

SNPL 398335

25th July 2022

The Savills logo consists of the word "savills" in a red, lowercase, sans-serif font, positioned on a yellow rectangular background.

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Dear Sir/Madam,

**APPLICATION FOR A NON MATERIAL AMENDMENT TO PLANNING APPLICATION APP/17/01324
(APPLICATION UNDER SECTION 96A)**

DUNSBURY PARK, DUNSBURY PARK, FITZWYGRAM WAY, HAVANT, PO9 4EE (PP-11453212)

I write on behalf of Portsmouth City Council, hereafter referred to as 'PCC' regarding a Non Material Amendment Application (NMA) to the extant Outline Planning Consent for Dunsbury Park, Havant (ref: APP/17/01324).

In addition to this letter, the application submission consists of:

- Application Form
- Amended Parameter Plan (20179_DP-UMC-00-XX-DR-A-2000 [A])
- The fee of £262.00 (via planning portal)

Application Context

Dunsbury Park consists of around 50 acres adjacent to junction 3 of the A3 at Waterlooville, to the north of Portsmouth. The site has outline planning consent for up to 61,779sqm B1/B2/B8 use, a hotel/conference centre and a new access link road (reference APP/12/00338 varied by S73 APP/15/00732 and more recently S73 APP/17/01324).

S73 APP/17/01324 was granted on 13th December 2018 and successfully removed the B8 use class restriction at Dunsbury Park. APP/17/01324 forms the extant Outline Planning Consent for the Site.

A revised building heights Parameter Plan was submitted as part of APP/17/01324 to ensure future reserved matters schemes on all plots across the site will be capable of accommodating standard commercial buildings. This resulted in a revision to Condition A19, with Parameter Plan 3: Building Heights Figure 2.3 being replaced by drawing ref: MP-XX-DR-A-1004-P6 Parameter Plan Building Heights dated 17.7.2017.

NMA Rationale

A Reserved Matters Application (RMA) for Units 500, 501 and 502 was submitted to Havant Borough Council (HBC) in December 2021 (APP/21/01267). It has become apparent, working in liaison with HBC, that for APP/21/01267 a number of non-material amendments are required in order to facilitate the efficient delivery of the development. These are detailed below.

1. Parameter Plan Amendment (Condition A19)

As detailed in the submission documents, RMA APP/21/01267 seeks to exceed the extant parameter heights on Units 500 and 501 by 1.75m and 0.25m respectively, as shown in table 1 below:

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Plot	Proposed Ground Floor Finishes Floor Level	Max Building Height (Based on Parameter Plan)		Proposed Roof Height		Height Exceedance (m)
500	27.50m AOD	40.00m AOD	12.50m above FFL	41.75 AOD	14.25m above FFL	+1.75
501	31.00m AOD	45.00m AOD	14.00m above FFL	45.25m AOD	14.25m above FFL	+0.25
502	33.30m AOD	50.00m AOD	16.70m above FFL	47.80m AOD	14.50m above FFL	-2.2

As detailed in the LVIA Supplement submitted in support of RMA APP/21/01267 (an appended again herein), this exceedance is not considered to materially change any of the conclusions originally reached in the approved Environmental Statement.

An amended Parameter Plan has been prepared and submitted in support of the NMA (drawing ref: 20179_DP-UMC-00-XX-DR-A-2000 [A]). As shown on the plan, the parameters for the wider site remain unaffected, however, there are two new demarcations shown for Plots 500 and 501 (shown in red text):

- Up to 40.00m AOD Maximum Building Height
- **Up to 41.75m AOD Maximum Building Height**
- Up to 45m AOD Maximum Building Height
- **Up to 45.25m AOD Maximum Building Height**
- Up to 50.00m AOD Maximum Building Height

In order to regularise the exceedance sought in RMA APP/21/01267 a non-material amendment is sought to the Building heights Parameter Plan listed within Condition A19 (Approved Plans) of the extant Outline Consent.

A19 currently reads:

Environmental Statement Volume 2 – Drawings

March 2012

But the Parameter Plan 3: Building Heights Figure 2.3 replaced by drawing ref: MP-XX-DR-A-1004-P6 Parameter Plan Building Heights dated 17.7.2017

As amended A19 would read:

Environmental Statement Volume 2 – Drawings

March 2012

But the Parameter Plan 3: Building Heights Figure 2.3 replaced by drawing ref: 20179_DP-UMC-00-XX-DR-A-2000 [A] dated 25.07.2022

2. Contaminated Land (Condition A14)

Element (iv) of Condition A14 attached to the extant Outline Consent (APP/17/01324) requires that a contaminated land verification report shall be prepared on completion of any necessary remediation measures set out in element (iii) of Condition A14.

Condition A14 is a pre-commencement condition and, as currently worded, would preclude commencement of development until such time as the remediation works for the relevant phase have been completed and

verification report has been prepared, submitted and approved by the LPA. The wording of Condition A14 is particularly unhelpful as it is entirely ordinary for remediation works to run concurrently with the construction elements of a project.

In order to allow for works to commence alongside the necessary remediation works on Units 500-502 and all future development plots within Dunsbury Park it is proposed that element (iv) be deleted from A14 and a new condition be added to the consent requiring the submission of a verification report prior to development commencing above damp proof course.

For continuity across the piece we propose that this new condition be given number A20:

Condition A20 would read:

*Prior to **development above damp proof course** within each phase of development a verification report shall be prepared on completion of the remediation measures set out in element (iii) of Condition A14 confirming that measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.*

Reason: To prevent future site users, and buildings being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land & soil gas, and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and National Planning Policy Framework 2018.

Summary and Conclusions

This letter supports an application for a NMA to the extant Outline Planning Consent for Dunsbury Park, Havant (ref: APP/17/01324).

The applicant understands that the definition of non-material is the responsibility of the planning authority to determine. The judgement on "materiality" in any particular case is one of fact and degree. In this case it is maintained that the changes to the consented scheme do not constitute 'material' amendments and sit comfortably within the spirit of the original consent.

Indeed, in this instance there is a strong technical rationale for these limited revisions to the consented development. Further, the proposed NMA will not materially change the scale or nature of the approved development. As such, it is appropriate in these circumstances to consider them as non-material amendments to the approved planning consent under section 96A of the TCPA.

If you require any information regarding this application, please do not hesitate to contact me.

Yours sincerely

Yours sincerely

A solid black rectangular box used to redact the signature of Jim Beavan.

Jim Beavan
Savills Planning