

HAVANT BOROUGH COUNCIL  
PUBLIC SERVICE PLAZA  
CIVIC CENTRE ROAD  
HAVANT  
HAMPSHIRE P09 2AX



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## PLANNING COMMITTEE AGENDA

**Membership:** Councillor Crellin (Chairman)

Councillors Branson, Howard, Hughes, Patel, Patrick and Mrs Shimbart (Vice-Chairman)

Standing Deputies: Councillors Linger, Payter and Stone

**Meeting:** Planning Committee

**Date:** 12 August 2021

**Time:** 5.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Gill Kneller  
Chief Executive

3 August 2021

Contact Officer: Mark Gregory 023 9244 6232  
Email: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk)

### Public Attendance

Please note that the Hurstwood Room has very limited capacity to safely accommodate members of the public in a Covid secure manner. Please contact the named officer above if you wish to attend in person, otherwise we would encourage attendance virtually via the webcast on the Council's website.

**Can Councillors Please Submit Any Detailed Technical Questions On The Items Included In This Agenda To The Contact Officer At Least 4 Hours Before The Meeting Starts.**

	<b>Page</b>
<b>1 Apologies</b>	
To receive apologies for absence.	
<b>2 Declarations of Interests</b>	
To receive declarations of interests.	
<b>3 Matters to be considered for Site Viewing or Deferment</b>	
The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.	
<b>4 Applications for Development</b>	<b>1 - 4</b>
<b>4a APP/21/00405 - Langstone Technology Park, 2B Langstone Road, Havant</b>	<b>5 - 84</b>
Proposal: Variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1).	

[Additional Documents](#)

## **GENERAL INFORMATION**

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### **Internet**

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

### **Public Attendance and Participation**

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Members of the public, County Councillors, and Non-Members of the Planning Committee may submit a written deputation to meetings of the Planning Committee provided that it relates to an item on the Agenda for a particular meeting.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired. However, "same or similar topic" does not apply to applications for planning permission considered by the Planning Committee.

A copy of a deputation must be received by the Democratic Services Team not later than 48 hours before the start of the meeting (other than when the meeting is on a Monday, when notice has to be in by the previous Wednesday). Written deputations may be sent by email to the address set out below.

A deputation from a member of the public, agent or a County Councillor may be no longer than 750 words (including footnotes). A deputation from a Havant Borough Councillor, who is not a member of the meeting, shall be no longer than 1,500 words (including footnotes). A deputation may not contain images or photographs.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond to a written deputation after it has been published, unless the response is to correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"

### **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)



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## HAVANT BOROUGH COUNCIL

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### Planning Committee

#### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE DIRECTOR FOR REGENERATION & PLACE

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#### **Applications to be determined by the Council as the Local Planning Authority**

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

## RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

### **Implications**

### **Resources:**

None unless detailed in attached report.

### **Legal:**

Details set in the individual reports



**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

**Background Papers:**

Individual Applications with Case Officers

Simon Jenkins  
Director for Regeneration & Place

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Site Address: Langstone Technology Park, 2B Langstone Road, Havant,  
PO9 1SA

Proposal: Variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning  
Permission APP/19/00703 relating to the erection of the flexible use industrial units in  
the south-western corner of the site (Phase 1).

Application No: APP/21/00405    Expiry Date:        02/07/2021

Applicant:                XLB Property Ltd

Agent:                     Mrs Susie Stephen    Case Officer:        David Eaves  
                                 Barton Willmore LLP

Ward:                     St Faiths

Reason for Committee Consideration: In accordance with the Constitution of the Council  
– the application proposes Large Scale Major Development

Density: N/A

HPS Recommendation: **GRANT PERMISSION**

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## **Executive Summary:**

This application has been made under Section 73 of the Town and Country Planning Act 1990. This allows applicants to seek to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment to an approved scheme. If granted consent it will result in the issuing of a new planning permission.

In considering this application it is necessary to focus attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The National Planning Policy Framework (NPPF) and Planning Policy Guidance continues to focus on building a strong, competitive economy, promoting sustainable transport, making effective use of land, and achieving well designed places amongst other matters and in this case the relevant parts of the Development Plan remain the Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations) 2014. The emerging policies of the new Havant Borough Local Plan have progressed to the Submission Version and continue to list Langstone Technology Park as a Key Project (KP6). The weight afforded to the emerging Local Plan remains limited at this stage.

The principle of the provision of additional industrial floorspace has previously been established by planning permission APP/19/00703 and is supported by adopted and emerging policy and the NPPF.

The report below sets out in detail the differences in the current proposal to that previously approved, including the re-design and re-orientation of industrial buildings proposed, the reduction in floorspace and the proposed use classes alterations to address changes in the Use Classes Order since the first permission was issued.

As set out below the proposals are not considered to result in any harmful impacts and do not result in significant impacts beyond those of the approved scheme. The impacts on the character and appearance of the area, residential amenity, highways, flood risk

/ drainage, heritage, trees / landscaping, ecology, sustainable design and environmental impacts have all been assessed. The business case for the changes has also been considered and is supported. The changes to the previously approved scheme are considered acceptable and planning permission can therefore be recommended.

## **1 Site Description**

- 1.1 Langstone Technology Park is located to the south of the A27 dual carriageway, to the west of the A3023 Langstone Road and to the east of Brookside Road and the Southmoor Lane Industrial Estate.
- 1.2 The site is accessed from Langstone Road to the east and Brookside Road to the west. Both accesses are joined by interior service roads. The eastern access road also serves the Premier Inn hotel and the Langbrook Farm public house/restaurant.
- 1.3 The site has a 'campus' appearance originally forming an IBM business park with extensive buildings developed in the 1970's with substantial footprints and a horizontal emphasis with a conformity of materials. The buildings are surrounded by extensive car parking and landscaping. The site is now occupied by a range of individual companies including high tech uses.
- 1.4 In general terms the park is divided into three areas:
  - The northern section which incorporates Building 1000 and parking (part of Building 1000 has recently been demolished);
  - The central section, which contains office buildings, a data centre and acts as an amenity core for the park (including a nursery); and
  - The southern section, which is predominantly parking, with a gym and plant to the far west.
- 1.5 In relation to the site's surroundings, the park is located in a mainly commercial area as set out below:

### South:

To the south is a commercial business development off Penner Road including Luxor Park and Pyramid Park. These are large business units of modern design and a variety of sizes with parking servicing the developments. Further south of this commercial development is open land leading to Langstone Harbour.

### West:

To the west are a variety of commercial business premises fronting Southmoor Lane and Brookside Road. Further West is Budds Farm sewerage works.

### North:

To the north of the site runs footpath 50 with the A27 west bound slipway from the Langstone roundabout and the A27 dual carriageway beyond. Footpath 51 runs north from the northeast corner of the site towards Havant Town Centre, Solent Road and Havant bus and train stations.

### East:

To the east of the site is footpath 51 and the Langbrook River there are also trees to the south-east part of the site boundary. Beyond these features are a Premier Inn and the Langbrook Public House/Restaurant to the north-east of the application site. To the southern part of the eastern side of the site are residential properties in Brookmead

Way.

## **2 Planning History**

2.1 The application site has been subject to numerous planning and advertisement consent applications, the more significant/relevant applications are listed below:

92/50238/022 - Single storey extension to Building 24, undercroft area enlarged fire exit lobby/link from Building 26, new facade to night security entrance, Permitted 07/09/1992

92/50238/024 - Variation of condition 2 of P.P.18838/82 for 2,000,000 sq.ft of industrial/office floor space to extend time period for submission of reserved matters from 6 to 8 years., Permitted 15/10/1992

93/50238/031 - Construction of new building for class B1 (business) use together with parking and service areas, access roads and landscaping (site area 3.32 hectares) , Permitted 05/08/1994

94/50238/038 - Infill of building 25 undercroft area to provide additional floorspace, Permitted 18/01/1995

94/50238/041 - Extension of existing car park (South) to provide approx. 250 replacement spaces, Permitted 16/02/1995

95/50238/044 - Extension of existing car park to provide approximately 216 new spaces., Permitted 11/05/1995

96/50238/061 - Creation of new ditch and culverts for the purposes of diverting the existing water courses, including the construction of a new footbridge along the line of the existing footpath (No.49), Permitted 06/11/1997

00/50238/068 - 1) Demolition of buildings (21 and part 24) on A27 frontage and redevelopment with DIY Retail Store (11,288 sq.m), Garden Centre (2,787 sq.m) External Trade Area (1,858 sq.m) and car parking (640 spaces), with vehicular access to Langstone Road (A3023) and Brookside Road (incorporating revised junction layout arrangements), new cycleway and landscaping. 2) Erection of 2 No. B1 Production Units (9, 290 sq.m) in south west corner with service access road, 310 parking spaces and landscaping.3) Demolition of building (16) and revised parking layout for remainder of site including landscaping. 4) Demolition of 4 dwellings (39a, 39b, 43 and 47 Brookside Road) (Re-Consultation), Refused 16/07/2001

02/50238/076 - Demolition of four dwelling houses. New access road layout, including formation of new roundabout with Brookside Road and construction of car park adjacent to northern boundary with A27. Permitted 21/01/2003

APP/10/00272 - Demolition of existing steel clad building and two portacabins to make way for a single storey timber framed building to house a 52 place nursery school., Permitted 10/09/2010

APP/11/01297 - Variation of Condition No. 3 of Planning Permission APP/10/00272 relating to extending the childcare facilities to non LTP employees (using the access via the western access road)., Permitted 05/12/2011

APP/11/01298 - Installation of 4No. roof mounted cooling units and chiller plant;

extension at ground floor (level 1) to provide room for 2No. stand-by generators with attenuating exhaust baffles and louvred roof top air intake housing., Permitted 04/10/2011

APP/14/00631 - Variation of Condition 1 of Planning Permission APP/11/01297 (which varied condition 3 of original Planning Permission APP/10/00272) to remove restriction on catchment area., Permitted 17/10/2014

APP/15/00484 - Change of use from store to gym facility., Permitted 09/07/2015

APP/15/01225 - Installation of 2No. roof mounted condenser units and associated chiller pipe work to support 2No. additional internal computer room air conditioning units., Permitted 11/12/2015

APP/18/00018 - Change of use of site to Class B2 (engineering workshop with associated offices)., Permitted 05/02/2018

GEN/19/00354 - EIA Screening Opinion - Erection of new industrial units and rationalisation of south car park, demolition of part of the northernmost building with new elevation on the remaining part of the building, new screen on adjacent building and extension to existing car park.- Not EIA development 29/05/19

APP/19/00297 - Proposed alteration to the existing east facing elevation to accommodate a new entrance threshold and associated external works., Permitted 13/06/2019

GEN/19/00681 - Notification of application for listed building status, 19/08/2019  
**Officer Comment:** This request in relation to Building 6000 has been considered by English Heritage who confirmed on the 3rd February 2020 the following:  
*We have taken into account all the representations made and completed our assessment of the building. Having considered our recommendation, the Secretary of State for Digital, Culture, Media and Sport has decided not to add the former IBM Building 6000, Langstone Technology Park, Havant to the List of Buildings of Special Architectural or Historic Interest.*  
Building 6000 is not therefore a Listed Building.

**APP/19/00703 - Part-demolition of Building 1000 and associated works; the erection of new flexible use industrial units; and a new parking layout with associated works to layout and access and felling of two trees subject to a Tree Preservation Order (Norway Maples).(22.07.20). Request to discharge conditions 3,4,5 & 6 (02.11.20). Permitted 22/07/20**

**This is the application that is sought to be amended by the current planning application.**

**This permission included an associated S106 agreement considered further in Part 7 (xii).**

The following S52 Agreement was also considered in relation to planning permission APP/19/00703:

S52 Agreement dated the 9th November 1982 included the following provisions:

*1. The measures referred to in clause 2 above shall be such as to ensure that between the hours of 7.15am and 9am not more than 250 employees vehicles per hour enter*

*the access to the IBM Havant Plant from the southbound carriageway of Langstone Road and shall include without prejudice to the generality of the foregoing the issuing at any one time to not more than 500 employees of distinguishing stickers indicating that such employees are permitted to enter the access to the IBM plant from the southbound carriageway of Langstone Road.*

*2. Only employees whose motor vehicles bear in a conspicuous position (which shall in the case of a four wheeled vehicle be the windscreen) the sticker referred to above shall be permitted to enter the IBM Havant Plant from the south bound carriageway of Langstone Road in a vehicle between the hours of 7.15 am and 9am and IBM shall maintain at its own expense such regulatory personnel as may be necessary to enforce this requirement.*

APP/19/00806 - Variation of Condition 2 of Planning Permission APP/19/00296 (Erection of a new building entrance structure, reception/lobby refurbishment and associated hard and soft landscaping works) to amend approved plans., Permitted 09/10/2019

APP/21/00134 - Application for non material change to Planning Permission APP/19/00703 relating to change to approved plans and amendment to proposed elevations. Refused 18/03/21

APP/21/00517 - Display of 4No. non-illuminated totem signs; 2No. non-illuminated marketing board signs; 1No. illuminated wall mounted sign. - Current Application

## 2.2 Applications for commercial development to the east of the site:

APP/14/01300 - Erection of four storey hotel (including restaurant for hotel guests only) with associated car parking and landscaping; and air conditioning units in compounds, with access from the private access road to Langstone Technology Park., Permitted 26/05/2015

APP/15/01266 - Erection of four storey hotel (including restaurant for hotel guests only) with associated car parking and landscaping; and air conditioning units in compounds, with access from the private access road to Langstone Technology Park. Request to Discharge Condition 19 of Planning Permission APP/14/01300 (04.11.15)., Permitted 20/01/2016

## **3 Proposal**

3.1 Variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1).

3.2 In relation to the conditions proposed to be varied the subject matter of these conditions are as follows:

### Condition 2 – Approved plans

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

*(List of approved plans and documents)*

Condition 3 - Phased programme of implementation.

*No development shall take place until plans and particulars setting out a phased programme for implementation of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing programme unless an alternative is first agreed in writing with the Local Planning Authority.*

**Reason:** *To ensure adequate parking is provided on site in advance of the first use of the proposed new flexible use industrial units and that adequate foul drainage capacity is available having due regard to policies CS15 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

Condition 8 - Biodiversity enhancement plan

*The development hereby permitted shall be carried out in accordance with the Biodiversity Enhancement Plan (The Ecology Co-op, October 2019). In addition, prior to the commencement of developing the new industrial units full details of the translocation of the species-rich grassland containing orchid species and the long term management and maintenance of the translocation area shall be submitted to and approved in writing by the Local Planning. The translocation shall take place in accordance with timing provisions as may be approved as part of the details. The translocation process itself and subsequent management and maintenance of the translocation site shall thereafter take place in accordance with the approved management and maintenance details. The details of the translocation area and its management and maintenance shall also be shown on the detailed landscaping plan required in accordance with condition No. 13.*

**Reason:** *In the interests of biodiversity and the protection of habitat having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.*

Condition 18 - Signage to direct HGV movements

*The new industrial units shall not be brought into use unless and until signage to direct HGV movements as depicted on DTA drawing 20428-05 HGV Routing restrictions has been erected in accordance with the details shown. The signage shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.*

**Reason:** *To ensure that HGV movements are directed to limit access from Langstone Road in the interests of traffic flow and highway safety having due regard to policies CS20 and DM12 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.*

Condition 19 - Cycle storage

*Each phase of the development hereby permitted shall not be brought into use unless and until details of cycle storage, in the quantum and position illustrated on drawings 4046C-0110\_F and 4046A-200\_F, with the exception of those shown for unit 12 are submitted to and approved in writing by the Local Planning Authority. In relation to unit 12, details of 12 long stay and 5 short stay cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking provision shall thereafter be provided prior to the relevant phase of the development being brought into use and thereafter maintained in*



accordance with the approved details.

**Reason:** To ensure the provision of sustainable transport options and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 Havant Borough Parking Standards SPD 2016 (as amended) and the National Planning Policy Framework.

**Condition 22** - Parking provision for new industrial units

*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 new industrial units being first brought into use and shall be retained thereafter for their intended purpose, unless alternative arrangements are approved by the local planning authority in the context of a phasing plan pursuant to condition 3.*

**Reason:** In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**Condition 25** - Permitted uses flexible B1(c), B2 and B8

*Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the new industrial buildings hereby permitted shall only be used as flexible B1(c), B2 and B8 uses; and for no other purposes within the Use Classes Order 1987 (as amended).*

**Reason:** To accord with the terms of the application in the interests of amenity and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**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)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

**Havant Borough Local Plan (Allocations) July 2014**

DM17	(Contaminated Land)
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DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
DR1	(Delivery of Sustainable Development)
IN1	(Effective provision of infrastructure)
E1*	(High quality design)
E3	(Landscape and settlement boundaries)
KP6	(Langstone Technology Park)
E12	(Low carbon design)
C1*	(Protection of existing employment sites)
IN3	(Transport and parking in new development)

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

**5 Statutory and Non Statutory Consultations**

**Arboriculturalist, Havant Borough Council**

Further Comments

I have looked over the revised proposals and I have no objection providing the arboricultural method statement and tree protection plan is strictly followed. The condition regarding the replacement of the two Norway Maples will need to still apply. The trees are now numbered T51 and T52 on this revised report.

**Officer Comment:** *Tree protection is secured under condition 5 and replacement planting for the Norway Maples is secured by condition 20.*

Original Comments

In order to make an informed decision the Arboricultural Report and Tree Protection Plan will need to be updated and submitted before I can comment further.

**Building Control**

No comments received

**Community Infrastructure, Planning Policy & Urban Design**

No comments received

**Conservation Officer**

Recommendation – No Objection

The current buildings because of their design/construction provenance and social history significance should be considered collectively as non-designated heritage assets. Whilst the existing buildings are quite plain by today's standards they do represent an era of design and have by their association to Arup a certain level of standing in terms of design.

In my opinion the proposed variations/amendments to the scheme improved the scheme and the impact it has on the non-designated heritage assets. The re-orientation of the built form helps integrate the scheme into the wider campus of the site. Also the reduction in floorspace/footprint is a welcome addition to the scheme.

Having regard to the above I believe there will not be harm caused to the non-designated heritage assets and as such there is no objection to the scheme.

**Councillor D Guest - St Faith's**

No comments received

**Councillor J Branson - St Faiths**

No comments received

**Councillor T Pike - St Faith's**

No comments received

**Countryside Access Team, HCC**

No comments received

**County Archaeologist**

Thank you for your consultation. I have no further comments regarding this application.

**County Ecologist**

Final Comments:

My previous comments for this application refer to Phlorum's Biodiversity Enhancement Plan (response to APP/21/00405 VoC dated 8 June 2021) and then the Ecology Co-op report (response to APP/21/00405 VoC dated 6 July 2021). In both responses I stated that the information submitted was satisfactory and that it was the implementation of the submitted details that was key. This will obviously be realised once development commences and the translocation occurs.

In summary, whilst I have not previously reviewed the Translocation report I can confirm that the details it contains are satisfactory.

Further Comments:

The application is accompanied by a letter report on grassland translocation (The Ecology Co-op, June 2021). This provides details of the favoured translocation areas and the methods for translocation. The submitted details are, like the other recently-submitted report, sufficient. The key issue is to ensure that these measures are implemented as described. This is especially important for the proposed grassland management it is essential that, following translocation, the areas of species-rich turf are managed appropriately year-on-year.

Original Comments

The application is accompanied by a Biodiversity Enhancement Report (Phlorum, March 2021). This is in essence in accordance with the previously submitted Biodiversity Enhancement Plan (The Ecology Co-op, October 2019) and condition 8 has not been subject to any material variation. The report includes measures to transplant an area of species-rich grassland (containing orchid species) within the site, and includes details (number, type, location) of various bird and bat boxes. Also included are details of proposed tree planting and aftercare.

The submitted details are, as previously, sufficient. The key issue is to ensure that these enhancement measures are implemented as described. This is especially important for the proposed grassland translocation – it is essential that, following translocation, the two areas of species-rich turf are managed appropriately year-on-year.

**Highways England**

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this development proposal, our interest is in the A27.

Having reviewed the application we do not offer an objection to the proposal. However, we do request that where practicable the construction trips are minimised during the busy weekday peak hours to reduce any potential impact that they could have on the highway network.

### **Southern Water**

Southern Water have following comments for variation of conditions 02 and 03 submitted by the applicant.

The submitted revised drainage strategy indicates surface water from Area 1 will utilise the existing connections to the public surface water sewer. Surface water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows.

Surface water from Area 2 will utilise the existing connections towards Penner Road. However, the final discharge point to public sewer has not been indicated in the submitted layout and should be confirmed by the applicant. The strategy indicates limiting surface water flow to existing contributing flows. Surface water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows.

**Officer Comment:** *Details of the discharge point to public sewer have now been provided and Southern Water re-consulted. Members will be updated in relation to any further comments received from Southern Water.*

Surface water from Area 3 is being discharged to a river East of the site, the council's technical staff and the Environment Agency should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

### **Economic Development**

The proposed development will provide employment space and new premises for business growth. This development would follow the Havant core strategy focus on providing new employment to the borough. This is in line with Policy CS1 of the Core Strategy.

The Economic Development Office therefore considers that the proposal still supports Local Plan Policies in so far as it provides for local employment and provides new sites for business growth. This growth will support the borough's local economy on a business and tourist level.

The changes of conditions in our view, do not have bearing over the main interest in this development as it still provides high quality, modern employment space for business growth and new jobs for the borough and its residents.

As stated in our previous comment on this proposal, given the scale of the development,

the Economic Development office seeks that the applicant enters a Local Employment & Training Agreement to increase apprenticeship jobs, promote career opportunities and secure jobs for local residents to contribute towards a reduction in out commuting. This comprises the following mitigation measures:

- An agreement to assist in the placement of the apprentices and unemployed from the local area into jobs during occupation phase.

Negotiation of obligations including; direct labour agreements, training, work experience/ placements and apprenticeships to be implemented before completion of the development.

The proposed development presents an opportunity to build and enhance the skills of the local workforce by providing training and employment opportunities for local residents during the occupation phase.

The Submitted Havant Local Plan 2036 sets out in Policy DR2 the council's view on boosting local skill levels and community integration. It states that 'significant new residential and commercial development will be expected to support local people in accessing employment and skills training'.

Also, by providing for local employment and skills needs the proposal would advance the NPPF, in particular paragraph 80 which seeks to enable each area to build on its strengths, counter any weaknesses and address the challenges of the future.

This development will provide employment to the borough. The Economic Development Office therefore considers that the proposal supports Local Plan Policies CS2 and CS3 and the National Planning Policy Framework Paragraph 80 in so far as it provides for local employment. The office also recognises the need for a Local Employment & Training Agreement as stated within Havant Borough Council's local plan.

**Officer Comment:** *It is noted that emerging policy D2 does not relate to commercial development in relation to site specific skills and employment plans or financial contribution. It should also be noted that the original Planning Permission did not include the requirement for an Employment and Skills Plan. Economic Development have been re-consulted in relation to this matter and Members will be updated in relation to any further comments received.*

#### **Engineering Services, Havant Council**

No comments received

#### **Environment Agency**

##### Environment Agency position

We have **no objection** to this variation of conditions application (Phase 1).

**Environmental Permit** Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence

structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## **Environmental Health**

Observations / Comments:

### *Contamination Assessment*

The applicant has submitted an intrusive geo-environmental appraisal report (ref: 10/1425/001, Oct 2019) with the current s73 application for amending planning conditions.

I have not reviewed the appraisal report at this time, as the application does not seek to amend either of the relevant planning conditions (APP/19/00703 c.9 & c.10), and as I would agree that the proposals do not affect the risk profile of the site. The submitted documents will be reviewed at the time that the applicant seeks discharge of c.9.

### *Transport Assessment; Air Quality*

The transport assessment indicates that the overall transport demand associated with the development will be marginally reduced, and that the concentration of demand around traditional transport demand peaks will not be significantly affected (i.e. peak demand is reduced in line with overall demand reductions).

Both Cycle parking & Vehicle Parking is stated to be in line with Supplementary planning guidance. Whilst the SPD does not include a standard for the new classification E g) iii), provision is in line with B2/B1 a) & c) – which I would accept to be an appropriate equivalent.

EV charging provision is to remain at 5% of spaces, increasing in line with the elevated parking quantum (relative to 19/00703) from 24 to 28.

It is accepted that the provision of additional parking spaces would not materially affect the transport demand estimate, which would be generated on the basis of use-class floorspace for comparable businesses.

The previous transport assessment (which underpins the air quality assessment) was accepted previously, subject to the respective highways authorities. As the revised assessment simply reduces the development impact in line with the reduced floorspace, a material objection would not be justified.

The Air Quality technical note reflects the transport assessment, as would be expected. No material objections arise.

### *Development Scheme; Air Quality*

The scheme provides some sustainability enhancements – an increased quantum of roof mounted PV solar provision, and increased planting within the landscaping

scheme. Taken together with the reduction in transport demand (relative to the 19/00703 consent, not necessarily to current demand), the changes are agreed to be net-positive in Air Quality terms (again, relative to the 19/00703 consent).

Environmental Health had previously agreed that the 19/00703 development could be supported on the basis of the supporting documentation submitted, including the air quality assessment, BREEAM assessment and scheme details (inclusive of access and servicing arrangements)

*Condition 18; Signage to Direct HGV Movements*

I have not identified Motion Drawing Ref 201 0053-01 in submission pack, and I note that it is not listed on 'list of attachments' document. However, I do note that the car park layout & site plans do not indicate any material changes that are likely to affect the balance of site-access point usage (between E & W accesses). I am comfortable assuming that the details are likely to be acceptable, but from a procedural perspective, the planning service should be satisfied that the drawing referenced is contained within the supporting documents.

**Officer Comment:** *The Motion drawing is contained in the Transport Statement.*

*Development Scheme; SuDS*

The FRA & Drainage strategy (section 7, summary) indicates that a proprietary oil interceptor is to be provided for each car parking area. This addresses concerns raised about the previously proposed pollution control equipment being placed downstream of the hydrobrake unit, and represents a pollution control enhancement.

A detailed layout plan has not been provided with the current application, however I note that the applicant is not seeking to amend 19/00703 c.7, which requires this prior to commencement of development. No objections arise.

*Summary*

No objection to proposals.

**Hampshire Constabulary**

No comments received

**Hampshire County Council, County Minerals, Planning and Development**

No comments received

**Hampshire Fire and Rescue Service, Business Fire Safety**

Description of Works:

HIWFRS understands that the project involves variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permissions APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1).

I confirm that Hampshire & IOW Fire and Rescue Service (HIWFRS) has received your application, dated 06 May 2021. The inspector named above has considered the information provided and has made the following comments:

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

#### Hampshire Act 1983 Section 12 – Access for Fire Service

Access **to** the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings **within the site** will be dealt with as part of the building regulations application at a later stage). Access roads **to** the site should be in accordance with Approved Document B5 of the current Building Regulations.

#### Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

#### Access for High-reach Appliances

High reach appliances currently operated by the HIWFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows.

Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

#### Water Supplies

Additional water supplies for fire fighting may be necessary. You should contact the Community Response Support, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.

#### Fire Protection

HIWFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.

HIWFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

#### Testing of Fire Safety Systems

HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested, and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

#### Firefighting and the Environment

Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.

Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

#### Timber-framed Buildings



These types of buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase.

The UK Timber Frame Association publication '16 Steps to Fire Safety on Timber Frame Construction Sites' provides guidance on this issue and is available from:

<https://tff.co.uk/download/16-steps-fire-safety-timber-frame-construction-sites/>

This guidance should be read in conjunction with the 'Joint Code of Practice on the Protection from Fire of Construction Sites and Buildings Undergoing Renovation', published by the Construction Confederation and The Fire Protection Association (Sixth Edition, ISBN 1-902790-33-2)

Copies of the 'Joint Codes of Practice' and useful sister publication, 'Construction Site Fire Prevention Checklist' (Second edition, ISBN 1-902790-32-4), are available for purchase from the Fire Protection Association: ([www.thefpa.co.uk](http://www.thefpa.co.uk)) and from the Construction Industry Press:

([Publications for Construction Professionals and Builders | CIP Books](#))

If have any queries concerning these matters may be directed to the inspector named above, but all correspondence should be addressed to the Chief Officer.

### **Langstone Harbour Board**

The Board's Planning Sub Committee has considered this application and has **no objections** to the proposals.

### **Hampshire Highways**

The applicant is seeking to vary the planning permission granted under planning reference APP/19/00703 (to which the Highway Authority raised no objection, subject to S106 obligations and conditions) to reconfigure the agreed floorspace usage.

A Transport Statement (TS) has been submitted to address the transport implications associated with the proposed reconfiguration. Following a review of this document, the Highway Authority wish to make the following comments.

### Development Proposals

Planning permission was previously granted for the following:

- The part demolition of Building 1000;
- The erection of new flexible industrial units totalling 12,575m<sup>2</sup>; and
- A new parking layout with associated works to access.

The revised planning application seeks to reduce the total area of the new flexible industrial units to 11,290m<sup>2</sup> which also features changes to the car parking layout.

In accordance with the permitted development, access will still be taken from Brockhampton Road which is considered acceptable. Pedestrian and cycle access to the site, along with the contribution payment towards the upgrade of Footpath 51, will remain unchanged the previous permission.

### Parking

In their capacity as local parking authority, Havant Borough Council should determine whether the amended quantum of parking meets adopted parking standards.

### Traffic Impact

To assess the trip generation associated with the proposed development, the trip rates utilised within the Transport Assessment associated with the permitted development have been utilised which is considered an acceptable approach.

Taking account of the revised scheme by comparing the proposed development trips to those agreed as part of the permitted development, a reduction of 4 trips in the AM peak hour and 3 trips in the PM peak hour are proposed. It is therefore agreed that the development proposals would result in a marginal reduction in trips when compared to the permitted development.

#### Recommendation

The TS has demonstrated that the revised proposals at Langstone Technology Park would not result in a severe impact on the local highway network, subject to the measures agreed and secured under planning reference APP/19/00703.

The Highway Authority therefore recommend no reason for refusal, subject to the following:

#### S106 Obligations

- Payment of the £67,500 contribution towards the upgrade of Footpath 51 prior to commencement of development;
- Provision of appropriate signage to tie the upgrade Footpath 51 to the existing shared use facilities on Langstone Road with details of the signage requirements to be agreed prior to occupation;
- Payment of the £25,000 contribution towards the bus infrastructure upgrade prior to occupation of development;
- Langstone Road right turn lane works and additional signage at the roundabout to be implemented prior to occupation of development;
- Payment (by developer) of HCC fees in respect of approval (£1,500) and monitoring (£15,000) of the Framework Travel Plan prior to occupation; and
- Provision of a bond, or other form of financial surety, in respect of measures within the Travel Plan prior to occupation.

#### Conditions

- A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

*Reason: In the interest of highway safety*

- No development hereby permitted shall be occupied until a Management Plan for the proposed traffic barriers within the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any part of the development hereby permitted is occupied and retained in perpetuity.

*Reason: In the interests of highway safety and operation.*

**Officer Comment:** *Conditions 6 and 17 cover these requirements*

#### **Property Team HBC**

Havant Borough Council has no legal interest in this land and property and as such has no comments to make in respect of the proposal.

## **HSE - Hazardous Substances Consent**

*Advice received in respect of APP/19/00703:*

Does not cross any Consultation Zones.

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

This advice report has been generated using information supplied by Admin User at Havant District (8) on 26 March 2020.

## **Landscape Team, Havant Borough Council**

From a landscape perspective we have no objections to the variation to conditions 2, 3, 8, 18, 19, 22 and 25. However the Berm re-profiling will result in the loss of existing trees which we would like to see replaced.

## **Local Lead Flood Authority Hampshire County Council**

The information on the planning website does significantly change the way that surface water will be managed when you compare it with the previously submitted.

Therefore, we have no comments to make for the variation of conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1).

## **Mott Macdonald, Department of Transport, Trunk Roads and Motorways**

No comments received

## **Natural England**

### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on the Chichester and Langstone Harbours SPA and Ramsar sites, the Solent Maritime SAC or the Langstone Harbour SSSI and has no objection.

Natural England's advice on other natural environment issues is set out below.

#### Protected Sites

The application site is within 400m of the Chichester and Langstone Harbours SPA and Ramsar and Langstone Harbour SSSI, and within 700m of the Solent Maritime SAC. Due to the distance of the site from the sensitive habitats, the type of development proposal and the existing surrounding development acting as a noise and visual buffer, it is Natural England's opinion that the proposal is not likely to have a significant impact on the protected sites and associated species and therefore we have no objection to the proposal in regards to this aspect.

#### Biodiversity Mitigation and Enhancement

We note that an updated Biodiversity Mitigation and Enhancement Plan (BMEP) by

Phlorum, dated March 2021, has been prepared in support of this application for variation of conditions.

The submission of an approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

Please note that provided the Council's Ecologist is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

**Open Space Society**

No comments received

**Planning Policy**

The main changes seem to be a reconfiguration/re-orientation of the proposed new industrial units, with a slightly reduced employment floorspace figure.

The allocation generally supports the proposals, and we are proposing a change to the Inspectors (Local Plan update) to provide additional flexibility.

**Ramblers Association, South East Hants Group**

No comments received

**SEEDA, Planning Applications**

No comments received

**South Eastern Hampshire Clinical Commissioning Group**

No comments received

**Southern Electric plc, Network Investment Team**

No comments received

**Traffic Management, East Hampshire District Council**

The Traffic Team have no adverse comment to make.

**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: 113

Number of site notices: 2

Statutory advertisement: 14/05/2021

Number of representations received: 4

Comment	Officer Comment
<p>I do not object to the development, however I feel this an opportunity to address the issue of light pollution. The residents of Brookmead Way and Langbrook Close back onto the site and suffer from the extremely intrusive lighting of the site during the winter months. There is also a large amount of light pollution. The lights need to be more eco friendly.</p>	<p>See Part 7</p>
<p>The reduction of the berm by the river (section A-A) and removal of trees for what appears a small number of extra car parking spaces in my opinion are not required especially as overall floor area is reducing. The disruption, cost and impact to the natural environment out ways this possible benefit in spaces. What will happen to the current footpath by the river and the impact of this during the work?</p> <p>I would request no unsociable hours of working near residents properties and this would include weekends.</p> <p>HGV and large vehicles should not access the site via Langstone Road entrance at any time especially out of hours and weekends.</p> <p>There is no mention of the flood lighting over the car park. The current flood lighting in the car park outside building 7000 accessed from Langstone Road are very disruptive and invasive on my property as some are angled directly on the back of my property. I would request the applicants consider re-directing these lights as a courtesy to their local resident and do not add any more.</p> <p>Generally I have no issues with the planning purpose of new flexible use buildings, however, I would hope the planning department and applicants consider the above (especially the flood</p>	<p>The berm reduction formed part of the previously approved application. Tree planting forms part of the overall scheme.</p> <p>Any temporary impacts to the footpath (if required) would need to be considered by HCC as the Highways Authority. The scheme also delivers improvements to the existing route 51.</p> <p>An informative in relation to hours of work is recommended.</p> <p>Highway matters are considered in Part 7</p> <p>See Part 7</p>

lights currently impacting my home as working with their local residents should be high on the agenda)	
Development work is currently planned at Langstone Technology Park for new buildings (APP/21/00405). Residents who back onto the Technology Park in Brookmead Way and Langbrook Close feel the car park lights are too bright all night. Can the Council work with the Technology Park owners on this current development and all future developments to reduce the light pollution. It would be even better if the Technology Park owners could upgrade all their current car park lighting to reduce light pollution. The lights could be dimmed, be on timers, be movement sensitive. Any such action would also reduce the energy consumed and help us achieve a carbon neutral environment. New lights could even be fitted with solar panels. I feel the Council need to require the current planned development to install the most eco friendly lights available. The standard you set for this first development will set the standard for all future developments on the site.	See Part 7
Having examined the submitted documents I confirm the Langstone Residents' Association has no comment or objection to the revised scheme.	Noted

## 7 **Planning Considerations**

- 7.1 Section 73 of the Town and Country Planning Act 1990 allows for applications seeking to amend planning conditions including seeking minor material amendments. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended details and conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
- 7.2 Government guidance states that *“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*

It goes on to state that applications made under Section 73 should be considered

against development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission.

*“Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.”*

- 7.3 The National Planning Policy Framework (NPPF) and Planning Policy Guidance continues to focus on building a strong, competitive economy, promoting sustainable transport, making effective use of land, and achieving well designed places amongst other matters and this case the relevant parts of the Development Plan remain the Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations) 2014. The emerging policies of the new Havant Borough Local Plan have progressed to the Submission Version and continue to list Langstone Technology Park as a Key Project (KP6). The weight afforded to the Local Plan remains limited at this stage in its progress.

The report below will concentrate on the proposed changes to the approved details and any changes to national and development plan policies or other material considerations.

- 7.4 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) Business
- (iv) Highway matters
- (v) Flood Risk/Drainage
- (vi) Heritage
- (vii) Trees/Landscaping
- (viii) Ecology
- (ix) Sustainable design
- (x) Other Environmental impacts
- (xi) Conditions update
- (xii) Section 106

**(i) Principle of development**

- 7.5 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Langstone Technology Park (LTP) is a long established significant industrial and employment site in Havant Borough. The site is also a Key Project site identified in the emerging Local Plan under policy KP6 for employment development. The principle of the development has also been previously established by planning permission APP/19/00703, which granted approval for the following:

- (i) Part-demolition of the eastern two bays of Building 1000, the internal reconfiguration of bay 3 Building 1000 as offices and the erection of a new flank wall on the new eastern elevation of the building;
- (ii) The laying out of a new car parking area at raised level where bays 1 and 2 of Building 1000 are demolished;
- (iii) The erection of a new wall to the northern edge of Building 4000, and screening on the roof to conceal the existing plant as a result of the part-demolition of Building 1000;
- (iv) The erection of new flexible B1c, B2 and B8 use units, comprising approximately

- 12,575sqm of new floorspace within the South-West corner of the site with associated parking; and
- (v) The reconfiguration of the parking layout and the improvement of the landscape throughout the site.

Appendices J – S contain details of the approved scheme.

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

- 7.6 LTP is a large 'campus style' industrial site which is relatively 'self contained' in character. The site is located to the south of the A27 dual carriageway which is partly elevated above LTP and south west of Langstone Roundabout and the west bound slip road onto the A27 from Langstone Road and Havant. Footpath 50 runs along the sites northern boundary. To the east are the relatively recent developments of the Premier Inn Hotel and Langbrook Farm Public House/Restaurant. Residential properties in Langbrook Close and Brookmead Way are also to the east and south east of the site. The Langbrook stream and footpath 51 runs to the eastern side of the site.
- 7.7 To the south and west of the site are business developments including to the south, Endeavour Business Park, Penner Road (Luxor Park, Pyramid Park, Alexander Park) and to the west Southmoor Lane Industrial Estate and industrial units in Brookside Road.
- 7.8 The existing buildings on the site include an element of uniformity which although varying in heights have a considerable degree of continuity of material finishes with grey cladding and flat roofed designs. The buildings generally have a horizontal emphasis with banding and glazing adding to this emphasis. The buildings also generally have extensive footprints. The design of the buildings generally reflects the IBM business requirements from the early development of the site.
- 7.9 The main changes resulting from the proposed development compared to that approved under APP/19/00703 relate to the proposed industrial units to the south-west of the site. The proposed new buildings would be located in a part of the site which is set well away from the road access points from Langstone Road and Brookside Road. They would be effectively surrounded to the north, west and south by existing industrial development of varying heights, mass and bulk. To the east would be an extensive area of car parking within LTP beyond which is a significant belt of woodland with the Langbrook Stream and residential properties set beyond.
- 7.10 The previously approved buildings constituted four new large structures designed to provide flexible accommodation suitable for a variety of Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses with a floorspace of approximately 12,575 sqm. The approved buildings would provide 12 business units in total. The approved new industrial buildings were considered to have an acceptable impact on the character and appearance of the area having due regard to their scale, siting, design and general materials.
- 7.11 The amended proposals have therefore been assessed on their merits in the context of the previously approved buildings. The current proposals would result in two large buildings to the south-west of the site, their alignment would be north/south rather than east/west as previously approved. The buildings would be accessed by HGV's between the two buildings. The two buildings would include four individual units which are proposed to have a range of flexibility in terms of use covering B2 (General Industrial), B8 (Storage and Distribution), Class E(g) (Uses which can be carried out in



a residential area without detriment to its amenity) (ii) (Research and Development) and (iii) (industrial processes).

- 7.12 Units 1 and 2 would have a modern appearance with parapet walls with a height of 11.674 m with part two storey areas providing office space. The north and south elevations would include significant areas of glazing including feature full height glazing entrance. The materials include vertical microrib cladding (white), and feature entrance canopy (anthracite grey). The long east and west elevations include vertical microrib cladding (white) and horizontal profiled cladding (metallic silver). The east elevation includes HGV servicing doors. Units 3 and 4 have a similar treatment but have taller parapet walls 13.174m high and a deeper profile again with glazing to the north and south elevations and with HGV door openings to the western side. The previously approved buildings had heights of approximately 9.4m, 10.8m and 13.1m.
- 7.13 The windows and elements of horizontal cladding pick up on the horizontal emphasis of the main site buildings. The re-orientation of the buildings north-south provides a more self contained appearance to the new units and the heights of the proposed buildings are similar to the previously approved units. Finally, the floorspace provided would be slightly reduced to 10,896 sqm (as opposed to 12,575 sqm). Overall, it is considered that the proposed new buildings would have an acceptable impact on the character and appearance of the area.
- 7.14 There are changes to the parking and servicing arrangements around the new buildings, these are considered acceptable and are considered further in (vi) below.
- 7.15 Building 1000 has been amended slightly with a further 3m realignment of the external façade, this would allow for minor changes in relation to car and cycle parking to the front of the building. These changes are considered acceptable and modest compared to the previously approved scheme.
- 7.16 Overall the changes proposed are considered to have an acceptable impact on the character and appearance of the area.

**(iii) Impact upon residential amenity**

- 7.17 The main impacts on residential amenity are considered to be from potential noise, fumes and traffic impacts. The current proposal represents a slightly lower floorspace than previously approved. Subject to appropriate restrictions in relation to the routing of HGV traffic, the proposals are considered to result in a limited and acceptable impact on neighbouring residents.
- 7.18 It is noted that third parties have raised concerns over existing lighting close to the western site boundary and residential properties particularly in Brookmead Way and Langbrook Close. Whilst it is noted that lighting concerns relate to the existing lighting regime the matter has been raised with the planning agent who has stated that:

*I can confirm that the management of the park are currently in the process of moving the lights onto a timer system. It is anticipated that these works will be completed by 23 July. Our client is also open to working with local residents moving forwards, if moving onto the timer system does not resolve their concerns.*

Notwithstanding this assurance, should light pollution be occurring from the existing lighting on the site then this is a matter which should be addressed through separate Environmental Health legislation.

7.19 Overall the proposals are not considered to result in an increase in impacts to residential amenity as the new buildings are located well away from the nearest dwellings and the quantum of development is slightly reduced when compared with the previously approved scheme. Previous conditions in relation to noise will be re-imposed.

**(iv) Business**

7.20 The business requirements for both the part demolition of building 1000 and the provision of new business floorspace were considered previously under planning permission APP/19/00703. The consideration here relates to the following matters:

- Building 1000 – further minor increase in the amount of demolition proposed;
- Change in the new business floorspace (previously approved 12,575sqm, currently proposed 10,896 sqm)
- Uses permitted - previously approved Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution); currently proposed to include Class E(g) (ii) (Research and Development) and (iii) (Industrial Processes) and delete reference to B1 (which has been replaced by class E in changes to the Use Classes Order).

Building 1000

7.21 Detailed consideration was given to the part demolition of Building 1000 under Planning Permission APP/19/00703 when it was accepted from the information submitted that the areas of the building to be demolished were not suitable for modern business purposes and market demand. The principle of the demolition and refurbishment of the remaining building in business terms is therefore accepted, and the slight amendment to the amount of demolition is considered to be acceptable. It was noted at a recent site visit that demolition has commenced on part of Building 1000.

Change in the new business floorspace (previously approved 12,575sqm, currently proposed 10,896 sqm)

7.22 The principle of new industrial units to the south-west part of the site has previously been approved. This modern, flexible accommodation would suit a range of potential occupiers and this can be contrasted with the nature of Building 1000. This will ensure that marketing can be carried out widely and this will encourage business development and employment opportunities at the Langstone Technology Park. The submitted Design and Access Statement states:

*Whilst the proposed changes involve a reduction of c. 1,679 sqm GIA of new employment floorspace coming forward on the Site, this has been informed by detailed agency advice which has confirmed a demand for fewer, larger units in this location.*

Uses permitted - previously approved Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution); currently proposed to include Class E(g) (ii) (Research and Development) (iii) Industrial Processes.

7.23 The proposal also includes the widening of the range of uses to include the new Class E(g) (ii) (Research and Development) and (iii) Industrial Processes. This reflects changes to the Use Classes Order and the deletion of Class B1. As stated in the

Planning Statement:

*In pursuing these changes, the Proposed Development seeks to maximise the attraction of the new floorspace to the market, with a view to ensuring future letability.*

- 7.24 The site has long been associated with R&D and Industrial Processes and these uses would be supported at the site providing high quality employment.
- 7.25 Overall and notwithstanding the modest reduction in floorspace proposed for the new buildings (approximately 13%), as set out in the Planning Statement:  
*“...the overall proposition presented by the amended proposals is considered to be more robust having regard to the specific needs and demands within the industrial/R&D sectors. In this sense, the amended proposals remain fully aligned with the Council’s overall objectives (as set out within the emerging Local Plan) in seeking to reinforce the Site’s location as a key employment hub.”*

#### **(iv) Highway matters**

- 7.26 In relation to highway matters as this is a S73 application it is important to focus on changes to the previously approved application.
- 7.27 A Transport Statement (TS) has been submitted to address the transport implications associated with the proposed re-configuration and this has been assessed by HCC Highways.
- 7.28 The current proposal would result in a modest reduction in the total development floorspace and a change to the parking layout. The main issues identified in relation to the approved application were as follows and these will form the basis of assessing any changes:
- (i) The Sustainability of the site and potential improvements
  - (ii) The vehicular access routes for traffic from the East (Langstone Road) and West (Brookside Road).
  - (iii) Internal Traffic movements and potential mitigation/route restrictions
  - (iv) The impact on the Strategic Highway Network
  - (v) Parking
  - (vi) Construction Phase

#### The Sustainability of the site and potential improvements

- 7.29 The site is located approximately 0.65km south of Havant Town Centre (Building 1000) and a little further from Havant Bus Station and Rail Station. The site is served by bus stops on the east (southbound) and west (northbound) sides of Langstone Road. There is also a pedestrian and cycle route to the Town Centre. The site is considered to be located in a relatively sustainable location, however, during the course of the consideration of the approved application deficiencies in the existing connectivity were identified. This resulted in contributions being secured in the associated S106 Agreement for:

*Bus services: to secure an upgrade to the northbound and southbound bus waiting facilities serving the development on Langstone Road have been agreed with a contribution of £25,000*

*In relation to Walking and Cycling, the most significant link to the site is Footpath 51 which runs north to Havant Town Centre and associated facilities and other public*

*transport links. The northern section of Footpath 51 requires improvement and runs between the site access road and the A27. To improve pedestrian and cycle connections through the development, the applicant has agreed to pay a contribution of £67,000 towards the upgrade of this section.*

*In addition, appropriate signage from Footpath 51 where it meets the site access will be provided to direct pedestrians and cyclists onto the existing shared use facilities on Langstone Road. The upgrade will also feature the widening of the northern connection into the development. These measures will also be secured via the S106 Agreement.*

*A travel plan seeking to encourage non-car based travel and other sustainable transport requirements has also been secured through the S106 Agreement.*

- 7.30 It is not considered that the current proposal changes any of the above requirements which will remain extant.

The vehicular access routes for traffic from the East (Langstone Road) and West (Brookside Road)

- 7.31 The site is currently served by two vehicular access points, the first from the East (Langstone Road) and the second from the West (Brookside Road). In relation to the approved application concern was raised in particular in relation to the impact of the proposed development on the traffic entering and leaving the site at Langstone Road. This issue was carefully considered by Hampshire County Council, Havant Borough Council as the Local Planning Authority and the Development Team. This resulted in amendments to the scheme and consideration of methods aimed at restricting the flow of traffic to the two access points both in terms of the physical layout of the proposed development including routes to the proposed new buildings and associated parking, the alignment of routes within the site and physical barriers to restrict parking being used in the peak period. It is important that the revised scheme does not result in a negative change to the approved position.

Langstone Road Site Access

- 7.32 In relation to the previously approved application the County Highways Authority assessed in detail the impact on the Langstone Road access which is particularly sensitive given its location on the only access route to and from Hayling Island. Consideration to HGV and car movements were assessed with particular emphasis on the peak hours impacts.
- 7.33 Modelling of the junction and the right turn lane was previously made to correctly factor in the right turn lane and upstream signals at the roundabout. The applicant is proposing traffic flow barriers within the site which will reduce the number of movements into the site from Langstone Road at peak times, and this is considered a positive feature of the scheme which the development will deliver and which acknowledges the historic sensitivity of movements from this access. They are also providing additional right turn lane capacity and signage at the roundabout.
- 7.34 The County Highway Authority have assessed the changes in trip levels for the current proposal compared with the approved scheme as follows:

*Taking account of the revised scheme by comparing the proposed development trips to those agreed as part of the permitted development, a reduction of 4 trips in the AM peak hour and 3 trips in the PM peak hour are proposed. It is therefore agreed that the*

*development proposals would result in a marginal reduction in trips when compared to the permitted development.*

- 7.35 Overall in relation to the proposed development the package of measures outlined above including consideration of the demolition element, the layout of the new development and re-design of routes across the site to restrict HGV movements, the peak hour barriers restricting access to some parking areas from the east, the Travel Plan and sustainable transport improvements it is considered that the impact of the development on the Langstone Road access will be appropriately managed and mitigated. The revised scheme would ensure that the measures previously secured would be maintained and there would be no additional impacts.

#### Brookside Road Access

- 7.36 The Brookside Road Access leads through an industrial area to Harts Farm Roundabout with routes to the west to the A27.
- 7.37 The Brookside Road Access avoids impacts on the busy Langstone Road route and it is noted that the layout of the new industrial buildings allows for easier access to the new units from Brookside Road and ensures that HGV movements are from Brookside Road to serve the new units. At peak AM hours there would also be restrictions for cars to access parking west of the barriers within the site with all access at these times to the west of the barriers being taken from Brookside Road.
- 7.38 Modelling at sensitive junctions and roundabouts was undertaken in relation to the previous application and this demonstrated operation within capacity. The current scheme reduces slightly traffic flow compared to the approved scheme and is considered acceptable.

#### Internal Traffic movements and potential mitigation/route restrictions

- 7.39 Traffic barriers are proposed within the site which will restrict the east to west movement of vehicles between 7:30am - 9:00am. This will encourage motorists to utilise the western access into the site from Harts Farm Way, taking traffic away from the Langstone Road site access for those parking spaces located to the west of the barriers.
- 7.40 To restrict the movement of HGVs through the site, the internal layout has been designed to physically constrain these movements. Given the location of the new employment buildings to the west of the site, HGVs will need to utilise the Harts Farm Way roundabout into the site to access these buildings. A low level of HGV usage will be observed through the Langstone Road site access to service the existing office buildings, reflecting the current arrangement.
- 7.41 These measures within the site help to restrict the car and HGV movements from the east and Langstone Road to a satisfactory degree. It is noted that these measures are satisfactory to Hampshire County Council the Highway Authority. The current proposal retains the restricting features and overall results in a decrease in traffic movements when compared to the approved scheme.

#### The impact on the Strategic Highway Network

- 7.42 The A27 is a Trunk Road and Highways England have been consulted in relation to the proposal and potential impacts on the strategic highway network. They have offered no objection to the proposed development. It is not considered that there would

be a harmful impact on the operation of the A27.

### Parking

- 7.43 The current S73 proposal does result in changes to the overall parking layout. The existing site is extensive with the main parking areas to the east of buildings 1000 and 4000 and to the south of buildings 5000 and 6000 and with other smaller parking areas. The Planning Statement confirms that there are currently 1854 car parking spaces on site. The Transport Assessment states that following the development with the approved scheme there would be 1881 spaces (a marginal increase). The current proposal would provide 1973 spaces. This would be made up of:

Retained car parking - 890 + 134 within the Phase 1 Proposals

New Industrial Area – 250

New Car Parking provided following partial demolition of Building 1000 – 546

New Car Parking provided elsewhere within LTP – 153

Total – 1973 spaces

- 7.44 The main difference in provision between the approved and proposed scheme relates to the re-configured layout of the new units which allows for the retention of 134 spaces for use by the retained businesses at LTP.
- 7.45 The car parking requirements for the site are somewhat complex especially bearing in mind the proposed flexible use for the new units. The Transport Assessment sets out the parking for the proposed and retained buildings.

### Proposed Buildings

- 7.46 In relation to the proposed buildings the parking requirements have been calculated against the buildings as if they are all in B1c use (B1c has the highest parking requirement out of B1c, B2 and B8 uses) using the Havant Borough Parking Standards SPD. Use Class E(g) (ii) (Research and Development) and (iii) Industrial Processes are new use classes not included in the adopted Parking SPD but relate well to B1c (Industrial Processes). Based on the new floorspace of the proposed units the Gross External Floorspace would be 11,290sqm. The parking requirement based on one space per 45sqm would be for 250 spaces and these are proposed for the new units.
- 7.47 With regard to cycle parking, 80 spaces are provided in relation to the new development and this exceeds the requirements of the Parking SPD. The parking provision in relation to the new buildings is therefore considered acceptable.

### Refurbished units 1000-7000

- 7.48 The Planning Statement states that there are currently 1854 parking spaces this served the original site floorspace of 58,412sqm of employment floorspace at a ratio of one space per 32sqm – the site has been operational for a long time. Following the partial demolition of building 1000 there would be approximately 51,125sqm of floorspace retained. In order to maintain the same rate of car parking provision (1 space per 32sqm), this would require a total of 1,598 car parking spaces.
- 7.49 There would be a total of 1,723 spaces provided for the retained floorspace which exceeds the current ratio of 1 space 32sqm.
- 7.50 With regard to cycle parking for the existing site there is an existing long stay cycle parking area to the north of the creche. This is secure covered parking available to

employees on the park. Additional cycle parking will be provided adjacent to building 1000 - these will be 48no. secure cycle shelters. Overall and subject to an appropriate condition to secure cycle parking it is considered that the provision is acceptable.

#### Construction Phase

- 7.51 In relation to the construction phase of the development, there are concerns in relation to potential impacts on the Highway Network and in particular potential impacts on the Langstone Road traffic flow. A construction phase condition is therefore required which will include construction traffic routing and their management and control, parking and turning provision to be made on site and measures to prevent mud on the highway etc.

#### **(v) Flood Risk/Drainage**

- 7.52 An updated Flood Risk Assessment and Drainage Strategy has been submitted in support of the amended proposals. It should be noted that the S73 changes do not fundamentally change the previously approved strategy.

- 7.53 In this respect consultations have been carried out with the Environment Agency (EA), Local Lead Flood Authority (LLFA) and Southern Water. The EA raise no objection to the Phase 1 proposals (new industrial units), whilst the LLFA confirm they: *"....have no comments to make for the variation of conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703."*

Southern Water raise no objections to the proposed scheme, the point of connection has been clarified by the agent and Southern Water have been re-consulted. Members will be updated in relation to any further comments received.

- 7.54 In relation to flood risk and drainage the proposals are considered acceptable.

#### **(vii) Heritage**

- 7.55 The current buildings because of their design/construction provenance and social history significance should be considered collectively as non-designated heritage assets. The Council's Heritage Manager has considered the revised proposals and in particular the re-orientation of the proposed industrial units. The Heritage Manager confirms that it is considered: *".....the proposed variations/amendments to the scheme improved the scheme and the impact it has on the non-designated heritage assets. The re-orientation of the built form helps integrate the scheme into the wider campus of the site. Also the reduction in floorspace/footprint is a welcome addition to the scheme."*

As such it is concluded that the proposals would not harm the non-designated heritage assets.

#### **(viii) Trees/Landscaping**

- 7.56 The proposals are not considered to significantly alter the approved details in terms of trees and landscaping. Comment has been made about the impact on the eastern bank, however this has not been changed from the approved development. Replacement tree planting is provided in the proposed development. A detailed landscaping condition is also recommended.

#### **(ix) Ecology**

7.57 In terms of Ecology it is not considered that the amendments significantly alter the impacts of the development. It is noted that Natural England confirm that they have no objections and that the development will not have significant adverse impacts on the Chichester and Langstone Harbours SPA and Ramsar sites, the Solent Maritime SAC or the Langstone Harbour SSSI.

7.58 The County Ecologist confirms: *“The application is accompanied by a Biodiversity Enhancement Report (Phlorum, March 2021). This is in essence in accordance with the previously submitted Biodiversity Enhancement Plan (The Ecology Co-op, October 2019) and condition 8 has not been subject to any material variation. The report includes measures to transplant an area of species-rich grassland (containing orchid species) within the site, and includes details (number, type, location) of various bird and bat boxes. Also included are details of proposed tree planting and aftercare.”*

These details together with the Translocation Report are considered acceptable subject to appropriate implementation and on going management.

**(x) Sustainable design**

7.59 The application includes a Pre-Assessment report which states that the development would achieve BREEAM Very Good. The current adopted Local Plan policy requires a BREEAM Very Good rating for such type of developments - therefore the scheme is compliant. It is considered that the proposed development (which includes the provision of a BREEAM Very Good rating, PV units on the new buildings and other environmental enhancements through the Ecological mitigation and landscaping) can be considered compliant with existing policy subject to the imposition of appropriate conditions.

**(x) Other Environmental impacts**

Air Quality

7.60 The Councils Environmental Officer confirms that the proposals represent a betterment of the previously approved scheme in terms of air quality.

Contamination

7.61 Given the historic uses on site and the sensitivity of the protected harbour environments detailed conditions were recommended in relation to contamination matters on the approved application as requested by the Councils Environmental Officer. These will be re-imposed.

Electric Charging Points

7.62 With regard to electric charging points, the existing site has 8 car parking spaces equipped with Tesla superchargers which will be retained. Emerging policy in the Havant Borough Local Plan 2036 Submission Draft ING3 requires EV charging points at a ratio of 20%. The Planning Statement states that 28 EV charging points will be provided, however the plan indicates 14 EV charging points and 17 ducts for future points. A condition to secure 24 charging points for the new industrial units was imposed on the original consent and it is recommended that this is re-imposed. It is not considered that given the status of the emerging local plan with its limited weight to be afforded that EV points can be secured for the other new parking areas.

**(xi) Conditions update**



7.63 In considering this S73 application it is necessary to consider the details of the conditions being sought to be amended, whether it is necessary to re-impose conditions and whether some of the conditions previously discharged do not need to be re-imposed. In that regard all the previously imposed conditions have been reconsidered below.

1. **Time Limit** – This remains as originally imposed and cannot be amended in relation to a S73 application.
2. **Development to be carried out in accordance with approved plans/documents** – This condition is recommended to be amended to include revised details. The list of plans and documents is being completed and Members will be updated in relation to this cond
3. **Phasing** details have previously been approved and further details of parking provision phasing are now included in the Transport Assessment. It is recommended that a compliance condition is imposed in relation to this matter.
4. **Levels** Condition to be re-imposed.
5. **Tree Protection** – Compliance condition to be re-imposed
6. **Construction Phase requirements** – Condition to be re-imposed.
7. **Foul and Surface Water Drainage** – To be re-imposed
8. **Biodiversity Enhancement Plan** – To be amended to reflect revised ecological report references and to make a compliance condition.
9. **Contamination** – To be retained unless amended as a result of further consultation response from Environmental Control Officer.
10. **BREEAM Design Stage** – Condition to be re-imposed.
11. **EV Charging points** – Condition to be re-imposed.
12. **Protection of Public Sewers** – Condition to be re-imposed.
13. **Soft Landscaping** – Condition to be re-imposed.
14. **Hard Surfacing Materials** – Condition to be re-imposed.
15. **Material Samples** – Condition to be re-imposed.
16. **Contamination Report – Verification** – Condition to be re-imposed.
17. **Barrier Design and Management Plan** – Recommended to be amended with updated references.
18. **HGV signage** – Recommended to be amended to reflect updated drawing reference.
19. **Cycle Storage** – Recommended to be amended to reflect updated drawing

references.

20. **Replacement Tree Planting** – Condition to be amended to reflect revised Arboricultural details.
21. **BREEAM verification** – Condition to be re-imposed.
22. **Car Parking provision** – Condition to be amended to reflect car parking phasing plan.
23. **Noise – Plant and machinery** – Condition to be re-imposed.
24. **External Plant** – Condition to be re-imposed.
25. **Permitted Uses** – Amended to reflect proposed uses and changes to Use Classes Order.
26. **Restriction on additional mezzanines** – Condition to be re-imposed.
27. **Lighting** – An additional lighting condition is recommended in relation to improving lighting impacts on nearby residents.

## **(xii) Section 106**

7.64 The original planning permission APP/19/00703 was accompanied by a S106 Agreement which secured the following matters:

- Travel Plan
- Travel Plan Approval Fee £1,500
- Travel Plan Bond £27,060
- Travel Plan Monitoring Fee £15,000
- Access Road Signage Works (in relation to Footpath 51)
- Right turn and roundabout signage works contribution £25,000
- Bus infrastructure contribution £25,000
- Northern Footpath connection works to footpath 51
- Footpath 51 contribution for improvement works £67,500

7.65 This Section 73 application may result in minor consequential changes to the S106 Agreement which would not impact the above list. This is being considered with the Council's Legal Team.

## **8 Conclusion**

8.1 In conclusion, the principle of development has already been established by the original planning permission APP/19/00703 and the current application reduces the proposed floorspace and consequent development impacts.

8.2 The proposed development is considered to have an acceptable impact on the character and appearance of the area and in the context of existing industrial development.

8.3 Impacts on residential amenity are considered acceptable and are not increased over the previously approved scheme.

- 8.4 The application would provide flexible, modern business premises to suit a range of potential occupiers on a long established site critical to a key employment site for Havant Borough.
- 8.5 Highway impacts were considered in detail in relation to the approved planning permission. The current proposal results in a modest reduction in anticipated vehicle movements and floorspace. The current scheme will retain the infrastructure improvements secured by condition and the associated S106 Agreement.
- 8.6 In relation to flood risk and drainage, the proposals do not significantly change the approved details and Statutory Consultees raise no objections to the proposed development.
- 8.7 In relation to the impact on the non-designated heritage asset, the Councils Heritage Officer raises no objection to the revised proposals which due to the new units' orientation are considered to represent an improvement to the previously approved scheme.
- 8.8 Trees and landscaping have been considered in relation to the relatively modest changes to the approved layout proposed and are considered acceptable.
- 8.9 Ecological and Sustainability issues have been considered and are acceptable subject to conditions and do not increase impacts beyond the previous approval.
- 8.10 Other environmental impacts have been considered and where appropriate conditions re-imposed.
- 8.11 Finally as the granting of a Section 73 application would result in a new stand alone planning permission a review of all the original conditions has taken place and they have been amended where necessary to take account of the revisions made and previous condition discharges. The S106 agreement associated with the original permission APP/19/00703 is also being reviewed to reflect any consequential changes as may be necessary.
- 8.12 Given the above assessment planning permission can be recommended in relation to this application as set out below.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for recommendation code for application APP/21/00405 subject to the following conditions (to follow)

- 1 The development must be begun not later than 22nd July 2023.  
**Reason:** To comply with the requirements of Section 73 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

### **Plan list to follow**

**Reason:** - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall take place in accordance with the phasing programme submitted in relation to the discharge of Condition No. 3 of planning permission APP/19/00703 as amended by the revised Car Park Phasing Plan (Transport Statement) unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate parking is provided on site in advance of the first use of the proposed new flexible use industrial units and that adequate foul drainage capacity is available having due regard to policies CS15 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place on a phase of the development until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** To ensure that the development has an acceptable impact on the character and appearance of the area having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development shall take place on a phase of the development until all trees that are to be retained within or adjacent to the part of the site subject to that phase have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of works relative to that phase and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

**Reason:** To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development shall take place on a phase of the development until plans and particulars specifying the following matters relative to that phase have been submitted to and approved in writing by the Local Planning Authority (in consultation with Hampshire County Council Highways Authority):

(i) A Construction Traffic Management Plan. This shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

(ii) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(iii) The provision to be made within the site for a material storage compound during site clearance and construction of the development. Thereafter, throughout such site clearance and implementation of the relevant phase of development, the approved construction traffic management plan shall be complied with and the approved parking provision and storage

compound shall be kept available and used only as such.

**Reason:** To safeguard the amenities of the locality and in the interests of highway safety and having due regard to policies CS16, CS20, DM10 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 With the exception of demolition works, no development hereby permitted shall commence on a phase of the development until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) for that phase have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for each phase shall specify the measures for ensuring that potential pollutants from the site do not impact the wider water environment. Unless agreed otherwise in writing by the Local Planning Authority, the relevant phase of the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision for that phase in full accordance with such plans and particulars as are thus approved by the Authority.

**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality to reduce flood risk and protect the wider water environment having due regard to policies CS15, CS16 and DM10 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 Biodiversity Enhancement Report - Phlorum Ltd. Project No. 10538 Rev 0 dated 26th March 2021, The Ecology Co-op letter dated 17th June 2021 (Translocation of Grassland) and Management and Maintenance Plan for Orchid Translocation Phlorum Ltd. Project No. 10538 Rev 0 10/06/2021. Prior to the commencement of developing the new industrial units the translocation of the species-rich grassland containing orchid species shall take place in accordance with the approved timing. The translocation process itself and subsequent management and maintenance of the translocation site shall thereafter take place in accordance with the approved management and maintenance details. The details of the translocation area and its management and maintenance shall also be shown on the detailed landscaping plan required in accordance with condition No.13.

**Reason:** In the interests of biodiversity and the protection of habitat having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

- 9 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the relevant part of the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation based on the proposals outlined within the Preliminary Geo-Environmental Risk Assessment Re'-19-0687.01 (section 6.0); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;
  - appropriately considered remedial objectives,
  - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
  - clearly defined proposals for mitigation of the identified risks, and;
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

**Reason:** Having due regard to policies CS11 and DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Havant Borough Local Plan (Allocations) (2014) and the National Planning Framework, Contamination may be present at the site as a result of previous land uses (& / or activities) on site and in the vicinity, that could pose a risk groundwater & local surface waters (ecology), to the proposed buildings, and future occupiers of the site.

- 10 Prior to the commencement on a phase of the development (excluding demolition and temporary works), a Draft Design Stage Assessment demonstrating that the relevant part of the development will achieve at minimum 'Very Good' against the BREEAM Standard, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.
- 11 Prior to the commencement of the new industrial units full details of the Electrical Vehicle (EV) Charging points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that EV charging points are provided for the new car parking areas and that the development will accommodate 24 EV charging points. The details shall include the location of the EV charging points and a full specification of the

materials to be used externally on the Charging points. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure that the development provides appropriate facilities for Electric Vehicles in the interests of the environment, air quality and that the appearance of the development is satisfactory having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework

- 12 Prior to the commencement of any phase of the development measures relative to that phase for the protection of public sewers within 5 metres of any work being carried out shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved measures.

**Reason:** To ensure the protection of drainage apparatus having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 With the exception of demolition and temporary works, no development hereby permitted shall be commenced on any phase until a more detailed soft landscaping scheme for all open parts of the relevant phase not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, bulbs and any areas of turfing and seeding and timing provisions for completion of the implementation of all such landscaping works.

The details shall also specify the transplantation area of the species-rich grassland containing orchid species and the long term management and maintenance proposed.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 With the exception of demolition and temporary works, no development hereby permitted shall commence on any phase until a specification of the materials to be used for the surfacing of all open parts of the site within that phase proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour

- laying bond
- edging or kerb detail / type
- Further details on building material specification for the development requiring submission including material type, product reference and colour

The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 Notwithstanding any description of materials in the application, with the exception of demolition and temporary works, no development shall take place until samples or a full specification of the materials to be used externally on the building(s) within that phase 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:** In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 Prior to the occupation of any relevant phase of the permitted development, any verification report for that phase required in accordance with condition 9 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** Having due regard to policies CS11 and DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Havant Borough Local Plan (Allocations) (2014), Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk groundwater & local surface waters (ecology), to the proposed buildings, and future occupiers of the site.

- 17 The new industrial units shall not be occupied and the new parking spaces in front of Bay 3 of Building 1000 shall not be used until:

- Details of the design of the proposed barriers; and
- A Management Plan for the proposed traffic barriers within the site;

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any of the new



industrial units are occupied, or the new parking spaces in front of Bay 3 of Building 1000 are used, whichever is the earlier, and retained in perpetuity.

The traffic barriers shall prevent the new industrial units and parking accessed to the west of the barriers being utilised by vehicles from Langstone Road between 07.30am and 09.00am.

**Reason:** In the interests of highway safety and operation and having due regard to policies CS20 and DM12 and the National Planning Policy Framework.

- 18 The new industrial units shall not be brought into use unless and until signage to direct HGV movements as depicted on Motion drawing 2010053-01 HGV Routing restrictions has been erected in accordance with the details shown. The signage shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that HGV movements are directed to limit access from Langstone Road in the interests of traffic flow and highway safety having due regard to policies CS20 and DM12 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 19 Each phase of the development hereby permitted shall not be brought into use unless and until details of cycle storage, in the quantum and position illustrated on drawings PL 003 Rev A and PL 004 Rev B are submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking provision shall thereafter be provided prior to the relevant phase of the development being brought into use and thereafter maintained in accordance with the approved details.

**Reason:** To ensure the provision of sustainable transport options and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 Havant Borough Parking Standards SPD 2016 (as amended) and the National Planning Policy Framework.

- 20 The Norway Maple trees shown to be felled on the Tree Protection Plan Drawing No. 1746-01.1 as T51 and T52 and listed in the Arboricultural Impact Assessment dated 11th June 2021 shall not be removed until full details and specifications of replacement tree planting for the Norway Maple trees to be felled has been submitted to and approved in writing by the Local Planning Authority. The approved replacement planting shall be carried out in the first planting season following approval of the details. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To conserve and safeguard the visual amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 21 Within 6 months of any phase of the development first becoming occupied,

written documentary evidence proving that the relevant phase has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

**Reason:** To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 22 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 new industrial units being first brought into use and shall be retained thereafter for their intended purpose. The car parking provision for the new industrial units shall be provided in accordance with the car park phasing plan and retained thereafter.

**Reason:** In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 23 The external sound level emitted from plant, machinery or equipment at the development shall be equal or lower than the representative background sound level, with noise levels assessed (if necessary) in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises.

**Reason:** To protect the amenity of the nearest residential receptors having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 24 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic and odour prevention performance of the same have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the locality and occupiers of nearby property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 25 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the new industrial buildings hereby permitted shall only be used as flexible Class E(g) (ii)-(iii), B2 and B8 uses; and for no other purposes within the Use Classes Order 1987 (as amended).

**Reason:** To accord with the terms of the application in the interests of amenity and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 26 Notwithstanding the provisions of the General Permitted Development Order (As Amended) no additional first floor mezzanine floorspace shall be created within the development hereby permitted.

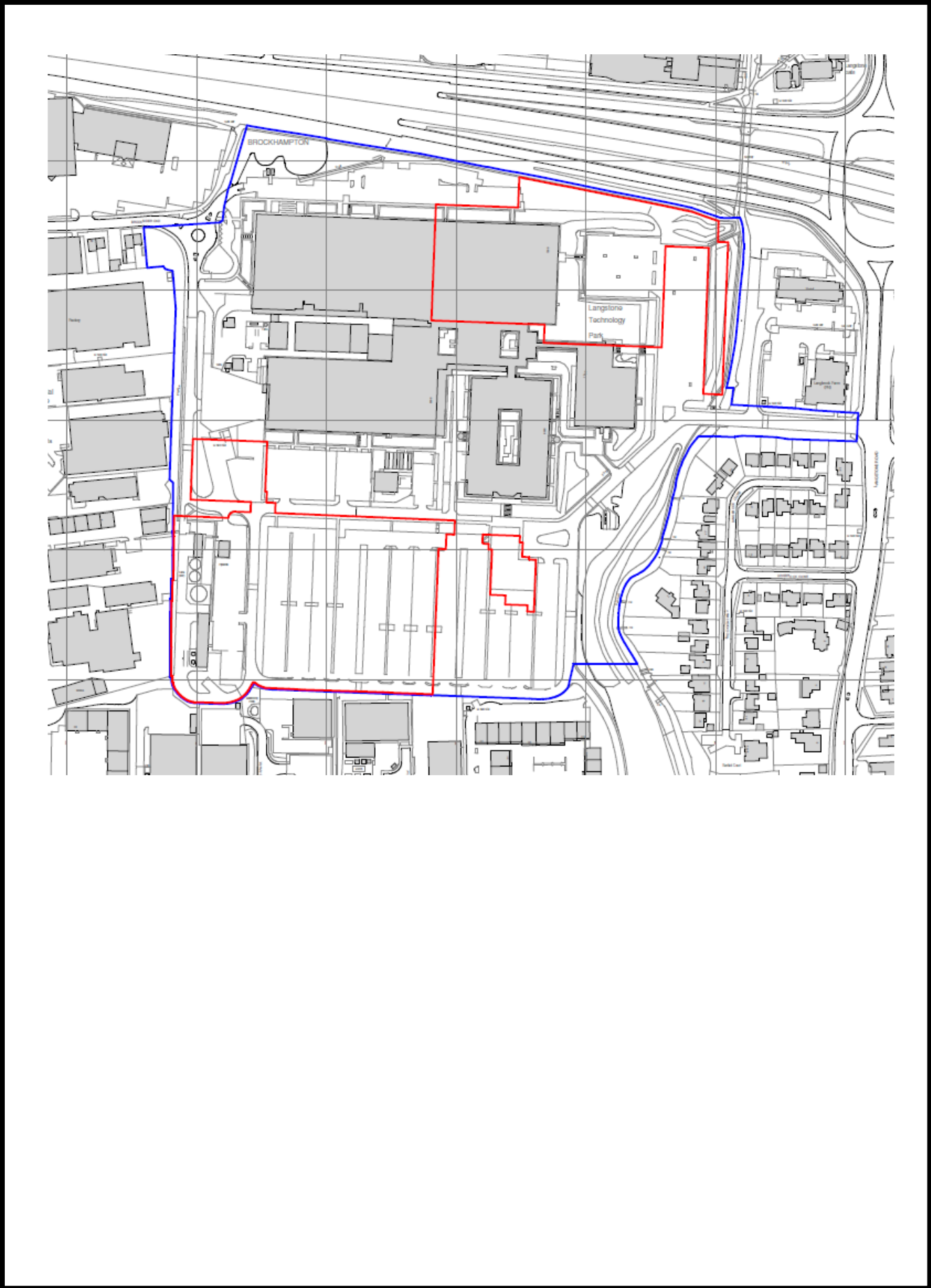
**Reason:** To ensure that adequate car and cycle parking provision is

provided on site having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD 2016 (partly updated 2019) and the National Planning Policy Framework

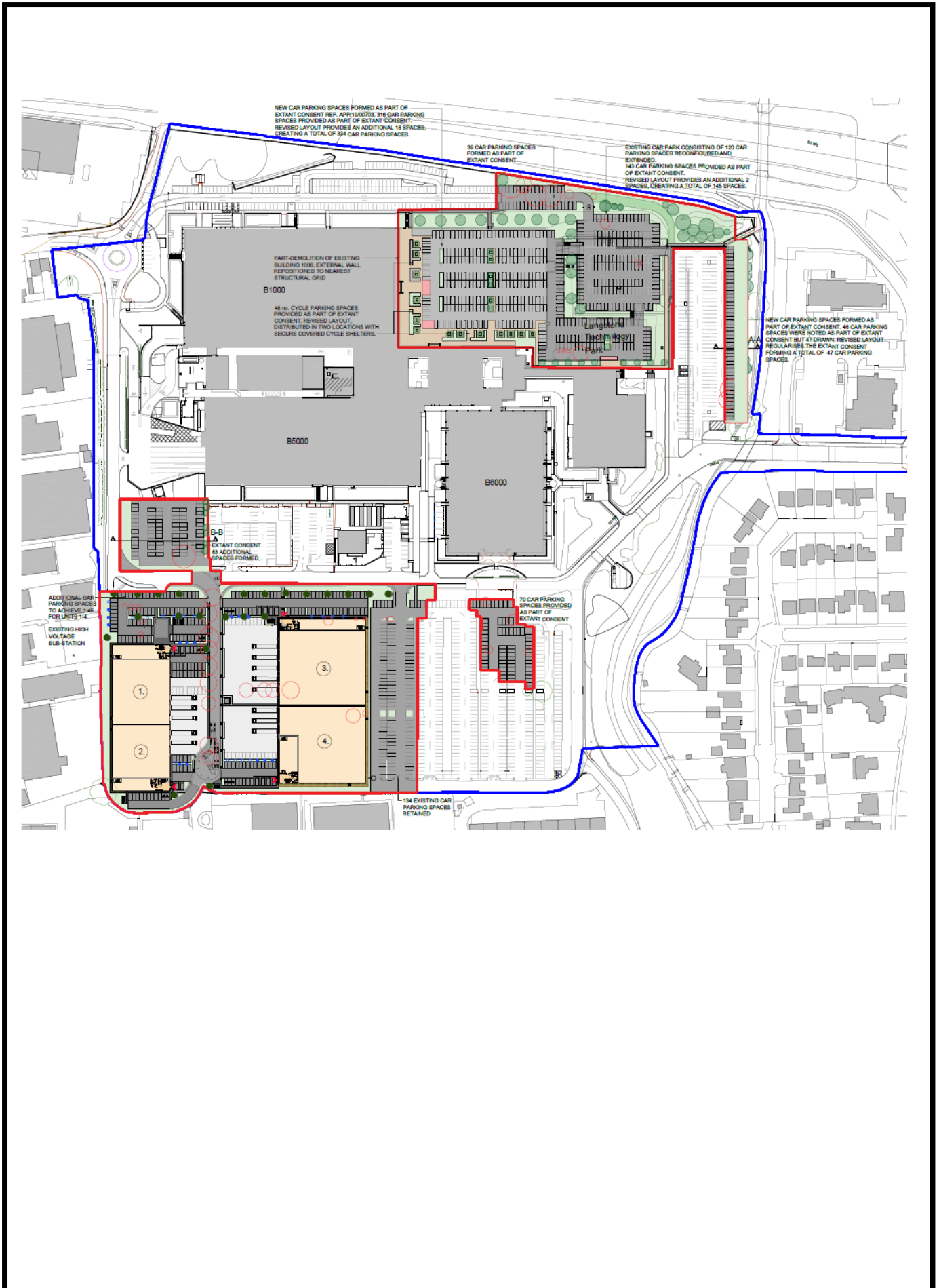
## **Appendices**

- (A) Site Location Plan
- (B) Proposed Overall Site Plan
- (C) Proposed Site Plan Detail
- (D) Proposed Elevations Sections Units 1 & 2
- (E) Proposed Floor Plans Units 1 and 2
- (F) Proposed Elevations Sections Units 3 and 4
- (G) Proposed Floor Plans Units 3 and 4
- (H) Proposed Street Scenes and Sections
- (I) Car Parking Layouts
- (J) Previously Approved Site Layout Plan
- (K) Previously Approved Site Plan Detail
- (L) Previously Approved Elevations Sections Units 1-5
- (M) Previously Approved Floor Plan Units 1-5
- (N) Previously Approved Elevations Sections Units 6-9
- (O) Previously Approved Floor Plans Units 6-9
- (P) Previously Approved Elevations Sections Units 10-12
- (Q) Previously Approved Floor Plans Units 10-12
- (R) Previously Approved Car Parking Layout 1
- (S) Previously Approved Car Parking Layout 2

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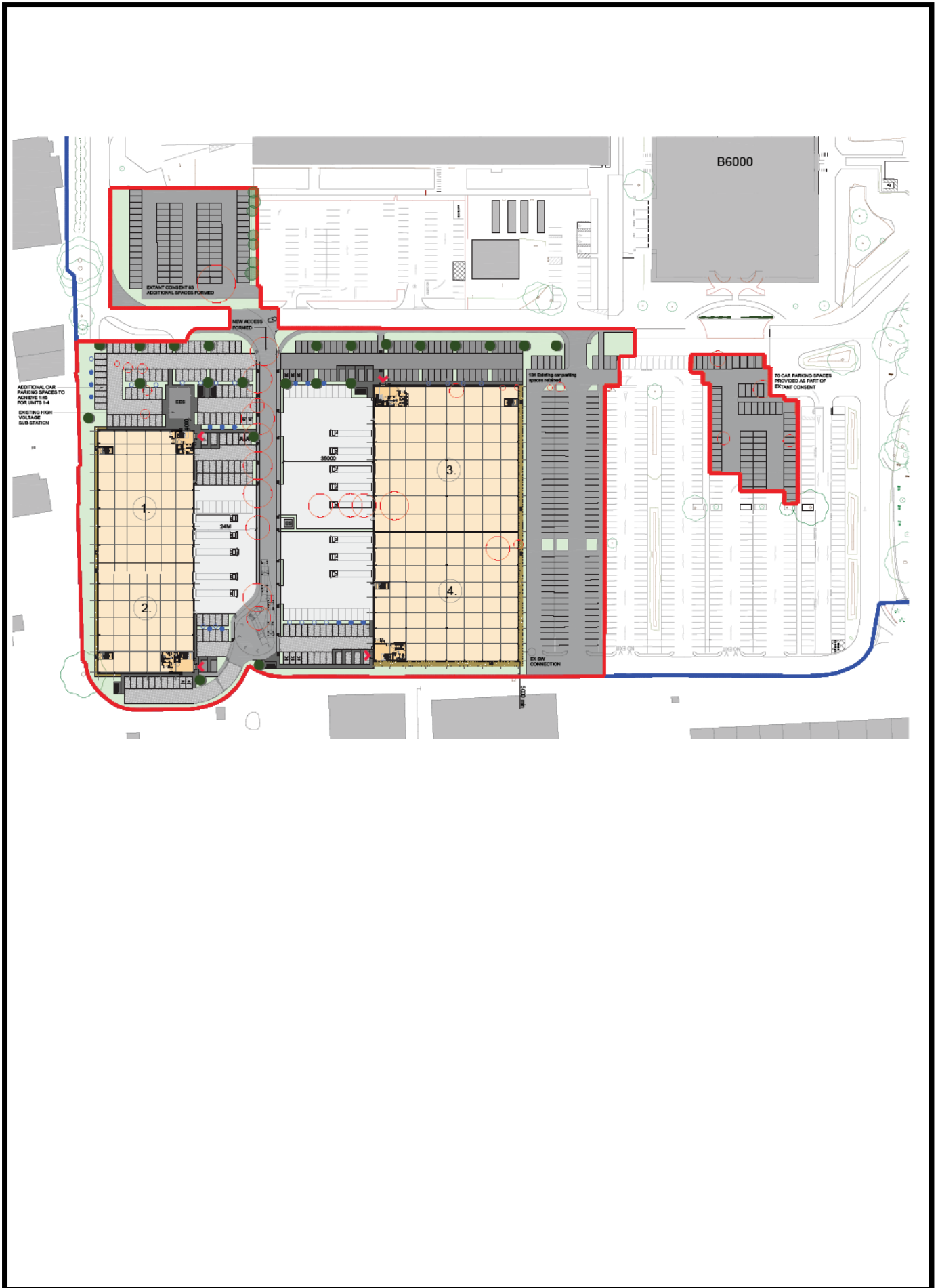


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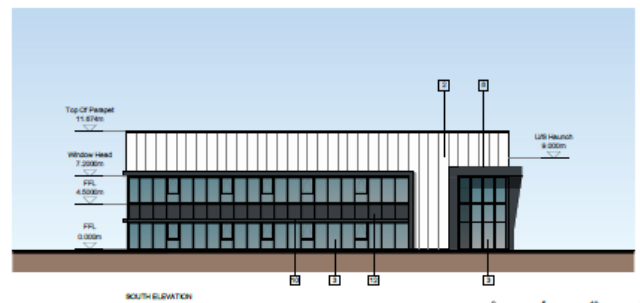
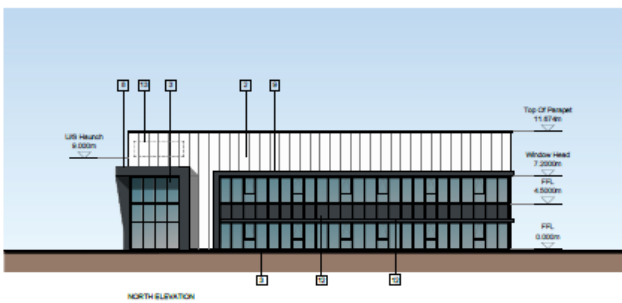
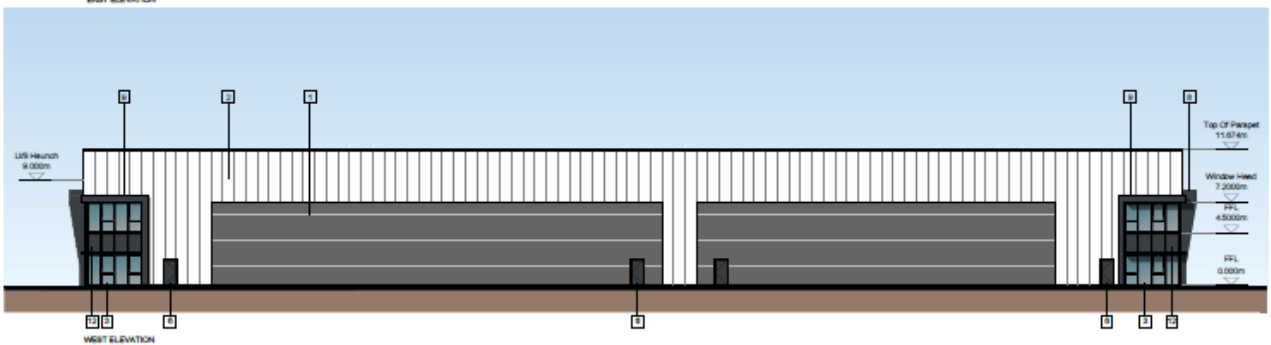
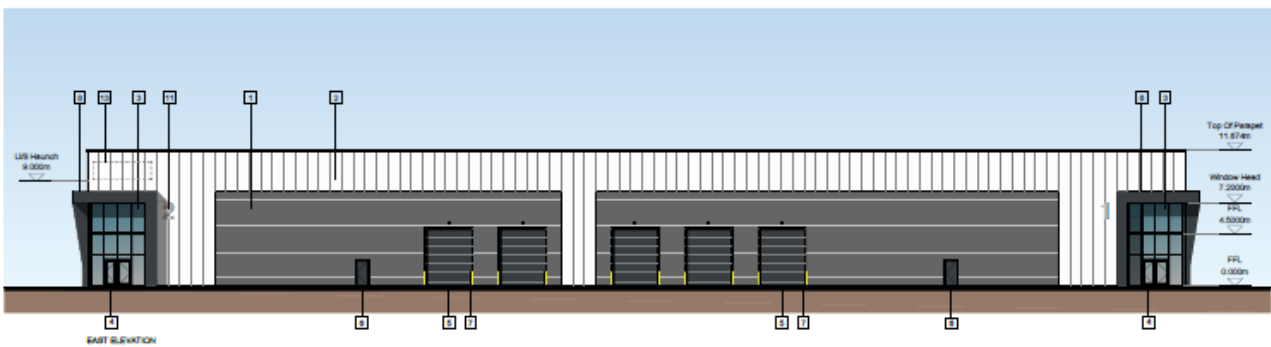
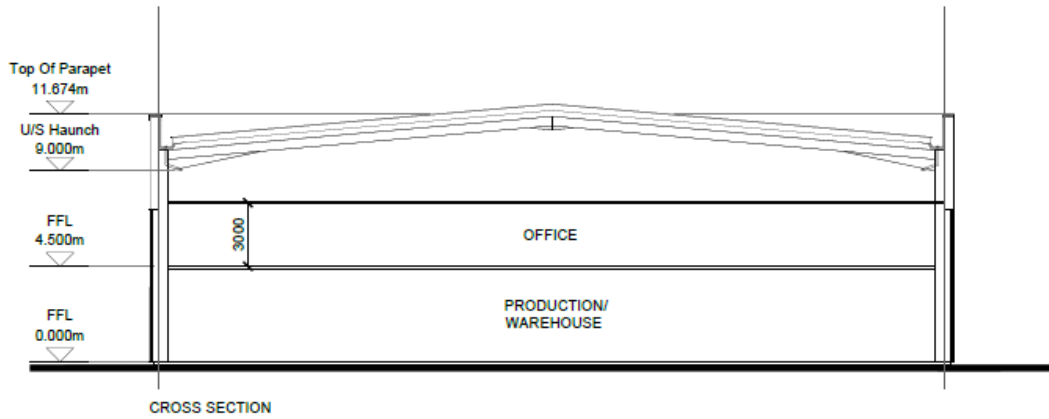


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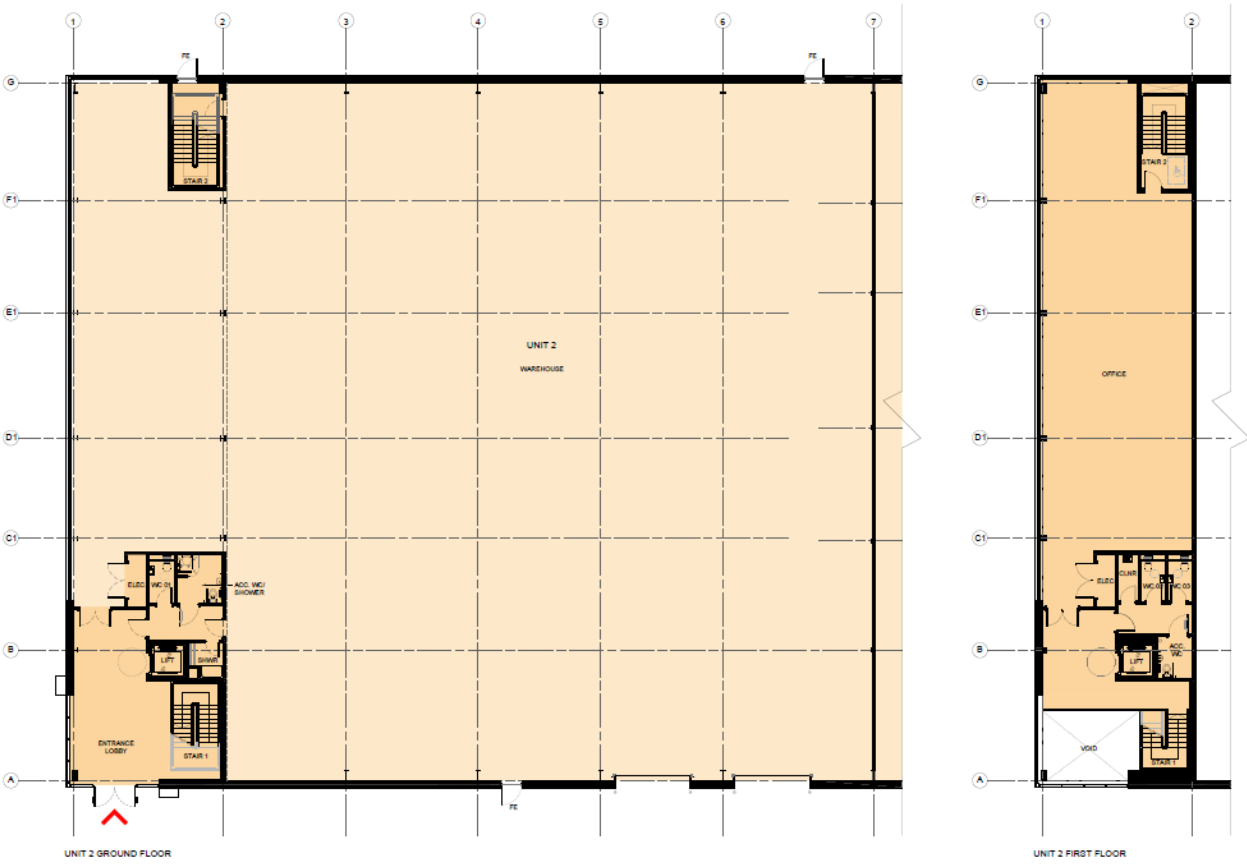
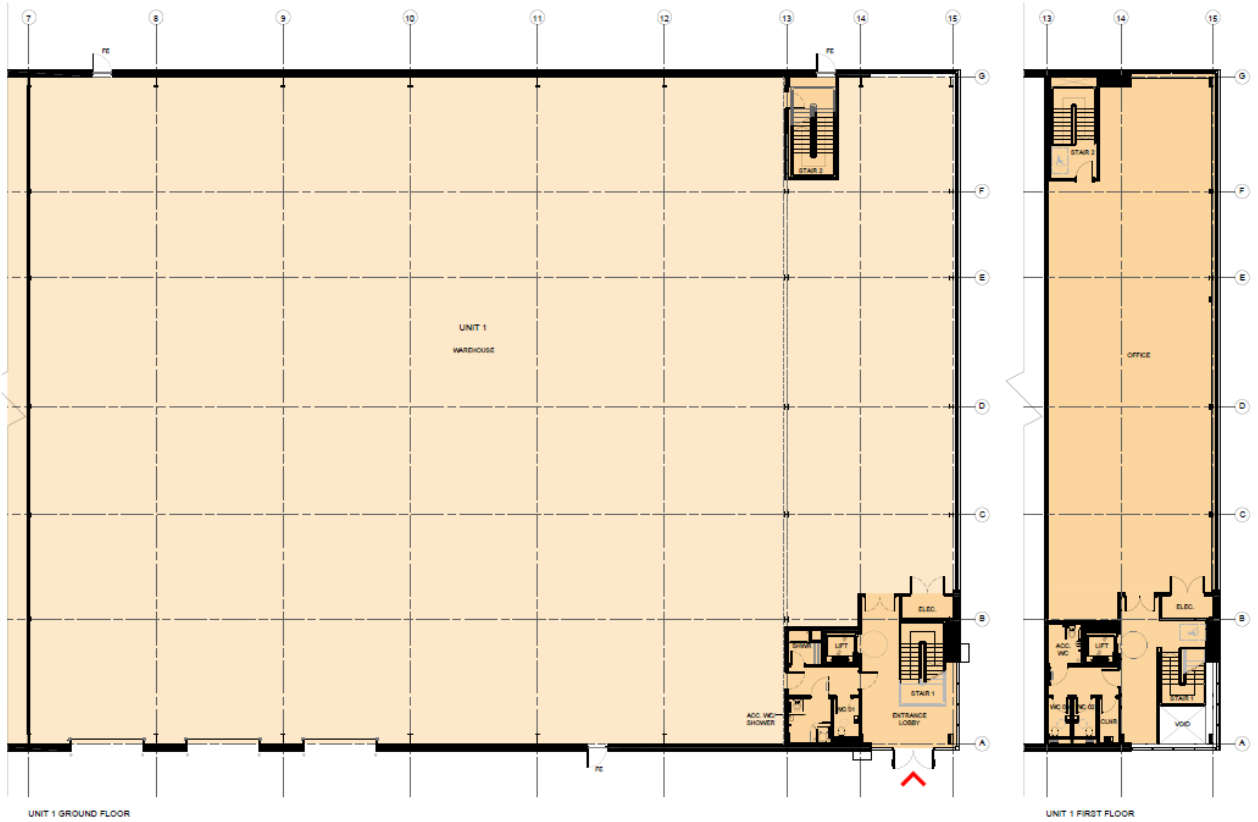




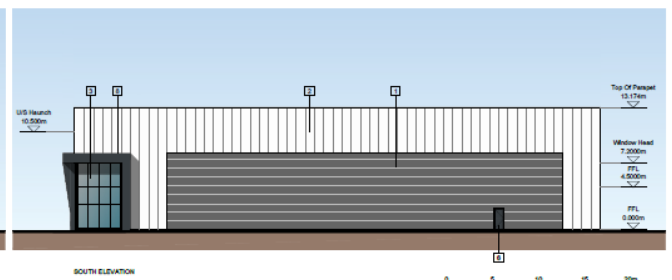
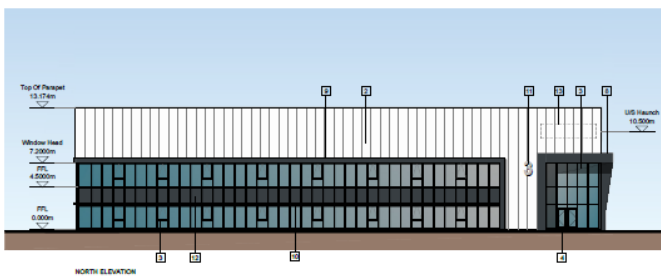
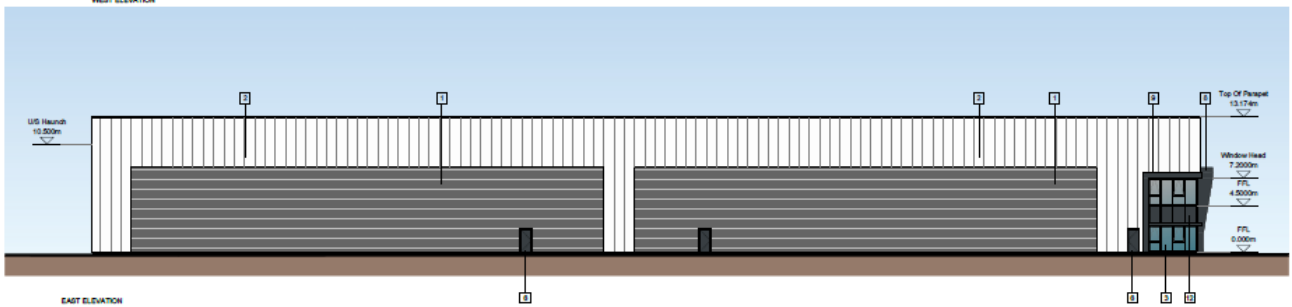
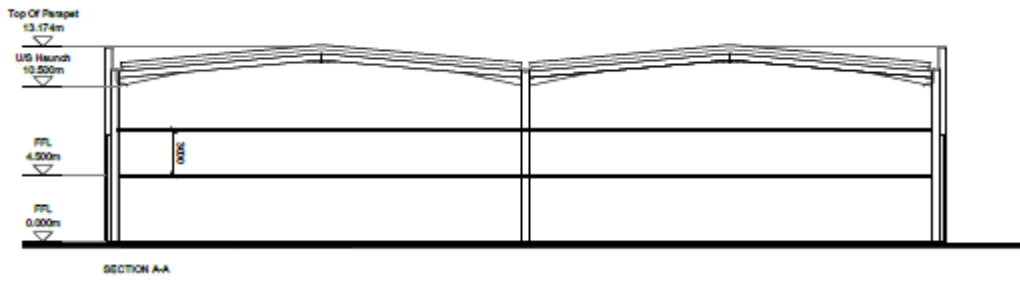
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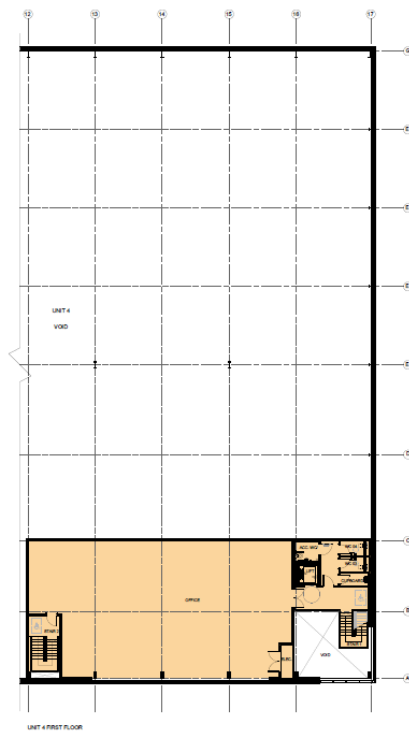
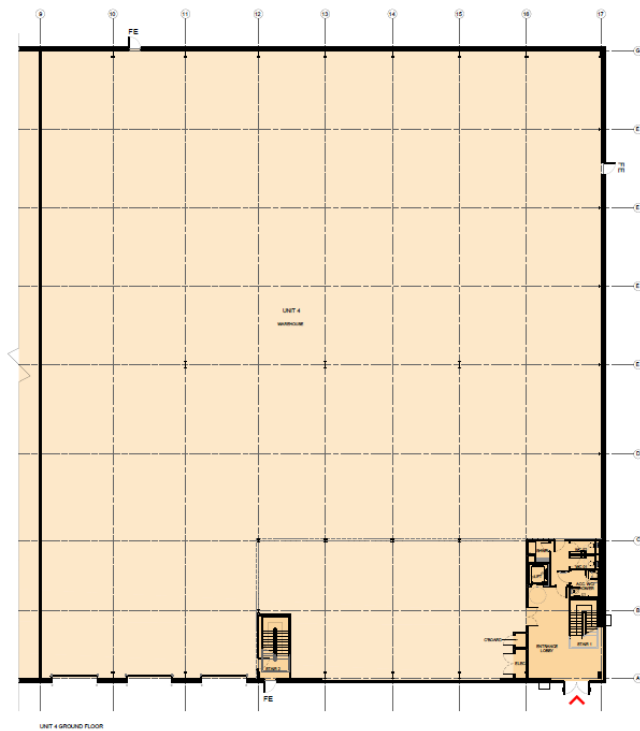
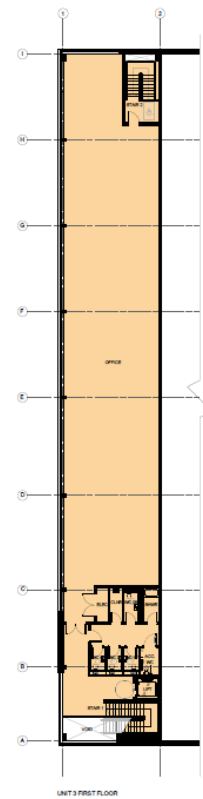
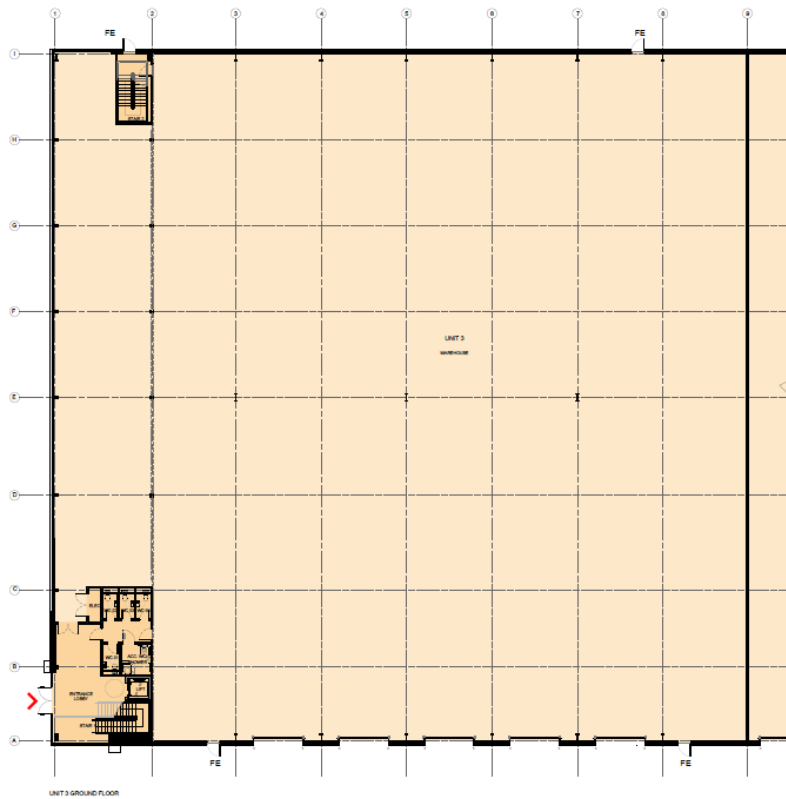


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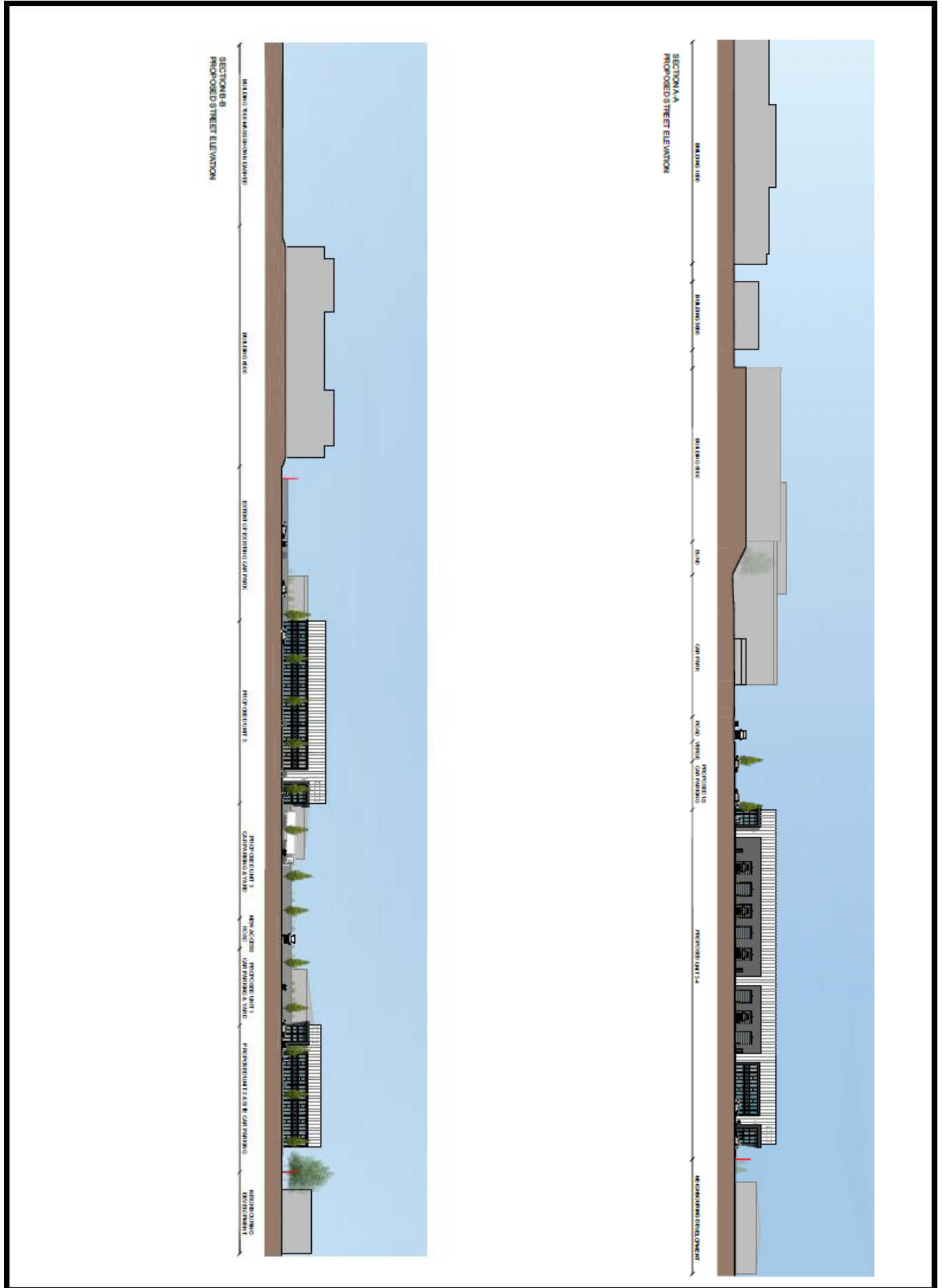


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Car Park 1 & 2



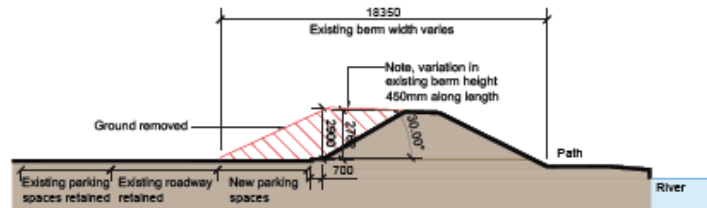
Car Park 3



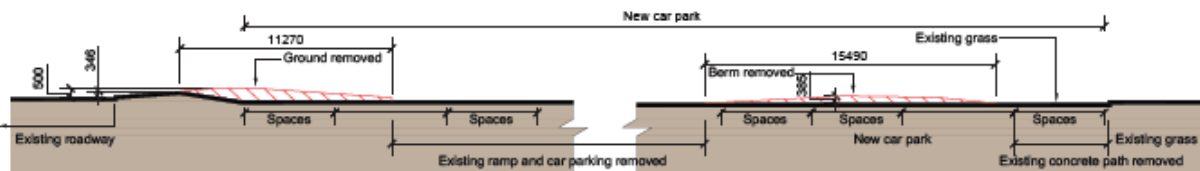
Car Park 4



Key Plan 1:5000

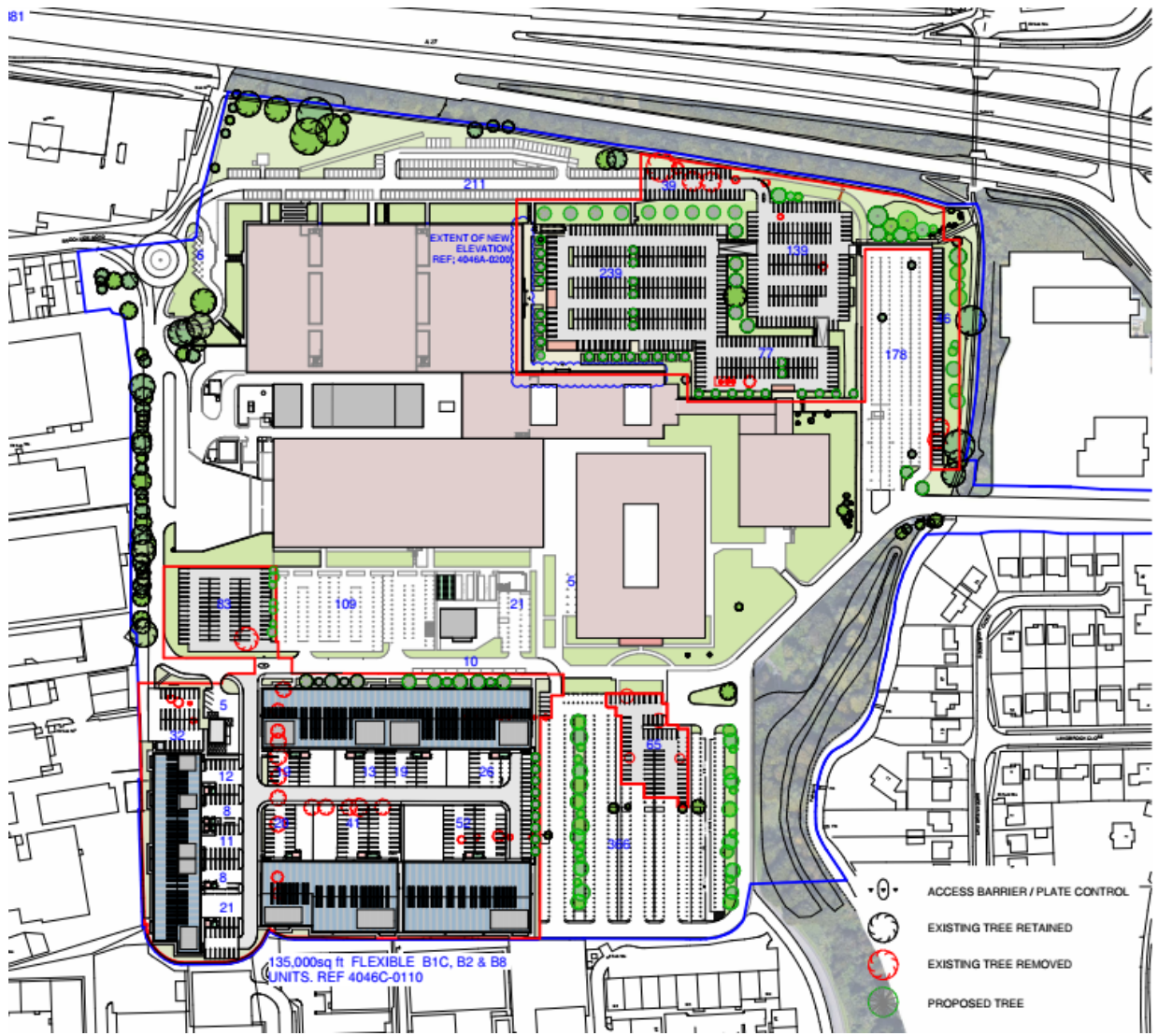


SECTION A-A - Berm re-profiling 1:200



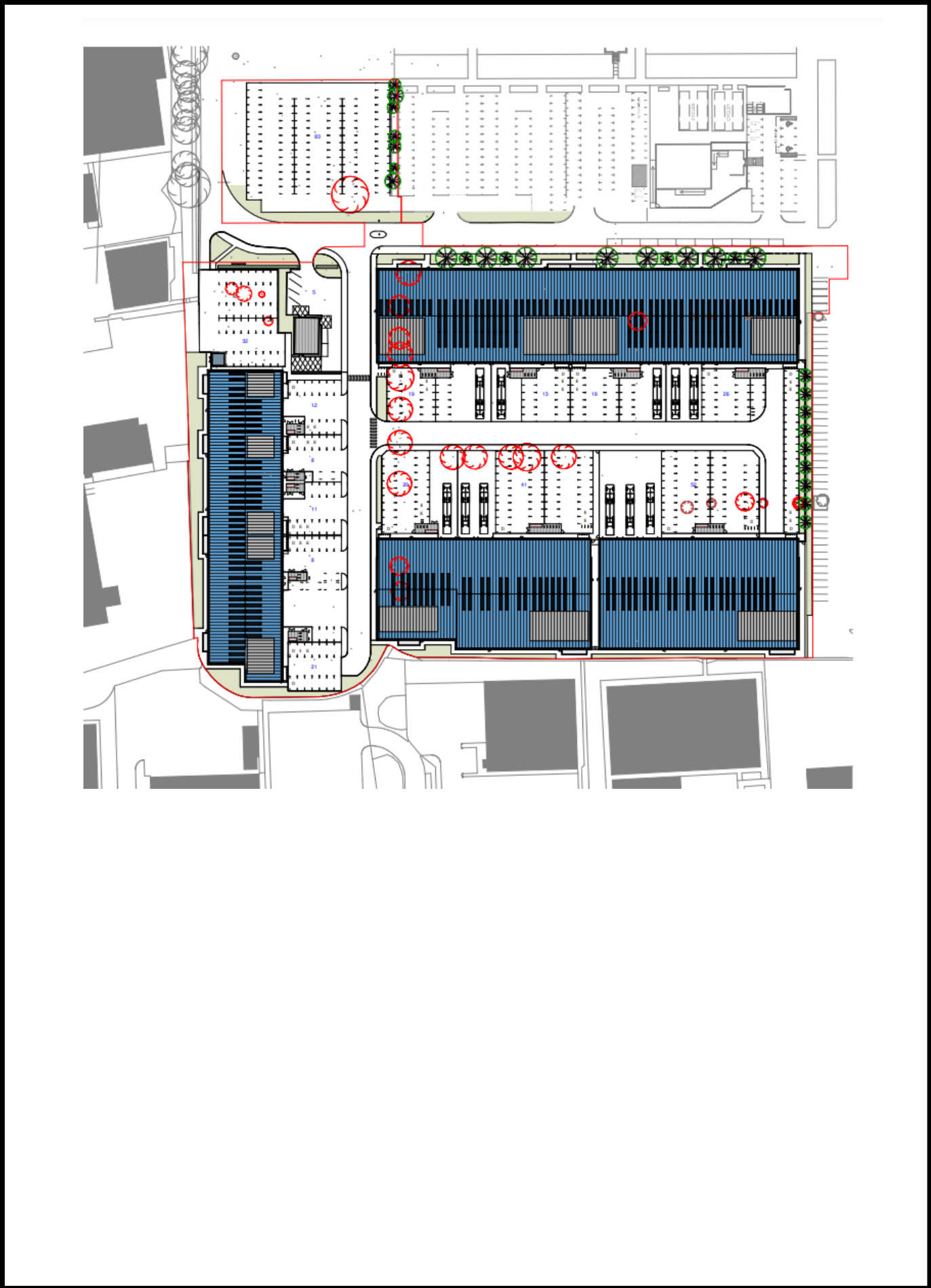
SECTION B-B - Berm re-profiling 1:200

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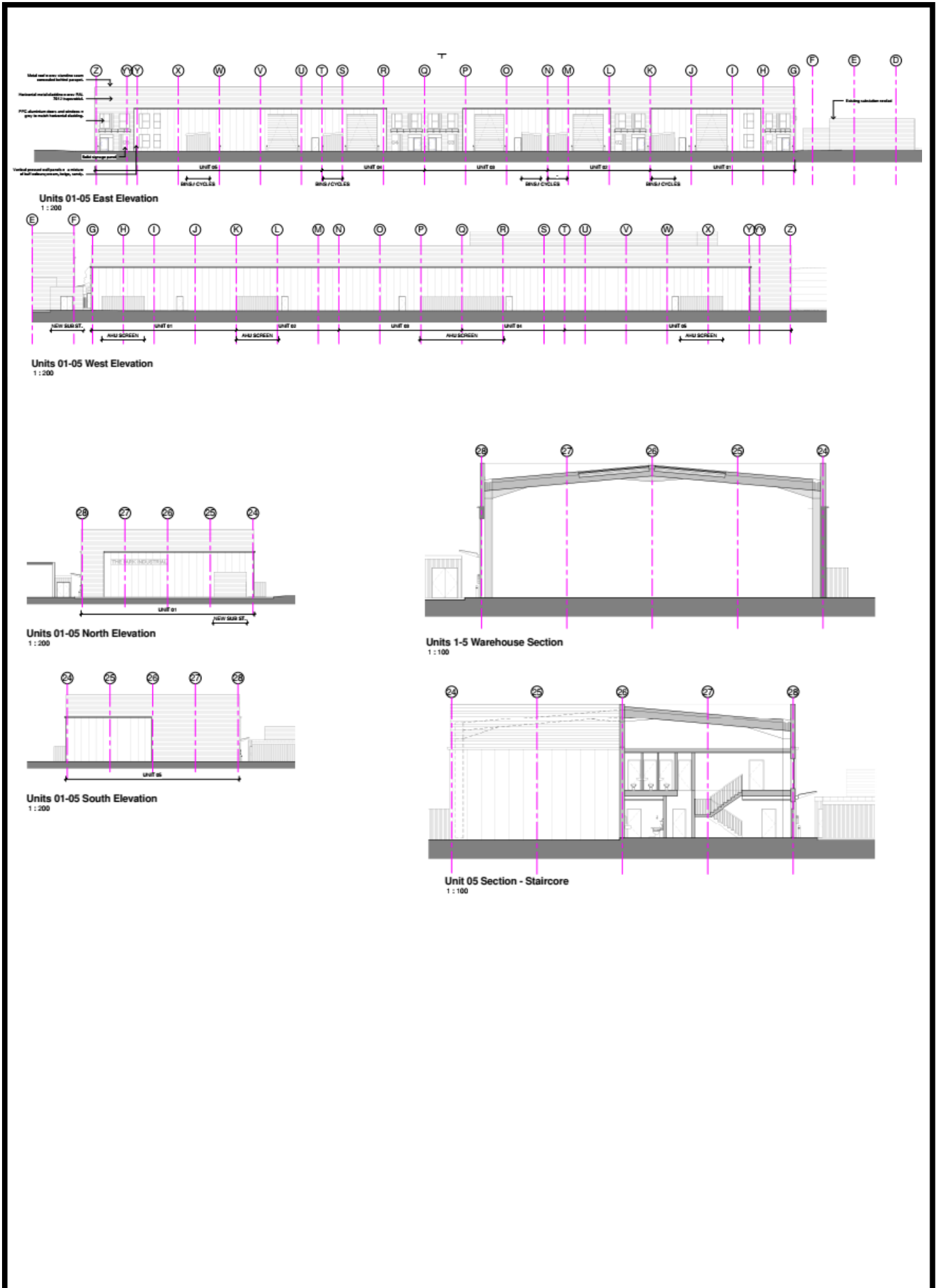
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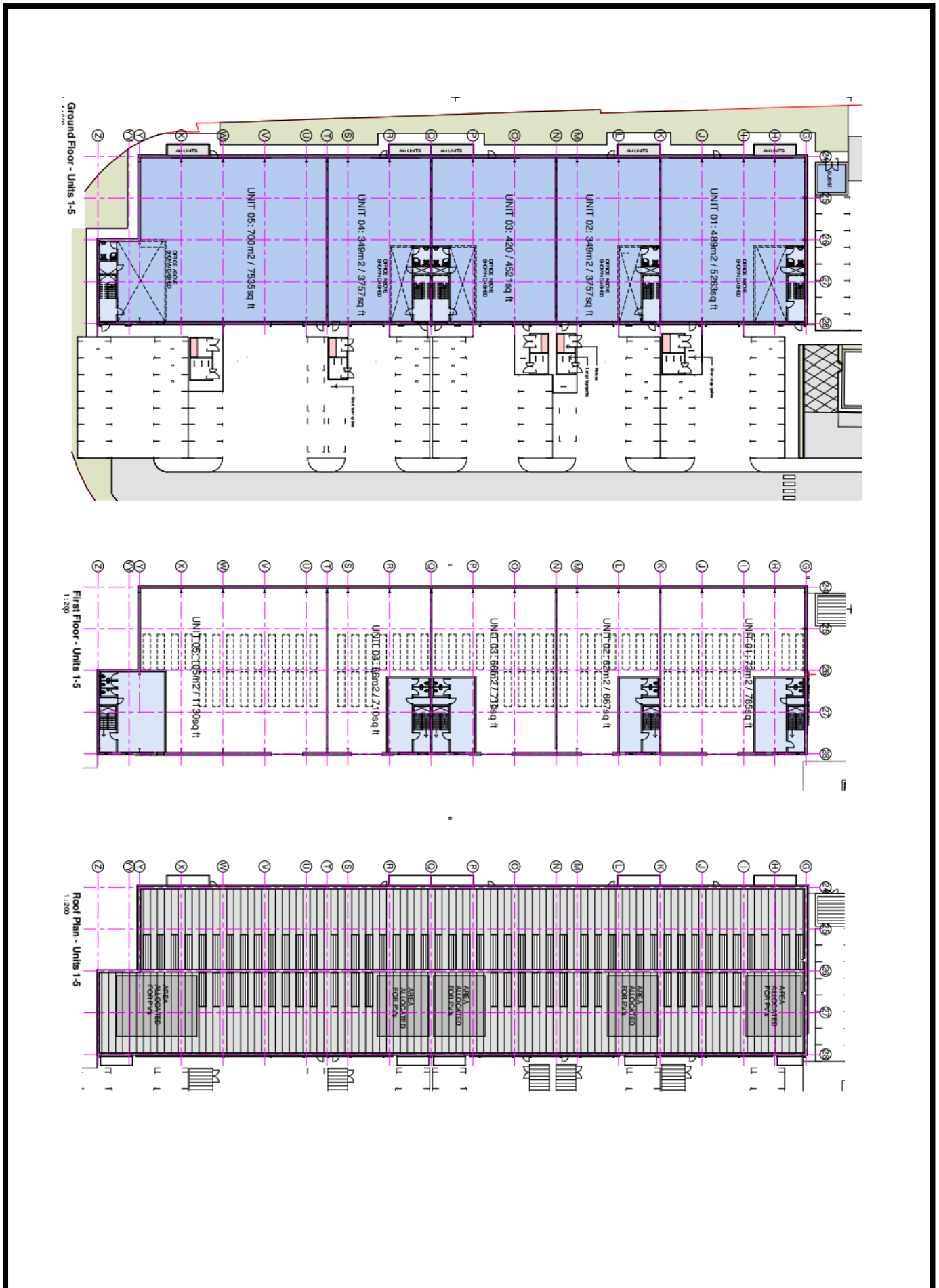


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**APPENDIX L Previously Approved Elevations and Section Units 1-5 APP/19/00703**

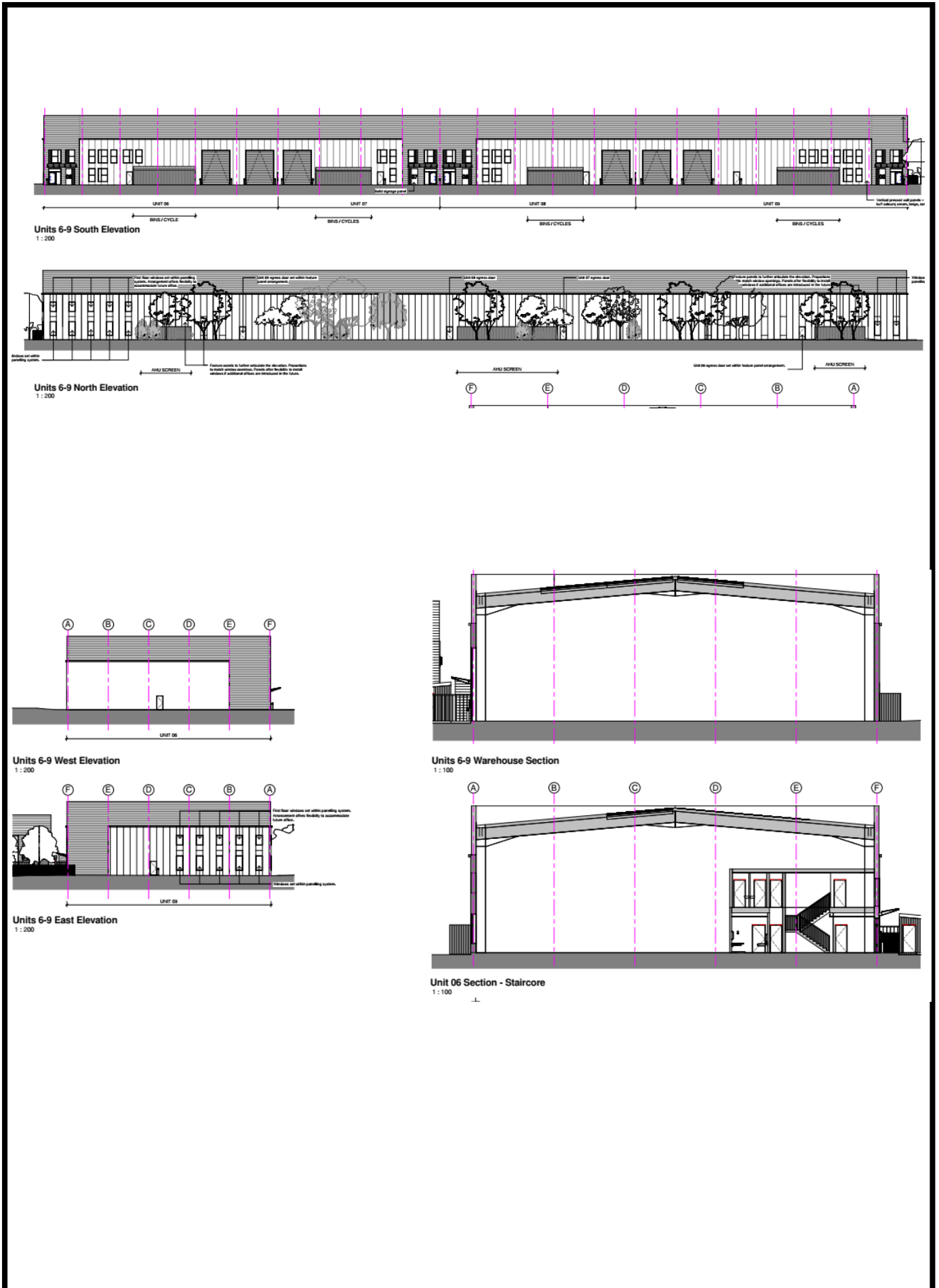


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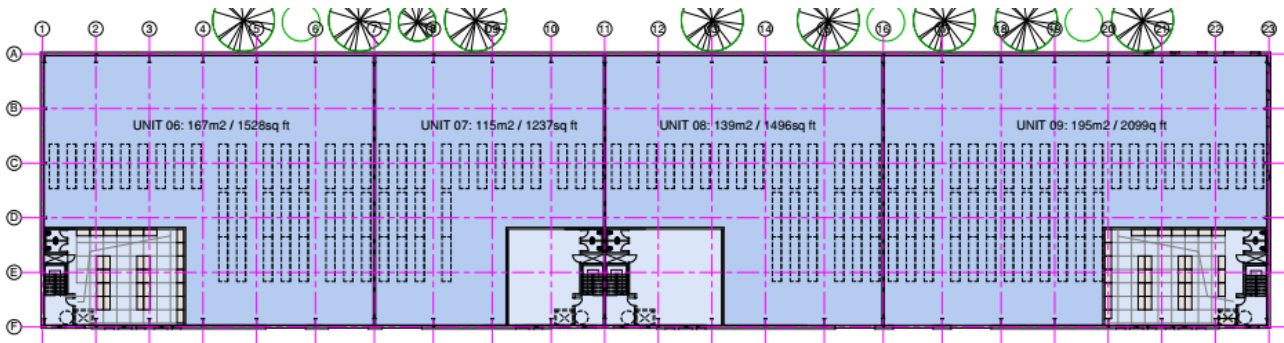
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APPENDIX N Previously Approved Elevations and Section Units 6-9 APP/19/00703

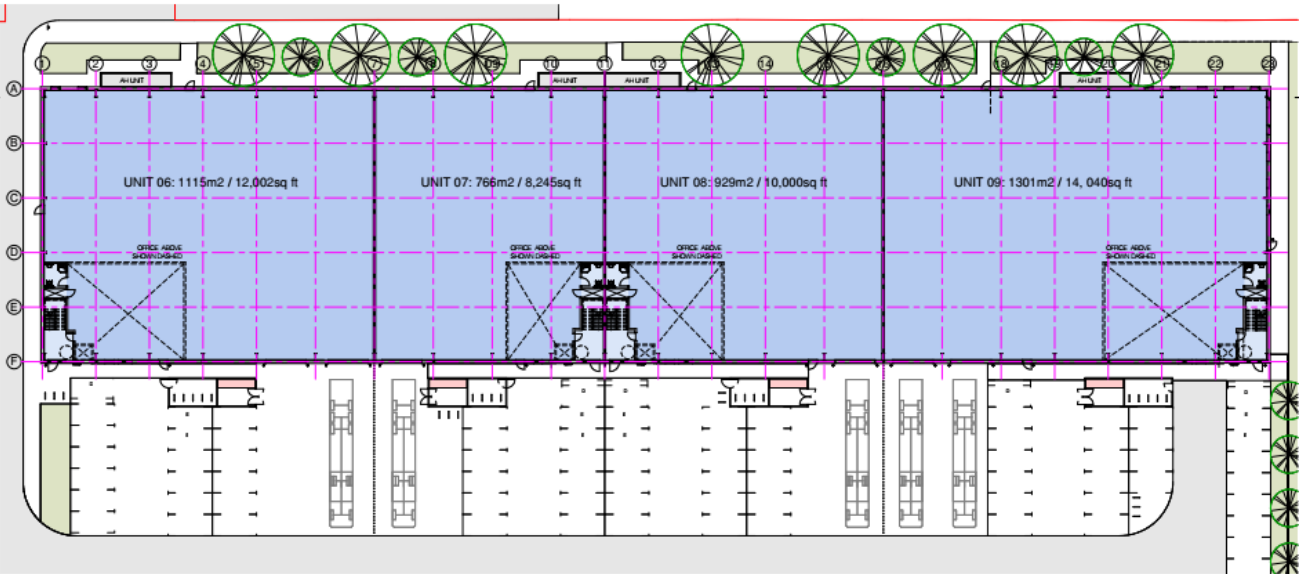


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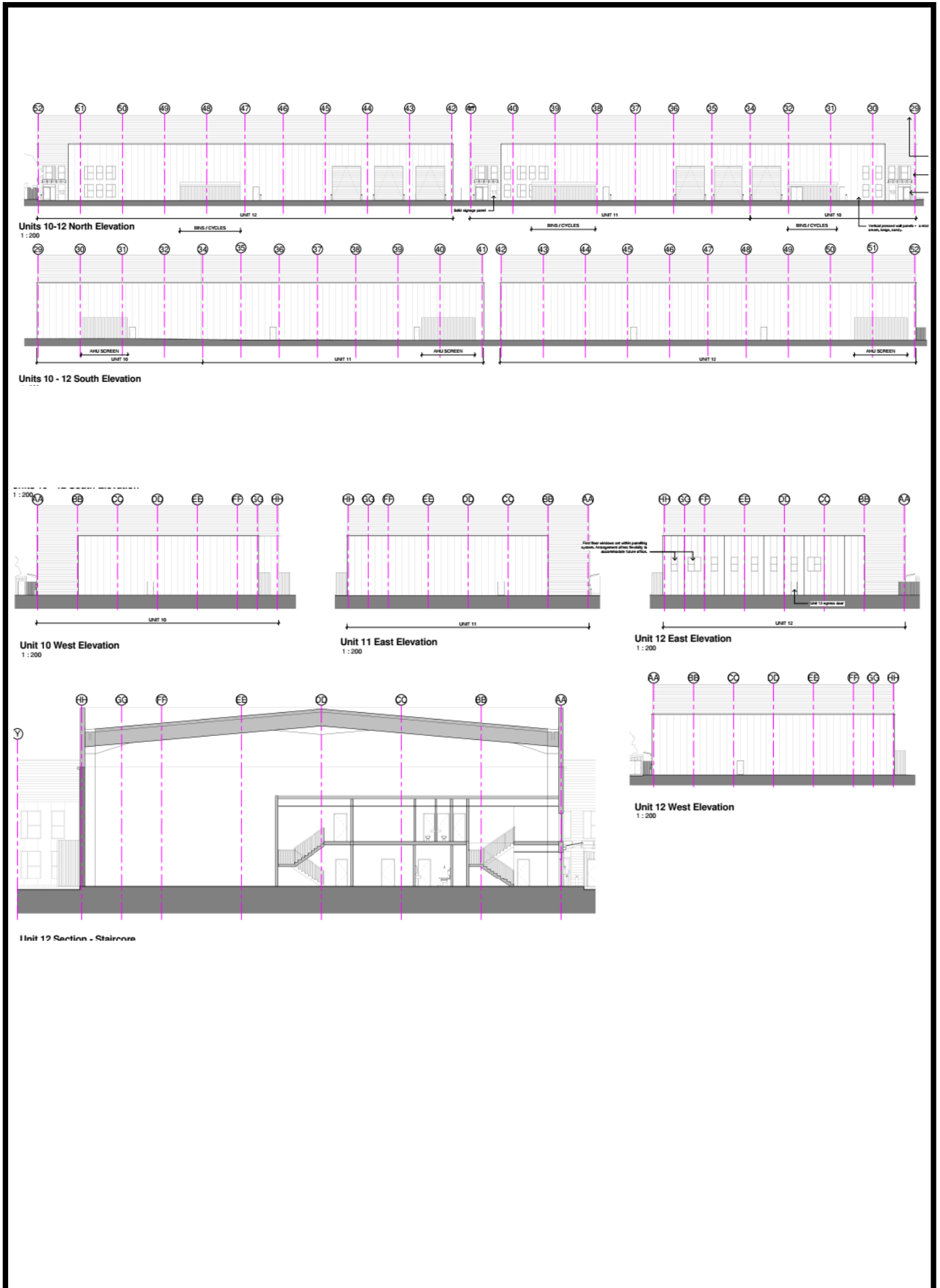
First Floor - Units 6-9  
1:200



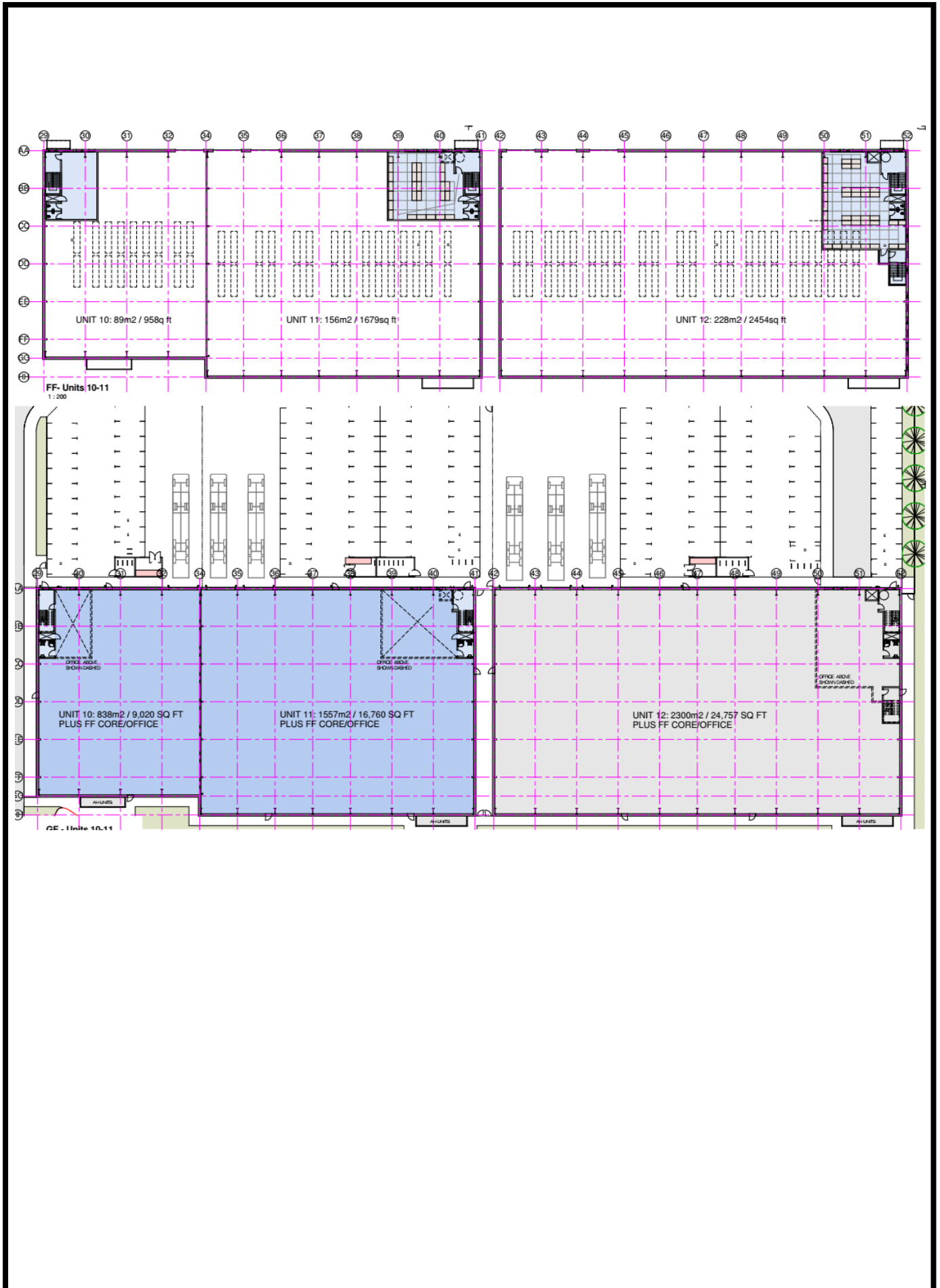
GF - Units 6-9

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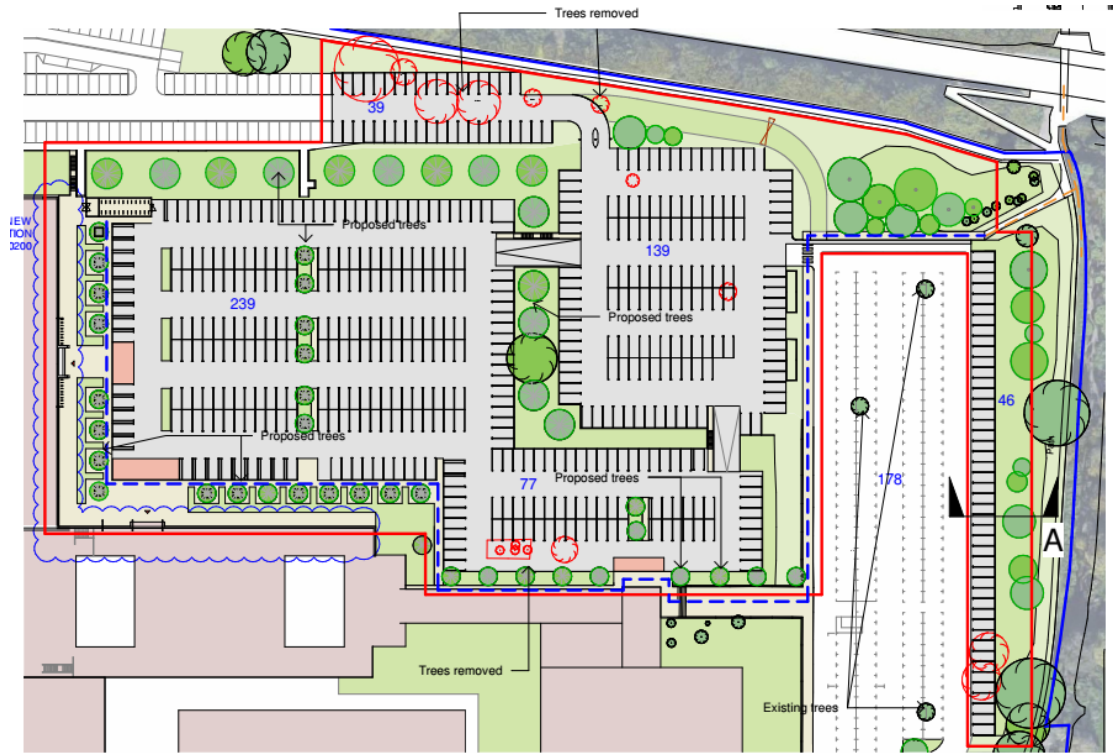
APPENDIX P Previously Approved Elevations and Section Units 10-12 APP/19/00703



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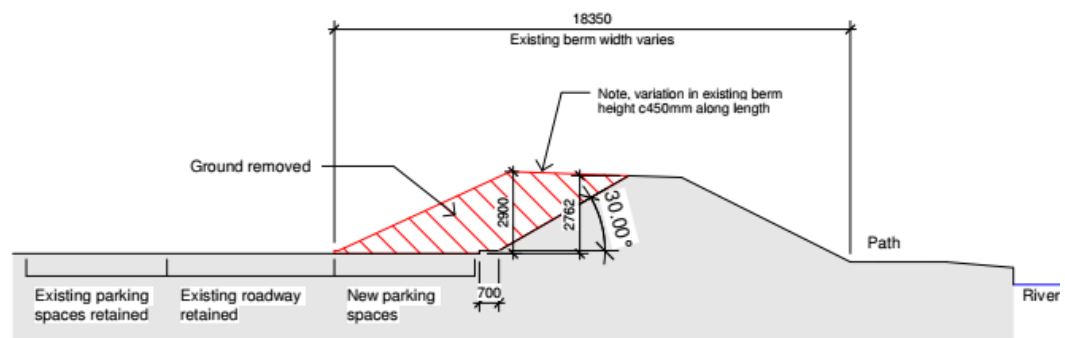
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Car Park 1 & 2



Key Plan Sheet 1

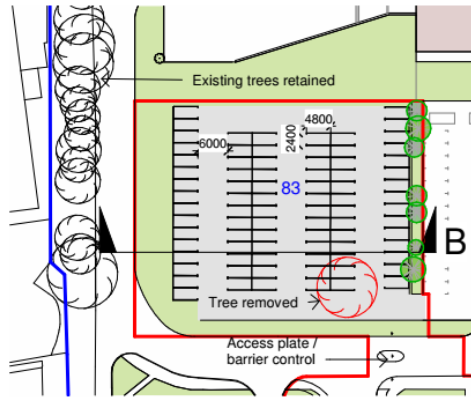


Section A - berm re-profiling

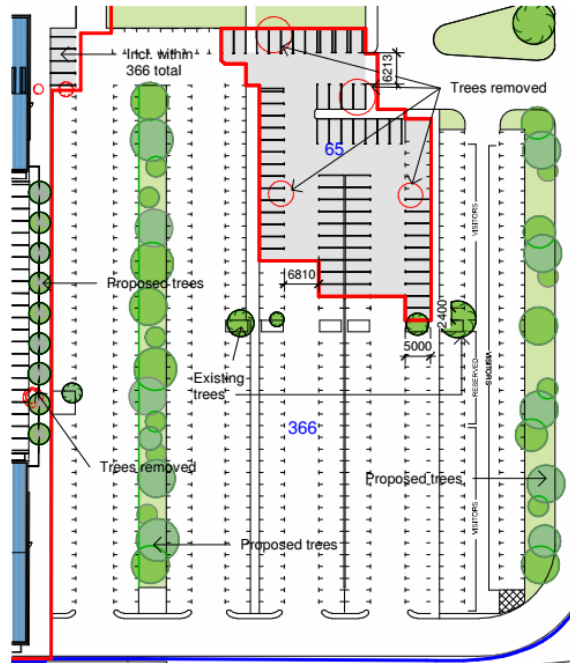
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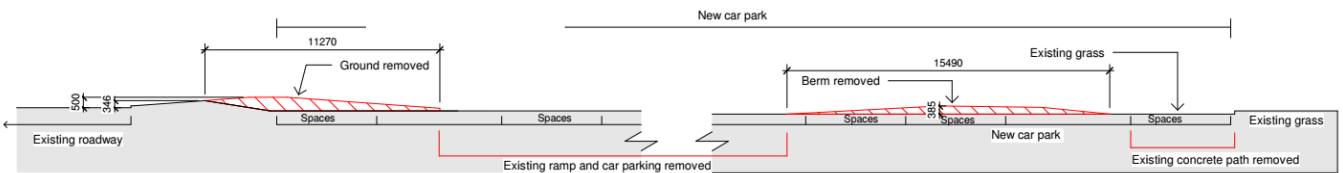
**Car park 4**  
1 : 1000



**Car Park 3**  
1 : 1000



**Key Plan Sheet 2**  
1 : 5000



**Section B - berm re-profiling**  
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