
Site Address:	Forty Acres, Havant Road, Havant, PO9 3LW		
Proposal:	Erection of temporary sales arena.		
Application No:	APP/20/00972	Expiry Date:	10/12/2020
Applicant:	Mr Gateley Barratt David Wilson Homes Southampton		
Agent:		Case Officer:	Lewis Oliver
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site comprises an open area of land to the south of Portsdown Hill, which was formerly used for farming and has been previously used for local events, including car boot sales. A small cluster of farm buildings associated with fruit picking exists in the southernmost part of the site. Within this cluster of buildings is a flint cottage which is a building of local interest. The site lies close to the administrative boundary with Portsmouth. The site sits 7.5 km north east from the city centre of Portsmouth, and 2.5 km west from the town centre of Havant. The site is an approximate rectangle shape covering 22.9 hectares. It comprises several agricultural fields divided by mature tree lines, for which some are covered by Tree Preservation Orders (TPO's). The existing farm buildings, known as Forty Acre Farm, which sit adjacent to the site's southern boundary, are the only existing buildings within the site. The former agricultural site was accessed via a single bellmouth taken from Havant Road. Opposite the original site access is a right-turn lane providing access into residential development on Auriol Drive.

The overall site is bounded to the north by Havant Road (A2030). There is vegetation along some parts of this boundary, screening the road from the site. To the east, the site is bounded by vegetation screening the site from the slip road and A3(M) motorway beyond. The site is bounded to the south by vegetation alongside the adjacent railway line. To the west the site is bounded by the rear gardens of residential properties on Westways, and by a line of vegetation.

The majority of the development in the vicinity consists of suburban housing developed throughout the twentieth century. Many of these houses, such as those on Fortunes Way, are semi-detached two-storey houses. However, the series of houses which overlook the site on Auriol Drive are detached. There are also a number of three-storey apartment blocks in the area to the west of the site, in the Portsmouth City Council administrative area. Preparatory works have commenced on site connected to the implementation of Planning Permission APP/18/00450 - see below.

2 Planning History

APP/18/00450 - Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings (approved 17.1.2020). Permitted 17/01/2020 and in the initial stages of implementation.

APP/20/00835 - Application for non-material change to Planning Permission APP/18/00450 relating to replacement of Maidstone house types with Elleton house types and Kenley house types with Denford house types., Refused,29/10/2020

APP/20/00969 - Display of 1No.fascia sign and 6No. flag poles, Currently under consideration

APP/20/01098 - Application for non-material change to Planning Permission APP/18/00450 relating to the finished floor level (FFL) of Plot 1. Plot 1 FFL to be raised from 8.200 to 8.500 to align with the approved FFL of attached neighbouring property (plot 2). Permitted 22/01/21

APP/20/01099 - Application for non-material change to Planning Permission APP/18/00450 relating to relocation of substation., Permitted

APP/20/01041 - Application for Non-Material Amendment to Planning Permission APP/18/00450 relating to replace Maidstone house types with Elleton house types, and to replace Kenley house types with Denford house types. Permitted 22/01/21

APP/20/01101 - Application for non material change to Planning Permission APP/18/00450 relating to the spacing and parking layout of plots 156-161 (total 6 dwellings). - Permitted

3 Proposal

The proposal is for the erection of a temporary sales arena, to enable the site to be marketed, as the approved development is built out. The location of the sales arena is located in front of the approved plot 261, which is located close to one of the proposed new access points. The proposed building is a portacabin, which would have parking located in front of the proposal for those that are visiting the sales office.

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)
CS14 (Efficient Use of Resources)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
CS8 (Community Safety)

CS9	(Housing)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

The following policies are particularly pertinent to the determination of this application:

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Local Plan Housing Statement

The Local Plan Housing Statement (the Housing Statement) was adopted by the Council on 7 December 2016. It represented the first stage in the preparation of the Havant Borough Local Plan 2036. The Housing Statement also identified that it was necessary to maintain a supply of housing onto the market in order to meet the requirements for a five-year housing land supply.

As such, sites were identified for 'early release' and that the Council would support the principle of development on the sites prior to the adoption of the Havant Borough Local Plan 2036. The Housing Statement was revoked at the same time as the Pre-Submission Havant Borough Local Plan 2036 was approved by the Full Council. Nonetheless, the preparation of the site began during the lifetime of the Housing Statement and it represents a significant step to the site coming forward.

Havant Borough Local Plan

In 2019, the Council consulted on a Pre-Submission Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). However, there has been a near 18-month delay to submitting the Plan due to the need to respond to the Dutch Case and ensure that all new development can be nutrient neutral.

The Council subsequently consulted on the proposed changes to the Pre-Submission Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for public consultation between 3 November 2020 to 17 December 2020. The proposed changes include a strategic mitigation solution for addressing nutrient neutrality.

The Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. An inspector will now be appointed on behalf of the Secretary of State to undertake an examination of the plan.

Until that time, the emerging Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the emerging Local Plan referenced below are currently afforded limited weight, dependent on the extent to which there are unresolved objections to relevant policies.

The relevant planning policies of the emerging Local Plan are:

DR1 - Delivery of Sustainable Development

DR2 - Regeneration

IN1 - Effective Provision of Infrastructure

IN2 - Improving Transport Infrastructure

IN3 - Transport and Parking in new development

IN5 - Future management and management plans

E1 - High Quality Design

E2 - Health and wellbeing

E3 - Landscape and settlement boundaries

E6 - Best and most versatile agricultural land

E9 - Provision of public open space in new development

E12 - Low Carbon Design

E13 - Historic Environment and heritage assets

E14 - The Local Ecological Network

E15 - Protected Species

E16 - Solent Special Protection Areas

E17 - Solent wader and Brent Goose feeding and roosting sites

E18 - Trees, hedgerows and woodland

E19 - Managing flood risk in new development

E20 - Drainage infrastructure in new development

E22 - Amenity and pollution

H1- High Quality Homes

H2 - Affordable Housing

H3 - Housing Density

H4 - Housing mix

H14 - Land at Forty Acres

5 Statutory and Non Statutory Consultations

Arboriculturalist

As the sales layout plan has now been resubmitted to include the protective fencing shown I have no objection.

Councillor Kenneth Smith

No response

Councillor Robinson

No response

Councillor Mark Inkster

No response

HBC Ecologist

No response

Hampshire Highways

The location of the proposed sales arena will not conflict with any of the measures secured under the construction traffic management plan associated with this site. The Highway Authority therefore raise no objection to the application.

Langstone Harbour Board

No response

Natural England Government Team
1st response

No objection subject to mitigation

The proposals are located on a Solent Wader & Brent Goose Strategy site identified as a Secondary Support Area. We are aware that bespoke mitigation package to address the loss of supporting habitat for the Solent SPAs has been secured for the wider Forty Acres site under planning permission APP/18/00450, including a CEMP. Provided these mitigation measures are secured and the APP/20/00972 proposals are constructed in line with the CEMP we are satisfied that these proposals will not result in visual or noise disturbance.

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Second response

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The application is assessed in combination with the approved residential application APP/18/00450 which included a bespoke mitigation package to address the loss of supporting habitat for the SPAs. The details of the wintering bird refuge are set out in the Land at Forty Acre Farm Wintering Bird Mitigation Strategy (August 2019) and secured by legal agreement. Natural England advises that provided the competent authority is satisfied the legal agreement secures in perpetuity management of the site by appropriate organisation, and the measures are in place prior to commencement of construction, we raise no further concerns on this aspect of the proposals.

Your appropriate assessment 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, providing that all mitigation measures are appropriately secured in any permission given.

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Are the council members confident that ALL the stipulations set out regarding building on the Forty Acres Site will be met before work on the houses takes place and thence the need for a "Sales Arena"?	The Local Planning Authority are monitoring the site to ensure compliance with the relevant conditions

7 Planning Considerations

7.1 Appropriate Assessment

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 Regulations 2017. 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 European Sites due to both the increase in and impact on Loss / degradation of supporting habitats that arise as a result of the proposed development. The planning application was then subject to Appropriate Assessment under Regulation 63. An original AA was concluded under the application APP/18/00450. This application is for a temporary sales arena which, given its siting, is within the proposed residential envelope of development. In this regard the main issues that require consideration relate to Loss / degradation of supporting habitats and construction impacts.

Loss / degradation of supporting habitats

This project, in combination with the approved application APP/18/00450 being assessed would result in the loss / degradation of existing supporting habitats. Whilst this project for a temporary sales arena is an isolated application, the in-combination effect of the approved residential application APP/18/00450 must be considered in order to address the LSE. In order to maintain and improve the quality of foraging habitat within the mitigation area it is proposed that a suitable improved grassland is established to provide an optimal food source for brent geese. This will comprise a mix of predominately perennial rye grass and clover and will be sown as part of the preparation of the site. This has been chosen to provide suitable habitat every year.

The winter bird refuge will be managed specifically for the waders and / or geese in perpetuity. A legal agreement has been secured through APP/18/00450, as such the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

Construction impacts

During the construction phase, noise has the potential to impact on the designated sites. A worst-case scenario of 67.5dB has been modelled at the boundary of the SPA and Ramsar. This falls to 45.2dB during occupation, and would be comparable to occasional impulse events such as car doors slamming. Both levels fall below the 69dB level which is typically considered to cause disturbance to wintering bird species.

Control measures have been secured under application APP/18/00450, in the form of the approved Construction Traffic & Construction Environmental Management Plan, March 2020, Landscape and Ecological Management Plan, March 2020, Mitigation Area Creation, Management and Monitoring Strategy and a Landscape and Ecological Management Plan (WYG, June 2020). A condition will be placed on this application to ensure that the approved measures for the bespoke mitigation package to address the loss of supporting habitat for the Solent SPAs are implemented for this scheme and are constructed in line with the approved CEMP and other the approved documents outlined above.

Appropriate Assessment Conclusion

This assessment represents Havant Borough Council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework.

This assessment concludes that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites. Nonetheless it is considered that the significant effects, which would have been likely, have been suitably avoided and mitigated by the measures secured through Planning Application APP/18/00450, and as such no likelihood of significant effect remains. Natural England agree with this conclusion.

- 7.2 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) Impact on highways
- (v) Impact on ecology

- (i) Principle of development

The principle of development on this site was established through the granting of planning permission under application APP/18/00450, therefore development is considered acceptable in principle subject to development control criteria.

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

The proposed sales arena would be located within the permitted residential development area, and the layout of the scheme has been designed to avoid conflict with the Protected Tree belt, located to the east. It is considered that the proposed size, scale, massing and design, which would be read in the context of the emerging residential development would be acceptable for a temporary period. This permission is recommended for a 5 year temporary period only, in order to allow the development to be built out; the condition requires the structures' removal to ensure that it would not become a permanent feature, and to ensure that the impact on the character and appearance of the area is controlled.

(iii) Impact upon residential amenity

The proposal would be located on the northern edge of the approved development. It would be separated from the nearest residential properties to the north by Havant Road, with these properties being located at a higher level. As such it is considered that the proposal by virtue of its size, scale, massing and design would not have a significant adverse impact on the amenities of neighbouring properties.

(iv) Impact on highways

The location of the proposed sales arena will not conflict with any of the measures secured under the construction traffic management plan associated with this site under APP/18/00450. The Highway Authority therefore raise no objection to the application.

(v) Impact on ecology

This part of the site is within the approved residential layout under APP/18/00450, and as such this development would not have any adverse impact on ecology. As outlined in the Appropriate Assessment, conditions are proposed to ensure that the development is carried out in accordance with approved Construction Traffic & Construction Environmental Management Plan, March 2020, Landscape and Ecological Management Plan, March 2020, Mitigation Area Creation, Management and Monitoring Strategy and a Landscape and Ecological Management Plan (WYG, June 2020), which have been approved under application APP/18/00450.

8 Conclusion

The proposed development is considered acceptable on a temporary 5 year period - the development is not considered to have a significant adverse impact on the character and appearance of the area, residential amenity, highway safety or on the sensitive ecological value of the wider part of the site, subject to the relevant conditions outlined.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00972 subject to the following conditions:

- 1 This permission shall be for a limited period expiring on 31/03/2026 on or before which date the building shall be permanently removed from the site and the land shall be restored to the approved layout under application APP/18/00450 unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The building is of a type not considered suitable for permanent retention and having due regard to policies and proposals in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

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

Sales layout - amended with tree protection shown
Proposed layout - Drawing number: Quote NO/H or S-01
Proposed elevations 7285 elevation drawing
Location plan SCA-01

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall be carried out in accordance with approved Construction Traffic & Construction Environmental Management Plan, March 2020, Landscape and Ecological Management Plan, March 2020, Mitigation Area Creation, Management and Monitoring Strategy and a Landscape and Ecological Management Plan (WYG, June 2020), which have been approved under application APP/18/00450.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.