

Nicola Moore

From: Rebecca Hoad [REDACTED]
Sent: 09 June 2021 16:27
To: Nicola Moore; Lisa Coney
Cc: Lizard Landscape Design and Ecology - Environmental Consultants; Peter [REDACTED] Chris Barker; Info
Subject: RE: P1456i Request for further information A/88/21/DOC
Attachments: P1456i Application Form 210609 RH.pdf; LLD1275-LAN-DWG-200-05-SLL.pdf; LLD1275-LAN-SCH-001-04-DPS.pdf; LLD1275-LAN-DWG-100-06-GA.pdf

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Hi Nicky,

Thank you for your email, inviting a NMA application to be made.

I can confirm that I have paid the additional fee [REDACTED] today under reference A8821DOC. I also attach a complete NMA application form and proposed drawings.

Please could you confirm if you now have all information required to validate the application?

I look forward to hearing from you as soon as possible.

Kind Regards,

Rebecca Hoad MSc Town Planning
Senior Planner

ECE Planning

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From: Nicola Moore [REDACTED]
Sent: 09 June 2021 11:42
To: Rebecca Hoad [REDACTED]; Lisa Coney [REDACTED]
Cc: Lizard Landscape Design and Ecology - Environmental Consultants [REDACTED]; Peter [REDACTED] Chris Barker [REDACTED]
Subject: RE: P1456i Request for further information A/88/21/DOC

Dear Rebecca

With reference to your email below, which I have referred to the Strategic Team Leader Claire Potts.

Please submit an application for a Non-Material Amendment. The fee required for this is [REDACTED] therefore an additional [REDACTED] required. This can be paid via our website, please quote reference A/88/21/DOC

Kind Regards

Nicky Moore

Nicky Moore
Technical Support Assistant, Planning



[REDACTED]
[REDACTED] Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

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From: Rebecca Hoad <[REDACTED]>

Sent: 02 June 2021 17:51

To: Nicola Moore <[REDACTED]> Lisa Coney <[REDACTED]>

Cc: Lizard Landscape Design and Ecology - Environmental Consultants <[REDACTED]> Peter

<[REDACTED]> Chris Barker <[REDACTED]> Info

Subject: RE: P14561 Request for further information A/88/21/DOC

Importance: High

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Dear Nicky,

Thank you for your email.

We have taken legal advice on this matter, from Irwin Mitchell LLP, to determine the best way to move forward.

Irwin Mitchell LLP have suggested that the position can be regularised through submitting a section 96A application (non-material amendment) to vary the landscaping plans approved under condition 1 of the reserved matters (i.e. substitute the old plans for the new ones).

Section 96a applications can be used to vary planning permissions. Case law has established that the "planning permission" to which section 96A refers is the "package" comprising of the grant of planning permission itself, together with any conditions to which the grant is subjected. An application for an amendment to a conditional reserved matters approval is an application for the alteration of an existing condition; which is expressly permitted by section 96A (*R (on the Application of Fulford Parish Council) v City of York Council* [2019] EWCA Civ 1359).

As you will be aware, in determining the application, the LPA has to be satisfied that the proposed change is not material. There is no statutory definition of what is material or non-material – this is a planning judgment within the

LPA's discretion. Planning practice guidance confirms that what would be considered non-material "*will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another*".

The change to the trees is not considered to be a material change to the scheme and would not alter the fundamental permission. The change is considered to be minor and relates to the south-western site edge. We therefore consider the best way to move forward would be to submit a section 96A application to regularise the position.

Please could you confirm that you agree before we submit the relevant application forms for the section 96A application?

I look forward to hearing from you.

Kind Regards,

Rebecca Hoad MSc Town Planning
Senior Planner

ECE Planning

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From: Nicola Moore

Sent: 26 May 2021 11:12

To: Chris Barker; Lisa Coney

Cc: Lizard Landscape Design and Ecology - Environmental Consultants

Rebecca Hoad Peter

Subject: RE: P1456i Request for further information A/88/21/DOC

Dear Mr Barker

With reference to your email below, which I have discussed with Ms Coney, the tree protection and retention was approved under A/86/20/DOC, however landscaping was approved under A/38/18/RES.

Therefore, the replanting for the purposes of the unauthorised tree removal, previously approved under A/86/20/DOC now needs to form part of a revised landscaping scheme under a new reserved matters application.

If you have any queries regarding this, please do not hesitate to contact either myself or Ms Coney.

Kind Regards

Nicky Moore

Nicky Moore
Technical Support Assistant, Planning



[REDACTED]

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

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From: Chris Barker [REDACTED]

Sent: 25 May 2021 10:59

To: Lisa Coney [REDACTED] Planning [REDACTED] Nicola Moore

Cc: Lizard Landscape Design and Ecology - Environmental Consultants [REDACTED]

Rebecca Hoad [REDACTED]; Peter [REDACTED] Info

Subject: P1456i Request for further information A/88/21/DOC

Importance: High

Dear Ms Moore and Ms Coney,

Further to receipt of the attached letter (dated 10 May 2021) with regards to the tree matter at Manor Nursery, we are contacting you on behalf of the Applicant Roffey Homes and separately, Lizard Landscape Design and Ecology.

We understand that there is some confusion as to which type of application should be submitted in order to address the breach of planning control matter previously raised by Lisa Coney. Based on the minor changes to the scheme we consider that it would entirely appropriate to deal with these changes by reason of amended details submitted to discharge Condition 5 pursuant to the Outline consent (reference A/51/14/OUT), as copied below:

'(a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837:2012 (Trees in relation to design, demolition and construction: Recommendations), which provides for the retention and protection of trees, shrubs and hedges to be retained on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.'

Condition 5 was originally discharged on 12 August 2020 under reference A/86/20/DOC (refer to attached Discharge notice) therefore it is considered that the following documents/drawings can be submitted by way of an update to the already discharged Condition 5:

- Hard and Soft General Arrangement (reference LLD1275-LAN-DWG-100 rev 06)
- Soft Landscape Layout (reference LLD1275-LAN-DWG-200 rev 05)
- Detailed Plant Schedule and Specification (reference LLD1275-LAN-SCH-001 rev 04)

This type of application would be the most appropriate method in achieving a consent and ultimately removing the enforcement matter at the site.

We look forward to receiving the validation letter shortly. If you have any queries then please do not hesitate to contact us.

Kind Regards,

Chris Barker MATP MRTPI
Managing Director

ECE Planning

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