character and social cohesion are also noted.

Planning decisions must be balanced. Officers conclude that the cumulative adverse highways safety, landscape and arboricultural impacts would be such as to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the National Planning Policy Framework taken as a whole. Therefore, the application is recommended for refusal.

8 Conclusion

For the reasons set out above, the application is recommended for refusal.

9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/24/00987 for the following reasons:

- 1 Inadequate visibility splays are proposed at the junction of the access with the highway. This would cause danger and inconvenience to users of the adjoining highway and the development site and would be contrary to Policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework which promote development which, amongst other matters, supports safe operation of the local road and its users.
- 2 Insufficient information has been submitted to demonstrate that the proposed development would achieve appropriate forward visibility for vehicles approaching Hollybank Lane from the left together with passing places for a car to pass a refuse vehicle, whilst servicing is being undertaken. Therefore, the proposed development would be contrary to Policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework as it has not been satisfactorily demonstrated that it would incorporate a safe and suitable kerbside collection facility for the increased quantum of development without impact on the safe operation of the local road

and its users.

- 3 The proposed car parking provision would fall short of the parking standards set out in the Havant Borough Council Parking SPD 2016 which would be likely to lead to cars being parked alongside Long Copse Lane, resulting in damage to green verges and potential neighbour disputes. The development would, therefore, be contrary to the adopted Parking SPD (2016), Policies CS16, DM8 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework which collectively support development that respects local context, provides quality residential amenity and promotes social cohesion.
- 4 The loss of a part of the front boundary vegetation, including planting protected with a Tree Preservation Order, would have harmful visual and landscape impact on the established verdant character of the street scene and visual amenities of the local residents and would, therefore, conflict with the Council's Borough Design SPD (2011), Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 In the absence of a suitable agreement to secure appropriate mitigation measures in respect of water quality, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in detriment to water quality and as such, it is contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.
- 6 In the absence of a suitable agreement to secure appropriate mitigation measures in respect of recreational disturbance the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.