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15th December 2022

To Whom It May Concern

S.96A APPLICATION FOR THE VARIATION OF CONDITIONS 4, 5, 9 AND 11 OF APPLICATION AWDM/1247/21
GARGAGE COMPOUND 1-20 GARDNER ROAD, SOUTHWICK, WEST SUSSEX

We write on behalf of the applicant, Adur District Council, in support of a S.96A application regarding planning permission AWDM/1247/21 at the above site. The approved development is for:

Demolition of existing garage blocks; erection of 2no. 3 bed semi-detached dwellings with associated works and car parking.

The application comprises the following documents.

- Application Forms
- Existing Site Plan YO415-054
- Proposed Site Plan YO415-055
- This letter

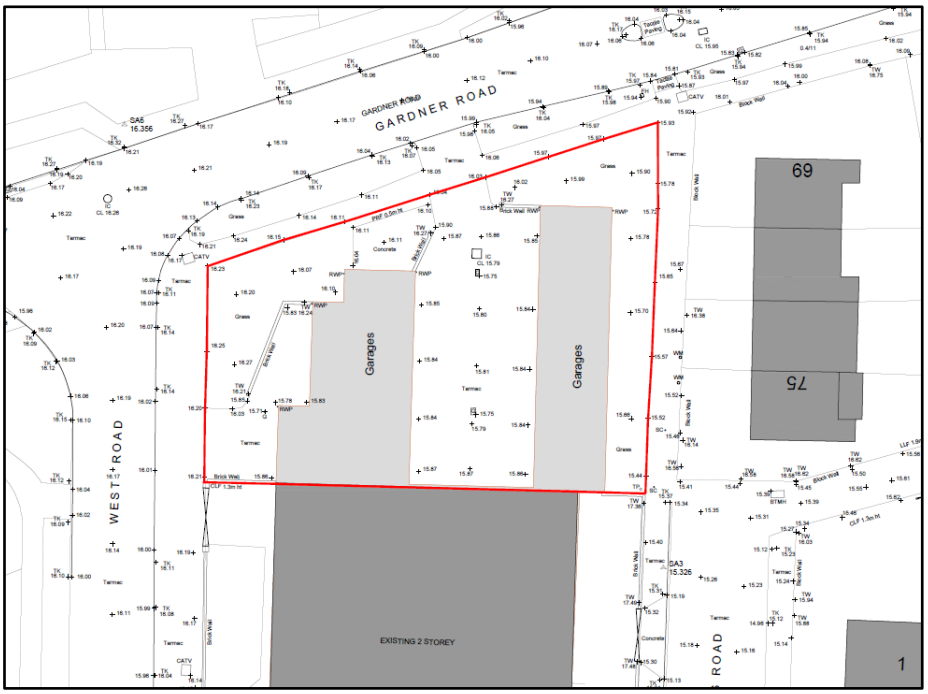
It is proposed to vary the wording of conditions 4, 5, 9 and 11 to allow for demolition to occur prior to the conditions being discharged.

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 Southwick, approximately 200 metres south-west of Fishergate Station, on the corner of Gardener Road and West Road.

The existing site plan is below:



Above: Existing site plan

The site is subject to extant planning permission AWDM/1247/21. Application AWDM/1247/21 was approved on 30th August 2021 for the following development:

Demolition of existing garage blocks; erection of 2no. 3 bed semi-detached dwellings with associated works and car parking.

The application is subject to 12 conditions. Conditions 4, 5, 9 and 11 are the conditions subject to this application and a summary of each condition is provided below:

Condition 4 - No development shall take place until details of boundary treatments have been approved by the LPA.

Condition 5 - No development shall take place until landscaping details have been approved by the LPA.

Condition 9 - Development shall not commence until details of the proposed surface water drainage strategy have been approved.

Condition 11 - Development shall not commence until details of the proposed foul drainage strategy has been approved by the LPA.

All other conditions are either compliance conditions, or are to be discharged prior to occupation, or post slab level.

Proposed development

The proposal is to vary the wording of conditions 4, 5, 9 and 11 to allow for demolition to take place prior to the conditions being discharged.

This is considered acceptable 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, all 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 4, 5, 9 and 11 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):

4. *No development, aside from demolition, site clearance, and site set up, shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans and details of the positions, design, materials and types of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied. Thereafter the approved boundary treatment shall be retained permanently.*

5. *No works or development, aside from demolition, site clearance, and site set up, shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.*

9. *Development shall not commence, other than works of site survey and investigation, and demolition, site clearance, and site set up, 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.*

11. *No development, aside from demolition, site clearance, and site set up, shall take place until details of the proposed foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water and the dwellings shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways.*

Summary

The proposal is a S.96A application to amend the wording of conditions 4, 5, 9 and 11 of planning permission AWDM/1247/21, to allow for demolition to take place ahead of the conditions being discharged.

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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