

APP/22/00829 - Application for Approval of Reserved Matters (Appearance, Layout, Landscaping and Scale) pursuant to Outline Planning Permission ref. APP/18/01109, for the erection of 74 dwellings, together with communal amenity space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Fulflood Road.(26.02.24). Request to discharge condition 10 (12.06.24). Request to discharge conditions 5,6,8 and 9 (24.06.24) Note request to discharge conditions 6, 8 and 9 were withdrawn 15.8.24.

APP/24/00641 - Application for Non-Material Amendment to Planning Permission APP/22/00829 relating to list of approved plans under condition 1 of the Reserved Matters, with a change to the Site Plan and Boundary Treatment plan., Current Application

3 Proposal

Application for Non-material amendment to Planning Permission APP/22/00829 relating to change the trigger for submitting details to discharge conditions 6 & 9, from pre-commencement to pre-occupation.

Condition 6 states:

No part of the development shall commence, except demolition, until such time the details of the highway works along Fulflood Road as shown in principle in drawing 22.003.02 Rev N and drawing 056.0049-0001 Rev 4 has been approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety having due regard to Policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Condition 9 states:

Prior to the commencement of the development, except for demolition works, the final street lighting strategy shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved street lighting strategy shall thereafter be implemented in accordance with the approved plans prior to the first occupation of the development.

Reason: In the interest of highway safety having due regard to Policies CS16 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

If permission is granted, the wording of the above conditions in bold would change to "**Prior to the occupation of the development hereby permitted...**"

4 Policy Considerations

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

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM3	(Protection of Existing Employment and Tourism Sites)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Highway Authority - No Objection

The applicant is seeking to change the trigger for the discharge of condition 6 and 9 which relate to highway matters from pre-commencement to pre-occupation.

The Highway Authority have engaged in direct discussions on this application and have agreed the proposed change in the triggers for these conditions. The applicant is reminded that they will not be able to occupy the site until the highway works and access arrangement along Fulflood Road have been constructed to completion certificate standard to the satisfaction of the Highway Authority.

Officer Comment: *If permission is granted the above would be an informative on the decision notice.*

5 Planning Considerations

- 5.1 As detailed in part 3 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. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.

- 5.2 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (I) Principle of development
- (ii) Highway Works/Access

- (i) Principle of development

- 5.3 The principle of residential development has already been established by the grant of planning permissions under references APP/18/01109 for "*Outline application for the redevelopment of Former Dairy Crest site for up to 74 dwellings with access off Fulflood Road (31.3.21)*" and APP/22/00829 for an "*Application for Approval of Reserved Matters (Appearance, Layout, Landscaping and Scale) pursuant to Outline Planning Permission ref. APP/18/01109, for the erection of 74 dwellings, together with communal amenity space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Fulflood Road.*"

- (ii) Highway Works/Access

- 5.4 The proposal seeks to amend the triggers to conditions 6 and 9 which relate to matters on the highway (ie Fulflood Road) from pre commencement to prior to occupation conditions. The Highways Authority (HA) originally recommended the triggers on the current wording of these two conditions. In response to this application and following discussions with the HA and the applicant, the HA has "*...agreed the proposed change in the triggers for these conditions*".

- 5.5 The revised triggers for these two conditions would still ensure that prior to the occupation of the development the highway works to the access and the street lighting would be approved by the HA, with the street lighting implemented. Condition 11 of permission APP/22/00829 would also ensure that the works to the highway "*... shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority prior to the first occupation of the development.*"

Therefore, the proposed triggers to these two conditions (and condition 11) would ensure that the works to the highways were completed prior to the occupation of the development, which is considered acceptable.

- 5.6 The proposed changes to the triggers of these two conditions is modest in nature and would still ensure that the highways works were undertaken satisfactorily, without impacting on highway safety and can therefore be considered as non-material.

6 Conclusion

- 6.1 Overall, the proposal to amend the wording of conditions 6 and 9 is not considered to result in a material change to the extant planning permission and the changes are recommended for approval.
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7 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00642 subject to the following conditions:

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

Site Location Plan - Drawing No. 1100 Rev A
Site Plan - Drawing 22.003.02 Rev N
Visibility Splays - Drawing No.056.0049-0001 Rev 4

Reason: To ensure provision of a satisfactory development.

- 2 Prior to the occupation of the development hereby permitted the details of the highway works along Fulford Road as shown in principle in drawing 22.003.02 Rev N and drawing 056.0049-0001 Rev 4 has been approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety having due regard to Policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 Prior to the occupation of the development hereby permitted, the final street lighting strategy shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved street lighting strategy shall thereafter be implemented in accordance with the approved plans prior to the first occupation of the development.

Reason: In the interest of highway safety having due regard to Policies CS16 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.