
Site Address: 30 Queens Road, Waterloo, PO7 7SB
Proposal: Demolition of existing garage and studio block construction of detached four bedroom property with refuse and cycle storage and landscaping.
Application Type: Full Planning Permission
Application No: APP/23/00834 Expiry Date: 19/01/2024
Applicant: Mr Chris Flint
Agent: Case Officer: Kayleigh Taylor
Ward: Waterloo

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site measures 0.07ha and is located on the northern side of Queens Road, a residential cul-de-sac, to the west of London Road. The site is within the urban area of Waterloo.
- 1.2 The relatively flat site comprises a single garage with an attached carport, store and studio with a mezzanine floor. The building is positioned on the site boundary and features a double pitched gable roof, with red tile hanging and rendered elevations.
- 1.3 The site forms part of the residential curtilage of 30 Queens Road, a detached two storey dwelling, which is to the immediate west of the application site. 30 Queens Road benefits from an in-out driveway with two access points and a large, gravelled parking area. The frontage of 30 Queens Road is well screened by mature laurel trees and there is mature hedgerow along all the boundaries of 30 Queens Road. The side elevation of No.30 features a number of windows at ground and first floor facing towards the application site.
- 1.4 To the east of the application site there is a gravelled access road to numbers 26 and 28 to the rear of the site. Beyond the single track to the east there is number 24, a detached property which has been extended to the rear, with windows at ground and first floor facing towards the application site.
- 1.5 Queen's Road comprises an eclectic mix of detached and semi-detached properties and is verdant in character.

2 Planning History

07/67592/000 - Rear extension., PERM,13/03/2007

3 **Proposal**

The proposal seeks;

- Demolition of existing garage and studio building
- Removal of 9m of hedgerow on the eastern boundary and replacement with 1.2m high softwood fencing.
- Erection of a detached 2.5 storey, four bedroom dwelling, measuring 9.7m in width, 16.1m in depth and 8.3m in height. The building would have a tiled, crown pitched roof design. The elevations would comprise brick at ground floor level and smooth render at first floor level.
- Erection of a single storey refuse and cycle store at the rear of the site, measuring 6.1m in width, 2.5m in depth and 2.2m in height with timber cladding.
- Hard and soft landscaping, including hedgerow and 1.8m high softwood fencing between the proposed dwelling and number 30.

During the course of the application the applicant has submitted a updated nutrients calculation (submitted prior to the publication of Natural England's new nitrogen budget 26/01/2024), a Preliminary Roost Assessment and additional plans showing the relationship with neighbouring properties.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of a scheme, including measures to ensure their continued survival.

The proposed development would involve the loss of three fruit trees and removal of sections of hedgerow. The trees to be removed do not have a significant amenity value and the hedgerow to be removed is limited to minimise the impact on the character and appearance of the surrounding area.

The loss of the trees and hedgerow should be replaced on site to protect and enhance nature conservation and to ensure that the scheme integrates successfully with the local environment.

If the officer were minded to grant permission for the application, the landscaping works should be secured by condition for the inclusion of hedgerow planting on the rear western boundary (in addition to the proposed hedgerow to the front) to be in accordance with Policy CS16 and DM8 of the Havant Borough Core Strategy (2011). However, fencing would be accepted between the proposed and existing property to allow for ease of access between the properties.

The tree works and protection measures set out in the supporting Arboricultural Method Statement (1321.bjh.Aug23) and Tree Protection Plan (BJH03/04) should also be secured by condition to be in accordance with Policy CS16 and DM8 of the Havant Borough Core Strategy (2011).

Conditions are recommended.

Building Control, Havant Borough Council

- 1) Checks should be carried out to ensure the side elevation walls are at least 1000mm away from the site boundary (this is not clear from the plans) or the area of door or window openings in the side elevation walls should be less than 1m².
- 2) The location of the refuse store will not comply with the guidance given in Approved Document H for solid waste storage.

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, 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. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Crime Prevention

None received.

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's Building Control Officers or technical staff should be asked to comment on the adequacy of soakaways

Ecologist, Planning Policy Team

Initial comments

The application is not accompanied by any ecological information. I have undertaken my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The proposal would be unlikely to result in significant ecological impacts, but there is potential for the garage/studio building to support legally protected species such as roosting bats and nesting birds. The building is clad with clay roof tiles and exhibits sections of hanging tiles at the gable ends and these may exhibit suitable bat access/egress locations. There are records of several bat species from the local area.

I would recommend that the applicant provides an ecological assessment, to be provided by a qualified ecologist. The Chartered Institute of Ecology and Environmental Management (CIEEM) (www.cieem.net) holds a database of suitably qualified ecologists. An ecological assessment will determine whether there is any evidence of protected and notable habitats and species, and whether the proposed works are likely to result in impacts to those habitats and species. Unless the qualified ecologist can conclude that there is no reasonable likelihood of protected habitats and species being present (due to negligible potential) or that if present they are not to be impacted by the works, it is likely that further ecological survey work will be required prior to determination of the application. The results of any further surveys should be used to provide an assessment of the likely ecological impacts of the proposed works and to inform any mitigation, compensation and enhancement measures.

NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

Further comments following receipt of additional information

The application is now accompanied by a Preliminary Roost Assessment (Daniel Ahern Ecology, January 2024). The garage building has been assessed as offering low bat roosting potential due to a small number of potential roost features. Buildings with low roost potential require a single emergence survey to be conducted during the bat active season between May and August. This survey should be completed prior to full determination.

NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

Environmental Services

HBC Environmental Services on behalf of Norse South East:

1. Access Requirements:

Access/Service Roads need to be capable of taking a 26 tonne Refuse Collection Vehicle (RCV) and allow vehicle to reverse close to bin store or containment area. Width of RCV 2.8m, maximum length 11.3m.

Drop kerbs also need to be provided to allow easy transfer of bins from store area to vehicle.

No bins to be pulled or waste carried more than 25 metres.

2. Bin Stores:

Almost all bulk bins utilised by the Authority are approximately 1.26 metres wide, therefore doors to stores need to be of 1.8 metres width to enable all types of container to be easily removed and returned.

A standard depth of 1.0 metre also applies to the majority of bulk bins, and bin stores therefore need to accommodate the required of containers measuring 1.26m x 1,0m,

3. Bin requirements

Note: Factors such as family size and age of occupants can influence the number of bins required and it is therefore advisable that the waste Management team be asked to confirm each calculation if possible.

4. Bin sizes for Information:

- a) 140 litre (plastic) - 1065mm tall x 485mm wide x 550mm deep
- b) 240 litre (plastic) - 1075mm tall x 580mm wide x 725mm deep
- c) 660 litre (metal) - 1310mm tall x 1260mm wide x 730mm deep
- d) 940 litre (metal) - 1500mm tall x 1020mm wide x 975mm deep
- e) 1100 litre (metal) - 1370mm tall x 1260mm wide x 990mm deep

Hampshire Highways

None received.

Nutrient Team

I have reviewed the documents submitted and the occupancy calculator rate doesn't match the one submitted in the nutrient budget calculations. Please could you ask the applicant to re-do the nutrient budget with the correct occupancy figure and submit the calculator as an excel spreadsheet instead of a PDF.

Officer note: During the course of the application the applicant submitted an updated nutrients calculation however this was submitted prior to the publication of Natural England's new nitrogen budget 26/01/2024.

Waste Services Manager

None 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: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 16

Comment	Officer Comment
On street Parking	See section 7.
Some 15 years ago similar planning was refused at 34 Queens road (adjacent to the property) by the Government planning inspectors.	Noted by officers. However, since the determination of 00/50826/002, there has been a material change in planning policy with the introduction of the NPPF and adoption of the HBC Core Strategy (2011) and Allocation Plan (2014).
Effect on daylight, outlook and loss of privacy.	See section 7.
Over development	See section 7.
Construction impact	If planning permission were to be granted the temporary construction impacts could be mitigated by a CEMP to be secured by planning condition.
Traffic congestion	A single dwelling is unlikely to result in a significant increase in vehicle movements.
Impact on close knit community	This is not a material planning consideration.
Harm to house prices	This is not a material planning consideration.
Harm to character of area	See section 7.
Set a precedent	Each application is considered on its own merits.

Setting of Edwardian and Georgian properties	The site is not located within a Conservation Area, furthermore there are no listed buildings or buildings of local interest recorded on the Council's mapping system in the immediate vicinity of the site. Nonetheless, the impact of the proposal on the character of the area is assessed in section 7.
Harm to wildlife	See section 7
Harm to trees	The Council's landscape officer has raised no objection and has recommended conditions to secure tree protection measures and replacement planting.
Breach of covenant	This is not a material planning consideration.
Non compliance with the Council's Design SPD	See 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:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Standard of accommodation
- (v) Highways and Parking
- (vi) Waste and refuse
- (vii) Ecology
- (viii) Habitats Regulation Assessment

- (i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, updated at March 2023, indicates the Borough's housing land supply position as 1.81 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. It is accepted that the proposal for one additional dwelling, within the urban area of Waterloooville, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

- 7.3 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, policy CS17 of the Havant Borough Local Plan (Core Strategy) (2011) sets out that development will be permitted that makes the most effective use of land in the borough.
- 7.4 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.
- 7.5 Paragraph 123 of the NPPF (December 2023) sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.6 Paragraph 128 of the NPPF (December 2023) supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character and setting and where it takes into account the importance of securing well-designed and beautiful, attractive and healthy places.
- 7.7 The Framework goes further and sets out at Paragraph 129 (December 2023) that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 7.8 The principle of making more efficient use of an existing urban sustainable site is therefore supported, albeit the acceptability of the proposal is subject to the detailed planning considerations as set out below.

(ii) Impact upon the character and appearance of the area

- 7.9 Queens Road comprises detached and semi-detached dwellings with varying plot widths. In that context, the subdivision of the garden for number 30 and replacement of the existing detached garage/studio with a dwelling would not, in principle, detract from the prevailing character and density of development along the road. The proposed dwelling would respect the established building line on the northern side of Queen's Road. There would be a 2m gap between the proposed dwelling and the existing dwelling (number 30). Officers are satisfied that this would prevent a terracing effect, furthermore, there are similar separation distances on the southern side of the road. There is also an existing access between number 24 and the application site which would help to maintain a visual hiatus between the built form.

- 7.10 The proposal seeks a 2.5 storey, 4 bedroom dwelling. Whilst there are no examples of 2.5 storey dwellings in the existing streetscene, the submitted streetscene plan shows that the proposed ridge height would not be materially different to that of dwellings either side (numbers 30 and 24) and would have a similar eaves height. The proposed dwelling would have a large footprint. The submitted block plan shows that the rear building line would reflect the overall rear building lines of numbers 24 and 30, however, it does not show that the two storey bulk of the proposed dwelling would protrude beyond the existing rear two storey building line. Notwithstanding this, it is not considered materially harmful to the streetscene, lying to the rear of the plot with screening to the frontage of the application site.
- 7.11 The scale, bulk and mass of the building necessitates the use of a crown roof design, which is not a feature currently found in the streetscene. However, officers are satisfied that the roof would have a sufficient pitch to adequately conceal the flat roof element when viewed from the streetscene. Furthermore, Officers note that there are existing flat roof two storey extensions to numbers 30 and 24 to the west and east of the application site.
- 7.12 It is acknowledged that third party representations have raised concerns regarding the impact of the development on the setting of Edwardian and Georgian properties, however, the site is not located within a Conservation Area and none of the dwellings on Queen Road are Listed Buildings nor are they Buildings of Local Interest. As such, officers are satisfied that there is no material harm to the setting of heritage assets. Furthermore, Queen's Road comprises an eclectic mix of dwellings, including 1960's style dwellings on the south side of the road. The design of proposed dwelling would contribute to the wide range of variety along the road.
- 7.13 The proposed materials would comprise brick, render and tile. These materials are reflective of properties within the streetscene. If planning permission were to be granted material samples could be secured by planning condition.
- 7.14 Although the proposal would result in the loss of some hedgerow along the eastern boundary and some ornate trees within the site, the proposal would retain the existing mature hedgerow along the site frontage. Furthermore, additional soft landscaping around the car parking area is proposed. Protection of the existing hedgerow to be retained and the provision of new soft landscaping could be secured by planning condition if planning permission were to be granted to prevent erosion of the verdant character of the area.
- 7.15 The proposed outbuilding to the rear of the site would be single storey in scale and well screened from the public domain by the existing site boundary hedging.
- 7.16 Overall the design and appearance of the proposal is deemed appropriate in context to the existing dwelling and streetscene and is therefore considered to be acceptable and would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.17 The principal impacts of the development on residential amenity would be in terms of its impact on privacy, light and outlook at No. 24 to the east and No. 30 to the west. In terms of the privacy impacts, the proposed dwelling would only have secondary windows in the side elevations at first floor level. These windows would serve a bathroom and landing, as such, these could be conditioned to be obscurely glazed and non-opening below 1.7m in order to safeguard the privacy of the occupiers of numbers 24 and 30. The proposed windows in the front and rear elevations would be a sufficient distance from other neighbouring properties to prevent material harm by way of overlooking.
- 7.18 In terms of loss of light and overbearing impact to number 30, the rooms with ground floor windows on the eastern elevation of No.30 are either double aspect (study to front and kitchen to rear) or serve a utility which is considered non-habitable accommodation. As such, there would be no material loss of light to the ground floor rooms of number 30, however there could be an overbearing impact to the kitchen at the rear which has a glazed roof. At first floor level there are three windows on the eastern elevation, two serve bathrooms (non-habitable accommodation) and the third would serve a bedroom. The bedroom is single aspect, with the only window facing the proposed dwelling. The applicant has shown on the submitted plans a 45 degree angle, however, Officers consider that this has been incorrectly applied (not in accordance with paragraphs 5.43 and 5.44 of the HBC Design Guide SPD). The proposed development would result in a loss of light and outlook to this bedroom. It is acknowledged that paragraph 5.07 of the HBC Design Guide SPD states *inter alia* that daylight to bedrooms may be considered but generally considered less important than living rooms, dining rooms and kitchens. However the loss of light together with the loss of outlook with the flank elevation of the proposed dwelling being just 2m from the sole bedroom window of No.30 means that there would be material harm to residential amenity.
- 7.19 Number 24 has a number of side windows in its western elevation, an officer site visit has confirmed that these include the primary windows to the dining room and kitchen at ground floor, as well as, a single aspect bedroom at first floor level. The flank elevation of the proposed dwelling would be 7.8m from the side windows in number 24. Paragraph 5.05 of the HBC Design Guide SPD, states that there should be a 10m separation distance where a dwelling faces a blank gable. It is considered that given the unacceptable separation distance combined with the scale, bulk and mass of the proposed development there would be a material loss of outlook and overbearing impact on Number 24.
- 7.20 Further to this, paragraph 5.09 of the HBC Design Guide SPD sets out that in order to assess loss of light to a window facing a new development a 25 degree line from 2m above ground level should be taken. Given that the topography of the site is relatively flat officers consider that the proposed dwelling would likely intersect the 25 degree line and therefore there would likely be a loss of light. No vertical sky component has been submitted with the application to demonstrate otherwise.
- 7.21 Having regard to the above the proposal would result in an unacceptable impact on the occupiers of Nos. 24 and 30 Queens Road. The proposal would therefore be contrary to Policy CS16 of the HBC Core Strategy and paragraph 135 of the NPPF.

(iv) Standard of accommodation and amenity space

- 7.22 Both the proposed dwelling and number 30 would have adequate private amenity space, with gardens measuring up to 28m in length. The proposed dwelling would have a cumulative floor area of 264sqm, which would exceed the requirements of the nationally described space standards. All habitable rooms on the ground and first floor of the proposed dwelling would have adequate outlook. The bedroom in the roof space would have rooflights only and therefore outlook would be limited, however there is a dormer window proposed on the rear elevation to serve the ensuite. It is considered that the internal layout could be reconfigured to ensure adequate outlook for this bedroom.
- 7.23 The proposal therefore provides an adequate standard of accommodation and amenity space.

(v) Highways impacts and parking provision

- 7.24 The proposal seeks to use an existing access from Queens Road, leaving the second access point for number 30. Officers are satisfied that 3 vehicles could park within the application site and 3 parking spaces would be retained for number 30. The proposal would therefore accord with the requirements of the Parking SPD and Policy DM13 of the Core Strategy.

(vi) Waste and refuse

- 7.25 The proposal shows the proposed bin store to be provided to rear of site, and the Building Control consultation response highlights that this would not comply with the guidance given in Approved Document H for solid waste storage. However, given the space available at the front of the site it is considered that bins could be stored closer to the highway, as such the location of the bin store does not form a reason for refusal and this matter could be dealt with at the Building Control stage of the development.

(ix) Ecology

- 7.26 During the course of the application, the applicant has submitted a Preliminary Roost Assessment (Daniel Ahern Ecology, January 2024), which has been reviewed by the Council's Principal Ecologist. The garage building has a small number of potential roost features and as such, a further single emergence survey is required. In absence of a completed emergence survey there is insufficient information to determine the presence and impact on protected species and as such the proposal fails to safeguard biodiversity. The application would be contrary to the NPPF, Circular 06/2005, Natural England Standing Advice and the Conservation of Habitats and Species Regulations 2017.

(ix) Habitats Regulation Assessment

- 7.27 In order to comply with Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 the application requires a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA) as the proposal is likely to have a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of four new residential units.

- 7.28 The LPA operates two packages of avoidance and mitigation measures. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the appropriate mitigation packages.
- 7.29 During the course of the application Natural England published a new nutrient budget. Given the recommendation for refusal on other matters, officers have not sought an updated nutrient calculation using the latest template. The issues of recreational disturbance and the decrease in water quality have therefore not been addressed through a legal agreement to secure mitigation and no HRA AA has been undertaken.
- 7.30 It is therefore necessary to include the non-provision of the avoidance and mitigation packages for both recreational disturbance and impact on water quality as a reason for refusal as contrary to policies CS11, CS21 and DM24 and non-compliance with the Habitats Regulations. Should an appeal be lodged against the decision to refuse, then this matter can be resolved at appeal stage.

8 Planning Balance and Conclusion

- 8.1 Whilst the Council cannot demonstrate a five year housing land supply, paragraph 188 of the NPPF states that this presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects). In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites by way of increased recreational pressures from future residents and impact on the water environment. The proposal would be contrary to, policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM24 of the Havant Borough Local Plan (Allocations) 2014, The Conservation of Habitats and Species Regulations 2017 (as amended) and the NPPF.
- 8.2 It is acknowledged that this matter could be resolved at the appeal stage and in such circumstances, Paragraph 11(d) of the NPPF would be engaged which requires a presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits.
- 8.3 In terms of the benefits, the proposed dwelling in a sustainable location with an adequate standard of accommodation, appropriate level of parking provision and soft landscaping would provide a modest addition to the Council's housing figures. However the benefit of providing one dwelling is outweighed by the harm arising from the proposed development. The proposal by virtue of its scale, bulk and mass and siting in relation to the primary windows of existing dwellings (Numbers 24 and 30) would result in a material loss of light, overbearing impact and loss of outlook, that would be harmful to the amenities of the neighbouring occupiers. The proposal would be contrary to the adopted Borough Design Guide SPD and adopted policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraph 135 of the NPPF.
- 8.4 Furthermore, insufficient information has been submitted to determine the presence and impact on protected species and as such the proposal fails to safeguard biodiversity and is contrary to the NPPF, Circular 06/2005, Natural England Standing Advice and the Conservation of Habitats and Species Regulations 2017 (as amended).

8.5 The proposal is therefore recommended for refusal.

9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/00834 for the following reasons

- 1 The proposal by virtue of its scale, bulk and mass and siting in relation to the primary windows of existing dwellings (numbers 24 and 30) would result in a material loss of light, overbearing impact and loss of outlook, that would be harmful to the amenities of the neighbouring occupiers. The proposal would be contrary to the adopted Borough Design Guide SPD and adopted policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraph 135 of the National Planning Policy Framework (December 2023).
- 2 In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites. The development would be likely to result in increased recreational pressures from future residents and impact on the water environment and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, 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.
- 3 Insufficient information has been submitted to determine the presence and impact on protected species and as such the proposal fails to safeguard biodiversity. The proposal would therefore be contrary to Paragraph 180 of the National Planning Policy Framework (December 2023), Circular 06/2005, Natural England Standing Advice and the Conservation of Habitats and Species Regulations 2017.