

24 January 2024

Our Ref: 32283/A3/SS

F.A.O David Eaves
Planning and Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear David,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
LANGSTONE PARK, 2B LANGSTONE ROAD, HAVANT PO9 1SA
NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF: APP/22/00172**

We have been instructed by our client, XLB Property Ltd to submit a section 96a application to amend Condition 35 attached to planning permission Ref: APP/22/00172 at Langstone Park, 2B Langstone Road, Havant, PO9 1SA ('the Site') which permits the following development:

'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'.

Background

Outline planning permission (Ref: APP/22/00172) was granted on 22 December 2023 for what is referred to as the 'Masterplan' redevelopment of Langstone Park. Following on from the imminent completion of Phase 1 (approved under permission Ref: APP/21/00405), our client is currently in the process of preparing the first reserved matters application under the Masterplan permission for what will be referred to as 'Phase 2' within the south-eastern corner of the Site. The intention would be to seek approval for any relevant pre-commencement conditions in parallel with the reserved matters application to enable a start on Phase 2 at the earliest opportunity following approval.

Condition 35 seeks to ensure that each phase meets the BREEAM 'Excellent' standard and in doing so requires the submission of a 'design stage assessment' for the LPA's approval in writing prior to the commencement of development in each phase.

It is relevant to note that a BREEAM design stage assessment requires construction level design, RIBA Stage 5 which is an advanced level of detailed design usually undertaken by the contractor and their specialist sub-contractors once appointed. A start on site would usually be anticipated in parallel with progressing the detailed design to Stage 5 and there is therefore a timing implication in that the pre-commencement trigger within Condition 35 would prevent such progress.

As the design of buildings within each phase will be subject to reserved matters approval it would be considered more appropriate (and less onerous) to require a BREEAM Pre-Assessment as part of each reserved matters submission. This would provide evidence to the Council that the design has incorporated the means for the relevant standard to be met. This would then be confirmed under the provisions of Condition 46 which requires a post construction assessment and certificate to be submitted for approval post-occupation.

S96a Application

In light of the above, we are proposing an amendment to Condition 35 as detailed below (proposed changes shown in **bold**):

Condition 35

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.

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).

Justification

The proposed amendment would maintain the control sought by the Council to ensure that each phase of development is capable of meeting the necessary BREEAM standard prior to commencement of development. Neither the Council's control nor the overall objectives of the condition are therefore diminished in any way.

Whilst there is no statutory definition of 'non-material', the proposed changes to Condition 35 are not considered to be material when considered in the context of the wider planning permission. They do not undermine or alter the original aims or objectives of the Planning Permission and there will be no material change to the permitted development. They do not give rise to any impacts over and above those assessed as part of the original planning permission.

It is therefore considered that the changes sought, when considered in the context of the overall scheme, constitutes a non-material amendment and should be determined as such.

Submission Material

In support of this application, the following information has been submitted via Planning Portal (Ref: PP-12738378):

Application form, duly completed;
Site Location Plan (Drawing Ref: 11392-PL-008); and
Covering Letter (this document), prepared by Stantec.

A payment of £293, being the appropriate fee as required by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), has also been made via Planning Portal.

We trust the information provided is sufficient and look forward to receiving confirmation that the application has been registered and validated. If you require anything further, please do not hesitate to contact either myself or Paul Newton at this office.

Yours sincerely



SUSIE STEPHEN
Associate Director
STANTEC UK LIMITED