

DELEGATED OFFICER REPORT

Site Address: Former Dairy Crest Depot, Dunsbury Way, Havant
 Proposal: Application for Non-Material Amendment to Planning Permission
 APP/22/00829 relating to list of approved plans under condition 1 of the Reserved Matters,
 with a change to the Site Plan and Boundary Treatment plan.
 Application Type: Non-material change
 Application No: APP/24/00641 Expiry Date: 17/09/2024
 Applicant: Vivid Housing Ltd
 Agent: Mrs Carrington Case Officer: Lesley Wells
 Foreman Homes Ltd
 Ward: Leigh Park Hermitage

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The former Dairy Crest Depot, Dunsbury Way, is located on a prominent corner plot in Fulflood Road, with the site measuring approximately 0.5ha. Prior to their demolition the site consisted of several single storey buildings, a bungalow, hardstanding and vegetation, including trees, hedgerow and grassed areas. There are no protected trees on or around the site.
- 1.2 The immediate and surrounding area is varied, with industrial uses adjacent to the site, and further north. However significant residential development has taken place within the immediate area. To the south of the site lies the site of the Former Leigh Park Garage on the corner of Dunsbury Way, which now comprises a 3/4 storey residential development. Further to the north of the site, the redevelopment of the former Proctor and Gamble Site for a mixed residential, employment and community/health services has been completed, which consists of a variety of built form, including 4/5 storey residential buildings. Immediately to the north of the site is an empty piece of land, which did form part of the former Proctor and Gamble Site, which had planning permission granted under application 07/57754/054 which was not implemented, this was for a 4/5 storey building.
- 1.3 The density of the proposal granted under APP/22/00741 would be 148 dwellings per ha, which is acknowledged as high density development, in a sustainable location.

2 Planning History

APP/18/01109 - Outline application for the redevelopment of Former Dairy Crest site for up to 74 dwellings with access off Fulflood Road (31.3.21). Request to discharge condition 4 (recd 24.11.22). Request to discharge condition 9 (31.1.23). Request to discharge conditions 10 and 11. (12.06.24).. PERM.31/03/2021

APP/21/00931 - Outline application for demolition of the existing buildings and development of the site to provide 31 homes with associated parking, access and landscaping., WD,04/01/2022

APP/22/00829 - Application for Approval of Reserved Matters (Appearance, Layout, Landscaping and Scale) pursuant to Outline Planning Permission ref. APP/18/01109, for the erection of 74 dwellings, together with communal amenity space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works.

with access off Fulflood Road.(26.02.24). Request to discharge condition 10 (12.06.24). Request to discharge conditions 5,6,8 and 9 (24.06.24) Note request to discharge conditions 6, 8 and 9 were withdrawn 15.8.24., PERM,26/02/2024
 APP/22/01135 - Outline application for the redevelopment of Former Dairy Crest site for up to 74 dwellings with access off Fulflood Road. APP/18/01109 condition 4, bUNK,
 APP/23/00077 - Discharge of conditions APP/18/01109, bUNK,
 APP/24/00455 - Material Plan FL-MPG-001, bUNK,14/06/2024
 APP/24/00456 - 10 - Sound Insulation Assessment by Mayer Brown dated 04 August 2022 11 - Breakdown of Water Calculations, bUNK,14/06/2024
 APP/24/00498 - 5 - Plan 838/01 Rev D 6 - Plans
 FHL012-AAL-EW-XX-DP-C-2781-P01 & FHL012-AAL-EW-XX-DP-C-2782-P01 8 - Plans FHL012-AAL-ED-XX-DD-C-5100, FL-AAL-ED-XX-DD-C-5101, FHL012-AAL-ED-XX-DD-C-5551, FHL012-AAL-ED-XX-DD-C-5552, FHL012-AAL-ED-XX-DD-C-5553, FHL012-AAL-EW-XX-DD-C-5550, FHL012-AAL-EW-XX-DP-C-5000 & FHL012-AAL-EW-XX-DP-C-5200 9 - Plan FHL012-AAL-EW-XX-DP-C-2782-P01, bUNK,02/07/2024
 APP/24/00642 - Application for Non-material amendment to Planning Permission APP/22/00829 relating to change the trigger for submitting details to discharge conditions 6 & 9, from pre-commencement to pre-occupation., bUNK,

3 Proposal

3.1 Application for Non-Material Amendment to Planning Permission APP/22/00829 relating to list of approved plans under condition 1 of the Reserved Matters, with a change to the Site Plan and Boundary Treatment plan.

3.2 The following changes are proposed:

Minor changes have been made to the parking arrangements - without the loss of any spaces - to accommodate space for a Fire Engine to safely enter, turn and access the site and to be within a specific distance of the Dry Risers that are located within the building, in the event of a fire.

The path to the front of the building has been extended, to ensure a level access

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

CS1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)

DM3	(Protection of Existing Employment and Tourism Sites)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Landscape - No Objection

No landscape objection.

***Officer Comment:** the agent has confirmed that there are no changes to the approved landscape scheme.*

Highway Authority - Final Comment - No Objection

The Highway Authority within the previous formal response dated 21 October 2024 provided no objections to the NMA application subject to the provision of an additional condition relating to a revised access ramp from the building onto Dunsbury Way.

To remove the need for an additional pre-commencement condition, the applicant has submitted drawing FHL-DW-FS-001 Rev A which outlines the proposed levels details and the drainage solution in the form of ACO drainage channels to prevent private water falling onto the highway. The drawing also identifies 3D visualisation of the level difference between the ramp and the highway which is accompanied by steps. The Highway Authority are satisfied that given this minor level difference no edge protection is required. Additionally, the proposed drainage solution appears acceptable to the Highway Authority.

Having regard to the above, the Highway Authority are content that this removes the requirement for an additional condition to be placed on the NMA application and therefore provide no objections.

Highways Authority - First comment - No Objection

Thank you for your consultation on the above NMA planning application. The applicant is seeking consent to alter the approved site plan under planning reference APP/22/00829.

The Highway Authority do not have in principle objection to the proposed NMA. It is

noted that the proposed parking provision is to remain as agreed previously at 73 car parking spaces.

Notwithstanding the above position, previous concerns under the RM application were raised in relation to the banking, proposed levels and gradients to the south of the building. Based on plans that had previously been circulated to the Highway Authority through a now withdrawn discharge of condition application for the levels and drainage of the RM consent the Highway Authority are aware of the potential need for level changes to the embankment to the south of the building. It is unclear what has given rise to this change in levels, but the applicant should be reminded that the consent requires compliance with the approved levels.

The revised site layout incorporates a ramped access path into the building from Dunsbury Way. Based on plans provided previously there is a 150mm level difference between the back edge of the highway and the proposed path. Appropriate mitigation and levels details relating to the ramp detail should be secured through an additional planning condition.

Having regard to the above, the Highway Authority provide no objections to this NMA application subject to an additional condition being placed on the RM consent to state the following:

Prior to the commencement of the development, except for demolition works, the final levels details and construction detail for the ramped access onto Dunsbury Way, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved levels and drainage strategy shall thereafter be implemented in accordance with the approved plans prior to first occupation of the development.

Reason: In the interest of highway safety

6 Planning Considerations

6.1 As detailed in part 3 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.

6.2 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (I) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Highway works and internal changes to the parking layout

(i) Principle of development

6.3 The principle of residential development has already been established by the grant of planning permissions under references APP/18/01109 for "*Outline application for the*

redevelopment of Former Dairy Crest site for up to 74 dwellings with access off Fulflood Road (31.3.21)" and APP/22/00829 for an " Application for Approval of Reserved Matters (Appearance, Layout, Landscaping and Scale) pursuant to Outline Planning Permission ref. APP/18/01109, for the erection of 74 dwellings, together with communal amenity space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Fulflood Road."

- 6.4 The changes to the approved development, which are considered to be minor in nature, are set out above in paragraph 3.2.

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

- 6.5 The changes to the car parking layout (which would not result in a reduction in car parking provision) are not visible from the public realm, which is sited within an area enclosed by the approved block of flats and boundary treatment. Therefore, the changes would not impact on the character and appearance of the area.

- 6.6 The changes to the path to the front of the building, to ensure a level access, would be minor in nature which would not impact on the character and appearance of the area.

(iii) Highway works and internal changes to the parking layout

- 6.7 The path to the front of the building has been extended, to ensure a level access. The Highway Authority has been consulted over this change and the internal parking layout and following additional information raises no objection to these minor alterations.

7 Conclusion

- 7.1 Overall, the proposed alterations are considered to be minor in nature and not considered to result in a material change to the extant planning permission and the changes are recommended for approval.

7 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00641 subject to the following condition.

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

Plans

Footpath Sections - Drawing No. HL-DW-FS-001 Rev A
Site Plan Assessment - 1264-KSA-XX-XX-DR-A-101 Rev D

Email dated 7/11/24 confirming no changes proposed to the approved landscaping drawing.

Reason: - To ensure provision of a satisfactory development.

