

Our Ref. PD13383 LT/HM

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21 June 2024

Dear Sir or Madam,

UNITS 5, 7 AND 9, WELLINGTON RETAIL PARK, HAMBLEDON ROAD, WATERLOOVILLE, HAMPSHIRE, PO7 7FG.

**APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR EXTERNAL ALTERATIONS TO ELEVATIONS**

We write on behalf of our client, Corona Vulcan Wellington Limited ('the Applicant'), to apply for a minor material amendment to amend the elevations of Units 5, 7 and 9 (also known as 3, 3A and 4) at the Wellington Retail Park, Hambledon Road in Waterlooville ('the Site').

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the documents which comprise the application include the following:

- Application Cover Letter dated 21 June 2024 (this letter);
- Application Forms and Certificates duly signed and dated 21 June 2024;
- Drawing Ref: 216-PL4-102.P6 – Existing and Proposed Plans;
- Drawing Ref: 216-PL4-103.P5 – Proposed Elevations and Roof Plans;
- Drawing Ref: 216-PL4-104.P4 – Proposed Block Plan;

The application has been submitted via the Planning Portal (ref. PP-13183634). The application fee of £363.00 has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017. An electronic payment for this amount has been made at the time of submission, including the £70 admin fee.

Background

The Site comprises Units 5, 7 and 9 at the Wellington Retail Park, located within Waterlooville Town Centre.

The Wellington Retail Park comprises three separate terraces of retail units located either side of Hambledon Road, to the north of Maurepas Way (A3), the majority of which are within the Waterlooville Town Centre boundary. Operators at the Park include Sainsbury's, TK Maxx, M&S, SCS and Home Bargains amongst others. The Retail Park therefore constitutes a key part of the Town Centre retail offering. The remainder of the Town Centre is located to the south of Maurepas Way (A3) and comprises a more traditional town centre layout with small units situated in a linear pattern along main high streets.

Units 5, 7 and 9 are located between B2150 Hambledon Road opposite the Sainsburys store, and immediately north of the Food Warehouse and Home Bargains units. The terrace comprises three units, occupied by Jollyes (Unit 5), Halfords (Unit 7), and Dreams (Unit 9).

The planning history at the park is extensive and varied. In relation to Units 5, 7 and 9, most recently Planning Permission Ref. APP/23/00661 was approved on 28th November 2023, for:

‘external alterations comprising new shop entrances, widened walkway, new bollards, new signage features and support columns, and widening of one parking bay.’

This permission approved external changes to modernise and improve customer access and safety.

Since this planning permission a subsequent Non-Material Amendment (NMA) application was submitted on 22nd May 2024. This application proposed the same changes as those proposed within this application; the widening of the signage zones and alterations to the cladding and glazing. The non-material amendment however was withdrawn following advice from the Council that they did not consider the changes to be non-material.

Whilst we had considered the proposed changes to be non-material, we acknowledge that there is no statutory definition of what constitutes a non-material amendment. As such we have withdrawn the application and resubmit the proposed changes under this Section 73 application.

Attached to Planning Permission Ref. APP/23/00661 were four planning conditions. Condition 2 sets out the approved plans which development must be carried out in accordance with. The condition is worded as follows:

“The development hereby permitted shall be carried out in accordance with the following approved plans:

- *Location Plan and Existing Block Plan - Drawing No. 216-PL4-100.P3 - Received 11 September 2023*
- *Existing Elevation - Drawing No. 216-PL4-101.P5 - Received 11 September 2023*
- *Existing and Proposed Plans - Drawing No. 216-PL4-102.P5 - Received 11 September 2023*
- *Proposed Block Plan - Drawing No. 216-PL4-104.P3 - Received 11 September 2023*
- *Proposed Elevations and Roof Plan - Drawing No. 216-PL4-103.P4 - Received 11 September 2023*
- *Swept Path Analysis Using 3.5t Panel Van- Drawing No. 2023-4821-AT-103 Swept Path Analysis Using a Large Car- Drawing No. 2023-4821-AT-104”*

It is Condition 2 set out above that this S73 application seeks to amend.

Amendments Under Section 73 of the Town and Country Planning Act 1990

Section 73 of the Town and Country Planning Act (1990) makes provisions for applications to be made for permission to develop land without complying with a condition previously imposed on a planning permission.

The National Planning Policy Practice Guidance on flexible options for planning permissions confirms that:

“can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.”

The operative part of the permission relates to the description of development therefore provided that the proposed amendments can be carried out within the scope of the original description of development, these amendments can be applied for under a Section 73 application.

The power under Section 73 is, therefore, relatively broad in scope and, in the context of the overall scheme, the particular changes sought through this application (as detailed below) can be dealt with as minor material amendments.

Amendments Sought

This application seeks to amend the signage zones on the elevations as approved by Planning Permission Ref. APP/23/00661. The amendments to the changes can be summarised as follows:

Widening of the signage zones from 5.55m to 10.59m; and
Removal of existing cladding on Unit 7 and incorporation of glazing in accordance with the remainder of the terrace.

The proposed changes will widen the previously approved signage zones, and will also result in the repositioning of the associated signage columns. Additional glazing is also proposed between Units 7 (Halfords) and 5 (Jollyes) at lower level.

Although the proposed amendments to the elevations will result in slightly larger signage areas for all units, the design will still be in-keeping with the rest of the Site, and the changes are not considered to be material in the context of the wider site. The incorporation of additional glazing at lower level will ensure consistency in the design across the terrace, further activate the frontage, and again do not constitute a notable change.

It is proposed that the approved drawings listed on the Decision Notice for Permission Ref. APP/23/00661 are amended to reflect the changes set out above and on the accompanied plans as set out in **Table 1** below.

Drawing Title	Drawing Number	Approved Revision (APP/23/00661)	Proposed Revision
Existing and Proposed Plans	216-PL4-102	P5	P6
Proposed Elevations and Roof Plans	216-PL4-103	P4	P5
Proposed Block Plan	216-PL4-104	P3	P4

Therefore we propose to amend condition 2 attached to planning permission ref. APP/23/00661 as follows:

“The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan and Existing Block Plan - Drawing No. 216-PL4-100.P3 - Received 11 September 2023
- Existing Elevation - Drawing No. 216-PL4-101.~~P5 - Received 11 September 2023~~ P6
- Existing and Proposed Plans - Drawing No. 216-PL4-102.~~P5 - Received 11 September 2023~~ P5
- Proposed Block Plan - Drawing No. 216-PL4-104.~~P3 - Received 11 September 2023~~ P4
- Proposed Elevations and Roof Plan - Drawing No. 216-PL4-103.P4 - Received 11 September 2023
- Swept Path Analysis Using 3.5t Panel Van- Drawing No. 2023-4821-AT-103 Swept Path Analysis Using a Large Car- Drawing No. 2023-4821-AT-104”

Summary and Conclusion

In summary this application seeks and the approved plans set out at Condition 2 of Planning Permission Ref. APP/23/00661 in order to widen the signage zones of Units 5, 7 and 9. The proposed changes will help to improve visibility of the occupier. It is considered that the signage zones are commensurate to the existing signage at the park and on each of the units currently, and the incorporation of further glazing on Unit 7 ensures consistency with the remainder of the terrace and further activates the frontage.

The amended proposals are of a nature and scale which is not substantially different from the approved and do not comprise any significant changes in the overall design of the building, nor would they conflict with the development plan policies.

The proposals for the amended signage zones and elevation changes therefore fall within the scope of S73 application as the changes relate to the shop entrances and the signage features, both of which are referred to in the description of development of the extant Permission Ref. APP/23/00661, and the proposals do not seek to extend the time limit for commencement of development.

We would be grateful if the Council could confirm that our application is completed and will be validated shortly. However, if you do have any queries or require any additional information, please do not hesitate to contact Harry Manners (harry.manners@montagu-evans.co.uk) or Lucy Turner (lucy.turner@montagu-evans.co.uk) at these offices in the first instance.

Yours faithfully,



Montagu Evans LLP

Enc.