

Section 73 Planning Statement

Variation of Conditions 2, 3, 16, 18 ,19 and Removal of Condition 14

Site: Mistle Bourne, The Avenue, Porton, Salisbury, SP4 0NT

Original Permission: PL/2024/04928

Applicant: Bluestone Homes

Date: 27th July 2026

1. Introduction

This Planning Statement supports an application under **Section 73 to vary Conditions 2, 3, 16, 18, 19 and Removal of Condition 14 (Approved Plans)** of planning permission **PL/2024/04928**, which granted consent for:

“Demolition of Existing Bungalow and Erection of 3no. dwellings, access and associated works.”

The variation seeks to replace the approved two-storey dwellings with three single-storey bungalows and update associated plans and conditions. The number of dwellings, access arrangements, and site boundary remain unchanged apart from a minor amendment (see Condition 14 below).

2. Legislative Context

Section 73 allows variation of conditions where the description of development remains accurate. Case law (Finney; Armstrong) confirms this includes substitution of approved plans. The description “3no. dwellings” is sufficiently broad to encompass bungalows.

3. Conditions to be Varied

Condition 2 lists the approved plans. This application replaces that list with revised bungalow drawings. Associated documents including the site plan, landscaping plan, boundary treatment plan and materials schedule are updated accordingly.

4. Summary of Proposed Changes

- Replacement of two-storey houses with bungalows
- Revised footprints
- Revised elevations
- Updated landscaping
- Updated boundary treatments
- Updated materials schedule

5. Planning Assessment

Design & Visual Impact

The bungalow form reduces height, massing, and visual prominence.

Residential Amenity

Reduced overlooking and overshadowing.

Highways

Access unchanged. Parking unchanged. Visibility splays unchanged.

Drainage

No increase in impermeable area.

Ecology & Trees

Tree Protection Plan remains valid. An updated ecology report is attached.

6. Condition 3 – Materials

The full revised details of the materials to be used is provided in the amended drawings and plans.

Condition 3 is therefore requested to be discharged.

7. Condition 14 – Removal

It has become clear that there was an original boundary drafting error on the site plan by the previous applicant and Condition 14 requires a footway extension around the bellmouth of the junction with The Avenue, the A338 and the passing bay. The Official Copy Land Registry title plan (attached) confirms that this land lies outside the applicant's ownership and control. The condition therefore fails the tests of precision, enforceability and reasonableness and cannot be complied with. The revised bungalow scheme retains the approved access arrangements, visibility splays and parking provision and therefore the condition is requested to be removed.

The corrected red line boundary demonstrates that:

- The condition refers to works that lie entirely outside of the applicant's control.
- The protected beech tree (T24) occupies the area where works would be required.
- The works would also conflict with the approved Tree Protection Plan (Condition 7).

Condition 14 is therefore undeliverable and requested to be removed.

8. Condition 16 – Landscaping

The revised landscaping plan submitted with this Section 73 contains all details required under Condition 16, including:

- Planting specification
- Levels and contours
- Means of enclosure
- Access and circulation
- Hard and soft surfacing materials

The condition is varied to reference the new plan, which satisfies the condition in full.

9. Condition 18 – Boundary Treatment

The boundary treatment plan is updated to reflect the revised bungalow scheme. Condition 18 is varied only to update the plan reference.

10. Condition 19 – Acoustic Report (Trigger Change)

The trigger point is varied from “**prior to commencement**” to “**prior to first occupation**”. This reflects the revised bungalow layouts. The bungalow design enables compliance through detailed glazing and ventilation specifications which can be assessed before occupation. Technical standards (BS8233:2014 and WHO Guidelines) remain unchanged.

11. Compliance with Policy

The revised scheme continues to comply with:

- Wiltshire Core Strategy
- NPPF design and amenity policies
- Nutrient neutrality requirements
- Ecology and tree protection requirements

12. Conclusion

The Section 73 application represents a minor material amendment that reduces overall impact, resolves a conflict between conditions, and maintains full compliance with the development plan. Approval is respectfully requested.