

Recommendation: **GRANT PERMISSION**

APP/19/00383 - Variation of condition 2 of Planning Permission APP/18/00478 to vary approved plans relating to amended siting of unit.
 , WD, 14/08/2019

APP/19/00875 - Variation of condition No.2 of Planning Permission APP/18/00478 relating to amendment to approved plans., PERM,03/12/2019
APP/19/00909 - Application for variation of condition 10 of planning permission APP/18/00478 and condition 9 of planning permission APP/19/00875 relating to revised piling arrangements., PERM,30/01/2020
APP/20/00430 - Single storey pump house and three water storage tanks for internal sprinkler system., PERM,28/08/2020
APP/20/00634 - Non material change for alteration to parking arrangements., PERM,28/08/2020

3 Proposal

Variation of condition No/s 5, 12 and 13 and removal of condition No. 15 of Planning Permission APP/18/00478. Variation of conditions relating to re-positioning of cycle parking, alterations to planting and amendment to boundary treatment. Removal of condition relates to BREEAM not attainable.

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

LP3	(Leigh Park Mixed Use Allocations)
AL1	(Presumption in Favour of Sustainable Development)

Submission Version Havant Local Plan

E1*	(High quality design)
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Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

With reference to the change / discharge of conditions I offer the following comments:

I object to the removal of the trees to be replaced by a hedge for the variation of condition 12 - any variation of this type must be accompanied by sound reasoning in the form of additional trees in mitigation and a full landscape master plan.

I am unable to support this application and raise objection.

Case Officer comment : Subsequent comments from the Arboricultural Officer following amendments to plans :

I note that standard trees have been reinstated to the boundary treatment plan therefore I now have no objection.

Building Control, Havant Borough Council

No comment

Councillor Beryl Francis

No comment

Councillor John Davis

No comment

Hampshire Highways

Thank you for consulting the Highway Authority on the above planning application. Having reviewed the revised conditions proposed by the applicant, the Highway Authority notes that condition 5 only relates to the highway matters. Therefore, this response focuses on the proposed variation to condition 5.

Condition 5 currently reads as follows:

The building shall not be brought into use until space for the loading, unloading and parking of vehicles and cycles has been provided within the site, in accordance with approved plan 27974-PD201. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

The applicant has suggested amended the condition to the following:

Condition 5 – Reposition of cycle parking from entrance splay on Fulflood Road to join the other cycle parking area within the site as shown on drawing no. 2105.01 attached.

Reason – To keep cycle parking in one place and within a secure site setting.

The Highway Authority raise no objection to the relocation of the cycle parking as set out in drawing number 2105.01. However, the condition should still make reference to the requirement for the space for loading, unloading and parking of vehicles has been provided within the site, as set out in the original condition.

Landscape Team, Havant Borough Council

Planning Application APP/21/00078 Land adj Fulflood Road, Havant

Variation of condition No/s 5, 12 and 13 and removal of condition No. 14 of Planning Permission APP/18/00478. Variation of conditions relating to re-positioning of cycle parking, alterations to planting and amendment to boundary treatment. Removal of condition relates to BREEAM not attainable.

From a landscape perspective we have the following comments in relation to the variation of conditions no. 5, 12 and 13:

We are concerned with the amount of disparity in drawing no. 2105.01 to the approved site layout plan drawing no. 27974-PD101A. With particular concerns relating to loss of soft landscaping, amendments to hard landscaping and fairly significant changes to layout.

Condition 5

We require details of the proposed cycle storage facilities to ensure they are appropriate which must include product details (manufacturer, colour) and elevation drawings. Additionally the wording of the cover letter in relation to the amendment of conditions 5, 12 and 13 alludes that the changes to the cycle storage is an extension to a previously approved cycle storage facility within the parking area. However the approved site plan drawing no. 2105.01 shows cycle storage outside of the parking area.

Condition 12

From a landscape perspective we object to the removal of the trees to be replaced by a hedge and as such we do not support the variation of condition 12. The rational is to offer vertical screening to mitigate the impact of the development. The applicant needs to implement root management should they have concerns with future root damage.

We require a specific soft landscaping drawing to show all the proposed soft landscaping before we can agree to amendments to condition 12.

A soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density.

Condition 13

Should the applicant wish to remove the brick wall to Fulflood road we would want to see a native hedgerow to replace this to create a physical boundary from highway land and the new development.

Regards,

Harry Mitchell CMLI
Chartered Landscape Architect
Havant Borough Council

Case Officer comment : Further comments made by the Landscape Architect following submission of additional plans :

This is looking more or less similar to the approved soft landscaping scheme. We need to ensure that the trees will go some way to screening the development as such I suggest that we stipulate that the tree are a minimum spec of 14-16 Extra Heavy standard 3.00 – 4.00m 2m clear stem.

Traffic Management, East Hampshire District Council

The Traffic team have no adverse comment to make. KRC

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 30

Number of site notices: 1

Statutory advertisement: 26/02/2021

Number of representations received: 0

Comment	Officer Comment
No comments received	

7 Planning Considerations

7.1 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) Impact upon residential amenity

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

- 7.3 In this case the application has been made under S73 of the Town and Country Planning Act, and seeks to make changes to the approved conditions in respect of an existing consent for an employment premises on the site - the proposal seeks to vary conditions 5, 12 and 13 , removing condition 15 of APP/18/00478. The current conditions read as follows:

Condition 5

The building shall not be brought into use until space for the loading, unloading and parking of vehicles and cycles has been provided within the site, in accordance with approved plan 27974-PD201. Such areas shall thereafter be retained and used solely for those purposes.

Reason: *In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.*

Condition 12

The landscaping works shown on the approved plan ref. 27974-PD201 shall be carried out in accordance with the approved details, and in accordance with details of the tree species to be submitted and approved in writing by the Authority, within the first planting season following development hereby permitted being brought into use. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

Condition 13

No part of the development shall be brought into use until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: *To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

Condition 15

Prior to the development hereby permitted being brought into use a Post Construction Assessment shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of 'very good' BREEAM rating, unless otherwise agreed in writing by the Local Planning Authority following the submission of details and subsequent assessment to demonstrate that this rating is not attainable due to the financial or technical viability of the scheme.

Reason: *To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

The principal considerations of this application therefore focus on the nature and impact of the changes proposed.

(ii) Impact upon the character and appearance of the area; parking provision; and sustainability

7.2 This proposal seeks to vary conditions 5, 12 and 13 , removing condition 15. The implications of each proposed change have been assessed as follows:

7.3 Condition 5 - Parking layout

The parking layout has been altered in the various consents agreed since the original planning permission; the most recent agreed layout being that under Non-Material Amendment application APP/20/00634. The current proposal seeks only to alter the cycle parking layout to move the cycle parking from the currently approved location in the top left hand (NW) corner adjacent to the entrance access to combine with the cycle storage already agreed located adjacent to the car parking bays - the reason being to improve security of the cycle storage facility. Details of the cycle storage have been provided and the revised siting is deemed to be acceptable, releasing a larger planting bed at the NW corner of the site.

7.4 Condition 12 - Landscaping

The site plan approved under APP/18/00478 included a total of 9 trees on site , mainly located along the northern boundary . This proposal originally sought to alter the landscaping design by removing the trees and replacing this with hedging adjacent to the north elevation . Objection was raised by both the Council's Landscape Architect and Arboricultural Officer due to the loss of tree canopy offering screening . The plans submitted have since been amended to include 8 betula jacquemontii trees located adjacent to the north elevation with extra heavy clear stem as requested by Havant's Landscape Architect and there would be two more smaller stemmed trees of the same variety by the north west corner access. There would also be mixed native hedging running alongside the trees to the north. The proposed landscaping changes are judged to be acceptable .

7.5 Condition 13 - Boundary treatments

Mesh security fencing is proposed to the south east boundary and close board fencing to the south west boundary. The wall to the north west boundary would be replaced with mesh fencing for added security purposes. There is no objection to this change from the the Landscape Architect and the alteration is judged to be acceptable in terms of impact on the character of the area.

7.6 Condition 15 - BREEAM condition removal _

Definition of BREEAM:

Building Research Establishment Environmental Assessment Method (BREEAM): Is the leading and most widely used environmental assessment method for buildings. It sets the standard for best practice in sustainable design and has become the de facto measure used to describe a building's environmental performance.

The applicant has requested that the BREEAM condition be removed due to issues with financial viability. Unexpected costs had been accrued due to the need for a sprinkler system and other costs . Dixon Searle have undertaken an independent viability report investigating as to whether the scheme would be classed as financially unviable based on financial information provided by the applicant and came to the following conclusion on page 20 of the report :

4.1.12 It is worth noting that the BREEAM costs are not the cause of the scheme being unviable – the project has been undertaken for operational/long term business reasons. Viewed as a standalone development project the scheme is not viable by normal standards, and the additional BREEAM costs are simply worsening that position (the overall deficit being c. -£1.2 million and the additional BREEAM cost increasing this to c. -£1.4 million).

4.1.13 The applicant's view is that the scheme is already making a loss, and that any further loss due to implementing the BREEAM measures would be unacceptable. Our review has indicated that the scheme is making a loss on a present day basis; the Council will need to consider whether this meets the policy requirement for the BREEAM rating not being attainable due to financial viability, and therefore whether to use its discretion to remove condition 14 of the planning permission.

Policy CS14 'Efficient use of resources' states financial unviability and technical unviability as reasons why a scheme would not need to accord with BREEAM standards and following the conclusion of the independent viability report, in this case this has been demonstrated to be financially unviable and therefore the removal of the relevant condition is considered to be justified.

(iii) Impact upon residential amenity

7.7 The proposed alterations are not judged to result in any harm to neighbour amenity.

8 Conclusion

8.1 This is a Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is recommended to grant permission to vary conditions 5, 12, 13 and 15 of APP/18/00478 to substitute the approved plans with those now submitted to include the revised planting, boundary treatments, cycle storage and removal of the BREEAM condition.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00078 subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with:

(a) The plans and details approved under planning permission reference APP/18/00478 as amended by the following plans and details approved under planning permission reference APP/19/00875:

Amended Elevations Drawing No. 1853.03B
Amended First Floor Plan Drawing No. 1853.04B
Revision to Drainage Layout Drawing No. 1853.05;

(b) Together with the following details approved under APP/19/00909:

Pile Static Design Sheet (precast piles) Roger Bullivant
 Soliltechnics borehole information
 Proposed Pile Cap Layout Drawing Number 7275/ST/01 Rev A
 Table 1.1 - Noise Measurements and Comparison with CNWR 2005 Exposure Values
 Piling Noise Assessment
 Email of 2nd December 2019 from Roger Bullivant
 Email of 16th December 2019 from Roger Bullivant
 Email from Roger Bullivant Ltd dated 14th August 2019
 Structural Calculations Project No: 7275 Rev B July 2019
 Piling Vibration Assessment Roger Bullivant dated 2nd December 2019
 Letter from Stephen Potter dated 11th September 2019; and

(c) Together with the following details approved under this planning application :

2049-01D - Updated site plan showing boundary treatments
 2049-03A - Updated planting details
 Removal of BREEAM condition information dated 25.01.2021
 Bicycle store details uploaded on the 10.05.2021

Reason: To ensure provision of a satisfactory development.

- 2 The development shall take place in accordance with the Site Levels Plan information submitted in relation to planning permission reference APP/18/00478 condition No.3 and subsequently approved by the Local Planning Authority on the 27th September 2018.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The refuse store and pallet store shall be provided in accordance with the details of Refuse and Pallet Store Design approved in relation to condition No.4 of planning permission APP/18/00478 on the 12th October 2018.

Reason: To ensure that they will not impact negatively on the Root Protection Area of the adjacent Alders and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 4 The building shall not be brought into use until space for the loading, unloading and parking of vehicles and cycles has been provided within the site, in accordance with Planning Permission APP/21/00078 approved plan Drawing No. 2049-01D. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 5 The development hereby approved shall be carried out in accordance with the details approved in relation to Condition 6 of Planning Permission APP/18/00478 on the 1st February 2019 in relation to Contamination issues.

Reason: The site lies over the Bognor Sand Member over London Clay, the former classified as a Secondary A Aquifer. The site also lies adjacent to the Riders Lane Stream which is a tributary to the Hermitage Stream. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy pursuant to Condition 6 of Planning Permission APP/18/00478 and the effectiveness of the remediation have been submitted to and approved, in writing, by the Local Planning Authority.
The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 8 The development hereby permitted shall be carried out in accordance with the Surface Water disposal details submitted in relation to condition No.9 of planning permission APP/18/00478 and subsequently approved on the 1st February 2019 as amended by Planning Permission APP/19/00875 drawing No. 1853.05. All details shall be implemented and maintained in accordance with the previously approved details.

Reason: To ensure the appropriate management of surface water runoff to control the rate of inputs to local surface waters and to mitigate potential pollution of local surface waters. This condition is imposed having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 9 The development hereby permitted shall be carried out in relation to foul drainage in accordance with the details submitted in relation to Condition 11 of planning permission reference APP/18/00478 and subsequently approved on the 2nd October 2018.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

- 10 The landscaping works shown on the approved plan ref.2049-01D under planning permission reference APP/21/00078 shall be carried out in accordance with the approved details, and in accordance with details of the tree species approved plan ref 2049-03A under planning permission APP/21/00078 within the first planting season following development hereby permitted being bought into use.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 No part of the development shall be bought into use until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The external lighting shall be fully in accordance with the details submitted in relation to condition No. 14 of planning permission APP/18/00478 and subsequently approved on the 27th September 2018. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.