

15 September 2021

Ms Sabah Halli
Principal Planning Officer
East Hampshire District Council
Penns Place
Petersfield
GU31 4EX

Dear Ms Halli,

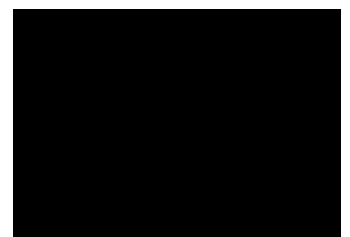
**HASKINS GARDEN CENTRE LTD
FOREST LODGE GARDEN CENTRE, FARNHAM ROAD, HOLT POUND, FARNHAM GU10 4LD
Section 73 Application to Vary Planning Permission 20533/059 Conditions 9, 19, and 33 as
approved 5th December 2018.**

We have been instructed by our client, Haskins Garden Centre, to apply for a Section 73 Application to vary the above Decision Notice at Forest Lodge Garden Centre in respect of conditions 9, 19 and 33.

As you will be aware, Haskins bought the Forest Lodge Garden Centre and Birdworld in early 2020, just before the pandemic. Despite it being a challenging 18 months for both parts of the enterprise, the company has made both internal and external changes to the Garden Centre as approved under the permission granted in December 2018 and the subsequent NMA approved on 23rd February 2021, namely the construction of the open sided sales area and the re-organisation of the outdoor plant sales area. These alterations fall into the approved Phase 1b works for the re-development scheme as set out in the agreed phasing plan.

As well as the relevant conditions that were discharged in respect of Phase 1b, the planning permission has three pre-commencement conditions, numbers 9 (Landscape and Planting), 19 (Arboricultural Method Statement and Tree Protection) and 33 (Foul and Surface Water Drainage). For Phase 1b, only condition 33 was relevant and it was consequently discharged, but it was not necessary to undertake any landscape or tree protection works for this phase.

The imposition of pre-commencement conditions is not encouraged in the NPPF (July 2021) para 56: *'Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.'*



Accordingly, we are applying to vary the 3 pre-commencement conditions nos 9, 19 and 33 to match the other conditions and apply to each phase accordingly. This is a complex re-development that has been phased and therefore it is non-sensical to supply full details for the whole site in relation to these conditions. As stated in the NPPF, without a clear justification, these pre-commencement conditions should be varied as requested to apply only to each phase of development. This will make them entirely consistent with the remaining conditions on the planning permission.

The variations sought are as follows (in italics and highlighted):

Condition 9:

'No development *within each phase, as defined within the agreed phasing plan*, shall commence until a fully detailed landscape and planting scheme for *that phase* has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.'

Condition 19:

'No development *within each phase, as defined within the agreed phasing plan*, shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 and which should include (but not be limited to) all details listed in section 2 of the submitted Arboricultural Method Statement, has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.'

Condition 33:

'No development *within each phase, as defined within the agreed phasing plan*, shall commence until details of a scheme for foul and surface water drainage (supported by detailed drainage layout, run-off calculations, drainage construction details and geotechnical site investigation) and including the elements below has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests.

a) Detailed drainage design drawings and calculations identifying the proposed drainage details.

b) Existing and proposed run-off rate and volume calculations completed according to a suitable method such as IH124 or FEH. This must include a climate change allowance

c) Evidence of sufficient attenuation on site for a 1 in 100 year plus climate change event

d) Details of the proposed water treatment including the number of steps in the SuDS management train Confirmation on maintenance regimes and adoption of SuDS features Details of the long term maintenance drainage

e) Measures to ensure that the maximum rate of surface water discharge from within the site to Lodge Pond and the total area of land within the site drained to Lodge Pond (a reservoir covered by the regulations in the Reservoirs Act 1975 as amended) are not increased above the existing rate/area.

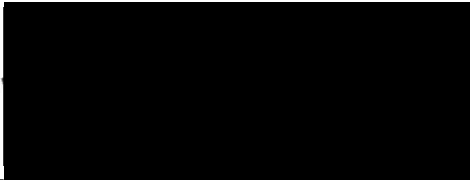
f) A drainage phasing plan describing what drainage works must be completed ahead of phased occupation. Each phase shall ensure that surface water runoff is adequately attenuated independently.

The drainage works shall be carried out in accordance with the approved details for each phase before any part of that phase of the development (contained within an approved Phasing Plan) is first occupied and shall be permanently retained and maintained thereafter'

This application comprises of this covering letter, a block site plan and the requisite planning application fee of £234.00 (plus £28 service charge) which has been paid online via Planning Portal (Ref PP-10220424).

We hope you have all the information that you need to register this application but, if you require anything further, please do not hesitate to contact me.

Yours sincerely,



Mary Davidson
Managing Director

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