

DELEGATED OFFICER REPORT

PROPOSAL	Application for Non Material Amendment to Planning application APP/22/01054, relating to parking provision
LOCATION:	Land north east of, Bunting Gardens, WaterlooVille
REFERENCE NO:	APP/25/00905
APPLICANT:	HNBS
APPLICATION TYPE:	Non-Material Amendment
CONSULTATION EXPIRY DATE:	24/11/2025
APPLICATION EXPIRY DATE:	01/12/2025
WARD:	Hart Plain
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The site is triangular, with Bunting Gardens and Fulmer Walk to the south west, and with Milton Road further to the south. The site is currently part of an area of public amenity green space, designated as highway land, within a residential estate. To the north and west there is three storey residential development and to the east is a large two storey retirement living facility. The site can be accessed by vehicles via Bunting Gardens which leads to an existing car park immediately to the south of the site.
- 1.2 The site consists largely of amenity grassland which is subject to ongoing maintenance mowing. There are trees outside of the site to the north and south.
- 1.3 The site has a significant slope running north-south with a change in level of approximately 2m from front to back. It is an open site bordered with public footpaths to South, West and North. There is also a public footpath that runs diagonally across the site.
- 1.4 The site falls within Flood Zone 1, with an area of approximately 0.15 hectares and would remain so on current information with climate change

2. Planning History

Is there any planning history relevant to the current application?

Yes

APP/22/01054 – Construction of 3 No. 4 Bedroom dwellings with associated parking and landscape works – Granted 11/8/23

3. Proposal

- 3.1 The application seeks approval under Section 96A of the Town and Country Planning Act 1990 for a non-material amendment to reduce the number of approved car parking spaces by two.
- 3.2 The applicant advises that Virgin Media ducts, not recorded on asset plans, run within the verge where two approved spaces were to be constructed. Diversion costs are prohibitive and no alternative locations exist close to the approved layout.
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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 Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Management Plan 2024-2025
Havant Borough Council and Chichester District Council Joint SPD - Chichester
Havant Borough Local Plan (Core Strategy) March 2011
Havant Borough Local Plan (Allocations) July 2014
Emsworth Neighbourhood Plan Post Examination Version 2020

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: N/A

Conservation Area: N/A

5. **Statutory and Non Statutory Consultations**

Landscape – No objection

Having reviewed the amended plans, we have no landscape objection.

Officer Comment: *the applicant has confirmed that the Landscape Master Plan, was for information only. It was not submitted for approval or to discharge Condition 18 on the planning permission APP/22/01054.*

Material planning considerations are addressed in Section 7.

6 **Planning Considerations**

6.1 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. 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.

6.2 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) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Impact on parking

(i) Principle of development

6.3 The principle of residential development on the site is already established through APP/22/01054. The current application seeks only to amend the parking layout by removing two spaces. The change does not alter the nature, scale or operation of the approved development and therefore the principle remains acceptable

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

6.4 The two spaces to be removed are located in the south-east corner. The remaining two spaces in this area would be laid out to adoptable standards, and the existing footpath and grass verge would be retained over the Virgin Media cable. The change is visually minor, does not alter the approved built form, and would have no adverse effect on the character of the area.

(iii) Effect on neighbouring properties

6.5 The proposal would not result in any physical changes with potential to affect neighbouring properties. The small reduction in parking is not expected to lead to overspill parking or amenity issues because the approved scheme already exceeded the Council's minimum requirement, and the resulting total would continue to do so.

(iv) Impact on parking

- 6.7 The amendment reduces provision from 16 to 14 spaces. Under the Havant Borough Council Parking SPD (2016), only 9 spaces are required for the 3 dwellings. The scheme would therefore continue to exceed the minimum requirement by a reasonable margin. The reduction is minor and acceptable as a non-material amendment.

7 Conclusion

- 7.1 The proposed reduction in parking does not materially alter the nature or impacts of the approved development. The amendment is minor in scale, policy-compliant, and satisfies the Section 96A test. It is therefore recommended for approval.

8 RECOMMENDATION:

That the Development Manager be authorised to GRANT PERMISSION for application APP/25/ 00905 subject to the following conditions

Conditions:

1.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>The plans and documents listed under Condition 1 of planning permission APP/22/01054 and the following revised details:</p> <p>Parking & Footpaths Setting Out & Levels – Drawing No. 2637/20001/C2 Block Plan as Proposed – Drawing No. 2637/1102/P5 Site Plan as Proposed – Drawing No. 2637/1107/P4</p>
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Informatives:

1	<p>In accordance with paragraphs 38-50 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:</p> <ul style="list-style-type: none">• 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, <p>In this instance:</p> <ul style="list-style-type: none">• Your application was acceptable as submitted and no further assistance was required.
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