
Site Address:	Langstone Technology Park, 2B Langstone Road, Havant, PO9 1SA		
Proposal:	Application for non-material amendment to planning permission APP/22/00172 relating to condition 35 BREEAM.		
Application Type:	Non-material change		
Application No:	APP/24/00058	Expiry Date:	21/02/2024
Applicant:	XLB Property Ltd		
Agent:	Mrs Stephen Stantec	Case Officer:	David Eaves
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

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 re-development of industrial units currently taking place and nearing completion to the south-west part.
- 1.5 In relation to the sites 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. There are also a small number of residential properties in 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 and Langbrook Close.

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:

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

GEN/19/00370 - Development Consultation Forum (DCF) proposal for (1) outline permission for part demolition and reconfiguration of Building 1000 and reconfiguration of car park layout and (2) detailed permission for new employment (B1c, B2 and B8) units.

Officer Comment: Development Consultation Forum held 21st May 2019

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

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, 18/03/2021

APP/21/00405 - 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). (25.08.21). Request to discharge conditions 4,7,9,10,11,12,13,14 & 15 (06.09.21). Request to discharge conditions 5 & 6 (24.12.21)., PERMITTED, 25/08/2021

APP/21/00517 - Display of 4No. non-illuminated totem signs; 2No. non-illuminated marketing board signs; 1No. illuminated wall mounted sign. – PERMITTED, 13/08/2021

APP/21/00926 - Application for non-material change to Planning Permission APP/21/00405 relating to amendments to Condition 2 plans approved (changes to elevational treatment of Buildings 1000 and 4000) – PERMITTED, 01/10/2021

GEN/22/00093 - Screening Opinion - Proposed Redevelopment of land at Langstone Technology Park, Havant. The proposals include phased demolition of existing buildings (predominantly office but including labs, industrial, data centre and ancillary uses) and construction of up to 52,000 sqm Gross External Area (GEA) flexible use employment floorspace (Use Classes E(g) (i)-(iii) / B2 / B8) and ancillary uses (Use Classes E(b), E(d) and E(f)); and associated works (all matters reserved except access).– Opinion Issued 1st April 2022 Development not EIA development
Officer Comment: This relates to the current development proposals.

APP/22/00172 - Outline Planning Application for Phased demolition of existing buildings and the erection of new flexible use employment floorspace (Use Classes E(g)(i)-(iii)/B2/B8) and ancillary uses (Use Classes E(b), E(d) and E(f)); and associated works. All matters reserved except Access. PERMITTED 22/12/23

Officer Comment: This is the applicaiton which includes the planning condition which is subject to the proposed amendment.

APP/22/00360 - Display of 1No. wall mounted fascia sign. PERMITTED, 10/06/22

APP/22/00615 – Application for non-material change to planning permission APP/21/00405 relating to amendment of parking provision. PERMITTED, 24/10/22

APP/24/00043 - Application for Non-material amendment to condition 2 of Planning Permission APP/21/00405, to alter door openings, provide dock levellers with associated excavation, and revisions to drainage - all relating to Unit 3., PERM,21/03/2024

3 Proposal

3.1 Application for non-material amendment to planning permission APP/22/00172 relating to condition 35 BREEAM.

3.2 Condition 35 reads:

Prior to the commencement of development in each phase (excluding site clearance and demolition), written documentary evidence demonstrating that the development will achieve at minimum 'Excellent' against the BREEAM Standard (or equivalent if not available), in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority for that phase. The development in that phase shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction having due regard to policy CS14 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
CS14 (Efficient Use of Resources)

Havant Borough Local Plan (Allocations) July 2014
N/A

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

In addition, **1 third party representation** has been received in relation to this proposal:

The application form refers to "Please refer to Covering Letter", but the only other document on the system is a location plan with no comments. We need to see the Covering Letter to make any sensible comments or objections.

Officer Comment: An email was sent to the person making the representation by the case officer attaching the cover letter and confirming that the cover letter could be viewed on the Council's website. No further representation has been received.

5 **Planning Considerations**

- 5.1 As detailed in paragraph 3.1 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.
- 5.2 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) The impact of the proposal on the sustainability of the development
- (i) Principle of development
- 5.3 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development control criteria and in addition the redevelopment of the wider Langstone Technology site has been approved by the granting of outline consent under planning application APP/22/00172.

(ii) The impact of the proposal on the sustainability of the development

5.4 Condition 35 was imposed for the following reason:

To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

It is therefore important to ensure that any change to the existing condition wording does not result in the sustainability of the development being reduced and indeed this would not be a non-material change as required by this type of application.

5.5 The planning agent has provided the following explanation in relation to the proposed change:

There are various stages to navigate through the BREEAM certification process. The Pre-Assessment is an up-front stage which sets the trajectory for achieving the target rating (being 'Excellent' in this case). The project is then formally registered, and the Design Stage is then closely monitored with evidence presented to BRE during the process which then culminates in a Design Stage Assessment and interim certification. The level of detail required to reach this point for BREEAM purposes is broadly equivalent to RIBA Design Stage 5 which is the Manufacturing and Construction Stage.

Under the Design & Build form of construction, which is the prevalent type of construction these days owing to the efficiencies and associated cost savings it can bring, Design Stage 5 is undertaken during the construction process (i.e. following a start on site) jointly between the design team and the build team (i.e. the appointed contractor). We would not be able to do this under the current terms of Condition 35 and would instead need to finalise the construction design prior to a start on site (which would also push out the timescales for delivery and overall costs).

There is a significant cost associated with progressing a design to Stage 5 and such investment needs certainty on delivery. To have a 'pre-commencement' condition outstanding at this stage, adds risk to the delivery programme which, particularly in the current climate, can impact on investment decisions and the ability to secure a contractor. An efficient build programme is also key as delays can be costly, and this is again a reason why the design-build method of construction is generally preferred within the industry.

It is accepted that the development needs to achieve BREEAM 'Excellent' and we are not seeking to amend this requirement (indeed it is also necessary for funding purposes). I can also confirm that the Pre-Assessment which has been undertaken for Stage 2 demonstrates that this is comfortably achievable.

5.6 The applicant submitted a Sustainability Statement with the original outline application. This included a strategy to achieving BREEAM Excellent, also including some additional credits which boost the score slightly above the minimum 70% through an informed strategy. This gives a degree of reassurance that the requirements of the condition can be met. Condition 46 of planning permission APP/22/00172 would also remain in place to ensure that the final scheme met with the approved approach and achieves 'Excellent'. Condition 46 reads:

Within 6 months of each phase of the development first becoming occupied (or such other date as may be agreed in writing by the Local Planning Authority), written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard (or equivalent if not available) 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 for that phase.

Reason: *To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

This provides that the development continues to need to achieve BREEAM Excellent standard.

Whilst it would be ideal to have a design stage assessment, given the work which has been done to date on the strategy towards the scheme, a pre-assessment estimator accompanied by the relevant evidence would be sufficient. As such, the applicants proposed change to the condition wording is considered acceptable. It is appropriate to impose the following amended condition:

Any reserved matters application in relation to any phase shall be accompanied by a pre-assessment BREEAM report prepared by an accredited BREEAM Assessor, indicating that any new building is capable of achieving at minimum 'excellent' against the BREEAM standard (or equivalent if not available). The development in that phase shall be carried out in accordance with the approved details.

Reason: *To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

- 5.6 The proposed change to the BREEAM condition is considered acceptable and retains the requirement (combined with the unaltered condition 46) for the development to achieve BREEAM excellent standard. There would therefore be no diminution of the sustainability of the development and the change can be considered non-material.

6 Conclusion

- 6.1 Overall, the proposed amendment to condition 35 is not considered to result in a material change to the extant planning permission and the change is recommended for approval.
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7 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00058 subject to the following conditions

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

Cover Letter Santec UK Ltd dated 24th January 2024
Site Location Plan Drawing No. 008
Email Santec dated 11th March 2024

Reason: To ensure provision of a satisfactory development.

- 2 Any reserved matters application in relation to any phase shall be accompanied by a pre-assessment BREEAM report prepared by an accredited BREEAM Assessor, indicating that any new building is capable of achieving at minimum 'excellent' against the BREEAM standard (or equivalent if not available). The development in that phase shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.