

[REDACTED]

[REDACTED]

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

From: Phil Hamblin [REDACTED]
Sent: 19 July 2021 14:35
To: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Cc: Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: FW: Planning Consultation on: AL/66/21/PL

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear Maria

We would like to register our unreserved disappointment at the comments from Ms Burrow and the forcing of yet a further set of infiltration tests that will ultimately force the application to a substantial delay and result in a further application that cannot be made till next year.

The review should be taken on a risk-based approach to the location of the development (NPPF 157), therefore reviewing each planning application on it's site context rather than one brush fits all. This relentless over aggressiveness approach is not in the spirit / context of the NPPF and certainly not in the interest of all concerned and is actually an inappropriate strategy to adopt.

The sites geological make up is of a highly permeable sub-soil which has been justified with the testing and the subsequent results applied due diligently into the design criteria that Arun DC require.

Ms Burrow knew that any subsequent retesting of the infiltration rate would fall outside of the true winter period, but given it is directly after the winter period, should provide significant confidence that the test portrays an accurate infiltration rate.

We therefore request that Ms Burrow's review is peer reviewed to provide an unbiased and balanced approach to the application of W DM3

The NPPF also notes under paragraph 38 (see text below) and it is clear that in this instance Ms Burrow has not taken note of this NPPF advise.

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 1 Ms Burrow's email relating to the previous application (Ref AL/31/21/DOC) to clear this condition was dated 20th April 2021, which was already outside what she is citing as the winter period and as a result the new test was in an "inappropriate time of year". We feel that Ms Burrow unduly delayed her comments, as they were right at the end of the application process and as a result compromised the whole process. As the tests were duly completed on 28-04-2021, only 7 days after her comments, we feel this should be accepted, as the issue of waiting till the next winter season was not raised in her observations and it is put that Ms Burrow has failed to advise the applicant and act in a constructive manner. As a result of her actions the applicant is now facing a disproportionate delay, that will cause a further 8 months period of limbo before a resubmission can be actioned.
- 2 The test results are broadly similar to those approved 3 doors down at Little Glebe in Littleheath Road Ref AL/83/19/DOC. This infiltration rate (3.23×10^{-5}) then provides a bench mark for the provided test results and as such should provide significant evidence that the results are a worst case and true result. The application here uses 3.5×10^{-5} . So this should be sufficient evidence to show that the infiltration rate applied is accurate for the area and not an inappropriate value that would results in a vastly undersized soakaway.
- 3 The results are no different to those presented in the first application, which where subsequently refused (Ref AL/31/21/DOC) or the results accepted under application AL/83/19/DOC
- 4 The results are the result of a full BRE DG 365 test in ground that is at a lower level than the surrounding properties
- 5 The water level is well below any construction level and has been justified by the winter monitoring and historic boreholes immediately adjacent to the site. As such the infiltration rates are not affected by any capillary action of the soil, unlike they would be in a soil with a high water table.
- 6 The geological make up is such that the soil drains very quickly and this has been due diligently recorded.
- 7 The topographical layout of the site shows that the soakaway is approximately 2.40m below any surrounding properties and Littleheath Road there issue of excess flow issues is not really an issue on this site.
- 8 The time delay caused by Ms Burrow applying this condition is disproportionate and she has to be aware of the consequences of the very zealous and onerous application of the condition cited
- 9 The design which has multiple factors applied over and above what BRE DG365 requires, and more specifically the FOS of 2 on subsequent infiltration rate. This is not actually as requirement of the BRE DG365 test, but something ADC have derived. This therefore provides a very large increase in the size of

the soakaway. This may well be the case should overflow flooding be an issue in built up areas, but the application site is within a rural area and the location of the soakaway is well below any other dwelling or access road, due to the site's topographical levels.

- 10 We do feel that Ms Burrow has over step the mark and this condition would now fail the 6 mark test for planning conditions.
- 11 Should ADC be minded to apply this condition, despite the applicants providing a robust design and test result then the applicant reserves the right to appeal (+ costs) against ADC.
- 12 We fully understand the policy, but given the tests were conducted straight after the winter period, when in theory the soil would have been at it's wettest, we are at a loss why the results cannot be considered appropriate. If the tests were conducted in August / September or even October, we would then agree with the tests being carried out at "inappropriate time of year", as Ms Burrows puts it.
- 13 Broadly speaking the test, based on Ms Burrow's comments couldn't be undertaken till the end of the year and then result in a further application taking 8 weeks minimum (based on current ADC turn around) which would result in a time frame of nearly 8 months. This is totally unacceptable and disproportionate given the geotechnical make up, the water table level, the sites topography and the soakaway positioning.

Base on the above points we wish to request that Ms Burrow's objection and refusal to the infiltration test is peer reviewed to provide an unbiased and reasonable approach.

Policy W SP1 (Water) This has already been covered under the application

Policy W DM1 (Water Supply) is covered under other documentation submitted. No comments have been received on the water supply policy. Please provide comments

Policy W DM2 (Flood Risk). Information relating to this has been provided. Yet no comments or approval given . Please provide comments

Policy W DM3(SUDS). The design is based on a climate change of 40%, which is above the policy requirement. Given that the soakaway is approximately 2.40m below any surrounding properties and Littleheath Road there issue of excess flow issues is not really an issue on this site.

It is therefore put that the applicants design takes account of policies W DM 1, 2 & 3 and as such the overzealousness of applying the condition should be removed

From: Sarah Burrow <Sarah.Burrow@arun.gov.uk>
Sent: 15 July 2021 16:28
To: Planning Responses <Planning.Responses@arun.gov.uk>
Cc: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Subject: RE: Planning Consultation on: AL/66/21/PL

Engineers Comments Regarding Surface Water Drainage

Thank you for consulting us on this application. The applicant has revised the surface water drainage design following the refusal of application AL/31/21/DOC. They have taken the comments on board and have attempted to deal with all of the issues raised by undertaking further infiltration testing and consulting an Arboriculturist regarding the proposed siting of the soakaway and foul drainage field. However, the infiltration testing was completed on 28/04/2021 in mid-Spring. We expect infiltration testing to be done in winter when the ground is saturated, this will give a worst case infiltration rate to be used for the purposes of the design. As the testing has

been undertaken at an inappropriate time of year I request that standard condition PCENG2 is applied should you be minded to approve the application.

Ultimately the EA will also need to be consulted regarding the use of infiltration, as the site is located within a Groundwater Protection Zone.

Please consult the Tree Officer for his opinion on the siting of the proposed soakaway (it's proximity to the existing Alder which is being retained offsite) and the proposed measures described in the Arboricultural Addendum to mitigate tree root damage.

PCENG2 – modified to remove the winter groundwater monitoring element

"Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended 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."

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

Regards

Phil Hamblin | Eng M.I.C.E. AMIStructE



H J Concepts Ltd

Consulting Structural Engineers & Building Designers



Suite A 2nd Floor Rear
Trinity Court
2-4 West Street
Fareham
Hampshire
PO16 0BH



www.hjconcepts.co.uk

The information contained within this email may be confidential and is intended for the addressee only. Any unauthorised use, dissemination of the contents or attachments is strictly prohibited. If you are not the addressee, please notify H J Concepts Ltd immediately by return and delete this message and all attachments. Although this email and any attachments are believed to be free of any virus, and or defects which might affect any computer or network system into which they are received and opened, it is the sole responsibility of the recipient to ensure this is virus free and as such H J Concepts Ltd will accept no responsibility for any loss or damage caused by receipt and or use of this email and or it's attachments.