

BY EMAIL

18 November 2022

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Dear Mrs Wells,

LAND AT BROCKAMPTON WEST, HARTS FARM LANE, HAVANT

Planning Application submitted via the planning portal (reference PP-11647546)

This letter accompanies the submission of a Non-Material Amendment to outline permission APP/21/00189, which granted permission for the development of new employment floorspace at the former landfill site at Brockhampton West. This Outline Permission was granted earlier in 2022.

This application for a Non-Material Amendment to the Outline Permission has been submitted on the planning portal and the planning fee of £266.20 will be paid directly to the planning portal for onward transfer to Havant Borough Council.

Purpose of the Non-Material Amendment

This Non-Material Amendment is being made to vary the wording of some of the pre-commencement conditions attached to the Outline Permission so that early enabling works can be undertaken at the site without requiring the submission of information to discharge those conditions.

It is considered that the conditions that are to be amended do not relate to matters that are material to the proposed enabling works and that allowing these initial works to progress at an early stage would still be within the terms of the planning permission.

Section 96a of the 1990 Town and Country Planning Act provides the ability to make non-material amendments to an existing planning permission including the addition or variation of an existing planning condition where the proposed change is considered to be non-material.

It is proposed that conditions 3, 10, 11, 12 and 14 are amended to vary their wording to allow the enabling works to take place without triggering the conditions. It is also proposed that Condition 19 is amended to ensure that full detail on the construction of the bunds around the perimeter of the site are provided prior to their construction.

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Michael Sparks Associates LLP is a limited liability partnership, registered in England and Wales (registered number OC407290)

We use the word "partner" to refer to a member of the LLP or an employee of equivalent standing.

Reason for the Non-Material Amendment

The outline planning permission reserved all matters with the exception of access and the final form of the development needs to be clarified through the submission of Reserved Matters applications, as required by Condition 3 of the Outline Permission. A number of different layout options could be brought forward at the site and the final layout form will be dependent upon occupier requirements.

Discussions are ongoing with a number of occupiers, and it is anticipated that a Reserved Matters application will be made in Spring 2023 once occupier requirements have been confirmed and the relevant details have been prepared. On the basis that an application for Reserved Matters will be determined in the region of 13 weeks, then the Reserved Matters will likely be approved towards Summer 2023. The current wording of Condition 3, however, precludes the commencement of enabling works at the site until such time as these Reserved Matters are approved.

The applicant for the development has funds available to progress the early enabling works package now, and would like to these as early as possible at the beginning of 2023. Having the ability to undertake the enabling works prior to the approval of Reserved Matters would shorten the development programme and allow for the employment premises to be brought forward at the site at a much earlier juncture. Amending Condition 3 to allow the enabling works to progress at an early stage would therefore provide greater certainty on the delivery of new employment premises to occupiers and allow the site to meet the economic needs of businesses and the Borough as soon as possible.

Conditions 10, 11, 12 and 14 that are also proposed to be amended under this non-material amendment also relate to the Reserved Matters application and can only be discharged once the final form of development is known. Therefore, it is proposed that these conditions are also amended so that the enabling works phase can commence at an early stage.

Proposed Enabling Works

Regardless of the final form of development that comes forward at the site, the site will need to be prepared for development and the following works will be needed:

1. Removal of Black Bag Waste and site strip to remove and store existing capping layer
2. Re-provision of capping layer once black bag waste has been removed
3. Site Levelling works to provide level plateau areas for future development
4. Provision of new access points into the site as per the planning permission, with the interface with the adopted highway to be subject to a S278 Agreement
5. Formation of level areas to accommodate internal access route within the site for the later construction phase and closure of existing access point
6. Use of surplus and reusable material at the site to be used to form the proposed bunds around the site perimeter that will then accommodate soft landscape and trees to provide screening for the development.

It is therefore proposed to undertake these works as part of the enabling works package to reduce the extent of works required once Reserved Matters approval has been secured.

The areas where black bag waste will be removed is shown by the red shaded areas on drawing 21048-BGL-XX-XX-DR-C-00302 P2 – Enabling Works Black Bag Removal. This drawing also identifies the area that will subject to the site strip, with this material then used to form a re-provided capping layer or to form the landscape bunds around the site perimeter.

The sequencing and extent of these enabling works is graphically illustrated in the supporting Enabling Works Sequencing document that support this application.

An application to discharge the pre-commencement conditions that are relevant to these enabling works has already been submitted, including the preparation of a Construction Management Plan and Biodiversity Construction Management Plan and a detailed Remediation Statement relating to the removal of the Black Bag Waste and enabling works package. This is to ensure that all conditions that are relevant to the enabling works are discharged and that there is clear oversight on the works to remove the black bag waste. This approach will ensure that the terms of the Outline Permission are complied with. The enabling works will be undertaken such that site levels and the perimeter bunds will be consistent with the development options as shown in the illustrative site layouts that supported the Outline Application.

Proposed amendment to the conditions

The primary amendment to the conditions is to Condition 3 which relates to the approval of the Reserved Matters. Conditions 10, 12 and 14 are also proposed to be amended as these cover issues directly related to the Reserved Matters and so cannot be discharged until the form of development that will be included within the Reserved Matters submission is known.

Condition 11 relates to piling. No piling is proposed as part of these enabling works. The wording of Condition 11 states that no development shall commence, however the purpose of the condition is to prevent piling commencing, rather than development in a broader sense. The amended wording to Condition 11 does not remove the protection afforded to the site by allowing piling to commence, it just allows the other works to commence that do not involve piling.

As noted above, it is proposed that as part of this enabling works package, the site will be levelled and earthworks will take place to move material to the site perimeter to form the bunds that will then accommodate landscaping to help screen the development. Prior to the formation of the bunds, an application to discharge Condition 19 of the Outline Permission will be submitted. Following discussions with planning officers at the Council, it is considered that greater clarity on the wording of Condition 19 would be helpful to ensure that the details of the bunds are considered fully. It is therefore also proposed that the wording of this condition is revised to clarify that any details submitted about the construction of these bunds considers Harts Farm Way as well as the A27 and also provides supporting information to demonstrate that the bunds can accommodate tree planting and landscaping to provide screening of the development, which will be detailed in the subsequent Reserved Matters application.

For ease of reference, the existing and proposed wording of the conditions that are proposed to be amended is set out in the Annex to this letter.

These enabling works were always anticipated as part of the wider development of the site and the documents supporting the outline application all considered potential impacts that could arise from these works as well as any mitigation requirements. It is still proposed that where conditions

are relevant to these enabling works, applications will be made to discharge these matters to ensure that the terms of the planning permission are complied with.

The proposed changes to the conditions will simply allow the development of the site to come forward in a phased manner, providing greater flexibility to the applicant in the delivery of the development.

It is considered that these revisions represent non-material amendments to the proposal and will not conflict with the principles of the approved development or adopted planning policy and should therefore be allowed.

Please can you progress this application at your earliest convenience. Should you require any further information or wish to discuss the submission, please do not hesitate to contact me.

Yours sincerely,



Matthew Thomas

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Annex 1

Condition Number	Approved Wording	Proposed Amended Wording
Condition 3 Reserved Matters submission	No development hereby permitted shall commence (with the exception of site clearance, erection of site hoarding and provision of site welfare units) until plans and particulars specifying the detailed proposals for all of the following aspects [herein called "the reserved matters" and "other matters"] have been submitted to and approved in writing by the Local Planning Authority.	No development hereby permitted shall commence (with the exception of site clearance, <u>forming the means of approved access, remedial works in respect of any contamination or adverse ground conditions, site levelling and regrading works to form a level site and the formation of bunds around the perimeter of the site</u> , the erection of site hoarding and provision of site welfare units) until plans and particulars specifying the detailed proposals for all of the following aspects [herein called "the reserved matters" and "other matters"] have been submitted to and approved in writing by the Local Planning Authority.
Condition 10 Foul and Surface Water Drainage	No development hereby permitted shall commence (with the exception of site clearance, erection of site hoarding and provision of site welfare units) until details of the proposed means of foul sewerage and surface water drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority and in consultation with National Highways, Local Land Flood Authority, Southern Water, Environment Agency and Environmental Health. The surface water drainage scheme shall be based on the principles within the following:	No <u>phase of</u> development hereby permitted shall commence (with the exception of site clearance <u>forming the means of approved access, remedial works in respect of any contamination or adverse ground conditions, site levelling and regrading works to form a level site and the formation of bunds around the perimeter of the site</u> , erection of site hoarding and provision of site welfare units) until details of proposed means of foul sewerage and surface water drainage scheme for the site, <u>in as far as they relate to the development phase</u> , have been submitted to and approved in writing by the Local Planning Authority, Southern Water, Environment Agency and Environmental Health <u>as may be appropriate</u> . The surface water drainage scheme <u>for the final form of development at the site</u> , shall be based on the principles within the following:
Condition 11 Piling Method Statement	Prior to development commencing, no piling or deep foundation columns shall be constructed on the site until a Method Statement which demonstrates how groundwater will be protected, and how the efficacy of the protection measures will be verified, has been submitted to and approved in writing by the Local Planning Authority.	No Piling or deep columns shall be constructed on the site until a Method Statement which demonstrates how groundwater will be protected, and how the efficacy of the protection measures will be verified, has been submitted to and approved in writing by the Local Planning Authority.

Condition 12 Ecological Enhancement and Mitigation Plan	Prior to the commencement of development, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved inwriting by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with outline measures detailed within the Ecology Report (Applied Ecology, February 2021) and Habitats Regulations Assessment (Applied Ecology, April 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition, and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes. All ecological compensation/enhancement measures shall be implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.	Prior to the commencement of development, (with the exception of site clearance, <u>forming the means of approved access, remedial works in respect of any contamination or adverse ground conditions, site levelling and regrading works to form a level site and the formation of bunds around the perimeter of the site,</u> erection of site hoarding and provision of site welfare units) a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved inwriting by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with outline measures detailed within the Ecology Report (Applied Ecology, February 2021) and Habitats Regulations Assessment (Applied Ecology, April 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition, and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes. All ecological compensation/enhancement measures shall be implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function
Condition 14 BREEAM	Unless otherwise agreed in writing with the Local Planning Authority before the commencement of development (with the exception of site clearance, erection of site hoarding and provision of site welfare units) written documentary evidence demonstrating that the development of any particular employment unit will achieve at minimum a level of 'Very Good' against the Building Research Establishment Environmental Assessment Method (BREEAM) Standard, in the form of a project specific pre-assessment report shall be submitted to and approved in writing by the Local Planning Authority. A design stage report and certification from the BRE will then be submitted to the Local Planning Authority and agreed in writing prior to first occupation.	Unless otherwise agreed in writing with the Local Planning Authority before the commencement of development (with the exception of site clearance, <u>forming the means of approved access, remedial works in respect of any contamination or adverse ground conditions, site levelling and regrading works to form a level site and the formation of bunds around the perimeter of the site,</u> erection of site hoarding and provision of site welfare units) written documentary evidence demonstrating that the development of any particular employment unit will achieve at minimum a level of 'Very Good' against the Building Research Establishment Environmental Assessment Method (BREEAM) Standard, in the form of a project specific pre-assessment report shall be submitted to and approved in writing by the Local Planning Authority. A design stage report and certification from the BRE will then be submitted to the Local Planning Authority and agreed in writing prior to first occupation.

Condition 19	Prior to the commencement of construction of the proposed bunds facing the A27, geotechnical submissions (in accordance with DMRB Standard CD622) relevant to the construction of the 3m-5m high earth bunds (set out in the Geotechnical Design Report, associated drawings and Specification) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with and requiring certification by National Highways).	Prior to the commencement of construction of the proposed bunds facing the A27 <u>and Harts Farm Way, construction details and</u> geotechnical submissions (in accordance with DMRB Standard CD622) relevant to the construction of the 3m-5m high earth bunds (set out in the Geotechnical Design Report, associated drawings and Specification) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with and requiring certification by National Highways <u>and the Highway Authority as appropriate</u>). <u>The proposed bund design should have regard to the proposed illustrative landscape masterplan to demonstrate that they can accommodate tree planting and other soft landscape provision as part of any future Reserved Matters submission.</u>
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