DELEGATED OFFICER REPORT

PROPOSAL	**Variation of Conditions 2 and 5 of Planning Permission APP/14/00420 relating to solar panels and fencing.**
LOCATION:	Stags Leap, land adjacent 43a Portsdown Hill Road, Havant, PO9 3JU.
REFERENCE NO:	APP/25/00430
APPLICANT:	Mr S Barnett
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	12/05/2026
APPLICATION EXPIRY DATE:	12/08/2025 Agreed EOT 12/06/26
WARD:	Bedhampton

SUMMARY RECOMMENDATION: Approve with Conditions

1. Site Description

1.1 The site is located on the southern side of Portsdown Hill Road, which contain large, detached family dwellings set within generous grounds. The established built form incorporates clear and defined gaps between the dwellings which are predominantly set at a lower level than that of Portsdown Hill Road. This setting, along with strong frontage planting, results in a 'low Key' appearance of dwellings along this section of the road.

1.2 The site incorporates a disused chalk quarry which has now developed into a small woodland with a variety of significant trees and dense vegetation. The rear of the site and this section of Portsdown Hill Road is very visible from a number of vantage points to the south due to its location on top of the hill. Most clearly from land to the south of the site location and the A27.

1.3 The site was subject to 2014 planning application (APP/14/00420) which was approved for contemporary styled 3 x 4-bedroom four storey dwellings, with associated landscaping and parking. These houses have been almost completed, with only some of the external finishes and landscaping/walls and parking to be carried out/constructed on site.

2. Planning History

2.1 **APP/14/00420** - Construction of 3No. 4 bed four storey dwellings with associated landscaping and parking, Conditional Approval 21/08/2014. Issued with S106 Agreement, discharged Clauses 6.1 to 6.5, 6.8, 6,10 and 7.1 and discharge of conditions 3, 7 and 16.

2.2 **APP/13/00714** - New vehicular access to existing dwelling – Conditional Approval 11/09/2013 and constructed.

2.3 On the adjacent site to the south (Allocations Plan site UE5):
APP/14/00232: Development site at Portsdown Hill, west of Glebe Park Avenue and north of Bedhampton Hill, Havant Proposed Development: Construction of 46 dwellings, including 30% affordable, comprising 11 No. 5 bed, 21No. 4 bed, 8 No. 3 bed and 6No. 2 bed houses, with associated access from Bedhampton Hill, landscaping and ancillary works. Conditional Approval 17/07/2014 with S106 Agreement.

3. Proposal

Variation of Conditions 2 and 5 of Planning Permission APP/14/00420 relating to the extension of the area of the previously approved solar panels and the amendment of fencing, with the inclusion of new front boundary walling.

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
Harbour Area of Outstanding Natural Beauty

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
DM8 – Conservation, Protection and Enhancement of Existing Natural Features
DM13 – Car and Cycle Parking on Residential Development

Havant Borough Local Plan (Allocations) July 2014
AL1 – Presumption in favour of Sustainable Development
DM24 – Recreational Disturbance to Special Protected Areas from Residential Development

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

5. Statutory and Non-Statutory Consultations

Councillor Liz Fairhurst No comments received.
Councillor Phillipa Gray No comments received.
Councillor Michael Lind No comments received.

Southern Water No objections to discharge condition 2 & 5.
Hampshire County Highways Initially they required details on the new front boundary walling and appropriate visibility splays, as per Hampshire County Council's TG3. After further discussions with the applicant, amended wall and visibility splay plans were received and then passed to Highways for further comment. Highways then concluded that these proposals have been considered and in review are not anticipated to result in a significant impact to the safety or operation of the local highway network. Therefore, the Highway Authority have **no objection** to the proposals subject to a condition regarding visibility splays being kept free from obstruction being attached to the approval.
Southern Gas Network No comments received.

6. Publicity and 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: 5

Number of site notices: One.

Statutory advertisement: N/A.

Number of representations received: 0

Comment	Officer Comment
No comments have been received	N/A

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) Appropriateness of design and impact on the character of the area
(iii) Effect on neighbouring properties
(iv) Access and on-site parking
(v) Biodiversity Net Gain (BNG)
(vi) Section 106 Agreement /Community Infrastructure Levy

(i) Principle of development

7.2 The principle of residential development on the site has already been established through the grant of planning permission APP/14/00420 for the construction of 3 four storey 4 x bedroom dwellings with associated landscaping and parking. The current application seeks only a variation of condition 2 to allow amendments to the approved plans, including solar panels expansion from 4 to 10 panels on all of the new roofs (already inserted) and variation of condition 5 to allow for the amendment to the front boundary by means of the construction of a wall, in place of a timber fence, as approved (by APP/14/00420). This application 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.

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

7.3 This application proposes to vary condition 2 of approved application APP/14/00420, which is to alter the plans to allow the expansion from 4 approved solar panels to 10 on each of the new dwelling's roof. These solar panels have already been inserted on to the roofs and are staggered back towards the rear of the pitch roofs, facing the south-west. Although, these can be seen from the public highway to the west, however, they do not protrude from the roofs surface significantly, located in a similar position to the approved panels and would not significantly increase visual impact to the streetscene to warrant refusal. Furthermore, renewal energy generation would be encouraged for residential buildings, particularly for new dwellings. This is supported by policy CS14 for efficient use of resources and for the reduction and reliance of the use of fossil fuels. The increased area of solar panels would make these more efficient for self-power generation for each new dwelling. In the light of this, it is overall considered to be acceptable in design and appearance.

7.4 As part of this variation of condition 5 in this application, the proposed front boundary fence would be replaced by a 0.9m high boundary wall, with 1.85m high masonry pillars, and Cedarwood slated panels, placed in between the pillars, above the wall. This would be finished in off-white painted render and positioned at the back of the public pavement. This proposed walling would be similar in height to other front boundary walls/fencing to neighbouring properties nearby, along Portsdown Hill. The proposed structure would be considered to be subservient in size and design to the main dwellings, with the use of matching or similar materials, ensuring that the walling would assimilate within the existing site. Also, it would have no more significant visual impact to the streetscene, than the previously approved front fencing. Therefore, it is overall considered to be acceptable in design and appearance.

7.5 The design and appearance of the proposals are deemed appropriate in context to the new buildings and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.6 The proposed variation/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/14/00420. The amendment from a front timber boundary fencing to masonry walling with fence panel inserts, on the northern boundary would not give rise to unacceptable loss of amenity or outlook, then already exists on this northern boundary. It is noted no letters of objection were received with respect to the scheme.

7.7 The increase in the number of solar panels on each roof 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, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Access and on-site parking

7.8 The development would be served from the existing access off Portsdown Hill Road and it is considered that the limited additional traffic generation. As part of this variation of condition 5 in this application, the proposed front boundary fence would be replaced by a 1.85m high masonry pillar and inserted timber panel walling to the front boundary.

7.9 Hampshire County Highways were consulted and initially their comments required the applicant to confirm the new wall's location and demonstrate appropriate visibility splays for the access with the new walling in place. After some discussion and comments back from the Highways Team, a plan was submitted showing the wall location and visibility spays. Highways then concluded that these proposals have been considered and in review were not anticipated to result in a significant impact to the safety or operation of the local highway network. Therefore, the Highway Authority had no objection to the proposals, subject to a condition regarding visibility splays being kept free from obstruction being attached to the approval. This would be considered to be acceptable in terms of highway safety and wider amenity.

7.10 The proposal would not reduce or have impact upon the 3 car parking spaces approved for each dwelling and there is sufficient space within the curtilage for adequate cycle space to be provided for each dwelling. This would be considered to comply with the LPA's adopted car parking standards within Havant Borough Council Parking SPD (2016) for three new dwellings and is in accordance with Policy DM13.

(vi) Biodiversity Net Gain (BNG)

7.11 The variation proposal would only affect the front boundary of this site and the roofs of the 3 new dwellings, which have been almost completed. The front boundary presently contains dilapidated timber holding/fencing and would be replaced by 1.85m high masonry and timber walling. The already completed expanded solar panel areas are located on the completed roofs of the new dwellings. The ecological condition in light of this, unacceptable impacts to protected species are considered unlikely, and this proposal is considered to accord with Policy DM8 of the Havant Borough Local Plan (Core Strategy 2011) and is considered acceptable in this regard.

(vii) Section 106 Agreement /Community Infrastructure Levy

7.12 As part of the original approval of APP/14/00420, a Section 106 Legal Agreement entered into between the applicant and council, this was signed to secure transfer, retention and management of the important open space/woodland area adjacent to the site and secure payment for the SDMP and its monitoring cost. Under this Agreement paragraph 18 *'Future Permissions'* and 18.1 states that *'nothing in this agreement shall prohibit or limit the right to develop any part of the land in accordance with any planning permission (other than the Planning Permission), granted after the date of the planning permission'*. This ensures that this Section 73 application are not restricted by the s106 agreement, nor does this agreement need to be amended due to this present application. Furthermore, within the agreement there were many clauses that required information/details to be submitted and agreed by the LPA. The applicant had submitted this information/details to this LPA and subsequently clauses 6.1 to 6.5, 6.8, 6.10 and 7.1, have all been discharged. This present amendment of condition 2 and 5 application is minor in nature, would not have any impact on the nearby woodland or its agreed management and is considered not to have any implications for this legal agreement.

7.13 New dwellings are normally liable for Community Infrastructure Levy (CIL) charging. However, this application would not increase the size or floor space of the new dwellings on site and therefore, does not affect the amount liable/paid for CIL, which is required by Havant Borough Council.

8 Conclusions

8.1 The application seeks a variation of condition 2 and 5 of planning permission APP/14/00420 to allow amendments to the approved plans, with the enlargement of the solar panels on each of the 3 houses roofs (retrospective) and the alteration of the front boundary fence, changing this to a wall. 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, ecology, highways, or other material planning considerations, including that of the Section 106 Legal Agreement and CIL liability. The principle of development has already been established, and the proposal remains acceptable when assessed against the relevant development plan policies and material considerations.

8.2 This is subject to conditions being re-imposed from permission APP/14/00420, which have not previously been discharged, (Conditions 3 - Submit Facing Materials, 7 - Specification of Surfacing Materials and 16 - Specification of all Foul and Surface Water Drainage, have all been agreed and discharged). The 3 new dwellings on site, although have not been finished yet, they will most likely be finished and occupied this year. Therefore, these prior to occupation conditions will need to be discharged prior to this happening. The conditions cover soft landscaping, loading/parking surfacing, boundary treatments, P.D. rights restrictions, Certificate of Compliance for Sustainable Housing, Ecological mitigation, retaining vehicular turning space and providing vehicular parking spaces.

9. RECOMMENDATION:

That the **INTERIM DEVELOPMENT MANAGER** authorised to **GRANT PERMISSION** for application APP/25/00430 subject to the following conditions

Conditions:

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

Location Plan CFA FULL 04
Proposed Wall Dimensions Plan, dated 06/06/2025
Proposed Wall Position and Visibility Splay Plan, dated 18/04/2026
Proposed Solar Panels Plan, dated 14/06/2025
Proposed 3 Roofs Solar Panels Plan

Reason: To ensure provision of a satisfactory development.

2. None of the dwellings hereby approved shall be occupied until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hard surfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3. None of the dwellings hereby approved shall be occupied until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4. No dwelling shall be occupied until space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

   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.

5. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/B/E/F of the 2015 Order, as amended, shall be erected within the curtilage of the dwelling houses hereby permitted without the prior written approval of the Local Planning Authority.

   Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the character and appearance of the development and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.

6. The development hereby permitted shall not be occupied until a Completion Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.

   Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal report (Hankinson Duckett Associates (HDA), March 2014) and Bat Survey report (HDA, May 2014), unless otherwise agreed in writing by the local planning authority. All ecological mitigation measures shall be permanently retained on site in accordance with the submitted details. In addition, a monitoring report detailing the mitigation works undertaken (to include photographic evidence and site plans/maps) shall be submitted for comment to the Local Planning Authority at a date no later than 3 months after the occupation of the first dwelling.

   Reason: To protect, maintain and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Core Strategy March 2011.

8. The shared turning space in front of the dwellinghouses shall be retained to enable vehicles to enter and leave in a forward gear and this shall be maintained and kept available for that purpose at all times.

   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.

9. The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of each dwelling house and thereafter all of those spaces kept available for such purposes.

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.

10. The proposed works shall be carried out strictly in accordance with the Arboricultural Impact Assessment and Method Statement and Tree Protection Plan prepared by Changing Scenes, audited by Barrell Tree care received 22 June 2014.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

11. The approved lines of site splays on the Wall Position Visibility Splay Plan shall be kept free of any obstruction between 0.6m and 2.0m in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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.

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:

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