DELEGATED OFFICER REPORT

PROPOSAL	**Variation of condition 2 of Planning Permission APP/24/00903 relating to minor changes to plans to be replaced by Drawing No. 24075-002C, A100 Rev A and A101 Rev A**
LOCATION:	36 Summerhill Road, Waterlooville, PO8 8XE
REFERENCE NO:	APP/26/00070
APPLICANT:	Mr & Ms - Hedger
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	17/03/2026
APPLICATION EXPIRY DATE:	31/03/2026
WARD:	Cowplain

SUMMARY RECOMMENDATION: GRANT PERMISSION

1. Site Description

1.1 The application site previously formed part of the garden for 36 Summerhill Road to the north west. To the rear of the site is Latchmore Forest Grove. Vehicular access is from Summerhill Road with parking to the side of 36 Summerhill Road. The site backs onto Forest Avenue.

1.2 The application site is rectangular in shape with an average width of approximately 29 metres and a length of approximately 39 metres. The application site has an area of approximately 502 sqm, with the land dropping to the rear.

1.3 The character of the area comprises of detached properties.

1.4 There are two TPOs on the application site, one being an Oak Tree and the other a Western Red Cedar. Part of a TPO area is also located on the west side of the application site.

1.5 The site falls within Flood Zone 1 and would remain so in 2115 on current information.

2. Planning History

Is there any planning history relevant to the current application?

Yes

APP/24/00903 - Construction of 1No. 4 bed dwelling. Reduce crown to 9 metres on T3 oak, remove T2 Western Red Cedar. Plant 2No. replacement trees, 1No. Field Maple and 1No. Rowan – Approved 14 February 2025

3. Proposal

Variation of condition 2 of Planning Permission APP/24/00903 relating to minor changes to plans to be replaced by Drawing No. 24075-002C, A100 Rev A and A101 Rev A

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

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)
CS16 (High Quality Design
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS19 (Effective Provision of Infrastructure)
CS9 (Housing)
DM10 (Pollution)
DM13 (Car & Cycle Parking on Residential Development)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs, from Residential 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

Southern Water - Comment

Condition

Southern Water are unable to discharge condition 2 (Approved Plans) at this time due to the submitted documents not showing the required 3m easement between the existing sewer crossing the site and the proposed development.

Officer Comment: *This application does not seek the discharge of condition 2, but rather a variation of the approved plans secured by that condition. Notwithstanding this, Southern Water did not raise an objection when consulted on the original planning application approved under reference APP/24/00903*

Chichester Harbour Conservancy – No Comment

The site is way outside the Chichester Harbour National Landscape boundary so we have no comments to make.

Natural England – No Comment Received

County Highways Team – No Comments

As the above application does not appear to make any changes to the local highway, the Highway Authority shall not provide any comments on this application at this time.

Norse - Waste Strategy – No Comment Received

Development Infrastructure Team (CIL & S106) – No Comment Received

Arboriculturalist/Tree Officer – No Comment Received

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice	Site Notice 24.2.26	24/02/2026	17/03/2026	Is advertised in the public interest

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 9

No Comments Received.

Material planning considerations are addressed in Section 7.

7 Planning Considerations

(i) Principle of development
(ii) Impact upon the character and appearance of the area
(iii) Impact upon residential amenity
(iv) Access and Parking
(v) Flood Risk & Drainage
(vi) Impact on Trees
(vii) Biodiversity Net Gain
(viii) Development Contributions/Community Infrastructure Levy

(i) Principle of development

7.1 The principle of residential development on the site has already been established through the grant of planning permission APP/24/00903 for the erection of one dwelling. The current application seeks only a variation of condition 2 to allow amendments to the approved plans and does not propose any increase in the scale of development, its footprint or change in the approved residential use. As such, the principle of development remains acceptable, subject to consideration of the detailed impacts arising from the proposed amendments.

Impact upon the character and appearance of the area

7.2 The proposed amendments include changes to the fenestration, with the introduction of an additional ground-floor window on the east elevation. These alterations are minor in scale and nature.

7.3 On the west elevation, it is proposed to install an air source heat pump together with an electric meter. In addition, the number of solar panels proposed on the roof would increase from 12 to 18.

7.4 The internal layout of the kitchen area has also been amended.

7.5 It is considered that the proposed changes, individually and cumulatively, would not result in any material harm to the character or appearance of the dwelling or the surrounding area.

(iii) Impact upon residential amenity

7.6 The proposed amendments are limited in nature and would not result in any material change to the relationship between the development and neighbouring properties beyond that already assessed and found acceptable under planning permission APP/24/00903. The additional ground-floor window on the east elevation would not give rise to unacceptable overlooking or loss of privacy, having regard to its location and the presence of existing boundary fencing along the eastern boundary.

7.7 The installation of an air source heat pump and associated equipment on the west elevation would not result in an unacceptable level of noise or disturbance to neighbouring occupiers and would be subject to compliance with a recommended condition. The increase in the number of solar panels would not give rise to any material additional impact on neighbouring amenity. Overall, it is considered that the proposed changes would not result in any material adverse impact on the amenities of neighbouring properties.

(iv) Access & Parking

Access

7.8 The Highway Authority has reviewed the proposal and has decline to comment, noting that the application does not result in any changes to the local highway network.

Parking

7.9 No changes are proposed to the cycle, car parking or refuse provision, which would remain as previously approved. An area of gravel is also proposed adjacent to the access, which is considered acceptable.

(v) Flood Risk

Flood Risk

7.10 The proposed dwellings and access would be sited wholly within Flood Zone 1. National Guidance states that Flood Zone 1 is suitable for all types of development.

Drainage

7.11 A foul sewer runs north to south along the eastern boundary of the site. Southern Water was consulted on the application; however, their response relates to the discharge of a condition, which is not under consideration as part of this application. When previously consulted on planning permission APP/24/00903, Southern Water acknowledged the presence of the foul sewer and raised no objection to the development. Foul and surface water drainage matters would fall within the remit of Building Control.

(vi) Impact on Trees

7.12 There are two Tree Preservation Orders (TPOs) on the site, comprising an Oak tree (T3) to the rear of the site and a Western Red Cedar (T2) to the front. Both trees were previously identified as Category B specimens, and part of a wider TPO area is also present along the western boundary of the site.

7.13 The current application seeks a variation of condition 2 only and is not accompanied by any additional arboricultural information. No changes are proposed to the tree works previously approved under planning permission APP/24/00903. As such, the approved removal of the Western Red Cedar (T2), the reduction of the crown of the Oak tree (T3) to approximately 9 metres, and the proposed replacement planting of one Field Maple and one Rowan remain unaltered.

7.14 The Council's Arboricultural Officer previously considered these works as part of the original application and raised no objection, subject to appropriate conditions, with no comments received in respect of this application. The removal of the Western Red Cedar was accepted on the basis that it was impeding the growth of an adjacent tree.

7.15 To ensure the continued protection of retained trees and the delivery of replacement planting, the relevant tree protection, tree works and replacement planting condition attached to planning permission APP/24/00903 will be re-imposed should permission be granted. Subject to this condition, it is considered that the proposal would not result in unacceptable harm to protected trees or the arboricultural value of the site.

7.16 (vii) Biodiversity Net Gain

7.17 The applicant has claimed an exemption from Biodiversity Net Gain (BNG) on the grounds that the development constitutes a self-build and custom build scheme. In support of the original planning permission, it was found that the proposal met the definition of self-build and custom housebuilding as set out in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The agent has confirmed that an exemption on the same grounds is sought for this application.

(viii) Development Contributions/Community Infrastructure Levy

7.18 As to the Developer Contributions in respect of the Solent Recreation Mitigation Strategy and neutral nitrate development these were discharged under permission APP/24/00903.

7.19 Planning permission APP/24/00903 included a Unilateral Undertaking (UU) dated 28 January 2025. At Clause 3.2 in the UU, it states: " …the Owner covenant that clause 3.1 shall apply to any subsequent planning permission that is granted by the Council under section 73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission…" As this is a S73 application it is not considered that a Deed of Variation to the UU is required in this case

7.20 The proposal would result in new residential development which is CIL liable, and the appropriate forms have been submitted. The proposed total gross floor area would be 171.56 sqm. which would generate a total CIL liability of £24,508.57. The applicant has claimed self-built relief. If secured, a CIL contribution would not fall due for the proposed development.

8 Conclusions

8.1 The application seeks a variation of condition 2 of planning permission APP/24/00903 to allow amendments to the approved plans. The proposed changes are limited in nature and would not result in any material harm to the character and appearance of the area, residential amenity, trees, or other material planning considerations. The principle of development has already been established, and the proposal remains acceptable when assessed against the relevant development plan policies and material considerations.

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9. RECOMMENDATION:

That the Interim Head of Planning be authorised to Approve with Conditions for application APP/26/00070

Conditions:

GENERAL

1. The development must be begun not later than three years beginning with the date of the original permission APP/24/00903 dated 14 February 2025

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure that the time limit for commencement is consistent with the original planning permission, noting that this permission is granted under Section 73 of the Act.

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

Plans:

Proposed Site & Block Plan – Drawing No. 24075 002 C
Floor & Section Plan - Drawing No. A100 Rev A
Proposed Elevations - Drawing No. A101 Rev A

Documents:

Tree Survey & Report - 25 October 2024
CIL Forms, 1, 2 & 7

Reason: To ensure provision of a satisfactory development.

3. The development hereby permitted shall be carried out in accordance with the approved Tree Survey & Report by Anson Arboriculture dated 25 October 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011and in accordance with the objectives of the National Planning Policy Framework.

ABOVE GROUND

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.
Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

5. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the first floor serving the bathroom and stairwell on the west elevation and the window on the ground and first floor on the east elevation serving the stair well shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.

7. Prior to the occupation of the dwelling hereby permitted details of the two replacement trees (i.e. Maple and Rowan) together with the trees to be planted along the eastern boundary shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full details of the sizes and species of planting (including numbers for the eastern boundary planting). The approved landscaping works shall be carried out in accordance with the approved details and in accordance with any timing /phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to Policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8. The development hereby approved shall not be occupied under a close boarded wooden fence at a minimum height of 1.8 metres and no higher than 2 metres shall be erected along the boundary with No.36 Summerhill Road to the west and retained as such unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of this property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9. The air source heat pump shall be installed prior to the occupation of the development hereby permitted and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of energy efficiency and to protect the amenities of neighbouring occupiers, having due regard to Policies DM10, CS14 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10. The development hereby permitted shall not be occupied until:

(a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and

(b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

POST OCCUPATION

10. The development hereby permitted shall not be occupied until: All measures necessary to meet the hereby approved water efficiency calculation demonstrate that no more than 110 litres of water per person per day shall be consumed within the development have been installed. Any variation to these calculators or fixtures and fittings shall first be agreed in writing with the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent.

Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

Informatives:

1.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:

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:

No further action was required.