

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

24 August 2018

Dear Sirs

**58 FERRINGHAM LANE, FERRING, BN12 5LU
VARIATION OF CONDITIONS 4 AND 5 ON PLANNING PERMISSION FG/27/18/PL
PLANNING PORTAL REFERENCE PP-07225423**

Please find enclosed a cheque for £234 in respect of the above application for variation of pre-commencement conditions on planning permission FG/27/18/PL.

The remaining documents that comprise the application are this letter, a site location plan and the application forms. These have all been submitted through the Planning Portal.

Background

Planning permission FG/27/18/PL consents the redevelopment of Ferringham House (a former care home) to provide for a new apartment building containing 7 flats. The permission was granted on 26 June 2018. The permission is subject to a number of planning conditions that require approval of details prior to the commencement of development. For the current application, it is conditions 4 and 5 that are relevant, but for ease of reference, all the pre-commencement conditions are listed below:

- 4: Surface Water Drainage
- 5: Surface Water Drainage Management System



RTPI

mediation of space / making of place

Chartered Town Planners

Lewis and Co Planning South East Limited
Company Number 05809360
Registered Office: Preston Park House, South Road,
Brighton, BN1 6BB
Registered in England and Wales

7: Construction Management Plan

10: Tree Protection Measures

Applications for approval of details in respect of conditions 7 and 10 are to be submitted soon. However, applications for the approval of conditions 4 and 5 would not be possible until late winter/early spring because of the way that conditions 4 and 5 are worded (see subsection below, titled “Analysis”, for further detail).

The applicants are keen to be able to commence development (which would be the demolition of the existing building), but are currently prevented from doing so because of the significant time delays that conditions 4 and 4 introduce.

Consequently this application seeks consent to vary the wording of conditions 4 and 5 so that they exclude “demolition” from the definition of commencement of development. The application does not seek any variation to conditions 7 and 10. Further detail is provided below.

Analysis

Condition number 4 requires approval of full details of surface water drainage of the approved scheme prior to the commencement of development. The condition includes the sentence “*Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.*”

Condition 5 requires approval of details relating to the maintenance and management of the surface water drainage system. Clearly, such a maintenance/management scheme cannot be devised and approved until the actual “system” (the subject of condition 4) is known

The effect of the conditions is that it will be impossible to provide the detail required until the end of winter. Given that we are currently in August, this introduces an approximate 6 to 7

month delay in the construction process. This will introduce financial hardship to the applicant, and result in a delay in bringing forward housing that will be of benefit to the district as a whole.

Officers will note that, with regard to the National Planning Policy Framework (July 2018), paragraph 55 of the NPPF states:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Whilst it is agreed that, in principle, conditions 4 and 5 are clearly necessary for the development, the wording of the conditions in their current format is not. This is because the existing building on the site could easily be demolished without any impact on the winter testing of surface water drainage. On this basis, the current wording of the conditions is not reasonable.

Consequently it is considered that the following wording should be used for conditions 4 and 5 (where new wording is shown in red font).

Condition 4

“Development (other than demolition of existing buildings) shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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.”

Condition 5

Development (other than demolition of existing buildings) shall not commence 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 of management company shall strictly adhere to and implement the recommendations contained within the manual.

Conclusions

The proposed changes to the wording of conditions 4 and 5 will not introduce any compromise to the effect of the conditions or the quality of the final development. The proposed changes will however allow the development to be brought forwards more quickly and with less financial burden on the applicant. There is no clear justification for preventing the demolition of existing buildings prior to the approval of a surface water drainage scheme (see National Planning Policy Framework paragraph 55), and so we trust that the local planning authority will be able to amend conditions 4 and 5 as set out in this letter.

Yours faithfully

LCP

Lewis & Co Planning