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From: Mark Norrell [redacted]
Sent: 27 January 2022 12:13
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Cc: David Cook [redacted]
Subject: Re: M/141/21/HH - Briarfield Ancton Lane.

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Dear Anita,
Thank you for your reply and my client is in agreement to the pre commencement condition.

We would just like to put on record that we feel this position, has been unfairly applied and is subject to whether an officer is on leave or not, as is the case relating to M/45/21/PL. If applying this scenario in this situation then my client's application would be determined during a time when the officer was on leave, then it would not have had a pre-commencement condition applied to the decision notice. As in M/45/21/PL then they would not have responded during your internal consultation procedures - as is the situation for the property in Ancton Drive. This as a rule is clearly unfair and a basis for a complaint itself. We are not arguing the point of application. It's about when it's applied to a decision notice that's clearly linked to staff resources within ADC - this is unfair on those cases where this has happened.

I trust the approved Decision Notice will be issued to us very soon.

Many thanks.

Kind regards
MDN Consultancy

Sent from my iPhone

On 27 Jan 2022, at 10:23 am, Anita Gardner <Anita.Gardner@arun.gov.uk> wrote:

Dear Mark,

I have again discussed the requirement with my Team Leader. We are following the guidance given by the Engineer in this application and in BN/69/20/HH.

Generally the most common reason for not applying the condition is that an equivalent increase in impermeable area could be achieved under Permitted Development (PD) rights. The Engineer's comments on BN/69/20/HH which was for a replacement structure refer to the scale of the proposed development and are based on the assumption that the application may be considered equivalent to permitted development. This is not the case with your application.

There is more flexibility on applications outside the area but otherwise adherence is expected at all times.

I appreciate that you need to discuss this response with your client and will extend the deadline for your reply until 2pm to allow you more opportunity.

Regards
Anita

Anita Gardner
Principal Planner
<image005.jpg>
T: 01903 737529
E: anita.gardner@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
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From: M NORRELL [REDACTED]
Sent: 26 January 2022 20:27
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
[REDACTED]
Subject: RE: M/141/21/HH - Briarfield Ancton Lane.

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Dear Anita,

Thank you for your explanation that picks up the case relating to M/45/21/PL however what about that of the BN/69/20/HH which was about the scale of development, which is very similar and in its application that resulted in no pre-commencement condition being applied.

I have noted your deadline by 12 midday tomorrow so would welcome the explanation to this point which was highlighted in my email dated 23rd, well in advance of this timing so I can consider this with my client in order to confirm agreement.

Kind regards
Mark

----- Original Message -----

From: "Anita Gardner" <Anita.Gardner@arun.gov.uk>
To: "M NORRELL" [REDACTED]
Sent: Wednesday, 26 Jan, 22 At 15:42
Subject: RE: M/141/21/HH - Briarfield Ancton Lane.

Dear Mark,

I have discussed your e-mail with our Engineers and my Team Leader and can advise that because the site is within the Lidsey Catchment Area there is no flexibility to remove the requirement for the condition. It is evident that if the Engineering department was fully resourced and the response for M/45/21/PL had been received in time the condition would have been imposed. A consistent approach is therefore being taken.

On this basis unless you agree to the imposition of the condition by midday tomorrow the application will proceed to refusal.

Regards

Anita Gardner

Anita Gardner

Principal Planner

<image003.jpg>

T: 01903 737529

E: anita.gardner@arun.gov.uk

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

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From: M NORRELL [REDACTED]

Sent: 23 January 2022 15:40

To: Anita Gardner <Anita.Gardner@arun.gov.uk>

Subject: RE: M/141/21/HH - Briarfield Ancton Lane.

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Dear Anita,

Following our telephone conversation on Friday with regard to the proposed pre-commencement condition I would like to draw your attention to the original statement where the proposal is to utilise the existing surface water arrangements at the property. All relevant Approved Document compliance matters will be captured as part of the formal full plans Building Regulations application.

I would also like to draw your attention to two other recent applications within the Lidsey Foul Water Treatment Catchment Area, where both did not have this pre-commencement condition applied. Both were Household Planning applications with similar proposed arrangements for using the existing surface water system and were also approved under Building Regulations.

One of the applications I refer to is in the same locality, based in Ancton Drive (M/45/21/HH), which had a greater net increase in roof area compared to the application at Briarfield. The other is in Barnham (BH/69/20/HH).

This is about fairness, when this condition should be applied and not just down to whether a local government officer is on annual leave or fails to meet a deadline and where the commentary could also be applied, as the scale of development in these scenarios are very similar when considering the scale of proposed the work and surface water requirements (in fact the net gain roof areas in each case are larger than for Briarfield).

Below, for ease of reference is the extract taken from the consultation comments for BH/69/20/HH where this development had a net roof area larger (almost double) than the development proposed at Briarfield.

<image003.jpg>

Given consideration to this matter, the proposal, and the application of the pre-commencement condition I would ask that this is not applied in this case, especially when compared to the examples provided. Please can you consider this and I look for you hearing from you.

Many thanks.

Kind regards

Mark

MDN Consultancy

Facilities and Building Services



----- Original Message -----

From: "Anita Gardner" <Anita.Gardner@arun.gov.uk>

To: "M NORRELL" 

Sent: Thursday, 13 Jan, 22 At 09:36

Subject: RE: M/141/21/HH - Briarfield Ancton Lane.

Dear Mr Norrell,

I am afraid I am not working on Monday so can't make any of the options for a telephone conversation you have requested.

I would advise that the request for the condition has come from our drainage engineers and without your agreement it is likely that the application would be refused on drainage grounds. The Engineer has provided the following comments which are scanned against the application and state

"The application is within the Lidsey Treatment Catchment, therefore surface water drainage design should be

carefully considered. Infiltration must be fully investigated.

If you are minded to approve the application please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere."

It is common practice to impose this condition on all domestic extensions within the Lidsey Catchment area.

I will take your e-mail as agreement to the requested EOT and await your response to the pre-commencement condition sent under separate cover.

Regards

Anita Gardner

Anita Gardner

Principal Planner

<image004.png>

T: 01903 737529

E: anita.gardner@arun.gov.uk

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

From: M NORRELL [REDACTED]
Sent: 12 January 2022 19:04
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Subject: Re: M/141/21/HH - Briarfield Ancton Lane.

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Dear Anita,

Thank you for your email and I would like to request the EOT so this allows me the time to discuss and explain the current position, and the proposed condition with my client.

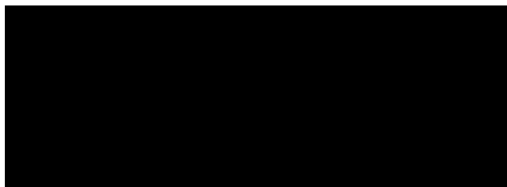
I would also like to arrange a mutually convenient time to discuss this matter with you, perhaps early next week if possible, as I have existing commitments this week which make it difficult to call during core business hours.

Would you be available for a call on Monday 17th. I could do 9am, 12pm or 4pm and I hope one of these work for you?

Many thanks

MDN Consultancy

Facilities and Building Services



----- Original Message -----

From: "Anita Gardner" <Anita.Gardner@arun.gov.uk>

Sent: Wednesday, 12 Jan, 22 At 18:27

Subject: M/141/21/HH - Briarfield Ancton Lane.

Dear Mr Norrell,

I have sent an e-mail under separate cover requesting your agreement to the inclusion of a pre-commencement condition. To allow time for you to discuss with your client can you agree to an extension of time on the application until 27-01-2022?

I would appreciate your agreement by return. If you can confirm your agreement to the imposition of the condition by lunchtime tomorrow I will do my best to facilitate approval of the application by the end of Thursday and there will be no need for agreement to an EOT.

Regards

Anita Gardner

Anita Gardner

Principal Planner

<image003.jpg>

T: 01903 737529

E: anita.gardner@arun.gov.uk

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