
Site Address:	17A -17B Avondale Road, Waterloooville, PO7 7ST		
Proposal:	Construction of 1No. one bed bungalow to the rear of 17A/B Avondale Road with access from Brooklyn Drive.		
Application No:	APP/21/00944	Expiry Date:	01/12/2021
Applicant:	J Wood		
Agent:	Miss Hole	Case Officer:	Tina Pickup
	HRP Architects LTD		
Ward:	Waterloo		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site comprises part of the rear garden of 17A-17B Avondale Road, which is a detached 2 storey residential property, in use as 2 flats. This host property is located on the corner of Avondale Road with Brooklyn Drive, such that its rear garden fronts Brooklyn Drive. Number 17 has a historic flat roofed two storey extension across its rear elevation. There are 2 front doors within its side gable elevation, serving the 2 self contained flats, arranged as a first floor flat and ground floor flat; each of which have 2 bedrooms, kitchen, bathroom and lounge. It is the ground floor flat, Nos 17A, that has use of the existing garden area.
- 1.2 This north side of Avondale Road is characterised by inter-war traditional two storey dwellings, having relatively generous rear garden depths of approximately 30m. In contrast, Brooklyn Drive, which leads to Bramley Close, is a 1970's development of uniform tighter-knit detached dwellings set in more modest plots. Brooklyn Drive has a slight dog-leg within it, outside the application site, which results in a tapering of the application site at its northern end. The land in the area slopes gradually down from west to east, such that there is a slight slope to the garden of 17A down to the Brooklyn Drive frontage.
- 1.3 The garden of 17A is bounded to Brooklyn Drive by a 1.2m high close boarded fence and currently the half closest to this property is maintained and includes a shed. The rear, northern, half is currently overgrown and unkempt. Immediately to the north is a private drive serving a brick built detached garage, set back within the rear garden of, and serving, number 15 Avondale Road. Beyond, numbers 1 to 3 Brooklyn Drive are two storey gable fronted detached dwellings, uniform in design with those in Bramley Close, and set in a line and back from the highway by about 6m. The eastern side of Brooklyn Drive comprises a high close boarded fence where enclosing the long rear garden of 19 Avondale Road; then 4 private garages set back before a fence enclosing 23 Bramley Close. Brooklyn Drive itself is therefore characterised by an absence of structures and largely features the side flank boundary treatments of long gardens and therefore has a relatively spacious and open feel.
- 1.4 Planning has recently been refused and dismissed at appeal for a 2 bed bungalow on the site under ref APP/20/00146. This current application is for a 1 bed bungalow instead, with some minor changes to the design and layout. The submitted red lined application site measures 27m in length along the western boundary with number 15, and has a depth of between 9m and 5m. This would leave a rear garden depth of 6.5m for 17A.

2 Planning History

The relevant planning history includes:

04/67971/000 - Outline application for one detached two bedroom, two storey dwelling
Refused 21 December 2004 for 2 reasons:
size and shape of plot not compatible with surrounding area; and use of access likely to cause interference with safety of users of highway.

05/67971/001 - Outline application for 1No. detached bungalow with parking
Refused 28 July 2005 for 2 reasons:
size and shape of plot not compatible with surrounding area; and failed to demonstrate that use of access would not cause interference with safety of users of highway
Appeal Dismissed 2 February 2006
The Inspector found that the style and layout of the dwelling would be out of keeping with predominant character of the road; and combined with the siting projecting in front of the established building line of dwellings to the east, the development would be visually harmful to the street scene; furthermore the shallow depth of the plot afforded little privacy for intended occupiers.

APP/20/00146 - Construction of 1No. 2 bed bungalow to the rear of 17A/B Avondale Road, with access via Brooklyn Drive and associated bin store and parking.

Refused 28 May 2020 for 3 reasons:
size and shape of plot not compatible with surrounding area/overdevelopment with insufficient amenity space; drainage issues re a possible watercourse crossing the site; absence of recreational and water quality mitigation

Appeal Dismissed 3 December 2020

In terms of character and appearance, the Inspector found that the bungalow would be a prominent feature in the streetscene; would almost fill the depth of the plot and would appear cramped, being out of keeping with the more spacious surroundings; in terms of drainage the Inspector found that there was inadequate evidence to demonstrate the proposal would not increase the risk of flooding on the site and elsewhere; and in terms of private amenity space the Inspector concluded that the size of gardens would be adequate and provide an acceptable level of amenity space for future occupiers

3 Proposal

- 3.1 Construction of 1No. one bed bungalow to the rear of 17A/B Avondale Road with access from Brooklyn Drive.
- 3.2 The current proposal reduces the size of the bungalow to 1 bedroom with associated small reduction in footprint and need for just 1 on site parking space. The bungalow has also been re-sited slightly further south but its proximity to rear boundary with number 15 and the highway of Brooklyn Drive remains unaltered. As a result the proposed bungalow would have a blank rear elevation of 10m in length with maximum depth of 7m and repeated curved frontage to Brooklyn Drive. Eaves height have been increased from 2.1m to 2.4m and the roof profile has been slightly altered, increasing the ridge height from 4.2m high to 4.7m high.

- 3.3 The re-siting would result in the garden space being to the north and having a length of 9.3m with area to the south for parking. Previously a cross section plan showing the proposed level the bungalow would be set at relative to the sloping site had been provided, but no such detail has been included this time, although it is assumed a similar level is proposed.

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

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
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)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E20	(Drainage infrastructure in new development)
IN1	(Effective provision of infrastructure)
E1*	(High quality design)
H1*	(High quality new homes)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Building Control

No adverse comments

Community Infrastructure

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:

(m) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

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

Crime Prevention

None received

Southern Water

SW requires formal application for connection to the public foul sewer; Council's Building Control should comment on adequacy of soakaways to dispose of surface water from proposed development
If any sewer found during construction then must be investigated

Engineering/Drainage

None received

Hampshire Highways

The applicant is proposing a new vehicular access. The Highway Authority will require a diagram showing the length of the proposed new drop kerb along with visibility splays for this new access. For further information on visibility splays please see the Hampshire County Council Technical Guidance TG3

Additionally, it is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway.

The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled

Whilst the Highway Authority can confirm that the construction of a single bed bungalow will have a detrimental impact on the wider highway network, the Highway Authority require the further information requested before a formal recommendation can be made.

Officer Note - assume typo and no detrimental impact on the highway network

Local Lead Flood Authority HCC

Comments provided in relation to surface water management:

This site is a minor application which we would not usually comment on however due to known flooding issues in the vicinity, we have specifically been asked for advice.

While we have reviewed the information provided and made comments below, please be aware that we require far more detail to enable us to undertake a full assessment in the same way as for major applications.

The County Council has reviewed the following documents relating to the above application:

- Application Form
- Planning Statement dated July 2021

The application is for the construction of a new bungalow to the rear of an existing bungalow with drainage proposed to be via soakaway and permeable block paving. No further details are provided in relation to drainage.

The applicant has confirmed that the nearby flooding has been eased due to a pipe blockage upstream and there is no evidence that there is a culvert present within the grounds. The culvert positioning has been discussed with the LLFA ordinary watercourse team and it has been agreed that it is unlikely to be within the plot boundary.

The drainage proposals are to use infiltration but no evidence has been provided to show that it would work. The soils in the area are mixed and may not be suitable, particularly given the flooding reports but if this method is to be used then testing should be undertaken as soon as possible and must be in accordance with BRE365. With the limited information provided, it is not possible to provide a detailed review of flood risk.

Natural England Government Team**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have a likely significant effect on:

- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Water Special Protection Area (SPA) and Ramsar site
- Portsmouth Harbour SPA and Ramsar site
- Chichester and Langstone Harbours SPA and Ramsar site
- Solent and Dorset Coast SPA
- Solent and Isle of Wight Lagoon SAC

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate assessment stage where significant effects cannot be ruled out

Nutrient Team

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00944

Portsmouth Water Company

We have no adverse comments to make on this application as the site is small in nature.

Traffic Management

The Traffic Team have no adverse comment to make

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
The Planning Statement & reference to the 'blocked pipe' has no reflection on the flooding that we have endured, & still do, following heavy rainfall. Original objection dated 29/3/20 still applies which states the footings of the bungalow will effectively act as a dam making the flooding worse. All objections remain as before, such as parking. Noteworthy that whilst parking allocation reduced to 1 space, it is clear there is room for 2 vehicles. Possible damage to boundary fence - in the event of permission being granted footings would be within half a metre from close boarded boundary fence with high risk of damage to fence or concrete posts & their footings - request advisory note re care over fence. Copy of letter from HCC Flood & Water Management Team dated 21/2/20 provided detailing possible route of blocked surface water drainage culvert	Noted - see Drainage section below Noted - see Parking section below Noted - should permission be granted this would be a private matter, and an Informative could be added This superseded by events - see section 7 on Drainage below
This renewed application can not address the parking and access issues in Brooklyn Drive and the access into Avondale road. Brooklyn Drive and Bramley Close residents can only exit/access via Brooklyn Drive and Avondale road. The pressure on parking spaces for the numbers of residents is acute, frequently meaning Brooklyn drive is reduced to a single carriageway with drivers forced to	Noted - see Parking section below

reverse onto Avondale to allow cars to exit. The addition of a further dwelling with dropped kerb and off road parking reduces available on road space and increases the number of vehicles using this road. Existing houses on the corner of Brooklyn and Bramley have restrictions preventing applications to build garages or driveways on these properties with access into Brooklyn Drive and to allow a new build in this road would not be in line with this long standing policy.	
I object to this build due to the traffic and the newly proposed no parking areas at either end of Brooklyn drive thus pushing cars into Avondale and Bramley. Already too many cars on that road which mean emergency vehicles cannot pass. A bungalow is not in keeping with the other houses and architecture of the area. Landowner already shown to be irresponsible with the condition of the property at Avondale and the land in Brooklyn.	Noted - see Parking section below Noted - see Character of Area section below Noted

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) Highways and parking
- (v) Drainage
- (vi) Compliance with Habitats Regulations
- (v) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable in principle, subject to other material considerations. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council's development plan comprises the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014 and in accordance with paragraph 12 of the NPPF decisions should be made in accordance with the development plan.

- 7.3 The Council submitted its Havant Borough Local Plan, for examination in February 2021 and the Stage 1 Hearings have taken place. Until adoption the policies within the Submission Local Plan have limited weight. The emerging policies do however indicate the Council's direction of travel.
- 7.4 It is noted that the Council's Five Year Housing Land Supply Update (November 2021) shows that the Borough has 3.9 years housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Significantly, the proposal would result in the provision of a single dwelling which is recognised as making a very small contribution to the Council's housing need and should be afforded weight in the overall planning balance accordingly.
- 7.5 The planning history is relevant to the consideration of this application and it is noted that 2 of the previous applications have been to appeal. The first, back in 2005/2006 was for a bungalow sited closer to the northern boundary than the current proposal with the access at the southern end, with small amenity areas either side of the proposed bungalow. The Inspector dismissed that appeal, finding that the lack of a principal elevation facing the road would be out of keeping with the predominant character of the road. It was also found that the bungalow would be sited forward of the properties to the east, and the resultant prominence was accentuated by the dog-leg in the road. Additionally future occupiers would have little privacy either inside or outside.
- 7.6 The recent 2020 appeal for a more centrally sited bungalow with the amenity space entirely to the north, was also dismissed at appeal. The Inspector found the proposal would be both prominent, cramped and at variance with the more generous gardens characterised in the area. In addition the surface water drainage issues and uncertainty over the route of a culverted watercourse was not adequately demonstrated to not result in an increased risk of flooding . It is however noteworthy that the Inspector concluded sufficient private amenity space could be provided for future occupiers.
- 7.7 This current submission attempts to overcome points raised by the recent Inspector, and the issues are considered below:
- (ii) Impact upon the character and appearance of the area
- 7.8 The properties on the north side of Avondale Road all have long gardens, some 30m, including the application site in its original form. The proposed development would result in the curtilage of the host dwelling being truncated at just 6.5m to the rear of the building. This reduced garden area for the retained dwelling would be wholly out of keeping with others in Avondale Road. The proposed plot size and in particular its depth, is also considered out of keeping with others in the area. The pattern of development in the area is characterised by typical linear frontage dwellings, set back from the highway, with generous rear gardens, but the proposed dwelling would have a long frontage on a very shallow plot. This layout would be at variance with the pattern of development in the area and is considered contrived and cramped.

- 7.9 The recent appeal Inspector concurred with this view and noted the proposed dwelling would fill almost the full depth of this shallow site with the development fitting the restricted dimensions of the plot rather than reflecting the prevailing pattern of development in the area. It was noted that the small areas of amenity for both the proposed development and the retained flat would be at odds with the more generous plots nearby. Overall the Inspector considered that it would look contrived and out of keeping with the more spacious surroundings and be harmful to the character and appearance of the area. These recent comments now have great weight in the determination of this current application.
- 7.10 The current red lined application site remains of the same dimensions and the proposed bungalow would still fill the depth of the plot - its siting in relation to the rear boundary and Brooklyn Drive is unaltered. Whilst the north-south siting of the dwelling has slightly changed, and the roof profile has become marginally higher and therefore more dominant, overall it is considered that there is little difference in terms of impact on the character of the area from the previous dismissed scheme. Fundamentally the subdivision of the site to form two small sites, each with small amenity areas, is out of character with the otherwise spacious character of the area.
- 7.11 The Inspector also noted the dog-leg in the road which results in the proposed dwelling being sited in a forward position and particularly prominent when travelling south from Bramley Close along Brooklyn Drive. Again this relationship has not altered and the current proposal would continue to form a dominant and prominent feature when viewed from the north, having a jarring relationship with number 1 Brooklyn Drive. Overall the juxtaposition of the shape and layout of the proposed plot and dwelling is considered incompatible with the more traditional spacious frontage linear development in the area.
- 7.12 As a result the proposal is considered to be harmful to the pattern and character of the area and consequentially contrary to policy CS16 clause c) which requires development to respect the characteristics of the locality including plot widths and depths. It is considered that the principle of the subdivision of the plot in the manner proposed represents an overdevelopment of the site with the reduced plot sizes for both the proposed dwelling and retained property being significantly smaller than those within the immediate vicinity, out of character with the area. The size and shape of the plot is not considered characteristic of the more spacious and traditional pattern of development in the area, and results in a contrived and cramped development, contrary to the Borough Design Guide SPD, 2011, adopted policy CS16 and emerging policy E1.

(iii) Impact upon residential amenity

- 7.13 It is noteworthy that the proposed application site includes both the overgrown rear section of the original curtilage and also part of the existing maintained garden serving 17A. This existing garden would be reduced in depth by about 6.5m ie halved in size, necessitating the re-siting of the existing shed. This reduced garden area falls short of the recommended 10m minimum rear garden depth as set out in the adopted Borough Design Guide SPD and the emerging Local Plan 2036 policy H1. The supporting text to the emerging policy (paras 6.10 to 6.13) notes outdoor space needs to be of a sufficient size to meet the functional size of likely occupants.

- 7.14 In terms of adequacy of amenity space for future occupiers, the recent appeal Inspector noted that the then proposed 54sqm enclosed garden and similar for retained flat, would be small but adequate for households for whom gardening and outdoor play space are not often priorities. It was noted that the proposal would add to the mix of homes available in the Borough and would provide an acceptable level of amenity space for future occupiers.
- 7.15 The current proposal results in a garden area of some 63sqm i.e. slightly larger, but serving a smaller dwelling. Having regard to the Inspector's comments it is considered that this would be sufficient to provide adequate amenity space for future occupiers of both the proposed new dwelling and retained flat and compatible with the aims of emerging policy H1.
- 7.16 In terms of privacy and overlooking, as a single storey development, the proposal would not result in any direct loss of privacy to existing neighbouring residents. Privacy for future occupiers was a concern of the 2006 Inspector but this more detailed proposal sites the private garden area entirely to the north, enclosed by higher fencing. This would provide a relatively private area, not overlooked from neighbouring dwellings, just from passing pedestrians, which is not uncommon for corner plots.
- 7.17 In terms of bulk and overshadowing effect on the amenity of neighbours, the eaves height has been kept low, at 2.4m and combined with the likely digging into the ground, the eaves line would only be slightly higher than a 2m boundary fence. The roof above is pitched with a maximum height of 4.7m. The very close proximity to the shared boundary fence with number 15 Avondale is such that the development could have an overbearing and enclosing effect on the use of number 15's private garden area. But due to the orientation and low height, it would be unlikely to result in any significant overshadowing or demonstrable harm to outlook. The separation distances from 17 Avondale and 1 Brooklyn Drive are 14m and 19m respectively which for a bungalow is considered adequate to respect daylight and minimise overlooking.
- 7.18 Overall it is considered that the proposal would provide adequate amenity space for future occupiers and would not result in any harm to the amenity of neighbours from loss of outlook, privacy or overshadowing. As such the proposal is considered compliant with the Borough Design Guide SPD, 2011, adopted policy CS16 and emerging policy H1.

(iv) Highways and parking

- 7.19 It is noted that third party representations refer to existing congestion and parking problems in the area. There are however currently no yellow line parking restrictions in either Avondale Road, Brooklyn Drive or Bramley Close, the only restriction is a white line on the Avondale/Brooklyn junction. These roads are also not classified and hence planning permission would not be required to provide a new vehicular access and dropped kerb. The proposal includes the provision of 1 on site parking space, and a shed for secure cycle storage, to serve the proposed 1 bed dwelling, which meets the adopted Parking SPD and policy DM13. This spaces would be provided at the southern end of the site, away from the adjacent drives of 15 Avondale Road and 1 Brooklyn Drive. Therefore there would no longer be the potential conflict of vehicular movements affecting safety that was a previous reason for refusal in 2005.

- 7.20 It is acknowledged that competition for parking spaces is an emotive issue that affects residents amenity and has triggered the third party responses. However in this case, there is no technical reason to resist the proposal on parking grounds. The proposed development provides sufficient on site parking to fully meet policy and it is also noted that the Council's Parking Team made no objection to the proposal. The new vehicular access width and visibility splays as required by HCC to serve the new drive are not specified on the plans and would have been subject to negotiation/amended plans had the recommendation been for permission. It is however considered that these could be adequately achieved and were not subject to dispute in the recent appeal.

(v) Drainage

- 7.21 Whilst the site lies beyond current day flood zones 2 and 3, nevertheless, third party representations made under APP/20/00146 alerted to the fact that the site and area suffers from surface water flooding from a blocked culverted Ordinary Watercourse crossing somewhere near the site. Previously both the Local Lead Flood Authority and Council's Drainage Engineer were consulted and advised that if the route of the culvert was as expected then the proposed development would sever the outfall or be an impediment to the flow. At the time of making the previous decision the route of the culverted watercourse was still not known and the applicants drainage solution was considered inadequate - hence a drainage/flood risk reason for refusal was included.
- 7.22 The Inspector considered both the route of the watercourse and lack of percolation test data to establish the viability of soakaways and concluded that there was insufficient evidence to demonstrate that the proposal would not increase the risk of flooding on the site and elsewhere.
- 7.23 Since the appeal decision the applicant has been in discussions with HCC Flood and Water Management Team and dug a temporary trench across the length of the site to check whether a piped watercourse was present or not. Photographs of this work, undertaken in June 2021, have been provided as evidence. No culvert or piped watercourse was found to cross the site, a fact since confirmed by HCC Flood and Water Management Team. The route of the blocked pipe is now thought to be north of the site, possibly adjacent 1 Brooklyn Drive.
- 7.24 Therefore the previous flood risk issue has been resolved and it has been confirmed that the proposed dwelling would not sever any outfall or increase the risk of flooding on the site or nearby. The suitability of soakaways has yet to be confirmed, but this technical matter is usually a Building Regulations matter and suitable surface water drainage could be conditioned if permission were forthcoming.

(vi) Compliance with Habitats Regulations

- 7.25 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 one new residential unit.

7.26 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.

7.27 However, given the recommendation for refusal on other matters, these issues have not been addressed and no HRA AA has yet been undertaken. 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 emerging policies E16 and EX1 as well as 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.

(vii) CIL

7.28 The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 55.6sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2021 - 48.66%.

7.29 In light of the recommendation for refusal on other matters, the Draft Liability Notice has not been prepared and could be addressed at appeal stage if necessary.

8 Conclusion

8.1 The size and shape of the site is not considered commensurate with the surrounding more spacious pattern and character of development in the area. The proposed development, across nearly the full depth of the shallow plot at a point on a dog-leg in the road, would result in a prominent, cramped and contrived development that would be harmful to the character of the area, contrary to the adopted Borough Design Guide SPD and policy CS16. In addition the lack of appropriate mitigation measures for likely significant recreational harm and impact on water quality to the Solent European Sites as specified by the Habitats Regulations is also contrary to policy DM24 and emerging policy E16. The proposal is therefore recommended for refusal.

8.2 It is acknowledged that the Council's Five Year Housing Supply is below the threshold and that the proposal would provide a single dwelling making a very small contribution to the Council's housing need. However the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits of provision of a single dwelling such that the planning balance is not tilted in favour of the proposal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00944 for the following reasons

- 1 The size and shape of the site is not considered commensurate with the surrounding more spacious linear pattern and character of development in the area. The proposed development, across nearly the full depth of the shallow plot at a point on a dog-leg in the road, would result in a prominent, cramped and contrived development that would be harmful to the character of the area, contrary to the adopted Borough Design Guide SPD 2011, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policy E1 of the Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.
- 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, emerging Policy E16 and EX1 of the Submission Havant Borough Local Plan, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.