

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

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of the Proposal

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

Single-storey rear extension; first-floor rear extension; news side door access and fenestration.

Reference number

DC/JSI/19/3212/HOT/HOT

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

30/03/2020

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

Condition number(s)

LT06 Tree Planting Scheme

Has the development already started?

Yes

No

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

02/05/2020

Has the development been completed?

Yes

No

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

18/01/2022

Condition(s) - Variation/Removal

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

We were not made aware by our architect Veronica Congdon, nor our planning adviser Yussuf Mwanza at MZA Associates, that we needed to submit a tree planting plan (for the one Category C tree we'd removed) prior to starting work on our extension in 2020. Both told us about the Arboricultural Impact Assessment and Arboricultural Method Statement to protect trees in our garden as we're in a conservation area - we did both and adhered to all the guidelines, including erecting a fence (attached pic) and hiring a tree surgeon to cut the Category C tree, a Highclere Holly, using the correct methodology - AIA and AMS docs attached. We have commissioned a tree planting plan now for the Category C tree (the condition stated 1:1 replacement) - please see attached. We can plant the replacement tree recommended in the attached plan - 'A= holly (Ilex aquifolium 'Handsworth New Silver') 0.75m-1m - 85L pot' - immediately. We are now selling our house and the buyer will not proceed until the condition LT06 is discharged - so this matter is very urgent as we're in a sales chain which is in jeopardy.

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

Please can we ask for the condition to be changed so the required submission and undertaking of replacement tree planting moves from pre-commencement to post-commencement of the extension development. The tree indicated in the attached planting plan - 'A= holly (Ilex aquifolium 'Handsworth New Silver') 0.75m-1m - 85L pot' - can be planted in winter so we will do so as soon as the condition is discharged hopefully in January 2025.

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

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

**** REDACTED ****

First Name

**** REDACTED ****

Surname

**** REDACTED ****

Reference

23/12/2024

Details of the pre-application advice received

Following our review, we confirm that you are now unable to discharge the pre-commencement Condition TL06, given no details were provided for replacement tree plant prior to the completion of the development some time ago. However, given your circumstances we would agree to an application for variation of condition (VRC), which would be the quickest way to regularise the situation. This submission could be made as an alternative to a retrospective householder application and essentially would be cheaper to make and quicker to process. The VRC application could seek to change the required submission and undertaking of replacement tree planting from pre-commencement to post-commencement. We are also of the opinion that the type of replacement tree planting you have provided would be acceptable, in principle.

For this type of submission, we would require a plan which shows where the proposed new tree would be sited and details of the proposed replacement planting (species, etc.) From a quick scan of the document you recently sent it appears like this should contain the required information. Should you decide this route, the earliest we could issue a decision, due to the requirement for public notification, would be 3-4 weeks from the date of validation. However, I can assure you that we would do our best to reach a determination as quickly as possible.

Please note above advice sent by email today 24/12/24 from Georgia Nicol but I put 23/12/24 above as the date on the form needed to be pre-application submission. Given the urgency wanted to submit the application asap.

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

Ms

First Name

Katherine

Surname

Delahunty

Declaration Date

24/12/2024

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

Katherine Delahunty

Date

24/12/2024