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14th December 2022

To Whom It May Concern

S.96A APPLICATION TO AMEND THE WORDING OF CONDITION 6 (SUDS) OF APPLICATION AWDM/0028/21
LAND NORTH OF 33 LECONFIELD ROAD, LANCING, WEST SUSSEX

We write on behalf of the applicant, Adur District Council, in support of a S.96A variation of condition application regarding planning permission AWDM/0028/21 at the above site. The approved development is for:

Construction of 2 No. two-bedroom attached dwellinghouses, with 3 No. parking spaces and cycle storage.

The application comprises the following documents.

- Application Forms
- Existing Site Plan 402 Rev.P01
- Proposed Site Plan 420 Rev.P07
- This letter

It is proposed to vary the wording of condition 6 to allow for the commencement of development prior to the condition being discharged. This is acceptable because the site is vacant, and the commencement of development, including site set up and commencement of ground works will not impact on the ability for the condition to be discharged and development carried out in accordance with the ultimately approved details. There is a need to commence development in a timely manner.

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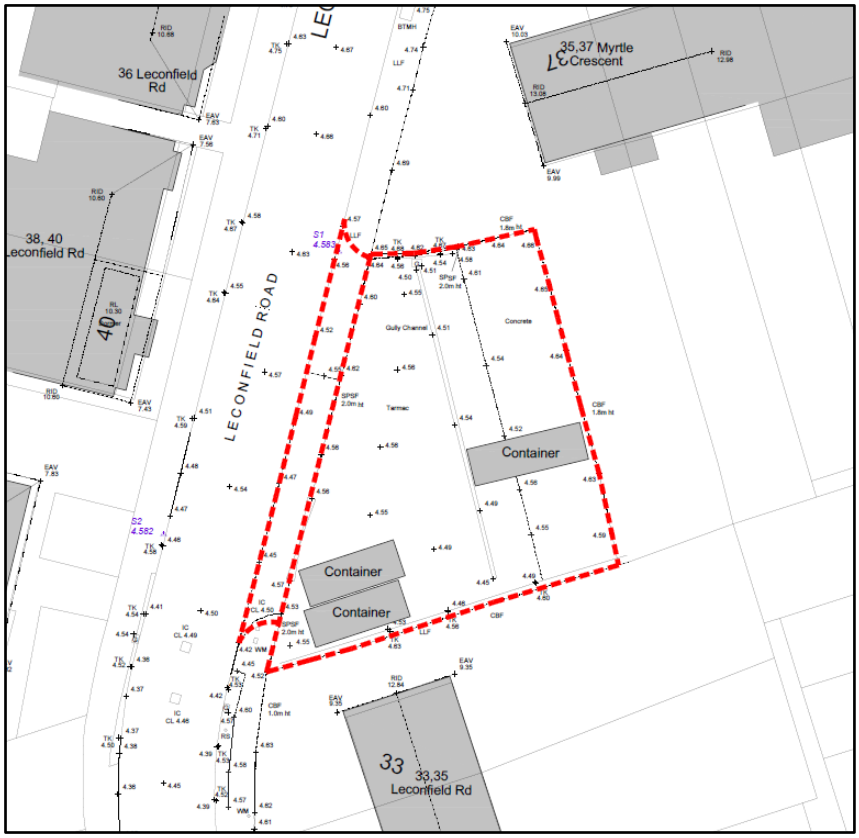
Application site and planning history

The site is vacant land on the east side of Leconfield Road in Lancing, approximately 700 metres west of Lancing Station. Residential development is located to the north and south of the site.

The existing site plan is below:



Above: Existing site plan

The site is subject to extant planning permission AWDM/0028/21. Application AWDM/0028/21 was approved on 15th March 2021 for the following development:

Construction of 2 No. two-bedroom attached dwellinghouses, 3 No. parking spaces and cycle storage.

The application is subject to 14 conditions. The condition relevant to the current application is:

Condition 6 - Development cannot commence until a surface water drainage strategy has been approved by the LPA.

Proposed development

It is proposed to vary the wording of condition 6 to propose no development above slab level until details are submitted.

This is considered acceptable because the site is vacant and ready for ground works to commence to progress the development and delivery of the new dwellings.

Furthermore, it is important for the applicant, Adur District Council, that foundations or drainage is in the ground before 14th June 2023. This is because if a building control acceptable 'meaningful start' has not been made to the development prior to the 14th June 2023, then the development will be subject to new Building Regulations which would require a significant reassessment of the development against the updated Building Regulations, as well as additional site monitoring and recording. Ultimately this would lead to substantial additional project costs.

Due to the extent of the work required to discharge condition 6, it may not be possible for the information to be complied in readiness for a discharge of condition submission to be made, considered, and approved in a timescale which would then enable site works to reach the required "meaningful start" before the 14th June 2023. There is also a need for the applicant and contractors to have security over which set of Building Regulations they need to comply with, in order to efficiently plan and deliver the development.

Because the site is vacant and effectively ready to be developed with the benefit of the extant planning consent, is not necessary to further delay the commencement of development, particularly if doing so would result in the project incurring unexpected costs.

The commencement of development ahead of the 14th June 2023 would still require the discharge of, and compliance with, the remaining original planning conditions, securing the same quality of development. The details submitted now will provide assurance regarding the details the Council require 'pre-commencement'. The development would also be completed strictly in accordance with the applicable Building Regulations at the time of the commencement of development.

For these reasons, it is proposed to amend the wording of conditions 4, 5, 11 and 12 to reflect the information now submitted, and to vary the wording of condition 6 to allow for development to make a 'meaningful start'.

The proposed wording of the condition to be varied is below (amended wording in blue):

6. *Development shall not commence above slab level, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest*

annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Summary

The proposal is a S.96A application to amend the wording of condition 6 of planning permission AWDM/0028/21.

It is proposed to amend the wording of 6 to allow for the commencement of development, to slab level, prior to the condition being discharged. This is acceptable because the site is vacant and ready for development to commence to deliver the proposed housing in a timely manner.

There is also an urgency to commence development, to show a building control 'meaningful start' to works, before the 14th June 2023, so that the scheme can proceed as planned under the existing Building Regulations. If there is no meaningful start to development before the 14th June the applicant, Adur District Council, will incur significant additional costs to reassess the scheme.

We trust that these amendments can be approved, and look forward to receiving your decision in due course.

Yours faithfully

LCP

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