

Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)

Checklist and Advice

- Completed form (3 copies PLUS ORIGINAL unless submitted electronically)

All planning applications need to be presented on a standard application form, which will be available electronically, however, applicants will retain the option of submitting paper versions of the form. In that event, HBC will require three additional copies (plus the original of the completed standard application form) to be submitted, as specified by Government legislation. An applicant may be requested to submit more than three copies, but three copies is the statutory requirement for a valid application.
- A plan identifying the land to which the application relates (3 copies PLUS ORIGINAL unless submitted electronically)

All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500. Government legislation requires three copies plus the original (unless submitted electronically). In exceptional circumstances plans of other scales may also be required. Plans should, wherever possible, show at least two named roads and the surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.
- A copy of other plans (3 copies PLUS ORIGINAL unless submitted electronically) including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries

Copies of plans should show: any site boundaries; the type and height of boundary treatment (e.g. walls, fences etc); the position of any building or structure on the other side of such boundaries.
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)

These should clearly show the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials, as well as the style, materials, and finish of windows and doors. Blank elevations must also be included (if only to show that this is in fact the case). Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings and detail the positions of the openings on each property.
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)

These should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)

Such plans should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided. Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings. In the case of householder development, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of design and access statements.

○ Roof plans (e.g. at a scale of 1:50 or 1:100)

A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material and their location are typically specified on the roof plan.

Please note - when submitting floor, elevation and roof plans, these should all include the scale, a scale bar, key dimensions and original page size. If these are not included the application may not be accepted.

Where possible plans should be submitted/produced for A3 size.

The completed Ownership Certificate (A, B, C or D – as applicable)

Legislation states that the local planning authority must not entertain an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed. All applications for planning permission must include the appropriate certificate (A, B, C, or D) of ownership stating the ownership of the property (for this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the un-expired term of which is not less than 7 years).

A = If you are the sole owner

B = If any part of the application goes outside land in your sole ownership

C = If you do not know the names of all of the owners

D = If you do not know the names of any of the owners

In the event that you need to serve notice on an 'owner' of the site, the requisite Notice No. 1 can be accessed via this link: <http://www.havant.gov.uk/havant-9532>.

In the event that you do not know some, or any, of the 'owners' of the site then the requisite Notice No. 2 for justification in a local newspaper can be accessed via this link: <http://www.havant.gov.uk/havant-9532>.

Design and access statement, if required

A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following:

- A material change of use of land and buildings, (unless it also involves operational development);
- Engineering or mining operations;
- Householder developments.

However, statements are required for householder applications where any part of a dwellinghouse or its curtilage falls within one of the following designated areas:

- National Park
- Site of special scientific interest
- Conservation area
- Area of outstanding natural beauty

A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured way. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly.

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The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with.

What is required in a Design and Access Statement is set out in Article 4C of the GDPO and DCLG Circular 01/06 – [Guidance on Changes to the Development Control System](#).

Applications for listed building consent will also be required to be accompanied by a Design and Access Statement. In particular, such a statement should address:

- (i) the special architectural or historic interest of the building;
- (ii) the particular physical features of the building that justify its designation as a listed building; and
- (iii) the building's setting.

The legislative requirements are set out in regulation [3A of the Planning \(Listed Buildings and Conservation Areas\) Regulations 1990](#).

Agricultural Holdings Certificate

This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, or express consent to display an advertisement.

Fee

Additional Conditional Documents

Air quality assessment (all development within or affecting the area between A27 and south of Elm Road)

All development within, or affecting, the area between A27 and south of Elm Road which is the local air quality management area (AQMA); or, where the development could in itself result in the designation of an AQMA; or, where the grant of planning permission would conflict with, or render unworkable, elements of HBC's air quality action plan. Applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an air quality assessment as part of their planning application. Further advice is available in [Planning Policy Statement 23: Planning and Pollution Control \(November 2004\)](#).

Biodiversity survey and report

Downloadable version of the [Biodiversity checklist](#).

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Cross reference to document [Template for Biodiversity and Geological Conservation - Validation checklists' \(Pilot Draft - June 2007\)](#), as produced by Association of Local Government Ecologists, in collaboration with Defra and Natural England.

Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the [Wildlife and Countryside Act 1981](#), the [Conservation \(Natural Habitats etc\) Regulations 1994](#) or the [Protection of Badgers Act 1992](#). Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

Government planning policies for biodiversity are set out in [Planning Policy Statement 9: Biodiversity and Geological Conservation \(PPS9\) \(August 2005\)](#), is accompanied by a Government Circular: [Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system](#) and [Planning for Biodiversity and Geological Conservation: A Guide to Good Practice](#). Material produced by other organisations may also provide a useful reference resource for local planning authorities when developing local lists (the British Standards Institute has produced a Publicly Available Standard, PAS 2010 [Planning to halt the loss of Biodiversity](#)) which takes the form of recommendations on standard procedures for taking account of biodiversity in the planning process.

Flood Risk Assessment

Planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zone 2 and 3. See link (<http://www.environment-agency.gov.uk/aboutus/512398/908812/1351053/571633/?lang=e>)

A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and for all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to HBC by the Environment Agency. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

The FRA should be prepared by an applicant in consultation with reference to HBC's published local development documents and Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. [Planning Policy Statement 25: Development and Flood Risk \(December 2006\)](#) and its associated *Practice Guide* provide comprehensive guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Foul sewage and utilities assessment (if the development results in any changes or replacement to an existing system, or the creation of a new system)

If the proposed development results in any changes or replacement to an existing system, or the creation of a new system.

All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers (it is possible that the right to connect storm water to foul sewers in areas where there are no storm drains may be withdrawn by amendment to section 106 of the Water Industry Act 1991). Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in [Circular 03/99 and Building Regulations Approved Document Part H and in BS6297](#). If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

The applicant should demonstrate:

- (a) that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- (c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains;
- (d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

- Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)
Where archaeological or historical features or remains may be affected.

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a planning officer or a conservation officer before any application is made. The following is a guide to the sort of information that may be required for different types of application.

For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. A structural survey may be required in support of an application for listed building consent.

For applications for conservation area consent, a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.

For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area may be required.

For all applications involving the disturbance of ground within an Area of Archaeological Potential as defined in the development plan or in other areas in the case of a major development proposal or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the Heritage Statement. For heritage assets, advice is provided in [Planning Policy Guidance Note 15 Planning and the Historic Environment, \(September 1994\)](#). For archaeological remains, advice is provided in [Planning Policy Guidance Note 16: Archaeology and Planning \(November 1990\)](#).

Landscaping details

If the applicant wants the use of landscaping agreed then applications should be accompanied by landscaping details and include proposals for long term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow on from the design concept in the Design and Access Statement (if required). Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Lighting assessment

Only where significant external lighting is proposed, i.e., flood lighting, lit areas of car parking, new street lighting.

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of external lighting and the proposed hours when the lighting would be switched on.

These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. [Lighting in the countryside: Towards good practice \(1997\)](#) is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise impact assessment

For noisy uses, including all B2 applications. Noise sensitive developments, e.g., housing located near to a source of noise, e.g., motorway, industrial site.

Applications for developments that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in [Planning Policy Guidance 24: Planning and Noise \(September 1994\)](#).

Open space assessment

Where the proposed development is on existing public open space.

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning consent is not normally given for development of existing open spaces which local communities need.

However, in the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in [Planning Policy Guidance note 17: Planning for open space, sport and recreation \(July 2002\)](#).

Parking Provision

Applications may be required to provide details of existing and proposed parking provision. These details could also be shown on a site layout plan.

Planning obligations

Where the development requires planning obligations for affordable housing, open space contribution or off site highway works and contributions. Alternatively the applicant can submit a unilateral undertaking.

Planning obligations (or “section 106 agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Where Development Plan Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application.

Further advice on planning obligations is available in [Circular 05/2005, Planning Obligations](#).

Planning Statement

Where a design and access statement is not provided.

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate statement on community involvement may also be appropriate.

Site Waste Management Plan

It is a legal requirement under the provisions of the Site Waste Management Plans Regulations 2008 to have a site waste management plan (SWMP) before construction begins on all new construction projects worth more than £300,000. The level of detail the SWMP should contain depends on the estimated build cost, excluding VAT. Further information can be found at www.netregs-swmp.co.uk. If the proposed development meets the criteria, you are encouraged to prepare and submit an SWMP as early as possible although we will not invalidate a planning application if an SWMP is not submitted.

Transport assessment

Required where proposal would lead to significant transport implications, as set out in Appendices B - D of [Guidance on Transport Assessment, \(March 2007\)](#).

[Planning Policy Guidance 13 Transport \(March 2001\)](#) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in [Guidance on Transport Assessment, \(March 2007\)](#) published by the Department for Transport.

[Hampshire County Council Transport Contributions Policy \(September 2007\)](#).

A transport assessment is also required to calculate the level of financial contribution sought for new development. Havant Borough Council negotiates and collects transport related contributions on behalf of Hampshire County Council, in accordance with the County Council's current transport policy. The policy is based upon an identical formula applicable across the whole County based upon the transport impact of each new development. The measurement of transport impact will be quantified by the net increase in the number of multi-modal trips that a development is expected to generate. Detailed guidance can be found in the document - [Transport Contributions Policy - A New Approach to Calculating Transport Contributions in Hampshire - September 2007](#).

Travel plan

Required for food and non-food retail, cinema and conference facilities, other leisure (D2) uses (excluding stadium) from and above 1000 sq.m gross floor space; B1 (including office, higher and further education establishments from and above 2500 sq.m gross floor space; stadia of 1500+ seats. Other service developments such as hospitals, smaller traffic attracting developments in rural areas, and the area between A27 and south of Elm Road.

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by [Planning Policy Guidance 13 Transport \(March 2001\)](#) paragraphs 87-91. Further advice is available in [Using the planning process to secure travel Plans: Best practice guide](#) ODPM and DfT, 2002, also [Making residential travel plans work: Good practice guidelines for new development](#).

Tree Survey/arboricultural implications

When the development involves the loss of trees, or is proposed adjacent to existing trees.

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a qualified arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Ventilation/extraction statement

Use classes A3, A4 and A5 and where there is any proposal involving mechanical ventilation or extraction.

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. Restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment), A5 (i.e. Hot food takeaways – use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.