

Development Management

Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN

Tel: 023 8068 8264 www.eastleigh.gov.uk

Office hours: Mon-Thurs 8.30am - 5pm, Friday 8.30am - 4.30pm



Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

1-6 Winchester Close & 10-13 Wykeham Close, Netley Abbey, Southampton, SO31 5ES

Applicant Details

Name/Company

Title

First name

Laura

Surname

Abernethy

Company Name

Vivid Housing Limited

Address

Address line 1

Peninsular House

Address line 2

Wharf Road

Address line 3

Town/City

Portsmouth

County

Country

Postcode

PO2 8HB

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Jolita

Surname

Pranskunaite

Company Name

Devonshires Solicitors LLP

Address

Address line 1

30 Finsbury Circus

Address line 2

Address line 3

Town/City

London

County

Country

Postcode

EC2M 7DT

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Construction of 10 no. two bed bungalows with new access, car parking and cycle stores and reinforced earth bank, following demolition of 10 no. existing bungalows and felling of trees.

Reference number

F/10/68325

Date of decision (date must be pre-application submission)

06/07/2011

Please state the condition number(s) to which this application relates

Condition number(s)

19 and 31

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

06/07/2011

Has the development been completed?

☒ Yes

☐ No

If Yes, please state when the development was completed (date must be pre-application submission)

24/01/2014

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

“Condition 19 restricts the use of the development/properties to affordable housing with an inadequate mortgagee exclusion clause, which omits reference to a Receiver, a Housing Administrator and successors in title.

Condition 31 further restricts the use of the dwellings at Winchester Close to persons with a minimum age of 55 years, with no mortgagee exclusion clause.

Both these conditions will restrict the value of the properties to EUV.SH. The applicant wishes to amend both these conditions so they incorporate an adequate mortgagee exclusion clause to enable the applicant to uplift the value of the properties to MV-STT”

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Condition 19 – sub-condition (c) to be deleted and amended as follows:

“(c) exercise of a power of sale in respect of any affordable housing unit by a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) or any persons or bodies deriving title through such mortgagee or chargee or Receiver”

Condition 31 – at the end of this condition, after the words “minimum of 55 years old” shall be inserted the following wording:

“provided that this condition shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of all or any of these affordable housing dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver”

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☐ The Applicant
☒ The Agent

Title

First Name

Surname

Declaration Date

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Date

21/03/2024