

17 January 2024

Our Ref: 32283/A3/SS

F.A.O David Eaves
Planning and Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear David,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
LANGSTONE PARK, 2B LANGSTONE ROAD, HAVANT PO9 1SA
NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF: APP/21/00405**

We have been instructed by our client, XLB Property Ltd to submit a section 96a application to amend Condition 2 attached to planning permission Ref: APP/21/00405 at Langstone Park, 2B Langstone Road, Havant, PO9 1SA ('the Site') which permits the following development:

'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).'

Background

Planning Permission (Ref: APP/19/00703) was originally granted on 22 July 2019 for the benefit of, the then owners of Langstone Technology Park ("the Park"), A.G Langstone BV and Trinity Investment Management. In December 2020, the Park was sold and a detailed review of the planning permission was undertaken by the new owners, with XLB acting as Asset Manager on their behalf. As a consequence of this review, a number of amendments were sought to the original permission, which were subsequently approved by way of a s73 application (Ref: APP/21/00405) in August 2021 (the 'Phase 1 permission').

Minor amendments to the Phase 1 permission were subsequently approved under s96a which allowed the substitution of drawings relating to the elevational treatment of B1000 and B4000 (Ref: APP/21/00926) and a variation to Condition 3 relating to parking provision (Ref: APP/22/00615).

The Phase 1 permission has subsequently been built out and is now close to completion. There are currently tenants lined up to occupy Units 2 and 4. Unit 3 is also effectively under offer albeit subject to a requirement to install 2No. dock levellers to serve the unit. The units have been designed, in structural terms, to accommodate dock levelling facilities although there would still be a requirement for external alterations to deliver the dock levellers which have not currently been allowed for within the Phase 1 permission. The proposed changes may be summarised as follows:

- Overall reduction to the size of openings to 2No. existing loading doors positioned centrally on Unit 3 as shown on the updated Proposed Elevations and Sections Units 3-4 Drawing No. PL021 Rev A.
- The incorporation of 2No. dock levellers in anthracite colour to correspond with the approved materiality.

- Excavation of a small section of the existing yard (by 730 sqm) in order to enable the formation of a ramp up to the levelling docks with associated retaining walls (1.2m height (max) and 22m in length) incorporated either side.
- No change to the existing drainage strategy although the proposed localised changes within the Unit 3 yard will incorporate a new linear drainage channel within the dock, which will be pumped into the existing drainage infrastructure via a new package pumping station installed within the yard.

S96a Application

In order to facilitate the provision of dock loading facilities to Unit 3, we are proposing an amendment to Condition 2 as detailed below (proposed changes shown in **bold**):

Condition 2

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

Site Location Plan Drawing No.0100 Rev C
Proposed Overall Site Plan Drawing No. PL 004 ~~Rev B~~ Rev E
Proposed Site Plan (Part) Drawing No. PL 003 ~~Rev A~~ Rev C
Proposed Floor Plans Unit 1 Drawing No. PL 010
Proposed Floor Plans Unit 2 Drawing No. PL 011
*Proposed Floor Plans Unit 3 Drawing No. PL 012 **Rev B***
Proposed Floor Plans Unit 4 Drawing No. PL 013
Proposed Elevations and Sections Units 1-2 Drawing No. PL 020
*Proposed Elevations and Sections Units 3-4 Drawing No. PL 021 **Rev A***
*Proposed Street Scenes and Site Sections Drawing No. PL 022 **Rev A***
Proposed Roof Plan Units 1-2 Drawing No. 030
Proposed Roof Plan Units 3-4 Drawing No. PL 031
Proposed Ground Floor Plan Building 1000 Drawing No. PL 110
Proposed Elevations Building 1000 Drawing No. PL 111
Car Park Layouts Drawing No. PL 050
Parking Access and Management Plan Drawing No. PL 051
Proposed Drainage Strategy Drawing No. 102 Rev A
Indicative Drainage Details Sheet 1 of 2 Drawing No. 400410 Rev P1
Indicative Drainage Details Sheet 2 of 2 Drawing No. 400411 Rev P1
Summary of Existing Surface Water Drainage for Proposed Development Areas Drawing No. 4600 Rev P1
100 Year Modelled Flood Levels – Created 16 September 2019
Drainage Strategy General Arrangement Sheet 2 of 2 Drawing No. 4401 Rev P1

Documents

Planning Statement Section 73 Application - Barton Willmore LLP Project Ref:20638 Rev 01 April 2021
Design and Access Statement Report - PRC Version 0 March 2021
Transport Statement - Motion Final 31/03/2021
Biodiversity Enhancement Report - Phlorum Ltd. Project No. 10538 Rev 0 26th March 2021
Management and Maintenance Plan for Orchid Translocation Phlorum Ltd. Project No. 10538 Rev 0 11/06/2021
The Ecology Co-op letter dated 17th June 2021 (Translocation of Grassland)
Flood Risk Assessment & Outline Drainage Strategy Report Phase 1 - Baynham
Meikle Partnership Ltd Report Ref: R100 Rev 1.0 March 2021
BREEAM Pre-Assessment Report - Watkins Payne Units 1-4 March 2021
Air Quality Review Technical Note 02 - Accon uk 01/04/2021
Arboricultural Impact Assessment (Tree Survey, Tree Protection Plan, Arboricultural Method Statement) Project No. 1746 11th June 2021
Framework Travel Plan SKP/20428-05e Framework TP 11th December 2019

Phase 1 Habitat and Species Survey Project No P3133 Rev 01 28th June 2019
Bat Emergence Survey Report Project No.: P3133 28th June 2019
Heritage Impact Assessment Ref: edp5537_r002b June 2019
Preliminary Geo-Environmental Risk Assessment Project No. 19-0687.01 Issue No.2 July 2019
Clancy Consulting Letter Ref. 8/1982/LLFA dated 23rd September 2019
Clancy Consulting Letter Ref. 9/1982/FLOOD2 dated 7th October 2019
Clancy Consulting Letter Ref. 8/1982/FLOOD dated 29th August 2019
Calculation Package and Design Philosophy for Drainage Ref: 8/1982 Rev B 25th October 2019
Manhole Schedule Area 1 Drawing No. 4415 Rev P1
Manhole Schedule Area 2 Drawing No..4416 Rev P1
Manhole Schedule Area 3 Drawing No. 4417 Rev P1
Manhole Schedule
BREEAM Pre-Assessment (Building B1000) Ref: 5548-CBC-RGV-RP-Z-002- P02 Rev. 2 26th June 2019
BREEAM Rating Doc Ref. 5549 Design note – BREEAM rating Rev 2 23rd October 2019
Air Quality Assessment Ref AQ107578R1 October 2019
Acoustic Report – Preliminary Planning Compliance Review Report 18980.PPCR.01 Rev D
Flood Risk Assessment and SUDS Strategy (including Appendices) - Clancy Consulting Ref. 8/1982 Rev. C 2nd July 2019
Transport Assessment 20428-04c 3rd July 2019
Response to Consultees on transport and highways matters 23rd October 2019 RJM/20428-06e Response
Further Response to Hampshire County Council re Highways Matters 20428-07b 4th March 2020
Non Technical Summary (Highways) 20428-08a 7th April 2020

Justification

Whilst there is no statutory definition of 'non-material', the proposed localised changes to the external appearance of Unit 3 are not considered to be material when considered in the context of the wider planning permission. They do not undermine or alter the original aims or objectives of the Planning Permission and there will be no material change to the permitted development. They do not give rise to any impacts over and above those assessed as part of the original planning permission.

It is therefore considered that the changes sought, when considered in the context of the overall scheme, constitutes a non-material amendment and should be determined as such.

Submission Material

In support of this application, the following information has been submitted via Planning Portal (Ref: PP-12735613):

- Application form, duly completed;
- Covering Letter (this document), prepared by Stantec;
- Proposed Overall Site Plan (Drawing No. PL 004 Rev E);
- Proposed Site Plan (Part) (Drawing No. PL 003 Rev C);
- Proposed Floor Plans Unit 3 (Drawing No. PL 012 Rev B);
- Proposed Elevations and Sections Units 3-4 (Drawing No. PL 021 Rev A);
- Proposed Street Scenes and Site Sections (Drawing No. PL 022 Rev A); and
- Dock Leveller Ramp Examples (for information purposes only).

A payment of £293, being the appropriate fee as required by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), has also been made via Planning Portal.

We trust the information provided is sufficient and look forward to receiving confirmation that the application has been registered and validated. If you require anything further, please do not hesitate to contact either myself or Paul Newton at this office.

Yours sincerely

A handwritten signature in black ink that reads "Susie Stephen". The script is cursive and fluid.

SUSIE STEPHEN
Associate Director
STANTEC UK LIMITED