
Non-Material Amendment

Site: 32 New Lane, Havant, PO9 2NG

Application: APP/21/00200 as amended by APP/21/01244

Applicant: Havant Property Investment LLP (HPI)

Date: 15 September 2022

1. Introduction

- 1.1 This Statement seeks formal agreement that the minor changes proposed are acceptable and represent non-material amendments under Section 96A of the Town and Country Planning Act to the original planning consent (as amended). This application has been prepared by Fellows Planning Limited, on behalf of Havant Property Investment LLP (HPI).
- 1.2 The proposal seeks changes that are minor revisions to the approved design to take account of existing services, mezzanine floor alterations internally and windows / vents being re-positioned slightly higher up the façade due to this, canopies inserted on the northern and southern side of the warehouse to provide shelter for unloading, smoking shelters relocated, gates installed to boundary treatments providing access for maintenance, steps for the HGV yard and tweaks to the access so these are consistent with the S278 agreement approved which avoids gas infrastructure to the north and retention of the existing bell mouth to the southern access. The free-standing canopy has been reduced in size and the arrangement of the perforated panels changed on the van parking elevation facing New Lane. This is to respond to the steel frame structure erected behind.
- 1.3 Please note the building has not increased in height externally as a result of these changes, however the amendments are discussed more fully below.
- 1.4 A concurrent full planning application has been submitted for the reinstatement of two fire hydrant tanks and a pump house in the north-eastern area of the site with associated landscaping amendments. The replacement fire hydrants and equipment are required in the case of an emergency. An updated Noise Impact Assessment has been prepared to support the above amendments and the details required for planning condition 18 seeking to control all fixed plant.

2. Context and Planning History

- 2.1 Full Planning Permission was granted by Havant Borough Council on the 22 October 2021 under reference APP/21/00200 for;

“Demolition of existing buildings and redevelopment of site comprising erection of distribution warehouse (class B8) with ancillary offices and related facilities, vehicle storage deck, new access, landscaping and associated infrastructure.”

- 2.2 The above planning application was amended by a S73 application which sought to vary a number of planning conditions attached to the permission. The proposal under planning reference APP/21/01244 sought a:

“Variation of condition No's 4 (Operational Management Plan), 9 (Livery/Branding), 10 (Traffic Monitoring) and 28 (Employment and Skills Plan) of planning permission APP/21/00200 and the introduction of a new Community Liaison Strategy Condition.”

- 2.3 The S73 application was approved on 7th February 2022.
- 2.4 HPI have discharged several of the planning conditions associated with the consent and engaging with the relevant officers at the Council on those that remain under the S73 approval.

3. Scope of the Section 96A (NMA) procedure

- 3.1 A non-material amendment is appropriate in this case to amend approved plans under the provisions of Section 96A as the changes are not considered material to the scheme.
- 3.2 The legislation (<http://www.legislation.gov.uk/ukpga/1990/8/section/96A>) provides that in respect of NMAs;

(1) A local planning authority in England **may make a change to any planning permission**, or any permission in principle (granted following an application to the authority), **relating to land in their area if they are satisfied that the change is not material.**

(2) In deciding whether a change is material, a local planning authority must **have regard to the effect of the change**, together with any previous changes made under this section, on the planning permission or permission in principle as originally granted.

(3) The power conferred **by subsection (1) includes power to make a change to a planning permission —**

- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

(5) An application under subsection (4) to a local planning authority in England must be made in the form and manner prescribed by development order.

(6) Subsection (7) applies in relation to an application under subsection (4) made by or on behalf of a person with an interest in some, but not all, of the land to which the planning permission or permission in principle relates.

(7) The application may be made only in respect of so much of the planning permission or permission in principle as affects the land in which the person has an interest.

(8) A local planning authority in England must comply with such requirements as may be prescribed by development order as to consultation and publicity in relation to the exercise of the power conferred by subsection (1).

(Authors emphasis)

- 3.3 The above provision allows for minor changes to the approved content of a permission. The proposals sought are considered to fit within the above parameters, in the context of the original approvals.

4. Amendments Proposed

4.1 The updated plans propose to:

- Alter the internal height of the mezzanine floor as a request from the occupier. The change was an increase in height of circa 600mm to the mezzanine floor from 4m to 4.8m, so all windows were raised accordingly by 800mm and the stair designs were altered to essentially allow for an additional 4 risers between the ground and first floor, which resulted in a slight internal layout change in the stairwells visible on the first floor.
- In addition to this, the plant deck floor above the mezzanine was raised by circa 600mm during the detailed design development, to aid servicing the plant in the void once the building is occupied. This increased the internal height from 8m to 8.8m accordingly. Please note that the overall roof height of the warehouse building has not increased externally.
- The upper floor windows have been moved to suit and their position on the façade raised in height slightly.
- External louvre design updated following technical design development.
- Boundary fence treatments updated:
 - 3 no. pedestrian access gates are proposed to assist maintenance requirements (including the northern fence line adjacent the railway)
 - 1 no. existing pedestrian gate retained for maintenance access
 - Northern acoustic fence line adjusted to better surround retained boiler house and have a better interface with retained section of existing fencing
 - 3 no. stretches of existing fence line retained
- Smoking shelters moved following detailed external services design.

- Small gravel bed added near the staff car park following detailed external services design (but this was included in the detailed drainage design approved).
- The free-standing canopy footprint has been reduced and profile changed to single vault canopy to the north of the warehouse.
- Small pedestrian gate added between multi-storey van park and staff car park.
- Northern access tweaked (road skewed) in line with S278 agreement (avoiding gas infrastructure) with landscaping scheme updated to reflect new arrangements.
- Southern access tweaked from original design to retain existing bell mouth in line with approved S278 agreement.
- New stair added to south of HGV yard.
- Lean-to canopies added to North and South elevations of warehouse to bridge gap between warehouse, canopy and MSVP. This will provide shelter when unloading.
- The arrangement of perforated panels / mesh on the van parking elevation facing New Lane has been changed to respond to the steel frame structure erected behind.
- Previous roof plans illustrated indicative areas for solar pv provision based on the existing ones mounted on the ground within the site. These have now been decommissioned, and new solar panels are proposed to be erected on the warehouse roof. These are far more efficient, and the provision checked to ensure compliance with sustainability rating BREEAM Excellent. The 600 sqm of solar panels shown on the roof will provide 100 kwp which is greater than the previous solar array.
- Useful to note that the reinstatement of the hydrant tanks and pumping station in the north-eastern corner of the site is due to Building Regulations / Hampshire Fire Service comments. This requires a certain water pressure and water source in the event of a fire, and without this infrastructure the pressure is not sufficient in an emergency. The hydrant tanks are similar to those previously located in this area albeit much smaller in scale. The hydrant tanks measure 3.67m in height and 3.875m wide in terms of its diameter. The pump house measures 6.3m by 5.3m in length and 3.3m in height. This part of the proposals are shown for consistency, but are the subject of a concurrent application as previously indicated.

4.2 It is proposed to substitute some of the approved drawings with the plans listed below;

Revised Drawings & Reports	
Architectural Drawings:	Proposed warehouse elevations 2101 P12
Proposed site plan 2003 P16	Proposed warehouse floor plan 2102 P7
Proposed site plan grade level 2003 P13	Proposed warehouse roof plan 2109 P4
Proposed building overlay 2004 P4 (no change)	Acoustic Assessment
Proposed parking and vehicle movements 2005 P11	Updated Noise Assessment prepared by Tetra Tech, September 2022
Proposed boundary treatments plan 2008 P10	Updated Plant Schedule by Hydrock July 2022
Proposed guard hut and guard cabin details 2009 P4	

Proposed cycle and smoking shelter details 2010 P5	Landscaping Details:
Proposed height restrictor and vehicle barrier 2011 P4	Landscape Master Plan – LLD2177-LAN-DWG-010 Rev 07
Site with surface finishes plan 2012 P12	Landscape Design Strategy - LLD2177-LAN-REP-001 Rev 06

4.3 In summary the application proposes:

- Very small changes to the development already granted; which,
- Amendments do not alter the development significantly from what is described on the planning permission (as amended) and does not conflict with any of the conditions attached to the planning permission.
- The proposed amendments would not move any external wall outwards or increase the height of the buildings or the main structures.
- Fenestration changes (windows and vents) will not impact on neighbouring properties in terms of overlooking, noise or disturbance.
- The reinstatement of the hydrant tanks and pumping station with new equipment will ensure they are fit purpose. The proposals include a footpath to the pumping station / enclosure, but the majority of the ecological enhancements remain in this area apart from the footprint of these structures and the access provision required via the creation of a short path. The hydrant tanks are much smaller than the previous structures located in the corner of the site.
- The provision of car and cycle parking spaces remain unchanged.
- The site area/red line remains the same and the uses as originally approved.

4.4 The landscaping plans have been updated to reflect the changes sought for consistency.

4.5 Given there are adjustments to boundary treatments in terms of their positioning and the inclusion of access gates, therefore the Noise Impact Assessment has been updated to reflect the changes proposed.

4.6 These revisions and a comparison to the approved drawings are shown in Figure 1, 2 and 3 on the following page. The above changes provide weather protection for unloading, takes into account the presence of utilities, and other alterations following feedback from the occupier, resulting in a better overall design in regard to operational or maintenance requirements.

Figure 01A - Proposed Amendments to the Site Plan

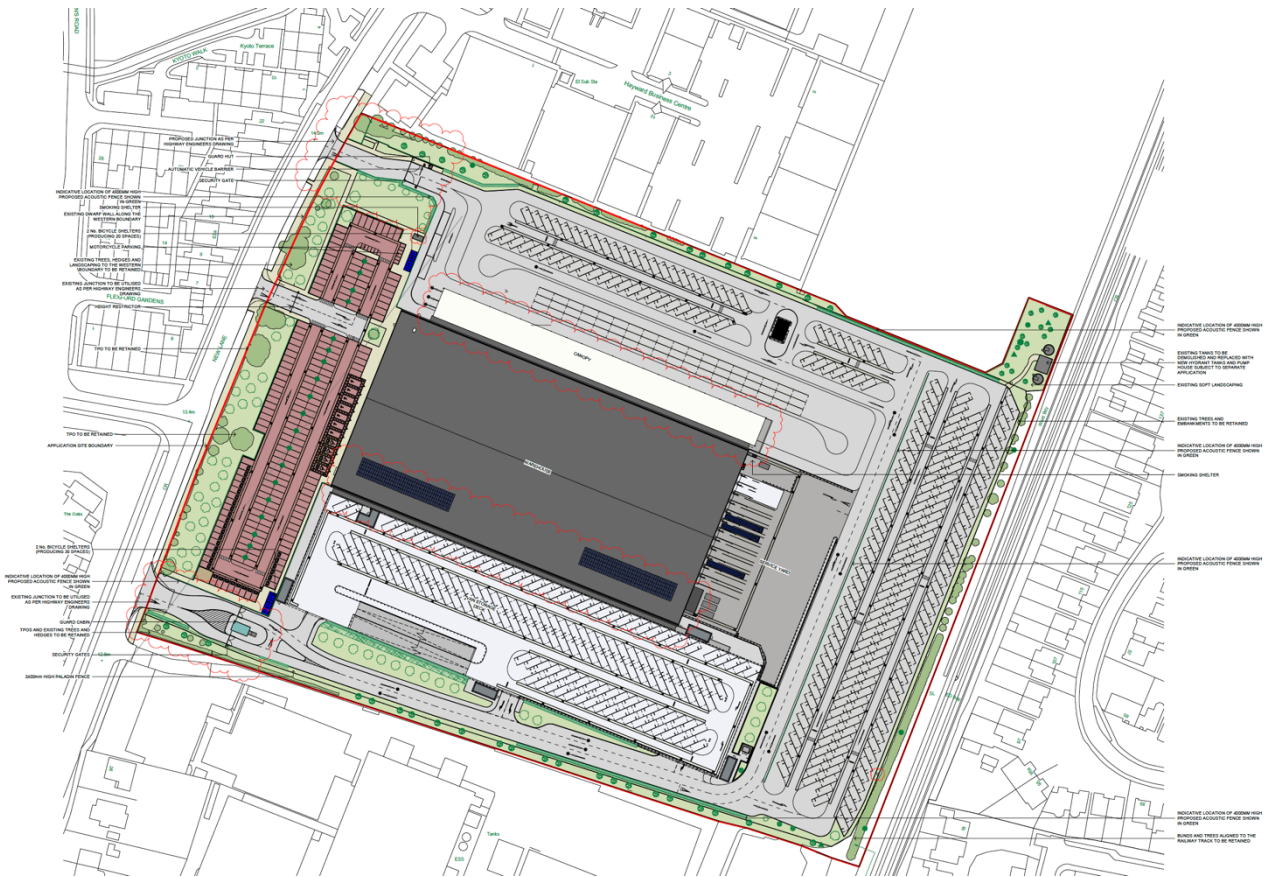


Figure 01B - Original Layout

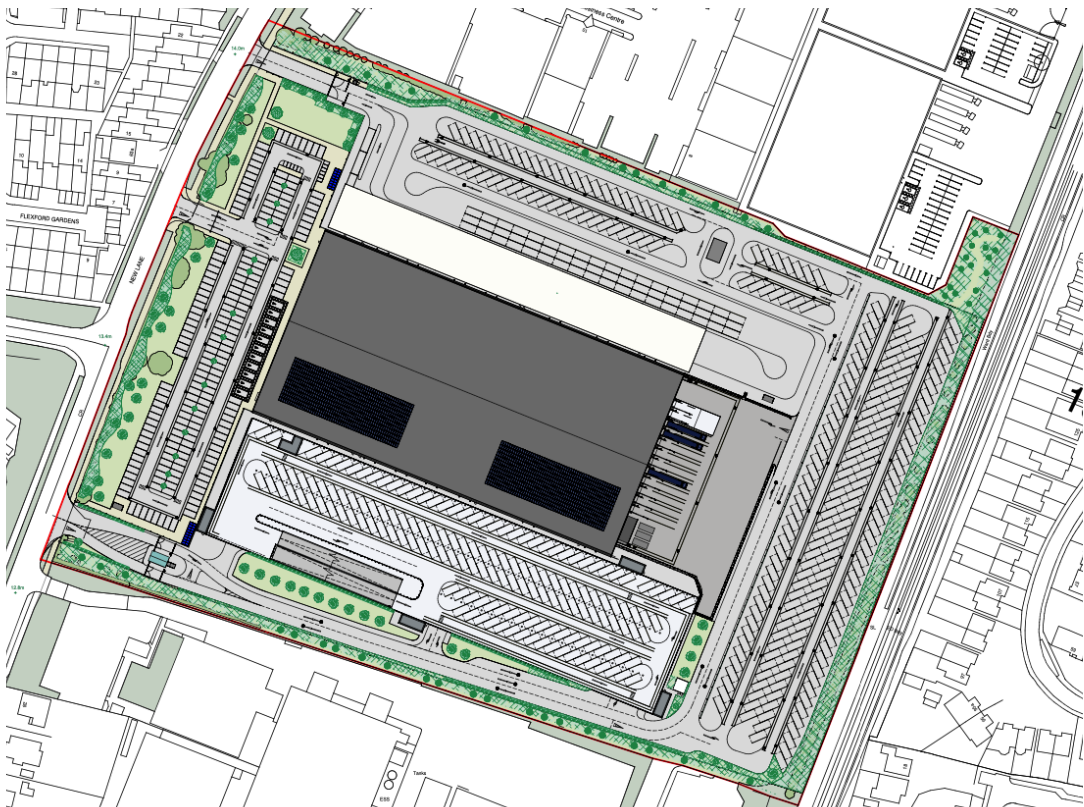
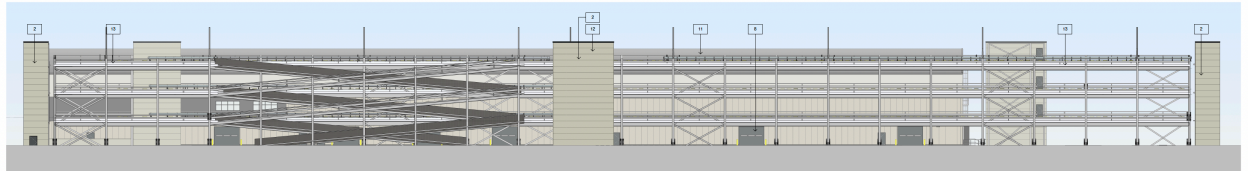
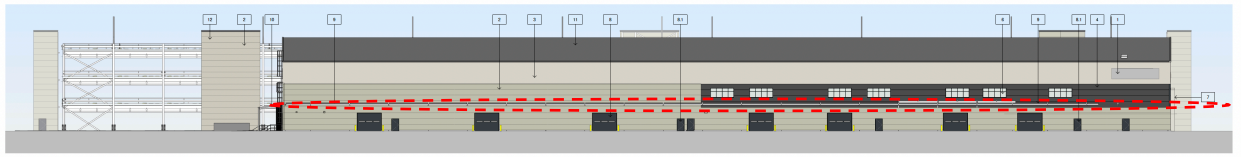
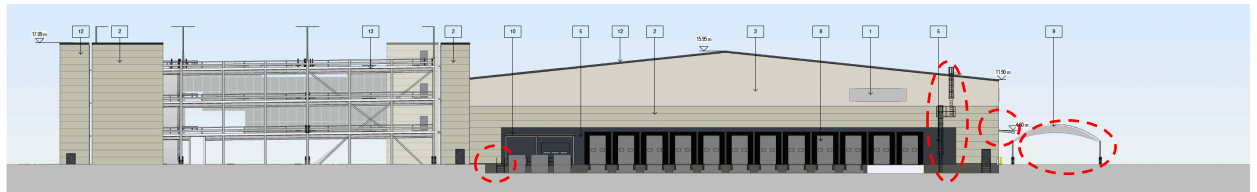


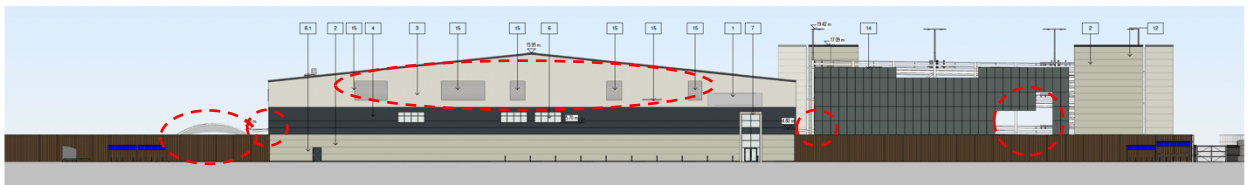
Figure 02A - Proposed Amendments (includes the fencing and bike store details)



E03 - SOUTH ELEVATION
1:200

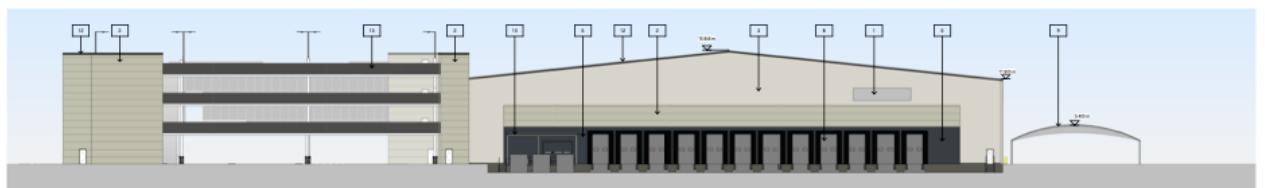


E02 - EAST ELEVATION
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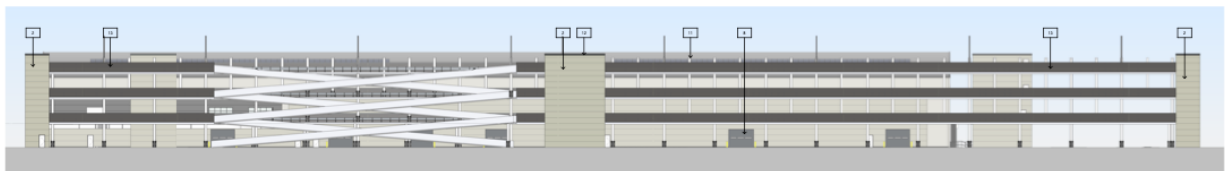


E04 - WEST ELEVATION
1:200

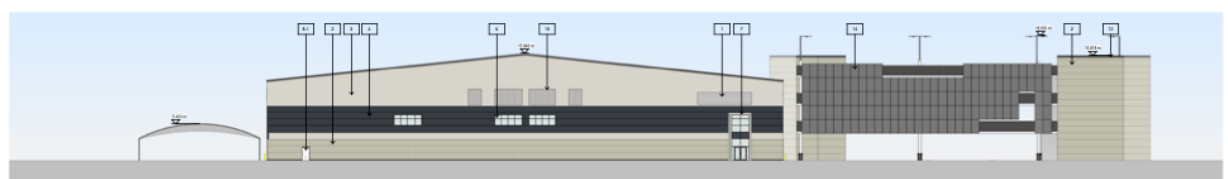
Figure 02B – Approved Elevations



E02 - EAST ELEVATION
1:200



E03 - SOUTH ELEVATION
1:200



E04 - WEST ELEVATION
1:200

Figure 03 - Extract of the amended ecological area proposed from landscaping masterplan and section of replacement hydrants / pump house (subject of a separate planning application)

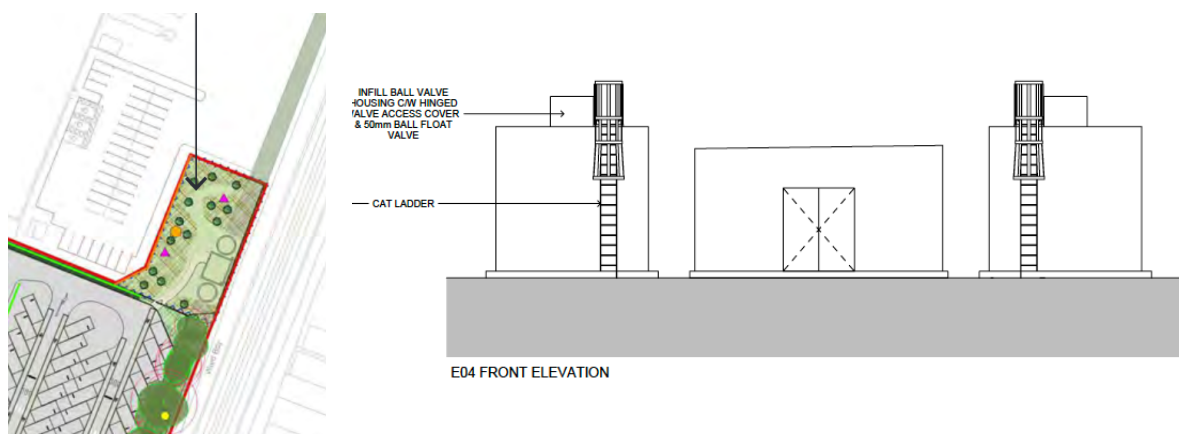
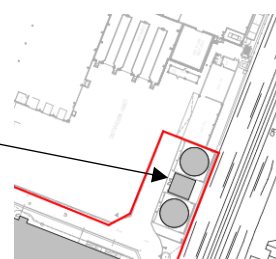


Figure 04 - Previous hydrants and pump house which were much larger in the north-west corner of the site (extract from previous existing plan).



5. Planning Assessment

- 5.1 The approved development would deliver high-quality employment premises and valuable commercial floorspace contributing to Local Plan regeneration agenda, located within the New Lane Industrial Employment area.
- 5.2 The site is sustainable, and it benefits from good accessibility both by road and public transport, with local facilities nearby for employees. The safe vehicular access arrangements to the site have been updated to reflect the S278 agreement now approved and retains the gas infrastructure near the northern entrance. The approved parking and cycling provision is maintained for both visitors and employees within the updated layout. This is done whilst having regard to the constraints of the site and still providing an efficient use of land.
- 5.3 The proposed changes are very modest and have no material impact on the design and appearance of the development and capable of being considered and agreed by the legislation set out in this statement. This application should therefore be considered and approved without delay. Should there be any points of query please contact the planning consultant directly.

6. Conclusion

6.1 The proposed revisions will not have any material impacts on the scheme, nor in respect of the following;

- Ground conditions, air quality/noise/emissions or health
- Ecology or biodiversity, mitigation or enhancement
- Drainage
- Trees
- Architecture
- Third party amenities
- Other conditional requirements