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12th December 2022

To Whom It May Concern

S.96A APPLICATION TO AMEND THE WORDING OF CONDITIONS 3, 4, 8 and 15 OF APPLICATION AWDM/1272/21
LAND BETWEEN 38 AND 40 AND SOUTH OF 32 TO 44 ST GILES CLOSE SHOREHAM-BY-SEA, WEST SUSSEX

We write on behalf of the applicant, Adur District Council, in support of a S.96A application regarding planning permission AWDM/1272/21 at the above site. The approved development is for:

Demolition of existing garage blocks and construction of 2no. 2 bed 2 storey dwellings and 2no. 1 bed single storey dwellings

The application comprises the following documents.

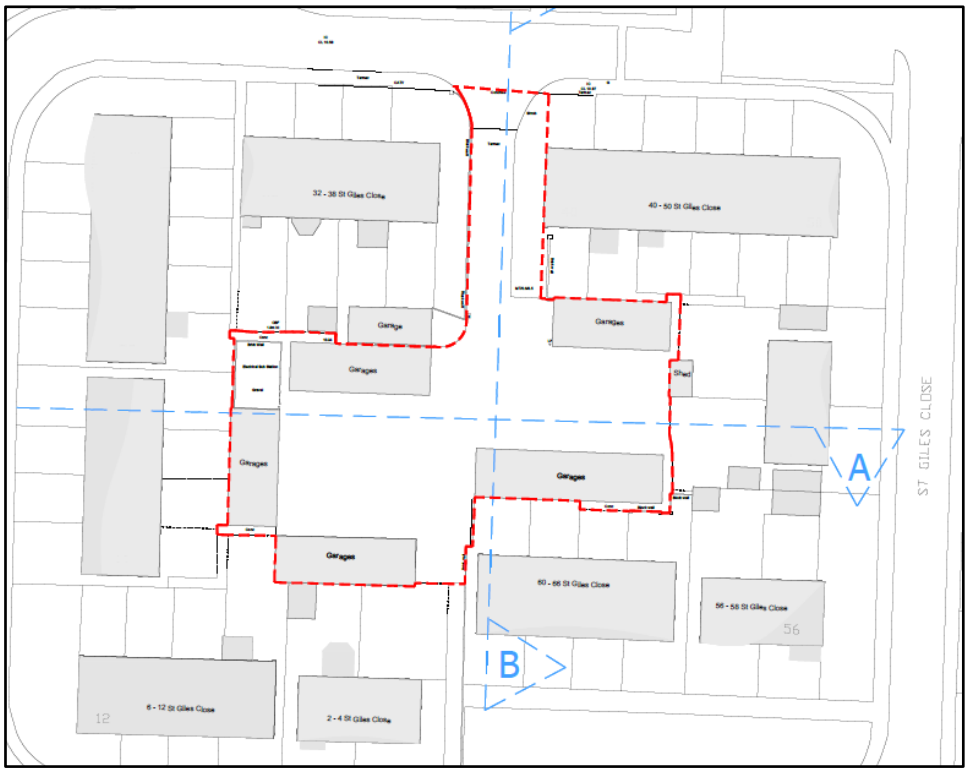
- Application Forms
- Existing Site Plan 503 Rev P02
- Proposed Site Plan 520 Rev P09
- This letter

It is proposed to vary the wording of conditions 3, 4, 8 and 15 to allow for demolition to occur prior to the conditions being discharged. This is acceptable because the development description explicitly allows for demolition, and there is a need to commence development in a timely manner.

Application site and planning history

The site comprises of garages. It is located in Shoreham-by-Sea, with the residential flats of St Giles Close surrounding the site.

The existing site plan is below:



Above: Existing site plan

The site is subject to extant planning permission AWDM/1272/21. Application AWDM/1272/21 was approved on 7th September 2021 for the following development:

Demolition of existing garage blocks and construction of 2no. 2 bed 2 storey dwellings and 2no. 1 bed single storey dwellings

The application is subject to 15 conditions. The conditions relevant to the current application are:

Condition 3 - Development shall not commence until a surface water drainage strategy has been approved by the LPA.

Condition 4 - Development shall not commence until the maintenance and management of the surface water drainage strategy has been approved in writing.

Condition 8 - Prior to the commencement of development the developer must agree measures with southern water to protect public sewers.

Condition 15 - No development shall take place until boundary details have been approved by the LPA.

Proposed development

The proposal is to vary the wording of conditions 3, 4, 8 and 15 to allow for demolition to take place prior to the conditions being discharged.

It is considered acceptable to vary conditions 3, 4, 8 and 15 to allow for demolition because the application description explicitly allows the demolition of the garages. Therefore the demolition can lawfully take place, implementing the development, with the conditions discharged at a later date.

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 the conditions by a number of different consultants, 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 demolition is explicitly allowed as part of the approved development, it is not necessary to further delay demolition, and therefore 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 original planning conditions, securing the same quality of development. 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 3, 4, 8 and 15 to allow for demolition prior to the discharge of the conditions. For the avoidance of doubt, it is also proposed that the re-worded conditions also include reference to site clearance and site set

up, albeit this is usually implied and permitted as part of demolition works at development sites.

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

3. *Development shall not commence, aside from demolition, site clearance, and site set up, and works of site survey and investigation, 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.*

4. *Development shall not commence aside from demolition, site clearance, and site set up, until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.*

8. *The developer must agree with Southern Water, prior to commencement of the development (aside from demolition, site clearance, and site set up), the measures to be taken to protect the public sewers.*

15. *No development aside from demolition, site clearance, and site set up shall take place until details of walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be occupied until such walls and/or fences have been erected and they shall thereafter be retained permanently.*

Summary

The proposal is a S.96A application to amend the wording of conditions 3, 4, 8, and 15 of planning permission AWDM/1272/21, to allow for demolition to take place.

The development description explicitly allows for demolition, therefore it is not necessary for the conditions to be discharged ahead of demolition.

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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