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Adur and Worthing Councils
The Shoreham Centre
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21st May 2024

Dear Sir/Madam,

ASHCROFT, 100 KINGSTON LANE, SHOREHAM-BY-SEA - AWDM/1230/22

We write on behalf of the applicant in relation to application AWDM/1230/22 and for the part discharge of Condition 7 relating to onsite demolition works.

Planning Application AWDM/1230/22

Planning permission was granted for the demolition of the existing main building and construction of a new three-storey residential building providing new sheltered housing for Adur District Council.

The permission was granted subject to conditions, including Condition 7 which requires a Construction and Demolition Management Plan to be submitted and approved by the local planning authority prior to commencement of development.

As a Council-led development the project is subject to funding from a range of sources. Whilst final funding arrangements are still subject to approval, the Brownfield Land Release Fund contribution previously secured (from the Department for Levelling Up, Housing and Communities and One Public Estate) is conditional on works commencing within an agreed timeframe. Additionally, the site has been secured ahead of development and is no longer

in active use by tenants, resulting in ongoing site security costs and liabilities. On this basis, the Council's Major Projects and Investment team took the decision to proceed with demolition ahead of securing final funding for the wider development given the potential costs (for the local authority) associated any delay to the commencement of the development.

The Demolition Management Plan is therefore submitted in advance of a separate Construction Management Plan for the wider development. A part discharge of condition is therefore sought.

Condition 7

Condition 7 states

No development shall take place, including any works of demolition, until a Construction and Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan and shall be adhered to throughout the construction period. The Plan shall provide for:-

(i) the parking of vehicles of site operatives and visitors;
(ii) loading and unloading of plant and materials;
(iii) storage of plant and materials used in constructing the development;
(iv) the erection and maintenance of security hoarding;
(v) wheel-washing facilities;
(vi) measures to control the emission of dust and dirt during construction; and
(vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Compliance with these matters in respect of the demolition of the main building at Ashcroft is demonstrated below.

The following supporting documents are submitted alongside this application:

- Safe System of Work (SSoW) 001 (incorporating Risk Assessments and Method Statement (M&M Demolition)

- Demolition Management Plan (M&M Demolition)
- Traffic Management Plan (M&M Demolition)

These details are now submitted to the local planning authority for approval.

Parking of vehicles of site operatives and visitors

Vehicle access to the site is strictly controlled through the traffic management plan and control measures set out within the Risk Assessment – Part A within the Safe System of Work document. These measures include *'no parking in residents' bays'* at any time. General passenger vehicle access to the site is via the same site entrance and exit as other vehicles.

Loading and unloading of plant and materials

Detailed arrangements for the delivery and loading/unloading of plant and materials are set out within the Traffic Management Plan. These measures include instructions to provide advance warning to on-site operatives prior to arrival, site specific inductions for drivers on first arrival on site and a requirement for all plant equipment to be unloaded within the site area only.

Storage of plant and materials used in constructing the development

The submitted SSoW document identifies the plant, equipment and materials required for the demolition works. As set out above, this equipment is required to be unloaded within the site and stored onsite. As the application seeks a partial discharge of condition in relation to demolition aspects only, the materials required to be stored onsite are limited to plant and equipment, fencing and barriers and health and safety signage.

The erection and maintenance of security hoarding

The site hoarding, perimeter fencing around the demolition zone and fencing required around non-work zones (including tree protection zones) are all detailed in full within the SSoW, with signage and specifications provided within the submitted documentation.

Wheel-washing facilities

Wheel-washing facilities are detailed within the Traffic Management Plan and identify that all vehicles leaving the site shall have their wheels washed by an operative using jet wash facilities.

Measures to control the emission of dust and dirt during construction

In addition to wheel-washing detailed above, other measures are also identified to assist with site maintenance and dust suppression, including road sweepers and a Motofog/Dust Boss dust suppression unit (see SSoW).

A scheme for recycling/disposing of waste resulting from demolition and construction works

All materials removed/generated from the site are to be recycled wherever possible. All hardcore spoil will be stockpiled ready for crushing and crushed materials are to be stockpiled and reused on the project as detailed within the SSoW. All soft strip items and other structural waste are to be placed into the correct waste streams.

Full details of the staged demolition process are set out in the SSoW.

Other matters

The works commenced in April 2024 and this application to discharge Condition 7 is therefore retrospective in nature, in relation to the demolition works. The 'Whitley' principle and exceptions are a well-established legal precedent in planning law that allows for the approval (or partial approval) of conditions after their stated 'trigger' (i.e. approving pre-commencement details after the initial commencement/demolition).

In Whitley v Secretary of State for Wales and Clywd County Council (1992 - attached), Lord Justice Woolf held that *"as long as the approval had been obtained and the operations complied with that approval, it would be of no practical significance whatsoever which came first, the approval or the operations from the planning point of view. It is true that until the approval was obtained, technically enforcement action could be taken but once the approval has been obtained, there would be no practical possibility of enforcement proceedings*

succeeding, since the results that the conditions were designed to achieve would in fact have been achieved within the intended timescale". This position has been upheld in subsequent legal cases, including Ellaway v Cardiff CC (2014) EWHC 836 (Admin).

It should be noted that all supporting documentation and measures were in place at the time of commencement and were prepared and approved by 5th/6th February 2024 as stated on page two of each document.

The demolition works undertaken constitute a formal commencement of the development permitted under application reference AWDM/1230/22, in accordance with Section 56 (time when development begun) of the Town and Country Planning Act 1990, which lists 'any work of demolition of a building' as a 'material operation'.

As recommended in the Preliminary Ecological Appraisal (PEA) for the site at application stage, a watching brief for the removal of roofing materials was undertaken by the ecologists and no bats or nesting birds were found to be present. Contractors followed site specific advice from the project ecologists including a precautionary approach to site clearance in respect of badgers, hedgehogs, reptiles, hazel dormice and stag beetles. Trees within the site were retained and protected in accordance with the grant of planning permission and measures stipulated within the submitted application and conditions 4 and 12.

We trust that the District Council has the appropriate material to formally discharge the relevant parts of Condition 7. However, if you require additional information please contact Joseph Pearson on 01273 413700.

Yours faithfully,

Lewis & Co Planning
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