

DELEGATED OFFICER REPORT

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. Partial demolition and remodelling of front property

Application Type: Full Planning Permission
Application No: APP/25/00638 Expiry Date: 13/10/2025
Applicant: Mr & Mrs Griffiths
Agent: Mr Murray Case Officer: Selina Donophy
 I J Murray Associates Ltd
Ward: Hayling East

Recommendation: **Approve with conditions**

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 could be at risk from flooding 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

APP/22/00746 - 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 – REF 24/11/2022 – Appeal dismissed 21/8/23

3 Proposal

- 3.1 Division of site into two to allow the construction of a three bedroomed detached bungalow to the rear. Partial demolition and remodelling of front property.
- 3.2 In addition the proposal relates to works to the existing property (8 Selsmore Avenue) in the form of a single storey front, side and rear extensions.

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

N/A

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

5 Statutory and Non Statutory Consultations

Building Control

No Comment.

Councillor Mark Coates

No Comment.

Councillor Peter Oliver

No Comment.

Councillor Netty Shepherd

No Comment.

County Archaeologist

I am happy to confirm that I would not raise any archaeological issues

County Minerals

No Comment.

Environment Agency

No Comment.

Hampshire Highways

As the application is for 5 or less dwellings and features no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on 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 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**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites. Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) 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. Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s). We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further Advice Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. The advice within this letter 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). With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Case Officer comment: Please see file for further details

Coastal Partners***Final Comments – No Objection***

Since we commented in November 2025, the applicant has provided an updated Flood Risk Assessment (Revision E, dated March 2026). While the FRA does not explain why floor levels may not be raised above the expected flood level by the recommended

amount of freeboard, it is accepted that finished floor levels are proposed to be raised above the expected flood level. The revised FRA also explores further building level resistance and resilience measures. Since these are to be relied upon to make the development safe, **it is recommended that the measures set out at paragraph 8.3.7 of the FRA (Revision E) be secured by condition. In addition, Coastal Partners recommended that the occupiers sign up to the Environment Agency's Flood Warning Service, as suggested in the FRA. Please note again that Coastal Partners makes comments only on flood risk in relation to tidal flood risk, and it is for the LPA to consider all other forms of flood risk as required by the NPPF and PPG.** Equally, it is for the LPA to satisfy themselves that any NPPF / PPG / local policy requirements for passing sequential and exception tests have been met for all forms of flooding, including for tidal risk.

Officer Comments: *the site is not at risk from other forms of flooding.*

Initial Comment - Comments

I confirm that the site lies in Flood Zone 1 for tidal flood risk in the present day, indicating low risk of tidal flooding. However, with climate change taken into account, the site is considered to be at risk in the future according to the National Flood Map for Planning and the Council's Strategic Flood Risk Assessment. The applicant has submitted a Flood Risk Assessment which acknowledges that there is a high risk of future flooding at the site. The Applicant's FRA has appropriately considered current and future risk, making extensive reference to the Council's Strategic Flood Risk Assessment. Taking a precautionary approach of considering the undefended scenario and the upper climate change allowances in 2122, it is concluded that flood depths at the site will be up to 0.50m. They then suggest finished floor levels 600mm above the existing ground level as a way of addressing this. This raises a concern with regard to whether the proposed dwelling will be safe, as EA guidance recommends that finished floor levels should be a minimum of whichever is higher of 600mm above the:

- average ground level of the site
- adjacent road level to the building(s)
- estimated river or sea flood level for the site

In this case, the estimated flood level is 500mm higher than the ground level.

Coastal Partners therefore recommend that the applicant should achieve finished floor levels 600mm above the expected flood level. If this is not possible, they should demonstrate why it is not, as well as designing the new dwelling with suitable flood resistance and resilience techniques / methods to 600mm above the expected flood level. Whichever levels are finally proposed, the LPA may wish to request plans which show the floor levels represented on plans and elevations, so that the design implications of proposed raised floor levels may be considered.

End Note: Coastal Partners makes comments only on flood risk in relation to tidal flood risk, and it is for the LPA to consider all other forms of flood risk as required by the NPPF and PPG. Equally, it is for the LPA to satisfy themselves that any NPPF / PPG / local policy requirements for passing the sequential and exception tests have been met for all forms of flooding, including for tidal risk.

Planning Policy

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, form the development plan for Havant Borough.

Principle of development

The site lies within the urban area as defined by policies CS2/AL17 of the Local Plan. Development within this area is accepted in principle.

Five year housing land supply

The Council's Five Year Housing Land Supply Update (December 2024) indicates the Council has 1.8 years 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). The very minor contribution a single additional dwelling would make to supply needs to be given some weight in determining the application, while noting that the lack of 5-year supply does not indicate that planning permission should automatically be granted for development which would boost housing supply. Rather, permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Flood Risk

The site lies in present day Flood Zone 1 (low risk of flooding), but with climate change taken into account, the site is considered to be at risk in the future. As such a sequential test and site specific Flood Risk are required. The applicant has submitted an FRA which includes discussion of the sequential test. Having considered just two alternative sites, the applicant concludes that there are no suitable alternative sites at lower risk of flooding in the Havant Borough Area. The only source of information was a rightmove search (i.e. land for sale), while allocations, the SHELAA and other sources should also be considered. The Council is not able to accept that there is no reasonably available land anywhere in the borough that could accommodate a single dwelling. The fact that the developer owns the site and may not be able to sell it to build elsewhere is also not a reason to consider the sequential test passed.

Overall, the sequential test is not considered passed. While Paragraph 174 of the NPPF is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, national guidance adds that housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.' The findings of the FRA must also be considered. This seeks to demonstrate whether the proposed development will be safe for its lifetime. It is noted that Coastal Partners have reviewed the FRA and have raised some concerns with regard to the safety of the proposed dwelling. For the proposal to be acceptable in policy terms, it should be demonstrated that the proposed dwelling will be safe for its lifetime, taking into account future tidal risk. The design implications of any measures such as the raising of flood levels would have on the scheme should also be considered in this context.

Conclusion

Failure to pass the sequential test should not result on automatic refusal, particularly when the presumption in favour of sustainable development is applied and if it can be demonstrated that the proposed development would be safe for its lifetime. However, there are outstanding concerns with the flood risk assessment, which should be addressed before the proposed may be considered safe. Changes to address these may have design implications which should also be considered.

CIL Team

CIL Liabe: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>
Mitigation Mitigation will be required to mitigate against the effects of: (a) the likely impact of bird disturbance utilising the Bird Aware Solent Revised Strategy and (b) to mitigate against the increased nutrient load at the Solent European Sites. More information on our website: • Bird Aware Solent Revised Strategy:

<https://www.havant.gov.uk/planning-services/planning-policy/community-infrastructure-levy-cil/section-106-legal-agreements-3> • Nutrient Neutrality:

<https://www.havant.gov.uk/planning-services/planning-policy/supplementary-planning-documents/nutrient-neutrality/nutrient-0> Biodiversity Net Gain In England, biodiversity net gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a biodiversity net gain of 10%. This means a development will result in more, or better quality, natural habitat than there was before development.

More information is available:

<https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> There are some exemptions and if an exemption is claimed this must form part of the planning application submission.

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 objections received: 15

Comment	Officer Comment
Flooding concerns- surface water	Drainage would be dealt with via Buildings Regulations. It is noted that the Flood Risk Assessment includes various measures, e.g permeable driveway to allow for natural drainage from site.
Overlooking	Please refer to Section 7 of this report.
Overlooked – new dwelling	Please refer to Section 7 of this report
Loss of garden space	Please refer to Section 7 of this report
Increased parking on the highway and existing parking issues	There is considered to be acceptable parking on site to meet the requirements of the Havant Parking SPD.

Out of character with the surrounding area and objection to the increase in height	Please refer to Section 7 of this report.
Impact on wildlife e.g. bats	The proposal is not considered to result in ecological harm.
Loss of a garden for a family	It is considered that there would be adequate garden space for both dwellings as specified in the Havant Borough Design Guide.
Introduction of concrete in a Flood Risk Area	This is addressed in 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) Flood Risk
- (v) Access and Parking matters
- (vi) Compliance with Habitats Regulations and Nutrients Neutrality
- (vii) Community Infrastructure Levy
- (viii) Biodiversity Net Gain

(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 The Council's latest Five Year Housing Land Supply Update (December 2025) indicates the Council has 1.3 years 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). The very minor contribution a single additional dwelling would make to supply needs to be given some weight in determining the application, while noting that the lack of 5-year supply does not indicate that planning permission should automatically be granted for development which would boost housing supply. Rather, permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.4 This proposal follows a previous application made in 2002 under application reference APP/22/00746 for the same proposal however this was refused consent due to the proposal failing its sequential test. This refusal was upheld at appeal. This shall be further assessed in the report below.

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

- 7.5 The proposed bungalow 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 in keeping with the character of the area.
- 7.6 The proposed bungalow would be modest in size and height (approximately 4.4m to the ridge]. Due to its position to the rear it would not be visible from the street scene. It is noted that the floor levels have been raised and therefore the ridge height has also been raised following consultation in relation to flood risk. 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.
- 7.7 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 outlined within the Havant Borough Design Guide SPD. However, the development is to be 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 approximately 10 metres, the same as the No.8. Thus, the subdivision of the site is considered to be in keeping with the character of the area, providing sufficient space for the proposed dwelling and the existing property.
- 7.8 The proposal also includes alterations to the existing dwelling, comprising a single-storey wraparound extension to the front and side. By reason of its scale, design and relationship to the host dwelling, these works are not considered to appear incongruous or to result in harm to the character and appearance of the area.
- 7.9 Accordingly, the proposal is considered, to preserve the character and appearance of the area and to comply with Policy CS16 of the Havant Borough Council Core Strategy (2011).

(iii) Impact upon residential amenity

- 7.10 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.
- 7.11 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"

- 7.12 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.
- 7.13 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. The raising of the floor levels is not considered to result in any additional harm to neighbouring properties, noting that there are no clear glazed side elevation windows and much of the raising would be internal.
- 7.14 The proposed works to No.8 Selsmore Avenue are not considered to have an adverse impact on any of the surrounding properties.
- 7.15 In terms of the living conditions for future occupiers of the proposed dwelling, the proposed GIA is considered to be acceptable for a 3 bed, 5 persons' 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.
- 7.16 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

- 7.17 The site lies in present day Flood Zone 1 ((low risk of flooding), but with climate change taken into account, the site is considered to be at risk in the future. As such a sequential test and site-specific Flood Risk are required.
- 7.18 The previous reason for refusal for this proposal was due to the site failing the Sequential Test which was previously required for sites located within a Future Flood Zone. However, in September 2025 changes were made to the Planning Practice Guidance whereby where a site-specific FRA can clearly demonstrate that design, layout, and mitigation would keep future occupiers safe from surface water flood risk without increasing risk elsewhere, the sequential test does not need to be applied.

"In applying paragraph 175 [of the NPPF] a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test

need not be applied”.

- 7.19 In this instance the applicant has supplied a Sequential Test which has been reviewed by Havant’s Planning Policy Officer however this has not considered to have been passed. The comments below state the Council’s stance on this:
- 7.20 *“Having considered just two alternative sites, the applicant concludes that there are no suitable alternative sites at lower risk of flooding in the Havant Borough Area. The only source of information was a Rightmove search (i.e. land for sale), while allocations, the SHELAA and other sources should also be considered. The Council is not able to accept that there is no reasonably available land anywhere in the borough that could accommodate a single dwelling. The fact that the developer owns the site and may not be able to sell it to build elsewhere is also not a reason to consider the sequential test passed. Overall, the sequential test is not considered passed.”*
- 7.21 While Paragraph 174 of the NPPF is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, national guidance adds that housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.’
- 7.22 The findings of the FRA must also be considered. This seeks to demonstrate whether the proposed development will be safe for its lifetime. It is noted that Coastal Partners have reviewed the FRA and have raised some initial concerns with regard to the safety of the proposed dwelling if no mitigation measures were to be incorporated. For the proposal to be acceptable in policy terms, it should be demonstrated that the proposed dwelling will be safe for its lifetime, taking into account future tidal risk. The design implications of any measures such as the raising of flood levels would have on the scheme should also be considered in this context.

Conclusion

- 7.23 Failure to pass the sequential test should not result on automatic refusal, particularly when the presumption in favour of sustainable development is applied and if it can be demonstrated that the proposed development would be safe for its lifetime. However, there are outstanding concerns with the flood risk assessment, which should be addressed before the proposed may be considered safe. Changes to address these may have design implications which should also be considered.
- 7.24 Coastal Partners have also been consulted on this proposal and have made the following comments:
- 7.25 *“The Applicant’s FRA has appropriately considered current and future risk, making extensive reference to the Council’s Strategic Flood Risk Assessment. Taking a precautionary approach of considering the undefended scenario and the upper climate change allowances in 2122, it is concluded that flood depths at the site will be up to 0.50m.*

They then suggest finished flood levels 600mm above the existing ground level as a way of addressing this. This raises a concern with regard to whether the proposed dwelling will be safe, as EA guidance recommends that finished floor levels should be a minimum of whichever is higher of 600mm above the:

- *average ground level of the site*
- *adjacent road level to the building(s)*

In this case, the estimated flood level is 500mm higher than the ground level.”

7.26 Coastal Partners therefore recommend that the applicant should achieve finished floor levels 600mm above the expected flood level. If this is not possible, they should demonstrate why it is not, as well as designing the new dwelling with suitable flood resistance and resilience techniques / methods to 600mm above the expected flood level.

7.27 Whichever levels are finally proposed, the LPA may wish to request plans which show the floor levels represented on plans and elevations, so that the design implications of proposed raised floor levels may be considered.

7.28 The applicant has confirmed that floor levels would be raised above the worst case future flood level (6.60m AOD) and flood resilience measures are to be incorporated into the proposal which include elements such as electrical fittings to be located to a minimum of 900 mm above finished floor levels, flood proof front door, flood proof rear patio doors, suitable flooring including water resistant grout, amongst other measures including permeable surfaces to the driveway to allow for the natural discharging of any surface water.

7.29 Coastal Partners have since been reconsulted and have made the following comments:

“Since we commented in November 2025, the applicant has provided an updated Flood Risk Assessment (Revision E, dated March 2026). While the FRA does not explain why floor levels may not be raised above the expected flood level by the recommended amount of freeboard, it is accepted that finished floor levels are proposed to be raised above the expected flood level.”

7.30 The revised FRA also explores further building level resistance and resilience measures. Since these are to be relied upon to make the development safe, it is recommended that the measures set out at paragraph 8.3.7 of the FRA (Revision E) be secured by condition.

7.31 In addition, Coastal Partners recommended that the occupiers sign up to the Environment Agency’s Flood Warning Service, as suggested in the FRA.

7.32 It is therefore considered that, whilst the sequential test has not been passed, the FRA adequately addresses the requirements outlined in the NPPF. This proposal is therefore considered to accord with Policy CS15 of the Havant Borough Local Plan.

(v) Access and Parking matters

7.33 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.

7.34 Hampshire Highways commented on the application and have referred the applicant to their standing advice.

7.35 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) Compliance with Habitats Regulations and Nutrients Neutrality

- 7.36 The site lies within 5.6km of the Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation which results in increased recreational pressure on the Solent SPA sites. Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). A European site avoidance and mitigation checklist was submitted with this application.
- 7.37 A Council Occupancy rate calculator and Solent Nutrient Budget calculator were submitted with this application following the latest Natural England guidance. The Council's Nutrient Team commented on the application stating there is sufficient capacity within the Council's mitigation scheme for the proposal.
- 7.38 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be 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.
- 7.39 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. 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.
- 7.40 With respect to the Solent Recreation Mitigation Strategy the mitigation package amounts to £952.35 and based on the submitted nitrogen budget the water quality mitigation amounts to £3,368.25. The applicant has been sent the appropriate joint agreement and deed requesting these payments and they have been paid. Therefore, it is considered that both the recreational harm and water quality impacts of the development have been adequately mitigated against complying with policies CS11 and CS21 of the Havant Borough Local Plan Core Strategy (2011) and Policy DM24 of the Havant Borough Local Plan Allocations (2014)
- 7.41 The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement, this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. (The mitigation packages and signed legal agreement have been secured). 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 and raise no objection on this basis.

(vii) Community Infrastructure Levy

- 7.42 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. This proposal would be CIL liable.

(viii) Biodiversity Net Gain

- 7.43 The applicant has confirmed that biodiversity net gain (BNG) does not apply in this instance, as the proposal constitutes self-build development within the curtilage of the existing dwelling and would meet the definition of self-build or custom housebuilding as set out in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015. Accordingly, the proposal benefits from the exemption from mandatory BNG requirements.

8 **Conclusion**

- 8.1 The proposal is considered acceptable having regard to its impact on the character and appearance of the local area, neighbouring amenity, flood risk, and parking provision. The development would result in a net increase of one residential unit and would provide an adequate standard of accommodation for future occupiers. Satisfactory parking arrangements are also secured. The proposal therefore accords with Policies, CS9, CS11, CS16 and DM 13 of the Havant Borough Local Plan Core Strategy, and the aims of the NPPF.
- 8.2 As set out above, the Council is currently unable to demonstrate a five-year housing land supply (with only 1.3 years deliverable). In these circumstances, paragraph 11(d) of the NPPF is engaged and the presumption in favour of sustainable development applies. Planning permission should therefore be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. In this case, no such adverse impacts have been identified. The proposal would deliver an additional residential unit in a sustainable location, make efficient use of land, and provide a well-designed form of development, consistent with Policy CS16 of the Core Strategy and the objectives of the NPPF.

9 **RECOMMENDATION:**

That the Interim Head of Planning be authorised to **Approve with conditions** for application APP/25/00638

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:

A101 Existing site and location plan
A116 Proposed site view
A115 Site Views
A114 Site sections
A113 Proposed elevations

A112 Proposed floor plan
A111 Site and location plan
A118 Proposed elevations
A117 Proposed floor plans

Flood Risk Assessment March 2026 Revision E
CIL Forms 1, 2 & 7
European Site Avoidance & Mitigation Checklist
Occupancy Calculator
Solent Nutrient Budget
Design & Access Statement

Reason: - To ensure provision of a satisfactory development.

3. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or outbuilding permitted by Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the immediate locality and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
(b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision,

the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

6. At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011

7. The development hereby approved shall not be occupied until a close boarded wooden fence at a minimum height of 1.8 metres and no higher than 2 metres has been erected along the eastern boundary of rear garden bordering no 8 Selsmore Avenue and between no 8 Selsmore Avenue and the proposed access driveway with the new dwelling. The fence shall be retained as such thereafter unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of this property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8. The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Ref; 'Earth Environmental and Geotechnical' Flood Risk Assessment March 2026 Revision E) and the following mitigation and resilience measures it details under Paragraphs 8.3.7 and 8.3.8
These mitigation and resilience measures shall be fully implemented prior to occupation.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core

Strategy) 2011 and the National Planning Policy Framework.

10. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the bathroom windows in the ground floor on the side elevation facing north shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

11. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure the residential amenity of the dwellings hereby approved is not impacted upon by any external noise levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

Informatives:

In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

You were updated about issues after the initial site visit.

Environment Agency Flood Warning Service:

Future occupiers are advised to register with the Environment Agency's free Flood Warning Service to receive flood warnings by telephone, text or email where available. This can be done by searching GOV.UK for "get flood warnings" or by contacting Floodline on 0345 988 1188.

