

Mr P Cleveland
Planning Services
Arun District Council
Council Offices
Maltravers Road
Littlehampton BN17 5LF

Our Ref

Your Ref

Date

20 March 2015

Dear Mr Cleveland,

**PROPOSED RESIDENTIAL DEVELOPMENT AT THE POPLARS, LITTLEHAMPTON
APPLICATION UNDER S73 OF THE TCPA 1990 – RE CONDITION 3 OF LU/125/14/PL**

On behalf of my clients, Hargreaves Residential Developments Ltd, I have submitted an application under S73 of the 1990 Act in respect of conditions attached to the grant of planning permission for the development of 6 houses at this site. Planning permission was granted for this development under reference LU/203/13, and condition 3 of the permission listed the approved plans. Subsequently, following a S73 application, planning permission was granted under reference LU/125/14/PL for the same development as previously approved, but with an amended list of approved drawings specified in condition 3. The effect of that permission was to alter the location of a pair of garages

The application now submitted is also made under S73 and similarly seeks approval of a minor variation to the approved development. This application seeks a further variation in the wording of condition 3 to make reference to alternative and revised drawings to illustrate these amendments.

The scope and content of the development remains the same as that previously approved, with a change to the siting of the pair of semi-detached houses on Plots 5 and 6. On the approved site layout (drawing 023 001 100C), these are shown with their front elevations orientated towards the south. It has since become clear that the location of sewer and water supply pipes passing through the site, and the easement relating to these, is not as previously assumed. As a result, it is necessary for the siting of the houses at Plots 5 and 6 to be revised to reflect the actual alignment of the pipes, so as not to interfere with these. It is now proposed that the alignment this pair of houses be rotated about 80 degrees in an anticlockwise direction, as shown on the revised site plan drawing 023 001 100E.

The proposed alteration to the previously approved layout also involves minor consequential amendments, namely repositioning the garages for Plots 5 and 6 (so as to be on either side of the semi-detached pair rather than both on the same side), and an adjustment to the garage for Plot 4 (setting it some 1200mm back along the flank of the house),

A number of the other drawings listed as approved in condition 3 of planning permission LU/125/14/PL are also required to be revised to ensure consistency with this minor change to the layout. These include the floorplans and elevations of Plots 5 and 6 and also of Plots 1 to 4 (simply to reflect the minor repositioning of the Plot 4 garage).



For convenience I attach a schedule listing the drawings accompanying this application and identifying which of the approved drawings these replace where appropriate. I also set out, in the box below, the suggested rewording of condition 3 of the planning permission that is sought in this application.

As I am sure you know, the online Planning Practice Guidance explains that;

"An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied."

[Reference ID: 17a-013-20140306]

The inclusion of condition 3 of the planning permission, listing the approved drawings, provides the basis, consistent with the Planning Practice Guidance, for the list of drawings to be amended to make reference to the minor changes now proposed to this approved development.

In this context, the altered wording I suggest for condition 3 of the planning permission granted under reference LU/125/14/PL dated 26 June 2014 is set out below. For clarity, the amendments to the drawing references referred to in condition 3 attached to the planning permission previously granted are highlighted in **Bold** in the box below.

The development hereby approved shall be carried out in accordance with the following approved plans:	
Location Plan	023 001 L01 B
Site Layout Plan	023 001 100 E
Ground and First Floor Plans Plots 1-4	023 001 200 D
Second Floor and Roof Plans Plots 1-4	023 001 201 D
Ground and First Floor Plans Plots 5 and 6	023 001 202 D
Second Floor and Roof Plans Plots 5 and 6	023 001 203C
Front and Rear Elevations Plots 1 to 4	023 001 300 C
End Elevations Plots 1-4	023 001 301 C
Elevations Plots 5 and 6	023 001 302 D
Site and Open Space Areas plan	023 001 101 B
Garage Elevations	023 001 303 A

The Schedule attached lists the application drawings which accompany and form part of this application, identifying how these relate to those listed as approved in condition 3 of the planning permission previously granted.

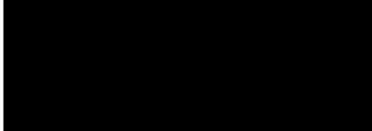
A planning obligation dated 9th May 2014 was previously executed in connection with LU/125/14/PL. That obligation secured 2 matters. These are, firstly, the payment of an affordable housing contribution; and secondly, to retain the "Pink" land as open space for the benefit of the occupants of the residential properties at The Poplars. As the development previously permitted has been commenced, the payment of the contribution has been triggered and I understand this has been paid (or is in the process of being paid).

The minor amendment to the layout required as a consequence of the actual (as opposed to the assumed) position of the subterranean services means that the boundary of the "Pink" land is altered to a minor extent. The overall area of the land to be retained as open space is, in fact, slightly greater than specified in the Unilateral Undertaking of 9th May 2014.

To give effect to this minor change to the "Pink" land, an Agreement under S106 of the Town and Country Planning Act is proposed to be entered into. A draft of this is being prepared and I will let you have this as soon as it is available. As the Affordable Housing contribution has been (or will have been) paid, the Agreement will not need to deal with that aspect.

I look forward to hearing from you as soon as possible in connection with this application.

Yours sincerely



Rob Huntley

SCHEDULE OF APPLICATION DRAWINGS

DRAWING TITLE	LU/125/14/PL APPROVED DRAWINGS	REVISED DRAWINGS NOW SUBMITTED	COMMENT
Location Plan	023 001 L01A	023 001 L01B	Reflecting revised layout
Site Layout Plan	023 001 100C	023 001 100E	Showing reoriented Plots 5 and 6
Ground and First Floor Plans Plots 1-4	023 001 200A	023 001 200D	Showing re-sited garage to plot 4
Second Floor and Roof Plans Plots 1-4	023 001 201A	023 001 201D	Showing re-sited garage to plot 4
Ground and First Floor Plans Plots 5 and 6	023 001 202	023 001 202D	Reflecting garages on either side of semi-detached pair
Second Floor and Roof Plans Plots 5 and 6		023 001 203C	Previously shown on drawing 202
Front and Rear Elevations Plots 1 - 4	023 001 300A	023 001 300C	Showing re-sited garage to plot 4
End Elevations Plots 1 - 4	023 001 301A	023 001 301C	Showing re-sited garage to plot 4
Elevations Plots 5 and 6	023 001 302	023 001 302D	Reflecting garages on either side of pair
Site and Open Space Areas plan	023 001 101A	023 001 101B	Reflecting revised layout
Garage Elevations	023 001 303	023 001 303A	Minor updating