
Site Address: Southleigh Park House, Eastleigh Road, Havant, PO9 2PE
Proposal: Application for non-material change to Planning Permission
APP/17/00863 (B) (Outline Application (All Matters Reserved except means of access)
for the demolition of 1983 office building and associated brick and glass corridor link
and development of up to 70 residential units, associated landscaping, parking and
infrastructure works) relating to amendment to condition 17 to require submission of a
Design Code document concurrent with the reserved matters application, in lieu of the
document's agreement prior to the submission of the reserved matters application.
Application No: APP/21/01292 Expiry Date: 27/12/2021
Applicant: Bargate Homes Ltd and Vivid
Housing Ltd
Agent: Mr Bedekovic Case Officer: Steve Weaver
Terence O'Rourke
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site (3.22ha in total) comprises a number of historic buildings including the largest, Southleigh Park House, built in the mid-19th C for the site's original use as a stately home and its associated parkland. Since the 1960's the site has operated as an employment site and a further office block was built to the north of the main house in the 1980's. The main house has undergone a full restoration in phases during the late 1990's and early 2000s to address the serious deterioration which had occurred.
- 1.2 The site is located in the gap between Havant and Emsworth, being contained by Bartons Road, Horndean Road and Eastleigh Road and is located in a Flood Risk Zone 1. Immediately to the south of the site is a large area of parkland which originally formed part of Southleigh Park's wider estate. This is now proposed to form part of a strategic site for housing in the Council's Submission Local Plan. The Spire Hospital and The Oaks Crematorium are located to the immediate north of the site on Bartons Road. The entrance into the site is currently from Eastleigh Road although there are further access points further south which are currently not utilised. To the north west of the main building is a large car park associated with the office use.
- 1.3 The historic buildings and office extension are set in a wider area of parkland which also forms part of the application area. Immediately in front of the main house, a formal lawn area forms the setting and outlook for the main house. There is a small lake feature in the south western corner of the lawn, framed by trees. The remains of a smaller garden are located adjacent to the west wing of the main house. There are a number of mature, specimen trees within the site which form part of the historic parkland and garden and date back to the mid to late 19th C. A Tree Preservation Order (TPO) applies to the site, principally to protect the ornamental specimen trees. There is also a large amount of overgrown vegetation as a result of the parkland being unmanaged since the office use has been in place. The southern boundary of the site which overlooks the proposed strategic site, includes a variety of individual trees extending 0.6km towards Southleigh Road.
- 1.4 Along with the main house, there are several listed buildings within the site including;

the Main House West Wing, the Coach House, the Stable Block with Clock Tower, the Lodge, and the Dairy and Wood Store. The Lodge is located in the north-west corner of the site and was a former gate house into the site.

- 1.5 The principal significance of the heritage assets at Southleigh Park is the architectural and aesthetic value of the appearance, design qualities and materials of the buildings, including the quality of the construction and the care taken in the recent restoration work, in particular the external flint work. Despite the loss of the whole of the northern part of the group of ancillary buildings and walled gardens in existence in the late 1960s, it is still legible as a deliberately composed group with a clear hierarchy reflected in the appearance of the buildings and use of materials. The interiors of the main house where historic features survive are of high value. There are large areas where interior spaces have been entirely remodelled or only the room layout remains.

2 Relevant Planning History

APP/17/00863 - Hybrid Application:

(A) Full Application for change of use, alterations to and extension of existing buildings to 20 Residential units, (13 dwellings in the main house and 7 in other Listed Buildings) with associated landscaping parking and amenity space.

(B) Outline Application (All Matters Reserved except means of access) for the demolition of 1983 office building and associated brick and glass corridor link and development of up to 70 residential units, associated landscaping, parking and infrastructure works.

Both elements (A) and (B) were permitted 30/01/2019, following completion of a S106 Agreement.

3 Proposal

- 3.1 Part (B) of Planning Permission APP/17/00863 (the outline consent) contains the following condition:

17 Prior to the submission of the reserved matters application, a Design Code document for the development shall be submitted to, and approved in writing by, the Local Planning Authority. The Design Code document shall substantially accord with the principles of the Design and Access Statement July 2017 and shall include the following details;

(a) Principles for the built form of key character areas within the Site to be informed by local character, having particular regard to:

- (i) building form and depth,*
 - (ii) roofscape, including ridge lines and pitches,*
 - (iii) building heights (not to exceed 10.5m in height),*
 - (iv) building elements such as chimneys, eaves, openings (windows / doors) and porches,*
 - (v) external materials,*
 - (vi) boundary treatment, and*
 - (vii) Parking principles (including cycle parking / storage).*
 - (viii) Details of Car Barns including materials, roofscape and building heights*
- (b) Principles for hard and soft landscaping within the site*

The development shall be carried out in accordance with the approved Design Code document.

Reason - *To ensure a satisfactory design for the development, in the interests of the character and appearance of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

- 3.2 The application now submitted and the subject of this report is for a non-material change to Planning Permission APP/17/00863 (B) relating to a proposed amendment to condition 17 to allow the submission of the required Design Code document to be **concurrent with** any reserved matters application, in lieu of the document's agreement **prior to** the submission of the reserved matters application.

- 3.3 The background to the request was set out by the agents in pre-application discussions with the Local Planning Authority as follows:

The design code was proposed as a heritage quality control requirement by Peter Fellows when it was not known who the site purchaser/developer would be. For expediency Bargate is asking whether the planning authority may agree an application to vary this condition to require that the design code is submitted concurrently with the reserved matters.

- 3.4 At the time of drafting this report the reserved matters have been submitted and are awaiting registration (this is subject to the outcome of this application).

4 Relevant Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS17 (Concentration and Distribution of Development within the Urban Areas)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)

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

5 Planning Considerations

- 5.1 As detailed in paragraph 3.2 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 whether 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) Impact of revisions on the character of the area and setting of Listed Buildings

(i) Principle of development

5.3 The application site is the subject of extant Planning Permission APP/17/00863; therefore the development provided for in that approval is considered acceptable in principle subject to development management criteria. In this case the application does not seek to alter the nature or quantum of the development previously approved; merely to introduce a revised trigger for the submission of the Design Code document the subject of Condition 17.

5.4 In considering the proposed amendment to Condition 17, as the development approved under Part (B) of Planning Permission APP/17/00863 affects the setting of various Listed Buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged, which imposes a general duty on local planning authorities that :

"....In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

(ii) Impact of revisions on the character of the area and setting of Listed Buildings

5.5 At the time of considering the original Planning Application APP/17/00863, the Conservation Officer's advice was sought - given that the application both directly affected Listed Buildings (part (A)) and also the setting of those buildings (part (B)). The advice received at the time which is relevant to the current application was as follows:

"....due to the sensitivity of the site I believe a design code should be sought (either by condition on during this application). This would agree details of the built form of key character areas and hard and soft landscaping, in order to ensure a high-quality design within the setting of a number of listed buildings."

5.6 As a consequence of the Conservation Officer's advice, Condition 17 was imposed on the eventual Outline Planning Permission APP/17/00863 (B), as set out Paragraph 3.1 above. This currently requires both the **submission and approval** of a Design Code document for the development **prior to** the submission of the reserved matters application.

5.7 The non-material amendment sought in this case does not seek to remove the requirement for a Design Code for the reserved matters application; instead, 'for expediency' the intended developers wish the wording of the condition to be revised to allow the submission of the required Design Code document to be **concurrent with** any reserved matters application, in lieu of the document's agreement **prior to** the submission of the reserved matters application. A revised wording for Condition 17 is put forward in the application submission, which reads as follows:

"Concurrent with the submission of the reserved matters application, a Design Code

document for the development shall be submitted for approval to the Local Planning Authority. The Design Code document shall substantially accord with the principles of the Design and Access Statement July 2017 and shall include the following details;
(a) Principles for the built form of key character areas within the Site to be informed by local character, having particular regard to:

- (i) building form and depth,*
- (ii) roofscape, including ridge lines and pitches,*
- (iii) building heights (not to exceed 10.5m in height),*
- (iv) building elements such as chimneys, eaves, openings (windows / doors) and porches,*
- (v) external materials,*
- (vi) boundary treatment, and*
- (vii) Parking principles (including cycle parking / storage).*
- (viii) Details of Car Barns including materials, roofscape and building heights*

(b) Principles for hard and soft landscaping within the site

The reserved matters application shall not be determined prior to the approval of the Design Code document; and the reserved matters proposals shall accord with, and be led by, the approved Design Code document."

It is noted that the suggested wording still requires approval of the Design Code document prior to determination of the reserved matters proposals, and to that extent the proposal remains consistent with the original wording of Condition 17.

- 5.8 The Council's Heritage Team has been consulted on the proposed changes to the condition - they have commented as follows:

No objection to the non material amendments proposed. This will ensure that a design code can still be assessed as a key document which goes to the heart of the proposals.

- 5.9 It is therefore concluded that the revised timing for submission of the Design Code document will not undermine the key principles which lay behind the imposition of Condition 17 in its original form; and that the 'order of business' set out in the amended condition - whereby the Design Code document must still be approved prior to the determination of the reserved matters application - will still ensure that the setting of the Listed Buildings on the site will be effectively protected through that over-arching requirement.

6 Conclusion

- 6.1 Overall, the proposed amendment to Condition 17 of Planning Permission APP/17/00863 is not considered to prejudice the sensitivity of the site and the Listed Buildings within it, in that it will still ensure that the reserved matters proposals for the site are led by an appropriate Design Code which must be approved before any decision is taken on the reserved matters application. On this basis the amended condition is not considered to result in a material change to the extant planning permission and the change to Condition 17 is recommended for approval.

7 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01292 subject to the following condition:

1 Amended Condition 17 of Planning Permission APP/17/00863 (B):

Concurrent with the submission of the reserved matters application, a Design Code document for the development shall be submitted for approval to the Local Planning Authority. The Design Code document shall substantially accord with the principles of the Design and Access Statement July 2017 and shall include the following details;

(a) Principles for the built form of key character areas within the Site to be informed by local character, having particular regard to:

- (i) building form and depth,
- (ii) roofscape, including ridge lines and pitches,
- (iii) building heights (not to exceed 10.5m in height),
- (iv) building elements such as chimneys, eaves, openings (windows / doors) and porches,
- (v) external materials,
- (vi) boundary treatment, and
- (vii) Parking principles (including cycle parking / storage).

(viii) Details of Car Barns including materials, roofscape and building heights

(b) Principles for hard and soft landscaping within the site

The reserved matters application shall not be determined prior to the approval of the Design Code document; and the reserved matters proposals shall accord with, and be led by, the approved Design Code document.

Reason: To ensure a satisfactory design for the development, in the interests of the character and appearance of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.