DELEGATED OFFICER REPORT

PROPOSAL	**Application for Non-Material Amendment to Planning Permission APP/22/00837 relating to vary wording of Condition 16.**
LOCATION:	Cowplain School, Hart Plain Avenue, Waterlooville, PO8 8RY
REFERENCE NO:	APP/25/00941
APPLICANT:	Barchester Barchester Healthcare
APPLICATION TYPE:	Non-Material Amendment
CONSULTATION EXPIRY DATE:	26/01/2026
APPLICATION EXPIRY DATE:	12/12/2025
WARD:	Hart Plain

SUMMARY RECOMMENDATION: GRANT PERMISSION

1. Site Description

1.1 The application site consists of a parcel of land formerly part of Cowplain School which is located on the southern side of Hart Plain Avenue, to the east of Hart Plain Infant School. The remaining Cowplain School grounds are located to the south and a residential dwelling at no. 43 Hart Plain Avenue to the east.

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1.2 The adjacent area is predominantly residential, with the exception of the two schools, the adjacent dwelling used as an office (no. 41a) and the vehicle repair garage at no. 41. There is a shopping parade at the western end of this part of Hart Plain Avenue on Milton Road, and a Public House on the corner of Milton Road and Hart Plain Avenue.

1.3 In planning policy terms, both sites lie within the urban area of Havant. The sites are not in a Conservation Area, and there are no listed buildings or Protected Trees on or near the sites.

2. Planning History

APP/22/00837 - Erection of a 64 bed care home (within Use Class C2) and 6No. dwellings (within Use Class C3) with associated works including access, parking and landscaping. **Permit 10/01/2024.**

3. Proposal

3.1 This is an application for a Non-Material Amendment to Planning Permission APP/22/00837 relating to varied wording for Condition 16, which as originally approved states:

Within 6 months of the care home first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.
Reason: To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

3.2 The application sets out the following:

We understand from our BREEAM assessor that the Building Research Establishment (BRE) are currently taking longer than 6 months after completion of projects to review the submitted documentation & issue their certificates so we wish to amend the wording to allow for 12 months so we do not inadvertently breach the condition.

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.

The following policies were pertinent to the determination of the original application:

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011
CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14 (Efficient Use of Resources)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
DM1 (Recreation and Open Space)
DM7 (Elderly and Specialist Housing Provision)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
DM17 (Contaminated Land)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: N/A
Conservation Area: N/A

5. Statutory and Non Statutory Consultations

Climate Change Coordinator
Thank you for the consultation on this. Having read the BREEAM covering letter it is noted that the agents wish to amend the wording of condition 16 of the original planning permission.

Due to a delay at BRE the agents are asking that the timescale of when the BREEAM post construction assessment is submitted to the authority is amended from 6 months of the care home becoming first occupied to 12 months.

I do not have any significant concern with this and am happy to approve the amendment to the time scale of 12 months. Were the agents to receive the certification sooner than this it would be expected that this is submitted as early as possible ahead of the extension.

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 amended timescale for submission of BREEAM post construction assessment

(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 the care home element of a previously approved urban infill development. Work is well under way on the consented scheme.

7.4 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 amended timescale for submission of BREEAM post construction assessment

7.5 Given the scale of the development, the care home element must comply with Policy CS14 of the Local Plan and achieve 'Very Good' against the BREEAM standards. To confirm this has been achieved, Condition 16 of Planning Permission APP/22/00837 requires a post construction assessment and certificate to be submitted to the Council for approval.

7.6 The application advises:
We understand from our BREEAM assessor that the Building Research Establishment (BRE) are currently taking longer than 6 months after completion of projects to review the submitted documentation & issue their certificates so we wish to amend the wording to allow for 12 months so we do not inadvertently breach the condition.

7.7 It is important to note that the amendment sought does not alter the BREEAM standard that the development is required to achieve; only the time period allowed for the necessary post construction assessment and certificate to be extended from 6 to 12 months following occupation.

7.8 The Climate Change Coordinator has confirmed that they have no objection to the proposed amendment, and given that the change will not alter the sustainable construction credentials of the development, the amended wording can be considered as non-material.

8 Conclusions

8.1 The proposed amendment to Condition 16 of APP/22/00837 as originally approved is not considered to result in a material change to the extant planning permission and the change is recommended for approval.

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9. RECOMMENDATION:

That the Development Manager be authorised to **GRANT PERMISSION** for application APP/25/00941 subject to the following condition:

Conditions:

Amended Condition 16

Within 12 months of the care home first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction having due regard to policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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:

- Your application was acceptable as submitted and no further assistance was required