
Site Address: Creek View, Selsmore Road, Hayling Island, PO11 9JZ
Proposal: Change from existing 6 bed HMO to increase occupation to 7 bed HMO.
Application Type: Full Planning Permission
Application No: APP/23/00921 Expiry Date: 08/03/2024
Applicant: Mrs Julia Cutbush
Agent: Case Officer: Joseph Toole
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

Creek View, Selsmore Road, Hayling Island, is a two storey detached HMO property, located to the north side of Selsmore Road. The property comprises of white and black detailing with some brickwork and red clay roof tiles. Vehicular access is from Selsmore Road with parking to the front in the form of large driveway.

The property is located within a residential area.

2 Planning History

91/56156/001 - Two storey extension to rear., PERM,30/07/1991
04/56156/002 - Single storey self contained granny annexe to east elevation. Single storey extension to west/ north elevation. Dormer window to east and west elevations., PERM,14/04/2005
APP/19/01225 - Application for Certificate of lawfulness relating to use of annex as separate independent residential accommodation for more than 4 years., PERM,06/04/2020

3 Proposal

The proposal is for the change from existing 6 bed HMO to increase occupation to 7 bed HMO.

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)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No Comment.

Councillor Mark Coates

No Comment.

Councillor R Raines - Hayling East

No Comment.

Environmental Health Manager, Community Group

No Comment.

Hampshire Highways (1)

This proposal is unlikely to significantly increase traffic flow from this site. That said, the proposed parking plan is unconventional and does not either reflect the current practice(as seen yesterday) or I suspect show enough car parking spaces, but that is matter for the LPA. With the use of the area on the east side of the building I am confident an adequate number of spaces can be provided. I will leave it to you to seek a more formal plan of how cycle and car parking and manoeuvring space for both should be laid out so that if necessary enforcement can be taken.

The existing surfacing of the front garden area is poor and there is evidence of some stones migrating onto the highway.

I confirm the Highway Authority have no objection subject to Conditions and a Note to Applicant :-

Conditions

1. The area shown on the approved plan for the parking and manoeuvring of vehicles shall be surfaced in a non-migratory material within two months of the date of this permission and shall be maintained in that condition thereafter.

2. Any gates or other obstruction to the passage of vehicles shall be provided a minimum distance of 6m. measured from the nearside edge of carriageway of Selmore Road.

Note to Applicant

It is recommended that the initial 4m minimum of car parking area measured from the site boundary falls south to north to prevent interception drainage having to be provided.

Officer Comments

The applicant provided a driveway area to the front access of the property surfaced in a non-migratory material 6 metres away from the nearside edge of the carriageway of Selmore Road.

Following a site visit there is considered to be more than adequate car parking on site with sufficient space for cycle provision. As such it is not considered necessary for

additional car parking information to be provided. Please note the Council does not have a parking requirement for Houses of Multiple Occupation.

Hampshire Highways (2)

Adding on the width of highway margin (footway and verge) the length of hard surface measured from the edge of carriageway should achieve the required 6m. Subject to your views the most HCC could ask for would be a condition requiring this new section of driveway to be maintained, but that is not essential.

Hampshire Highways (3)

I refer to the further consultation on the additional information relating to the above planning application and would make the following comments.

The Highway Authority in the earlier consultation response on this application advised a number of conditions and it is noted that some works have already been undertaken onsite since those recommendations and note to the application.

It is noted that the first section of driveway has been surfaced by the use of blocks/pavoids which would be acceptable as a material however, that section falls towards the highway rather than inwards to prevent surface water running to the highway contrary to the provided Note to the Applicant. This will require amendment to ensure that intervention drainage is included. This could take the form of a slot drain channel located immediately to the rear of the footway with connecting soakaway/s on site. Subject to that matter being addressed as part of the overall driveway works, should the Planning Authority be minded to grant planning permission, the Highway Authority would recommend approval subject to the following conditions:

The works proposed for the area of parking and manoeuvring of vehicles shall be completed within two months of the date of the planning permission and shall be maintained in that condition thereafter.

Reason: In the interests of highway safety.

Any gates or other obstruction to the passage of vehicles shall be provided a minimum distance of 6m. measured from the nearside edge of carriageway of Selsmore Road.

Reason: In the interests of highway safety.

Officer Comments

Discussions took place with Hampshire Highways regarding the necessity of a slot drain to channel to prevent surface water runoff onto the Highway.

Hampshire Highways (4)

The need for the driveway works to ensure the new works slope into the site rather than to the footway/highway as built, was raised originally by the HA.

That surfaced area will prevent spillage of surface materials from the site.

However, the works as completed do not slope into the site, but the slope outwards is minimal and with the other driveway works would in overall terms be unlikely to result in any significant increase in surface water running to the highway and on balance the Highway Authority would raise no objection.

Nutrients Team

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/>.

Natural England (1)

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have a likely significant effect on designated sites in the Solent, including:

- Solent and Dorset Coast SPA
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime SAC
- Solent and Southampton Water SPA

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. The following information is required to inform a HRA:

- Consideration of this project's effects on total nitrogen and/or total phosphorus nutrient loading within the Solent catchment, including a nutrient budget calculation.
- Details of proposed mitigation measures to address any nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.
- Any other likely significant effects that could arise from the development should also be assessed.

Once the above information is obtained, please consult Natural England on any appropriate assessment your authority may decide to make.

Natural England (2)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this

permission subject to the advice given below.

Your appropriate assessment, dated 16th April 2024, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

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: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

- 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) Access and parking matters

(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 property was originally build as a single family dwelling and has been converted under Class L of Part 3 of the Town and Country Planning (General Permitted Development) Order into Class C4 Small HMOs which allows the occupation of this dwelling by up to 6 unrelated residents sharing basic amenities such as kitchen and bathroom. This application is for 7 residents and must assess the additional impact of just one resident over and above its current use for 6 residents.

7.3 In terms of infrastructure the proposed scale of development is modest and given the location within the urban area is acceptable in principle.

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

7.4 The property is already a house in multiple occupation, and the proposal whilst increasing the number of bedrooms would not significantly impact the character of the property. This would comply with Policy CS16 of the Havant Borough Core Strategy (2011).

(iii) Impact upon residential amenity

7.5 6 unrelated residents currently occupy the site as a small HMO and it is necessary to assess whether the change to allow for 7 residents would result in significant extra material harm to neighbouring residential amenity. The surrounding area whilst of mixed character is primarily residential with family housing - there is no known concentration of similar HMOs. Other Authorities experience amenity issues with the cumulative effect of several HMOs in close proximity, but this is not the case here.

7.6 Policy CS9 requires a mix of dwelling types, sizes and tenures to help meet identified local needs and contribute to mixed and sustainable localities. Policy CS16 and DM10 seek to protect residential amenity from noise, smell, privacy etc and subject to consideration of parking provision there is considered no likely detrimental harm caused by one additional resident.

(iv) Access and parking matters

7.7 Hampshire Highways commented on the application raising no objection subject to conditions and an informative. Hampshire Highways deemed the driveway necessary in order to comply with their conditional approval. Following Hampshire Highways comments, the applicant provided a driveway area to the front access of the property surfaced in a non-migratory material 6 metres away from the nearside edge of the carriageway of Selsmore Road. This area has been confirmed by photographs and a site visit. The driveway area is considered to be appropriate by Hampshire Highways with the suggestion of a condition requiring this driveway area to be maintained and retained. A condition to this effect has been recommended to the decision. The condition regarding any gates or obstruction to the passage of vehicles to be provided

a minimum of 6 metres from the nearside edge of the carriageway of Selsmore Road has been recommended to the decision. The informative for the initial 4m minimum of car parking area measured from the site boundary falls south to north to prevent interception drainage to be provided has been added to the decision.

- 7.8 Policy DM13 requires new development to provide parking in accordance with the Council's adopted standards, however, there are no Havant Borough Car parking standards for houses in multiple occupancy. A car parking plan has been provided showing 6 car parking spaces can be provided on site. As such, there is considered to be sufficient car parking on site to accommodate the 1 additional resident.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, would have a limited and acceptable impact on the neighbouring properties and acceptable on parking terms. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00921 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan
Floor Plans
Room Sizes and Allocation
Driveway photos

Reason: - To ensure provision of a satisfactory development.

- 3 The driveway improvements to the front access of the site must remain 6 metres from the carriageway of Selsmore Road and be maintained and retained unless agreed otherwise by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Any gates or other obstruction to the passage of vehicles shall be provided a minimum distance of 6m. measured from the nearside edge of carriageway of Selsmore Road.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking shown on the Location Plan shall be retained and maintained unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.