

DELEGATED OFFICER REPORT

PROPOSAL	Application for non-material change to Planning Permission APP/20/00015 relating to the proposed changes as follows: 1. Additional Refuse Storage to back of front building, to accommodate Retail Tenant requirements; 2. Creation of one additional car parking space; 3. Re-positioning of bicycle parking to accommodate larger Refuse Store.
LOCATION:	Former site of, 108-110 Elm Grove, Hayling Island
REFERENCE NO:	APP/25/00100
APPLICANT:	OMG Properties Limited
APPLICATION TYPE:	Non-Material Amendment
CONSULTATION EXPIRY DATE:	
APPLICATION EXPIRY DATE:	18/04/2025
WARD:	Hayling East
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The application site, 108-110 Elm Grove is located on the eastern side of Elm Grove within settlement limits. This part of Elm Grove comprises a secondary frontage within the Gable Head District Centre as defined in the adopted Havant Borough Local Plan (Allocations), and is characterised by ground level retail development with residential and office space above, predominantly two-storey in height.
- 1.2 A detached retail and showroom building at 112 Elm Grove, flanks the site to the north west while the grounds of The British Legion Club flank the site to the north east. A tall telecommunications mast and ground unit lie just to the rear of No 112.
- 1.3 A site access road off Elm Grove, running west-east, skirts the southern edge of the development and separates the site from a Veterinary practice at 104-106 Elm Grove to the south.
- 1.4 A tall Leyland Cypress boundary hedge, demarcates the eastern rear boundary of the site with allotment gardens beyond.
- 1.5 The original site buildings comprising a retail frontage and a cluster of other buildings to its rear were demolished subsequent to the grant of full planning permission APP/20/00015, as amended by APP/22/00132, for redevelopment of the site for mixed retail/residential use. Redevelopment work is largely complete at the site, and the respective premises are now occupied.

2. Planning History

APP/20/00015 - Demolition of retail unit and associated outbuildings and construction of a 3 storey building consisting of 1No retail unit with 4No one bedroom flats fronting Elm Grove and a 3 storey, sheltered housing, building consisting of 19No one bedroom and 20No two bedroom assisted living accommodation with associated car parking and external works to the rear. Request to discharge conditions 12 (construction method statement) & 15 (foul and surface water drainage) received 15/02/2022. Request to discharge conditions 6, 7, 8 and 9 (received 23/05/2022). **Permitted 18/03/2021.**

Officer comment: *This represents the original permission for comprehensive redevelopment of the site, and relates to two separate planning units within the overall site - a sheltered housing block to the rear of the site; and a retail unit with flats above on the Elm Grove frontage itself. As the proposals the subject of the application the subject of this report relate to the retail/flatted unit, it is this permission that is proposed to be amended under this Non Material Amendment application.*

APP/22/00132 - Variation of condition 2 of Planning Permission APP/20/00015 (Demolition of retail unit and associated outbuildings and construction of a 3 storey building consisting of 1No retail unit with 4No one bedroom flats fronting Elm Grove and a 3 storey, sheltered housing, building consisting of 19No one bedroom and 20No two bedroom assisted living accommodation with associated car parking and external works to the rear) relating to variation to approved plans to allow for (i) Proposed FFL of main, assisted living housing block raised by 450mm, to facilitate the sewer connection to existing below ground drainage system; and (ii) Southeast corner of main roof cantilevered to ensure buildability - the floor plans at lower levels are unaffected by this change. (Approved 22/12/2022) Request to Discharge Condition 16 (27/02/23). Request to Discharge Conditions 4,5,13 & 14 (03/10/2024). **Permitted 22/12/2022.**

Officer comment: *This variation of condition application related to changes to the design and appearance of the sheltered housing block only; hence, whilst a later permission, it is not the subject of this Non Material Amendment application as the earlier consent contained the approved design and layout for the retail/flatted development on the Elm Grove frontage.*

APP/23/00816 - Non Material Amendment of Planning Permission APP/22/00132 to simplify the roof structure (to align scheme with previously consented design under APP/20/00015) and relocation of approved substation from northern to southern boundary with consequential amendments to car parking layout and landscaping. **Permitted 04/02/2025.**

Officer comment: *This NMA application principally sought changes to the sheltered housing block, together with a relocation of a substation from the rear of the retail unit to an area adjacent to the sheltered housing block. It has been implemented.*

3. Proposal

- 3.1 Application for non-material change to Planning Permission APP/20/00015 relating to proposed changes to the retail/flatted block only as follows:
1. Additional Refuse Storage to back of front (i.e. retail) building, to accommodate Retail Tenant requirements;
 2. Creation of one additional car parking space;
 3. Re-positioning of bicycle parking to accommodate larger Refuse Store.

- 3.2 No changes are proposed to the footprint of the approved sheltered housing block; nor to the footprint of the retail/flatted block itself to the Elm Grove frontage.

Site Layout as approved under APP/20/00015



Site Layout as proposed under this NMA application



4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)

CS20 (Transport and Access Strategy)

CS21 (Developer Requirements)

CS4 (Town, District and Local Centres)
CS9 (Housing)
DM11 (Planning for More Sustainable Travel)
DM13 (Car and Cycle Parking on Residential Development)
DM2 (Protection of Existing Community Facilities and Shops)
DM7 (Elderly and Specialist Housing Provision)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

HY1 (Hayling Island Housing Allocations)
AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3 (Town, District and Local Centres)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5. Statutory and Non Statutory Consultations

None applicable.

6. Publicity and Community Involvement

Not necessary for a Non-Material Amendment application.

7 Planning Considerations

7.1 As detailed in paragraph 3.1 above, this application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application.

7.2 The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining whether the proposal is a 'non-material' amendment. Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application which are relevant to that assessment are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Parking and servicing provision

(i) Principle of development

7.3 The application site is located within the defined urban area. The proposal is a non-material amendment application relating to a comprehensive redevelopment of the site to deliver a sheltered housing block to the rear of the site and a retail unit with flats above on the Elm Grove frontage having previously been permitted under APP/20/00015 (as amended by APP/22/00132 and APP/23/00816 in respect of the

sheltered housing block). The principle of development is therefore well established on this site, and the proposed changes do not affect the nature of the uses previously approved.

(ii) Appropriateness of design and impact on the character of the area

- 7.4 The application proposes three changes to the retail/flatted element of the scheme on the Elm Grove frontage previously approved under APP/20/00015 (as amended by APP/22/00132 and APP/23/00816):

1. Additional Refuse Storage to back of front building, to accommodate Retail Tenant requirements;
2. Creation of one additional car parking space;
3. Re-positioning of bicycle parking to accommodate larger Refuse Store.

Additional refuse storage to back of front building

- 7.5 The scheme originally granted planning permission sought to locate refuse bins for both the retail unit and flats above within a single mesh-enclosed enclosure to the rear of the building, with cycle parking adjacent.
- 7.6 As proposed the bin storage is to be segregated into separate zones for the flats (in the area originally approved for such use) and the retail unit (with bin storage expanded into an area previously featuring cycle parking – the relocation of which is considered further below).
- 7.7 Such changes are taking place to the rear of the retail/flatted block in an area which, as originally approved, is characterised by the servicing and parking requirements associated with the building. In this context the changes are modest and consistent with the original design intentions for this part of the site. The changes in this respect are therefore not considered to adversely affect the quality of design of the approved scheme, nor its impact on the character of the area.

Creation of one additional car parking space

- 7.8 As originally approved the area to the rear of the retail unit with flats above was to feature a hard surfaced area with 5No. parking spaces and an electricity substation building (since relocated to another part of the site pursuant to NMA approval APP/23/00816).
- 7.9 As laid out following the development's implementation the site now features 6No. parking spaces to the rear of the retail unit and flats, this in part being achieved by additional space available following the relocation of the substation, and in part by a slight narrowing of the planting bed adjacent to the access into the site. A tree originally intended to have been planted in this area has been relocated, along with additional tree planting, to the southern part of the site near the relocated substation.
- 7.10 Whilst it is accepted that the changes have increased the level of hard surfacing immediately to the rear of the retail unit with flats above, this area is not dominant in views from the public realm and it is only when one enters the site that the change will be appreciated. At this point the compensatory planting will equally become apparent, and as a result this change is considered in the context of the overall development to be a benign one. Overall the balance of landscaping and hard surfacing is considered to be comparable with the approved scheme, and should result in no adverse impacts to the character of the area.

Re-positioning of bicycle parking to accommodate larger Refuse Store.

- 7.11 As discussed at Paragraph 7.6 above, the provision of the larger refuse area has necessitated the relocation of the external cycle parking, comprising 5No. Sheffield hoops, to the area originally to have been occupied by the electricity substation building (since relocated to another part of the site pursuant to NMA approval APP/23/00816).
- 7.12 As with the refuse storage changes, the amendment to the location of the previously approved cycle hoops is taking place to the rear of the retail/flatted block in an area which, as originally approved, is characterised by the servicing and parking requirements associated with the building. Cycle parking levels are maintained at the approved levels. The changes in this respect are therefore not considered to adversely affect the quality of design of the approved scheme, nor its impact on the character of the area.

(iii) Effect on neighbouring properties

- 7.13 As discussed above, the changes are taking place to the rear of the retail/flatted block in an area which, as originally approved, is characterised by the servicing and parking requirements associated with the building. The site also lies within a secondary frontage of the Gable Head District Centre, with commercial uses immediately adjacent to the north, including a telecommunications mast.
- 7.14 In this context the changes to the refuse storage, cycle parking and car parking layouts are considered to be modest and consistent with the original design intentions for this part of the site. Overall it is considered that they are unlikely to lead to any adverse impact to neighbouring properties and can therefore be considered as non-material.

(iv) Parking and servicing provision

- 7.15 The proposed layout changes to the refuse storage are not considered to prejudice the servicing of the site, with the rear of the retail unit remaining the focus for both residential and commercial refuse collection.
- 7.16 In terms of car parking provision, this is enhanced by the additional space created on the site. Cycle parking levels are maintained at the approved levels.
- 7.17 The changes are therefore not considered to give rise to a material impact in terms of servicing and parking provision.

8 Conclusions

- 8.1 The proposed alterations to the originally approved layout in terms of refuse storage, car parking and bicycle parking are not considered to result in a material change to the extant planning permission and the changes are recommended for approval.

9. RECOMMENDATION:

That the Development Manager be authorised to Approve with Conditions for application APP/25/00100 subject to the following conditions:

Conditions:

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

Proposed Site Plan 19-030-0101-P07

Reason: - To ensure provision of a satisfactory development

Informatives:

- 1 In accordance with paragraphs 39-51 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice,
- You were updated about issues after the initial site visit