

12th May 2026

Michael Green
6 Belle Meade Close
Woodgate
PO20 3YD

Case Officer: Simon Brooksbank
Telephone: 01903 737881
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Dear Sir/Madam,

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application No: AL/26/26/S73
Site Address: Land adjacent to Woodgate Nurseries Lidsey Road PO20 3SU
Description of works: Application under Section 73 of the Town and Country Planning Act to vary Condition 30 of planning permission AL/129/21/OUT, (which is subject to a Section 106 agreement.) Changing the requirement from prior to the occupation of any part of the development to prior to the occupation of the final dwelling.

Thank you for your internet representation made on 11th May 2026 which has been recorded as an objection with the comments as follows:

OWPC83463

I write to formally object to the proposed variation of Condition 30 associated with the above development.

1. Flood Risk and Existing Drainage Concerns

The development has already given rise to flooding concerns affecting the adjacent road and surrounding area. This demonstrates that surface water drainage is a critical and sensitive issue for this site.

Condition 30, as originally worded, was imposed to ensure that:

- The drainage system is fully implemented and verified,
- It is confirmed as fit for purpose,
- And any defects are identified before occupation begins.

Weakening the trigger to allow occupation prior to full verification risks:

- Exacerbating existing flooding issues,
- Allowing occupation before the system is proven to function effectively,
- Reducing the Local Planning Authority's ability to enforce corrective action at the appropriate stage.

2. Importance of the Original Condition

The originally approved wording requires compliance prior to occupation of any part of the development, which is both:

- Appropriate, given the known flood risk, and
- Consistent with planning policy objectives, particularly those relating to sustainable drainage and flood mitigation.

This condition formed part of the basis upon which planning permission was granted. As such, it should be fully complied with, not diluted after approval.

3. Deliverability is Not a Justification for Weakening Safeguards

The applicant's argument is based on practicality and construction sequencing, not planning merit.

However:

- Development must be designed to comply with planning conditions, not the other way around.
- If the scheme cannot be delivered in accordance with its approved conditions, this calls into question the adequacy of the original construction strategy, not the validity of the condition.

4. Risk of Deferring Compliance

Requiring submission of as-built drainage details only prior to occupation of the final dwelling:

- Significantly delays verification of the system,
- Creates a risk that defects are only identified after widespread occupation,
- Potentially leaves existing residents exposed to unresolved flood risk,
- Reduces the Local Planning Authority's practical ability to enforce corrective works.

5. Duplication Argument is Not Sufficient

While the applicant refers to water authority adoption processes:

- These are separate regulatory regimes,
- They do not replace the need for planning control,
- Nor do they guarantee that the system performs adequately in the local context of surface water management and highway flooding.

The planning condition serves a distinct and necessary purpose.

6. Policy Compliance

The condition aligns with:

- Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3,
- The National Planning Policy Framework (NPPF) requirement to ensure development is appropriately drained and does not increase flood risk.

The proposed change would undermine these objectives.

Conclusion

Given the known issues with drainage and flooding affecting the road, the proposed variation to Condition 30 is:

- Unnecessary,
- Unreasonable in planning terms,
- And introduces unacceptable risk to both future occupants and existing infrastructure.

The development was approved with this condition, and it should be required to comply with it as originally imposed.

I therefore respectfully request that the Local Planning Authority refuse this Section 73 application.

Your views as made above will be considered before the application is determined.

Please be aware that Planning Services operate an 'open file' policy and will publish your comments including your name and address on the website. The website is updated once a day in the evening so it may take up to 24 hours for it appear on there. Please make sure that you have only provided information that you are happy will be published in this way. If you have supplied information belonging to a third party, you must make sure you have their permission to do so. If you do not wish your comments to appear on the website or on the file you will need to confirm this by emailing to planning@arun.gov.uk and I will arrange for it to be destroyed although this means that the content will then be disregarded.

The majority of applications are determined under delegated powers by officers. Further information on the decision making process can be found on the website at :<https://www.arun.gov.uk/what-happens-next>.

Some applications will be determined by the Planning Committee, and I shall write and inform you of the date of the meeting and the procedures for public speaking if this is the case. However, if your representation has been received after the agenda for the meeting has been finalised and the notifications have been generated, you will not receive notification. In this case, you will need to track the progress of the application on the council's website <https://www.arun.gov.uk/planning-application-search>

Any comments that are received after the agenda has been finalised will be separately reported to the members of the Planning Committee.

Regardless of how the application is determined I will notify you of the decision.

Yours sincerely



Neil Crowther
Group Head of Planning

For details of how the Council will deal with your data please refer to our privacy notices on the website <https://www.arun.gov.uk/privacy-policy/>

If you have provided an email address, all correspondence including the decision notice will be sent by email. It is therefore important that you keep us informed if this changes during the course of this application.

To register to receive notification of planning applications in your area, please go to <https://www1.arun.gov.uk/planning-application-finder>