

From: Sarah Burrow
Sent: 20 August 2021 13:19:13
To: Maria Tomalova
Cc: Roger Spencer; Paul Cann; Phil Hamblin
Subject: RE: Planning Consultation on: AL/66/21/PL

Dear Maria,

Thank you for passing on the e-mail from Mr Hamblin, firstly, I have no objection to my consultation being peer reviewed, indeed I have proactively approached Roger Spencer (Engineering Services Manager) and Paul Cann (Principal Drainage Engineer) to review my comments and provide their opinions. Roger has undertaken the requested peer review and has provided comments which I have copied at the end of this e-mail. As you can see both are copied in if you have any questions.

In addition, I can provide the following answers to of Mr Hamblin's comments in blue:

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.

There are inevitable delays in all consultation responses as a result of my department being under-resourced, we currently have four engineer vacancies and I am providing planning consultations to support my colleagues in addition to my primary job role assisting the Coastal Engineer. As a result of our current staffing situation there have been inevitable delays, however, I record all consultation requests and the date of response should my manager wish to compare the response time on this application as opposed to other Discharge of Condition applications. I would note, that in this case (AL/31/21/DOC) I initially requested electronic copies of the documents on 31/03/2021, despite requesting these again on 07/04/2021 they were not provided. Ultimately I made the consultation on 20/04/2021 without the requested documents, had I had them I may have been able to be more flexible in my approach as I hoped to be able to link the infiltration testing with the stratum evidenced on site. The failure to provide the relevant documents therefore caused further delay to my response.

Mr Hamblin has asserted that the "issue of waiting till the next winter season was not raised in her observations [in consultation response for AL/31/21/DOC] and it is put that Ms Burrow has failed to advise the applicant and act in a constructive manner". In my consultation I requested further detail on the level of infiltration testing completed. At that stage I had not requested further testing be undertaken as the applicant may have been able to provide sufficient detail which may have enabled me to be more flexible and work with the existing site investigations. If the agent had approached me or provided more detail then I would have been able to advise whether or not the existing testing was sufficient and if not, when to undertake further tests.

There appears to be an intimation that the onus is upon me to work proactively with the applicant (or in this case their agent). As stated to Maria previously it is unrealistic to expect us to personally approach each applicant to guide them through the process, we simply do not have the resources to do so. However, when applicants/agents approach us to question what is required for surface water drainage we do our utmost to support them. The application referenced below (Little Glebe) is a perfect example of an agent doing just that, in that application I ended up reviewing the proposal twice before a second DOC application was made.

Surface water drainage requirements are signposted within the validation requirements for planning applications, including a link to further information which includes a checklist to aid applicants. If pre-application advice is sought then we alert applicants to the need for winter testing at that stage and in this particular case Laura Gibbons actively informed the Planning Officer and thus the applicant for the need for "Full BRE365 compliant winter infiltration testing" in her consultation response of 27/08/2019 on application AL/62/19/PL. Winter percolation testing is also a stipulation of the condition that was subsequently applied by the Planning Inspector. Therefore, to suggest that the applicant or agent was unaware of this requirement following my consultation in April 2021 is disingenuous.

It is worth noting that April 2021 was the driest month since May 2020 (and since).

<https://www.metoffice.gov.uk/pub/data/weather/uk/climate/stationdata/eastbournedata.txt>

Furthermore, I understand this application is due to be decided by committee on 8th September. Therefore the delay caused by the requested winter testing is unlikely to be the 8 months repeatedly implied in Mr Hamblin's e-mail. I would accept infiltration testing done in December which could be approved in January.

2. The test results are broadly [sic] 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 result in a vastly undersized soakaway.

As far as I am aware no reference to the application at Little Glebe was made in the Supporting Statement for Stormwater Soakaway. Had the application been referenced this may have influenced my consultation response. I might add that the application referenced in the e-mail (AL/83/19/DOC) was in fact refused, partly on the basis of inadequate infiltration testing. Ultimately, after constructive collaboration between myself and the agents, the condition in question was discharged under AL/8/20/DOC. In this case we were flexible in our requirements of the infiltration testing, it was completed in a wet March (50mm rain as opposed to 2.7mm in April 2021) and a higher factor of safety (3) was used in the calculations. It is worth noting that the development in question was of a smaller scale (extension rather than a new dwelling) and rather than being three doors down as Mr Hamblin claims, it is in fact eight properties south on a road of detached houses with large gardens. Roger Spencer comments further upon the evidenced infiltration rates in his peer review below.

3. The results are no different to those presented in the first application, which where [sic] subsequently refused (Ref AL/31/21/DOC) or the results accepted under application AL/83/19/DOC

As per 2.

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

The siting of the test in comparison to local property is not relevant to the ground saturation you would experience via the requested winter infiltration testing.

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.

The ground water level is necessary for determining the level at which a soakaway can be based. It's absence does not negate the need for winter infiltration testing.

6. The geological make up is such that the soil drains very quickly and this has been due diligently recorded.

Agreed, however the testing was not carried out in the winter months and thus does not represent worst case conditions on site.

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.

See point 4.

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

See point 1.

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.

ADC have adopted the West Sussex Policy for the Management of Surface Water, this is the basis for our requirements. The policy is based upon best practice as guided by the SUDS Manual and climate change allowances are prescribed by the Environment Agency.

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.

See point 1.

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.

Ultimately the planner makes the decision on an application. I act only as a consultee. As stated above a peer review has been provided by Roger Spencer, Engineering Services Manager (see below).

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.

As stated in point 1 the month of April was the driest since May 2020. Unfortunately it is highly unlikely that the ground conditions would have been representative of winter saturated conditions.

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.

See point 1 regarding the delay.

Roger Spencer's Comments following peer review of both my comments and all relevant documentation supplied to support AL/66/21/PL, AL/31/21/DOC and AL/62/19/PL:

"Dear Sarah,

I have looked at the Application and your response. There would seem to be further 'soils' information recently received; this shows that the first 2m or so of excavation is consistent. It does however show that the trial pits were all taken in the footprint of the proposed building and not at the SW soakaway or the foul drainage field, which is not ideal or as per the guidance.

As you know, the Council takes the issue of flood risk very seriously and we provide responses to our Planning colleagues on all appropriate Planning Applications accordingly. We ensure that our responses are based on evidence and we look for that evidence to be presented in line with accepted and published guidelines.

It would seem that the application in question has not presented the information required in our established manner for you to properly assess the evidence base. You have rightly requested the information in the required format, or in clearer type when the submitted document was illegible. I am relatively confident that the proposed surface water regime would be suitable and effective, it has not however been possible to assimilate the 'snippets' of data into a coherent body making it difficult to sign it off at this point.

There are a number of queries outstanding that the Applicant may be able to satisfy without recourse to further testing or delay but that is not guaranteed.

We would require the results of any appropriate testing undertaken, and the methodology to be in accordance with BRE 365 (or similar approved) – a note on a previous application for this site (AL/31/21/DOC) states that infiltration testing was undertaken in November 2020 (with a value 1.385 e-4); the same application has a supporting statement showing an infiltration value of 2.77 e-4 (applied FoS?) but I do not believe that these have been presented other than as the end result – especially the note on the drawing.

The value used for this Application is in one place 3.50 e-5 (or 3.495 e-5). This is stated as being based on an average time (implying more than one test was carried out); we require the worst case and not the average. However, from the side-by-side photos provided, it does not appear that BRE 365 was followed. Whilst the pit in the right photo is empty, it is not full in the left, implied starting condition. The document states that the results and designed are presented separately. The only other ground investigation results I can see are within the Checklist and this states the infiltration rate to be 6.99 10-5. Groundwater monitoring would suggest that groundwater was below the level at which there would be conflict with the infiltration measures proposed (the 2.4m holes remaining dry). One of the groundwater points from AL/31/21/DOC was quite close to the proposed soakaway location.

As noted, there has been some data provided for infiltration but that is not at the depths exactly relating to the proposals, This is not a showstopper providing the soil strata is consistent – as above, the recently received data shows this to be the case for the footprint of the building. The soil data originally available was not legible and you have requested a better quality copy of the data – further data has only recently been forthcoming and then it relates to the building footprint only.

Given the evidence presented so far, I am confident that the non-conforming pit used for the testing will not unduly prejudice the results but even with the small pit, the methodology within BRE 365 would seem not to have been followed, we would welcome clarity on that. The Main Soakaway House and Garage document states that onsite infiltration test results are not available but that the value of 3.5 10-5 (noted above) is used.

I am still concerned that there are other issues on the site:

The site proposed to be drained (foul) by use of a treatment plant and drainage field – this is within a source protection zone (SPZ), we are not aware whether consultation has been had with the Environment Agency as mentioned in the recently received 'Further Information'. Likewise, the surface water soakaway is within the SPZ but contamination is unlikely, as any driveway proposals are assumed to be constructed in permeable materials (as AL/31/21/DOC).

The potential for dissolution features has been mentioned in the recently received reports. From the soils reports, the chalk is at a depth that the soakaway should not be detrimental but it is good that the report mentions it. However, I am not sure the risk is low, as we have photographic evidence of numerous dissolution holes in woods on the opposite side of Littleheath Road.

I note that the Tree Officer cannot support the Application and has objected. Also, that Southern Water are concerned about not making use of the main foul sewer nearby.

Regards,

Roger Spencer
Engineering Services Manager, Place"

I hope this clarifies my consultation, Maria, please feel free to contact myself or Roger if any further clarification is required. I apologise for the delay in my response, I hope you can see that it has been considered at length it has just taken some time for each of us to consider.

Kind regards

Sarah Burrow
Engineering Assistant, Engineering Services

T: 01903 737815
E: sarah.burrow@arun.gov.uk
M: 07733 125764

Current working pattern: Monday 8am-2:30pm, Tuesday 8am-5:30pm, Wednesday 8am-5pm, Thursday 8am-5:30pm, Friday 8am-11:30am.

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From: Maria Tomalova <Maria.Tomalova@arun.gov.uk>
Sent: 05 August 2021 12:48
To: Sarah Burrow <Sarah.Burrow@arun.gov.uk>
Subject: FW: Planning Consultation on: AL/66/21/PL

Sarah,

Please see below.

Maria Tomalova
Senior Planning Officer
Directorate of Place

T: 01903 737510
E: maria.tomalova@arun.gov.uk

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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

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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 result in a vastly undersized soakaway.
- 3 The results are no different to those presented in the first application, which was 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 is no 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 removed). 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

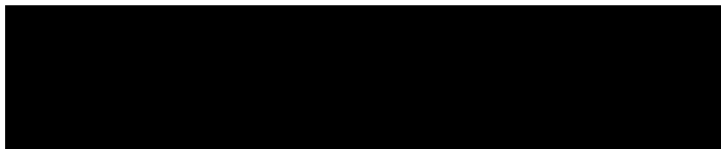


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