

BIRMINGHAM
BRISTOL
CAMBRIDGE
CARDIFF
EDINBURGH
GLASGOW
KINGS HILL
LEEDS
LONDON
MANCHESTER
NEWCASTLE
READING
SOUTHAMPTON



bartonwillmore.co.uk
7 Soho Square
London
W1D 3QB
T/ 0207 446 6888

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

VIA PLANNING PORTAL (Ref: PP-11348833)

32283/A3/SS/PN
23 June 2022

Dear David,

SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
LANGSTONE PARK, 2B LANGSTONE ROAD, HAVANT, PO9 1SA
APPLICATION FOR A NON-MATERIAL AMENDMENT TO APPLICATION REF: APP/21/00405

We have been instructed by our client XLB Property Ltd ("XLB") to submit a Section 96a application to amend Condition 3 attached to Planning Permission (Ref: APP/21/00405) at Langstone Park, 2B Langstone Road, Havant, PO9 1SA which permits the following development:

'Variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1)'

Background

Planning Permission (Ref: APP/19/00703) was granted on 22 July 2019 for the benefit of the, then owners of Langstone Park ("the Park"), A.G Langstone BV and Trinity Investment Management. In December 2020, the Park was sold and changes to the approved scheme were secured via a S73 application (Ref: APP/21/00405) granted on 25 August 2021 ("the S73 permission").

Following the discharge of relevant pre-commencement conditions, the S73 permission was implemented in March 2022 and the new industrial units in the south-western corner are currently being constructed. Prior to this, the demolition of B1000 was completed under the original permission (Ref: APP/19/00703) following the formal discharge of Conditions 3, 4, 5 and 6 attached to that permission. Recognising that details had already been submitted to discharge Condition 3, this condition was amended on the S73 permission to require compliance with the details which had already been approved, alongside an updated car parking phasing plan which was submitted as part of the S73 application (within the updated Transport Assessment).

You will be aware that following the purchase of the Site in December 2020, the new owners are looking to deliver a wider, comprehensive redevelopment of the Site ("the Masterplan proposals") and these proposals are currently the subject of a live planning application (Ref: APP/22/00172).

Condition 3

Condition 3 on the S73 Permission is worded as follows:

The development hereby permitted shall take place in accordance with the phasing programme submitted in relation to the discharge of Condition No. 3 of planning permission APP/19/00703 as amended by the revised Car Park Phasing Plan (Transport Statement) unless otherwise agreed in writing by the Local Planning Authority.

The stated reason for the condition is:

To ensure adequate parking is provided on site in advance of the first use of the proposed new flexible use industrial units and that adequate foul drainage capacity is available having due regard to policies CS15 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

In relation to foul drainage capacity, this is not affected by the proposed changes to the Phasing Programme which relate to the delivery of the parking areas and the B1000/B4000 building envelopes. As per the submitted Clancy letter (dated 12 October 2020¹) these works will have 'no impact on foul drainage'.

Approved Phasing Programme

The Phasing Programme as currently approved, is split out into four phases as outlined in Table 1 below. This proposes the delivery of the pockets of additional parking areas within the red line ahead of the completion of the B1000 envelope. It is relevant to note that this Phasing Programme assumed that Bay 3 of B1000 would be re-occupied following the demolition of Bays 1 and 2 and that the site would operate at full capacity (resulting in a total demand, based on the original scheme, for 1,881 parking spaces across the Site).

Table 1: Approved Phasing Programme

Phase	Works	Status
01	B1000 Demolition Works & Contractors Compound	Complete
02	Construct Industrial Units (including the provision of 287 new spaces)	In progress
03	Construct New Parking Areas (270 spaces overall) 65 spaces South of B6000 83 spaces North of Industrial Units 46 spaces East of B7000 39 & 37 spaces North/North East of B1000	Not started
04	Construction of New B1000 Envelope & Parking Area (418 spaces overall)	Not started

The amendments secured under the S73 Permission altered the number of existing car parking spaces which would be lost as a result of the redevelopment of the south-western corner of the Site, and the total number of spaces required to serve the new units was also reduced in line with the reduction in floorspace. In order to reflect these changes in demand/supply, a revised Parking Phasing Plan (contained within Appendix E of the submitted Transport Assessment) was approved and is

¹ Submitted to discharge Condition 3 on the original permission (Ref: APP/19/00703).

referenced in Condition 3. This allows for the new parking areas to be delivered over three phases as set out in Table 2.

Table 2: Approved Car Park Phasing Plan

Phase	Car Parking Area	Status
1	250 spaces for the new industrial units	In progress
2	153 spaces combining new parking areas to the south of B6000 and north of Industrial Units	Not started
3	546 spaces around B1000	Not started

Current Position

With the advancement of the Masterplan proposal, XLB are now seeking to amend the approved Phasing Programme to bring forward works around B1000/B4000 ahead of the elevation works and smaller pockets of parking to the south. This is shown on the submitted Development Programme Phases prepared by PRC (Ref: 11319-PL-052) and summarised in Table 3 below. This is intended to create a better 'fit' with the proposed phasing of the Masterplan proposals which, if approved, would look to start within the southern parts of the Site. As set out in more detail below, the proposed changes to the phasing of the S73 permission are considered appropriate and justified irrespective of the outcome of the Masterplan application.

Table 3: Amended Phasing Programme (including Parking Phasing)

Phase	Works	Status
1	B1000 Demolition Works & Contractors Compound	Complete
2	Construction of new Industrial Units (including the provision of 250 new spaces)	In progress
2a	Construction of 240 spaces and associated footpaths and landscaping, new link road and access barrier and realignment of fire access track	Not started
2b	Construction of new B4000 elevations	Not started
2c	Construction of new B1000 elevations	Not started
3	Construction of 259 spaces and associated footpaths and landscaping to the north of B7000	Not started
4	Construction of 200 spaces & associated footpaths and landscaping 70 spaces South of B6000 83 spaces North of Industrial Units 47 spaces East of B7000	Not started

As noted above the purpose of the condition is to ensure that adequate parking is provided on site in advance of the first use of the proposed new industrial units. As with the original application, the demand for parking on site is linked to the level of occupation. At the time of the S73 application, the Site was 64% occupied. This has since dropped to 50% and it is now very likely that this will

not be improved upon given the condition of the existing buildings and the wider aspirations for the Site.

Linked to this, XLB are currently in discussions with the remaining tenants of B6000 to relocate elsewhere within the Site over the next 18 months (largely within the operational bays of B1000). Additionally, Bay 3 of B1000 is to remain a shell (albeit with an updated façade for external aesthetic purposes) until such time that it may be demolished in line with the Masterplan proposals. This part of the building will therefore never be re-occupied and likewise, once vacant, B6000 will also not be reoccupied. Taken together, this broadly equates to c. 15,000 sqm floorspace which will remain vacant.

Even assuming that the remainder of the existing buildings on the Site (c.36,755 sqm)² were fully occupied (which again, is unlikely even with the relocations from B6000), in order to maintain the established rate of 1 space per 32 sqm of floorspace, this would elicit a requirement for 1,149 parking spaces. Following the completion of Phase 2a (which includes the provision of the barriers required under Condition 17), the overall level of parking provision to serve the existing floorspace will be 1,256 spaces. In addition to this, there will be 250 spaces to serve the new industrial units, and therefore 1,506 spaces serving the Site as a whole.

On the basis of the above, the amended approach to phasing will continue to meet the requirements of Condition 3 in ensuring that adequate provision for parking is maintained across the Site.

Proposed Amendment to Condition 3

In order to allow the alternative approach to phasing outlined above, it is proposed to amend Condition 3 as follows (proposed changes are shown in bold):

The development hereby permitted shall take place in accordance with the phasing programme submitted in relation to the discharge of Condition No. 3 of planning permission APP/19/00703 as amended by the revised Car Park Phasing Plan (Transport Statement) Development Programme Phases (Ref: 11319-PL-052) dated May 2022, unless otherwise agreed in writing by the Local Planning Authority.

Whilst there is no statutory definition of 'non-material', it is clear that the proposed minor amendments do not undermine the original aims or objectives of the Planning Permission (or Condition 3) and there will be no material change to the outcome of the permitted development. The minor amendments do not seek to alter the amount of floorspace permitted, the scale of development or the approved layout of the scheme. It is therefore considered that the changes sought to Condition 3, when considered in the context of the overall scheme, constitute 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-11348833):

- Application form, duly completed;
- Site Location Plan (Drawing Ref: 0100 Rev C)
- Approved Phasing Programme (Ref: 0403 Rev B)
- Approved Car Park Phasing Plan (derived from Appendix E of Motion Transport Assessment)
- Development Programme Phases (Ref: 11319-PL-052)

² Excluding the new industrial units.

A payment of £234, 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

Planning Associate Director