
Site Address: Former Site of, 20 The Crescent, Waterlooville
Proposal: Variation of Condition No. 10 of Planning Permission APP/12/00718 (which gave consent for 2No. 4 bed detached houses on the site) to replace approved plans with 'as built' plans.
Application No: APP/15/00816
Applicant: Mr Jopling
Meadowlands New Homes Ltd.
Agent: Mr Douglas
Jeffrey Douglas Chartered Architect
Ward: Purbrook
Expiry Date: 15/09/2015
Team: Team 1
Case Officer: Stephen Andrews

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The Crescent is a residential road located within the urban area of Purbrook. The road contains a variety of dwelling types including bungalows and two storey detached and semi-detached properties.
- 1.2 The application site is made up of two newly constructed two storey detached dwellings. The dwellings have a cream render exterior with hipped composite slate roofs. The areas in front of the two dwellings is block paved and capable of accommodating several vehicles. Each dwelling has its own access on to The Crescent. The rear gardens for both step up away from the dwellings and are laid to lawn.
- 1.3 The properties to the immediate south, east and west of the site are two storeys in height and generally occupy smaller plots than that of the host property.

2 Planning History

- 2.1 APP/12/00718 - Demolition of existing 3 bed detached bungalow. Construction of 2 no. 4 bed detached houses with associated refuse and cycle stores, parking and landscaping. New vehicular access from The Crescent. Approved 29/10/2012 following completion of a S106 unilateral undertaking and payment of £5457 towards the Hampshire County Council Transport Contributions Policy.
- 2.2 APP/13/00722 - Demolition of existing detached bungalow, construction of 2No. detached two storey four bedroom houses with 1No. altered vehicular access and 1No. new vehicular access. Approved - 13/9/1013. This permission followed on from the Council's adoption of its Community Infrastructure Levy and as such a CIL Liability Notice of £11,760 was issued.
- 2.3 APP/13/01141 - .Variation of Condition 10 of Planning Permission APP/12/00718 to replace approved plans and documents with those approved under Planning Permission APP/13/00722, and discharge of conditions 2, 3, 4, 5, 6, 7 and 8 of Planning Permission APP/12/00718. Approved - 25/04/2014. This development has been implemented, however the works undertaken do not accord in full with the approved plans and details agreed.

3 Proposal

- 3.1 The submitted application seeks to vary Condition 10 of original permission APP/12/00718 to substitute the approved plans with those as built.

The amendments account for the alteration to site levels, the height of the completed dwellings, the boundary treatment between Plot 2 and neighbour 22 at the front and landscaping.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

The Community Infrastructure Levy (Amendment) Regulations 2012

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Borough Design Guide Supplementary Planning Document 2011

Residential Car and Cycle Parking Supplementary Planning Document 2010

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 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) Impact on the character and appearance of the area
- (iii) Impact on residential amenity
- (iv) Developer contributions
- (v) Other matters

7.2 The above issues were all considered under the previously approved planning permission APP/13/00722 (detailed above), which remains extant and the approved plans for which are being proposed to supersede those earlier approved under Condition 10 of APP/12/00718, as well as a previous amendment to application APP/12/00718 (APP/13/01141). The extant permission (APP/13/00722) is a material planning consideration in this case and the conclusions reached in the assessment of that proposal are pertinent to the determination of this application.

7.3 This planning application is required, as following a complaint to the local planning authority, it was concluded that application APP/13/01141 had not been constructed in accordance with the approved plans or details secured by planning condition. It was therefore determined by the local planning authority that no valid planning permission existed for the nearly completed development.

7.4 This application seeks to regularise the lawfulness of the development as constructed with particular reference to site levels, the height of the completed dwellings, the boundary treatment between Plot 2 and neighbour 22 at the front and landscaping.

7.5 It is considered the application made is one based on technical planning grounds and to address the differences made between those of the approved development and that constructed. The principle issues considered and conclusions reached are not affected by the changes made to the development.

7.6 The principle of the development remains acceptable and the changes made do not unacceptably harm neighbour amenity or harm the character and appearance of the area. The development therefore accords with relevant development plan policy.

(iv) Developer contributions

7.7 The earlier approvals for development at this site had led to two distinct approaches in terms of developer contributions:
APP/12/00718 - had secured a S106 contribution of £5457 towards the HCC Highways Contributions Policy (this being determined prior to the introduction of CIL at Havant).
APP/13/00722 - had led to a CIL Liability Notice being issued requiring £11,760 to be paid.

7.8 The effect of a S73 application varying a pre-CIL decision is such that CIL is only payable on any new floorspace created over and above the earlier permission. In this case the floorspace of the plans approved under APP/13/00722 is actually less than the APP/12/00718 scheme (a more efficient use of first floor space resulting in there being no need for second floor floorspace) and thus no CIL implications arise as a result of this S73 application.

- 7.9 In order to preserve the relevance of the HCC Highways Contributions Policy payment to this case, however (bearing in mind that a S73 application results, in law, in a fresh planning permission being granted), a Deed of Variation has been completed with the applicant under S106 of the T&CP Act 1990 to ensure that the payment of £5457 remains relevant to this case as well as the earlier permission.

8 Conclusion

- 8.1 This S73 application unusually seeks to substitute one set of previously approved plans with another, also previously approved set. It is considered that circumstances have not changed at the site in any material respect since the time of those earlier approvals, and consequently permission is recommended. A Deed of Variation has been completed to retain S106 monies previously secured in respect of the development of the site, and the details submitted pursuant to previously imposed conditions are all acceptable.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00816

(A) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The hardstanding at the front of the dwellings, as shown on approved plan 21303/02 Rev.B, shall be retained and used solely for the purpose of parking vehicles ancillary to the use of the dwellinghouses.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The soft landscaping works shown on approved drawing 21303/07 Rev.B shall be completed during the first available planting season following occupation of the dwellings hereby approved, unless otherwise agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced before the end of the next planting season with others of species, size and number as originally approved.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 The boundary treatment and retaining wall, as shown on approved plans 21303/02 Rev.B and 21303/08, between plot 2 and adjoining neighbour 22 The Crescent shall be completed in full prior to the first occupation of the dwellings hereby approved.

Reason: To ensure a satisfactory relationship between the development and neighbouring site and to ensure that the soil within the front garden of Plot 2 does not spill into the front garden of 22 The Crescent, in accordance with the principles of policy CS16 of the Core Strategy 2011.

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

Drawing Number - 21303/01 Rev.A
Drawing Number - 21303/02 Rev.B
Drawing Number - 21303/03 Rev.A
Drawing Number - 21303/04 Rev.B
Drawing Number - 21303/05 Rev.A
Drawing Number - 21303/07 Rev.B
Drawing Number - 21303/08

Reason: - To ensure provision of a satisfactory development.