
Site Address: 8 Selsmore Avenue, Hayling Island, PO11 9PB
Proposal: Division of site into two to allow the construction of a three bedroomed detached bungalow to the rear. Single storey front and side wrap around extension of existing dwellinghouse
Application Type: Full Planning Permission
Application No: APP/22/00746
Applicant: Mr & Mrs Griffiths
Agent: Mr Murray
Ward: Hayling East
Expiry Date: 25/09/2022
Case Officer: Joseph Toole
I J Murray Associates Ltd

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to a semi detached two storey property located to the west side of Selsmore Avenue. The property comprises of brickwork with concrete roof tiles. Vehicular access is from Selsmore Avenue with parking to the front and side. The existing property has a relatively long garden, similar to the other properties along this side of Selsmore Avenue.
- 1.2 The area is predominantly made up with a mixture of semi detached two storey properties and detached chalet style bungalows.
- 1.3 The application site is rectangular in shape with a width of approximately 13.5 metres and a depth of approximately 54 metres.
- 1.4 The site is not within any current Flood Zone but taking into account climate change the site would fall within Flood Zone 2 and 3 in the future.

2 Planning History

99/58056/002 - First floor side extension (south elevation) and dormers to front and rear, PERM, 24/09/1999
93/58056/000 - First floor rear extension and ground floor side extension, WD, 25/02/1993
93/58056/001 - Demolish garage, erect two storey side extension and new detached garage, PERM,
03/68271/000 - Outline application for 2 semi detached bungalows, 3 garages (one attached) and access to Selsmore Avenue., REF, 27/05/2003
03/68271/001 - Outline application for detached bungalow with access from Selsmore Avenue., REF, 04/03/2004

3 Proposal

- 3.1 The proposal would involve the division of the site into two to allow for the construction of 1 No. 3 bedroom detached bungalow to the rear. The proposed bungalow would be 'L' shaped with a pitched/hipped roof. There would also be a garage located to the rear.

- 3.2 In addition the proposal relates to works to the existing property (8 Selsmore Avenue) in the form of a single storey front and side wrap around extension.

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

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS15 (Flood and Coastal Erosion)

CS16 (High Quality Design)

CS21 (Developer Requirements)

CS9 (Housing)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

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 Comment.

Councillor Leah Turner - Hayling East

No Comment.

Councillor M Wilson - Hayling East

No Comment.

Councillor R Raines - Hayling East

No Comment.

County Archaeologist

Thank you for your consultation. I am happy to confirm that I would not raise any archaeological issues.

County Minerals

No Comment.

Environment Agency

No Comment.

Hampshire Highways

The Highway Authority require clarification as to whether a new dropped kerb vehicle access is to be proposed or an existing one is to be extended. If a new access is to be provided visibility splays and pedestrian intervisibility splays should be submitted in accordance with Hampshire County Council Technical Guidance TG3. Further information can be found at this following link: TG3 - Stopping Sight Distances and Visibility Splays (hants.gov.uk). If one is to be extended, the full length of the dropped kerb should be provided including the extended length and the existing length. Tracking should also be provided to show the ability of a standard size vehicle manoeuvring and egressing in forward gear for the proposed dwelling.

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. Details of this procedure can be found via the following link: Apply for a vehicular access | Hampshire County Council (hants.gov.uk). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority require the further information requested before a formal recommendation can be made.

Hampshire Highways (2)

Thank you for your reconsultation on the above planning application. The Highway Authority wish to make the following comments.

The applicant has now confirmed that the dropped kerb is to be existing. As such no further information is required on this point.

The Highway Authority are satisfied that there is appropriate space for vehicles to manoeuvre to egress in forward gear.

Having regard to the above, the Highway Authority provide no objection to this planning application.

Nutrient Team

At the time of writing, I can confirm that there is sufficient capacity in the Council's strategic mitigation scheme to mitigate the development proposals. The applicant is however advised 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-developer>

Natural England Government Team

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 27 September 2022, 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.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 9

Comment	Officer Comment
---------	-----------------

Loss of ecology	The proposal is not considered to have an adverse impact on the ecology of the area
Refusals for backland development in the past	Noted
Current road infrastructure cannot support a further building	This is not a material planning consideration
Loss of car parking	There would be sufficient car parking on site to meet our Parking Standards
Out of place with character of the area	Please see Section 7.
Existing property would overlook new bungalow	Please see Section 7.
Difficult to reverse out of the site	Hampshire Highways commented on the application raising no objection
Traffic noise increase	This would be dealt with under Environmental Health legislation
Light pollution	Please see Section 7.
Noise pollution from new access	Please see Section 7.
Noise from building works affecting a number of properties	If noise and disturbance are found to be a nuisance it would be dealt with under Environment Health legislation
Dangerous access	Hampshire Highways have commented on the application raising no objection

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 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) Flood Risk
- (v) Access and Parking matters
- (vi) Community Infrastructure Levy

(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 the usual development control criteria. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council 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 11 of the NPPF decisions should be made in accordance with the development plan.

- 7.3 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 there are relevant policies of particular importance that are a clear reason for refusing the application or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

- 7.4 The proposed dwelling would have white render with grey slate roof tiles. This is considered to match other properties within the area, therefore the proposed materials are deemed inkeeping with the character of the area.
- 7.5 The proposed dwellinghouse would be modest in size and height (approximately 4.2m to the ridge). Due to its position to the rear it would not be visible from the street scene. There is a relatively standard building line along Selsmore Avenue with properties along the west side having large rear gardens. There are some examples of backland development within the surrounding area including properties to the back of Nos. 24, 28 and 30. Therefore, the design and appearance and layout of the proposed dwellinghouse is considered to be acceptable in the locality.
- 7.6 There would be a separation distance of approximately 13.5m between the side wall of the proposed bungalow and rear wall of No.8, which is less than the recommended back to back distance in outlined within the Havant Borough Design Guide SPD. However, the development is single storey rather than two storey, therefore the distance is considered to be acceptable. The Havant Borough Design Guide SPD sets out the requirement for new residential developments to have rear gardens of 10 metres. The proposed bungalow would have a rear garden with a depth of approximate 10 metres, the same as the No.8. Thus, the subdivision of the site is considered to be inkeeping with the character of the area, providing sufficient space for the proposed dwelling and the existing property.
- 7.7 The proposal also includes works to the existing property, involving a single storey front and side wrap around extension. Due to the size and design of the proposed works it is not considered to have an unacceptable impact on the character of the area.
- 7.8 The proposal is on balance considered to have an acceptable impact on the character of the area, having regard to Policy CS16 of the Havant Borough Council Core Strategy (2011).

(iii) Impact upon residential amenity

- 7.9 The proposed dwelling would be located adjacent to the rear gardens of Nos. 6 & 10 Selsmore Avenue and would certainly be perceptible to the occupants of these dwellings. However, having regard to the limited height, position of windows and separation distances it is not considered that the proposed dwelling itself would have an adverse impact on the surrounding neighbouring properties in terms of overlooking, overbearing impact or harmful loss of light. Planning conditions could be used to ensure any future permitted development rights are restricted at the property. Although, the proposed dwelling would give rise to light pollution it is not considered to be adversely harmful due to its modest height and position of windows. Due to the

size and position of the proposed garage it is not considered to have a negative impact upon any neighbouring property.

- 7.10 The proposed access to the dwelling would go along the side of No.8 and No.10 Selsmore Avenue. Within the Havant Borough Design Guide SPD, it sets access routes should be located an appropriate distance away from the existing dwelling so not to have a detrimental effect through noise, visual disruption or loss of privacy.

"Routes should usually have a minimum separation distance of 3 metres from the edge of the access road to the edge of the nearest affected house, together with the appropriate boundary treatment to screen the access road from dwellings"

- 7.11 The proposed access road would go down the side of No.10 and have a separation distance of approximately 3 metres from the side of No.10 with existing 1.8 metre high fencing, thus satisfying the target set out within the Design Guide.
- 7.12 There would be an impact from the use of the proposed access in terms of vehicular movements/disturbance to the existing dwelling (No.8). However, given the limited use of the proposed access associated with one dwelling to the rear it is considered on balance to be acceptable. The proposal would impact on outlook from the existing property (No.8), however given its design and single storey height, it is not considered to have an unacceptable impact on outlook, nor would be overbearing, nor result in a level of overlooking.
- 7.13 The proposed works to No.8 Selsmore Avenue are not considered to have an adverse impact on any of the surrounding properties.
- 7.14 In terms of the living conditions for future occupiers of the proposed dwelling, the proposed Gross Internal Area is considered to be acceptable for a 3 bed, 5 person dwelling and an adequate rear garden is provided. No. 8 has the potential to overlook the new dwellinghouse to a modest level taking into account the separation and screening indicated between the dwellings; however whilst the new property would be subject to a degree of overlooking, this is to be expected in a built up area and it would nevertheless benefit from a reasonable level of private amenity space.
- 7.15 Overall, it is considered that the proposed dwellinghouse would be acceptable for its future occupiers and would not have an adversely negative impact on the neighbouring properties, having regard to Policy CS9 and CS16 of the Havant Borough Council Core Strategy (2011).

(iv) Flood Risk

- 7.16 Since the site would fall within flood zone 2 and 3 in the future, when taking climate change into account there is a fundamental objection to the development of this site to provide new residential accommodation. New residential units need to be directed to areas at least risk of flooding. A Flood Risk Assessment has not been provided with this application. This was not requested to be provided as a sequential and exception tests would not be passed.
- 7.17 In terms of development in areas at risk of flooding now and in the future Policy CS15 requires, amongst other matters, that:

"1. It meets the sequential and exception test (where required) in relation to PPS25

2. The site is located in a low hazard area as defined in the Strategic Flood Risk

Assessment.

3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.

5. Appropriate flood warning and evacuation plans are in place."

- 7.18 Paragraph 159 of the NPPF states "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).*" With Paragraph 162 of the NPPF going on to say "*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.*"
- 7.19 Paragraph 163 of the NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding (ie Flood Zone 1) and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be undertaken by the LPA in this regard to decision making.
- 7.20 The aim of the Sequential Test is to steer new development to the areas with the lowest probability of flooding. The Planning Practice Guidance advises that, in applying the Sequential Test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1, should reasonably available sites in Flood Zones 2 and 3 and future Flood Zones be considered.
- 7.21 The Planning Practice Guidance states that in the first place it is the Local Planning Authorities responsibility to consider if the sequential test has been satisfied, informed by evidence provided by the developer. No evidence has been submitted that an appropriate search, with regard to the availability of other suitable sites across the Borough, has been undertaken. As such it is considered that a robust search for reasonably available sites in Flood Zones 1 has not been undertaken, the proposed development therefore immediately fails to accord with the Sequential Test required by the Framework and the Planning Practice Guidance. The LPA has published further guidance on the Sequential and Exception Tests setting out national guidance and advice on the areas of search for alternative sites.
- 7.22 In terms of the Exception Test due to the minor scale of development it is not considered to provide wider sustainability benefits to the community that outweigh the flood risk. The Exception Test is designed to allow appropriate and safe development to proceed in scenarios where the Sequential Test has been passed. In this instance, the Sequential Test has not been passed and therefore, weight cannot be offered to the wider community benefits of the proposal.

- 7.23 Overall it is considered that the applicant has failed to demonstrate that there would be no alternative sites for a single dwelling within the Borough at a lower risk of flood, that the site would be safe from flooding across its lifetime or that the proposal would not increase the risk of flooding elsewhere and would therefore be contrary to the aims and objectives of the NPPF and adopted Policy CS15 of the Havant Borough Council Core Strategy (2011).

(v) Access and Parking matters

- 7.24 Vehicular and pedestrian access would be via the existing driveway currently providing access for No.8 Selsmore Avenue. The drive would be extended to the rear to provide three car spaces and a garage, with a turning area to allow vehicles to enter and leave in forward gears.
- 7.25 Hampshire Highways commented on the application requesting clarification of whether a new dropped kerb would be created, or they would use the existing. Also, for a plan to be provided showing tracking of a standard size vehicle manoeuvring and egressing in forward gear for the proposed dwelling. This information was provided, and they are satisfied there is sufficient space for a vehicle to manoeuvre and egress the drive in forward gear, thus raising no objection.
- 7.26 Both the proposed new dwelling and No.8 Selsmore Avenue would retain the required parking allowance in order to comply with the Havant Borough Parking Standards SPD. Overall, the proposal is considered to accord with policy DM13 of the Havant Borough Council Core Strategy (2011).

(vi) Community Infrastructure Levy

- 7.27 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This 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 levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Hayling Island.
- 7.28 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The proposed total gross floor area would be 99 sqm. which would generate a total CIL liability of £14,673.21. The applicant has not claimed relief, assuming liability.

8 Conclusion

- 8.1 The proposal to have an acceptable impact on the character of the area, neighbour amenity and access/parking.
- 8.2 The site is located within a future flood risk zone and is considered to fail the sequential and exception tests contrary to the NPPF and adopted policy CS15 of the Havant Borough Core Strategy (2011). The proposal is therefore recommended for refusal.
- 8.3 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, areas at risk to flooding are of particular importance, which is a clear reason for refusing the application as stated within paragraph 11d, Footnote 7 of the NPPF.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/22/00746

- 1 The site lies within a future flood zone. The applicant has failed to provide a Flood Risk Assessment to demonstrate that there are no other sequentially preferable sites within the Borough for a single-dwellinghouse, that the development would be safe from flood risk across its lifetime or that the development would not increase the risk of flooding elsewhere. In the absence of adequate information, the proposal cannot pass the Sequential or Exception Tests as set out within the National Planning Policy Framework and would represent unsustainable, inappropriate form of development in an area at future risk of flooding. The proposal is therefore, contrary to Policy CS15 of the Havant Borough Core Strategy, 2011 and the aims and objectives of the National Planning Policy Framework.