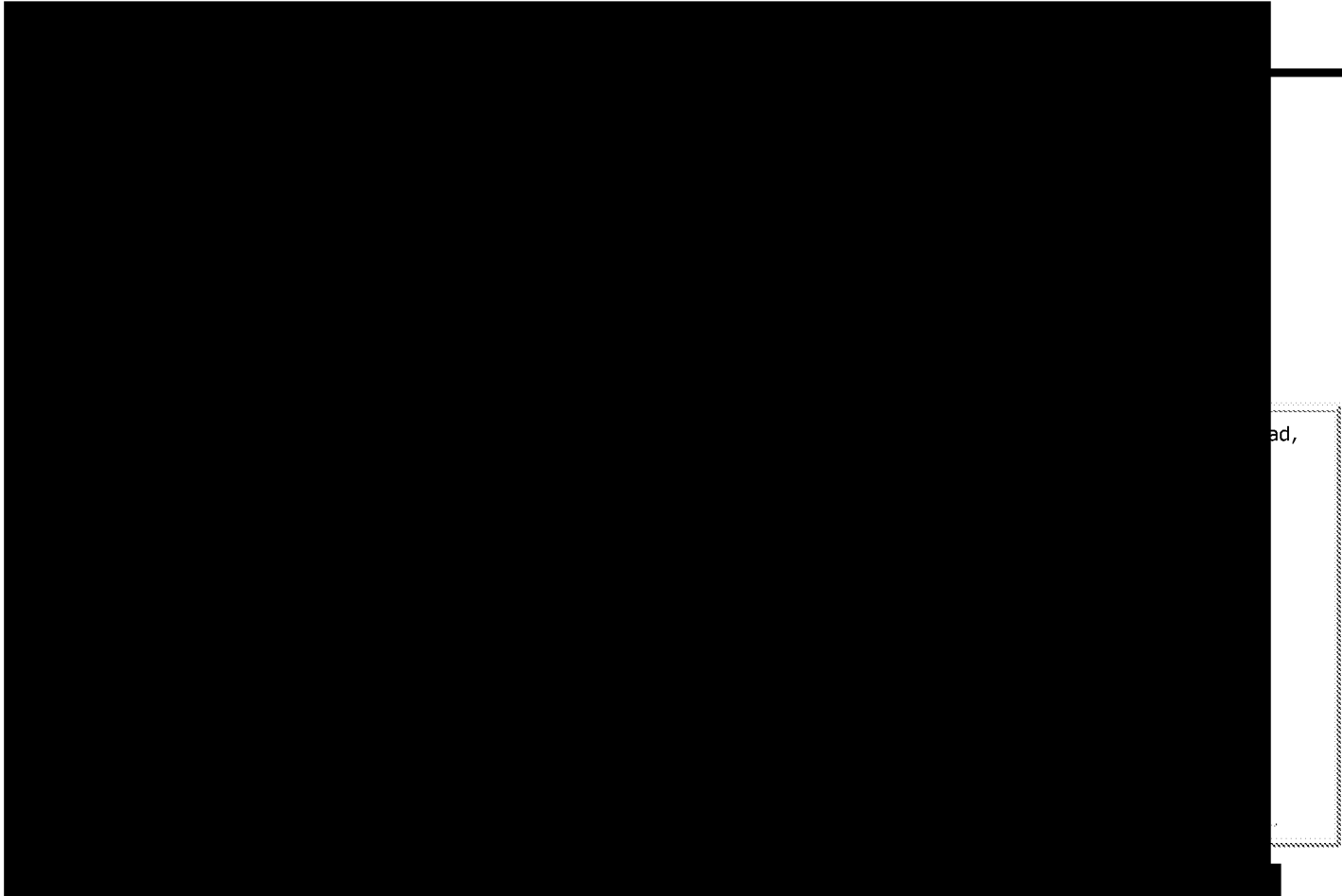




ad,

From: Michael Eastham <Michael.Eastham@arun.gov.uk>
Sent: 21 February 2020 09:04
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: BN/93/19/PL - Angels Nursery, Yapton Road, Barnham

Please upload the email from the applicant below and the attachment onto Ocella for BN/93/19/PL.

Thanks,

Michael

Michael Eastham | Principal Planning Officer, Strategic Development, Directorate of Place, Arun District Council | Location: First Floor,
Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37772 | External: +44 (0) 1903 737772 | E-mail: Michael.eastham@arun.gov.uk



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Save the environment - think before you print.

From: [REDACTED]
Sent: 21 February 2020 08:39
To: Michael Eastham <Michael.Eastham@arun.gov.uk>
Subject: RE: BN/93/19/PL - Angels Nursery, Yapton Road, Barnham

Michael

For information, please find attached a copy of the agreement to connect to the sewer under section 106 of the Water Industry Act for the site at Yapton Road, Barnham.

Whilst Southern Water claim in the letter capacity can be addressed by way of a Planning Condition, all the advice we have received is that this position is incorrect. Whilst capacity in a drainage network may be a material consideration (as defined by the Act) – as anything can be a material consideration to a planning application, but it cannot be addressed via a planning condition.

As I set out in my email below, a condition would fail the tests if it requires compliance with other regulatory requirements. Clearly the issues around the sewerage network are controlled by the Water Industry Act (hence the ability to receive a section 106 agreement to connect); and the issue of capacity in that network is also covered by the Water Industry Act, therefore it cannot be a matter for a planning condition.

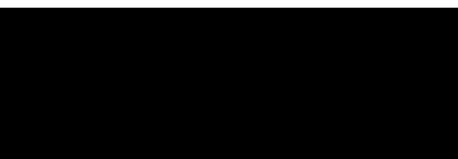
I'm very happy to discuss this further, but we do not believe it is within the Council's gift to place a condition on the consent. However, Redrow are not able to prevent the Council placing a condition (that is not pre commencement) on the consent – but it is likely this would be something that would be challenged.

Kind regards

Craige

Craige Burden
Head of Planning

Redrow Homes Limited
Redrow House Unit 1 Faraday Office Park
Rankine Road, Basingstoke
Hampshire, RG24 8QB



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Think before you print

From: Craige Burden
Sent: 19 February 2020 18:36
To: 'Michael Eastham' <Michael.Eastham@arun.gov.uk>
Subject: RE: BN/93/19/PL - Angels Nursery, Yapton Road, Barnham

Michael

Thank you for the email; and for the draft report (see note below).

I have been struggling with Southern Water's request; and I have been trying to rationalise their request in planning terms (and I'm still struggling).

Southern Water have asked for 24 months' notice to complete upgrades (if necessary) in the email below. I believe planning permission for 95 homes was granted on this site on 3rd May 2017 (33 months ago), so they have already had 9 months longer than requested to prepare for the works. Why do Southern Water actually need 57 months to upgrade the network? (I would also highlight that there is an implemented planning permission for 86 homes dating back to 14th March 2014 – so they've actually had 71 months, with the additional 24 months they're asking for they will have been working on the issue for 95 months).

Given Arun District Council have been identified in the recent Housing Delivery Test as an authority that must provide a 20% buffer to their housing land supply and prepare an action plan in relation to housing delivery; Redrow are surprised that there is a willingness to entertain conditions such as this that will delay delivery of homes, particularly on an allocated site with an implemented permission and an extant consent.

Unfortunately the proposed condition does not provide any certainty, there is no control mechanism, and it does leave Redrow potentially at the whim of Southern Water (what do Redrow do if Southern Water don't do any upgrade works, should the site be started, but no homes occupied?). We have no indication of what the phasing and implementation of any sewerage network reinforcements proposed by Southern Water (as set out above they've already had at least 33 months to prepare). In addition it would appear that any condition proposed by Southern Water will not meet the tests of a condition, as it appears to be requiring compliance with other regulatory requirements (in this case the Water Industry Act). The NPPG sets out that:

Are there any circumstances where planning conditions should not be used?

Any proposed condition that fails to meet one of the 6 tests should not be used. This applies even if the applicant suggests or agrees to it, or it is suggested by the members of a planning committee or a third party. Specific circumstances where conditions should not be used include:

Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act);

Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate.

Therefore, at best, Redrow would suggest an informative is added to the consent in line with the text requested by Southern Water.

In relation to the draft report, I note that the amendments to the conditions requested have been included (thank you), I note that the additional conditions requested by the Council have been included, but these have (generally) been extended beyond prior to commencement, which is also appreciated.

Therefore (with the exception of the Southern Water issue), Redrow are content for this matter to proceed.

Kind regards

Craige

From: Michael Eastham <Michael.Eastham@arun.gov.uk>
Sent: 19 February 2020 10:32
To: [REDACTED]
Subject: FW: BN/93/19/PL - Angels Nursery, Yapton Road, Barnham
Importance: High

=====

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CHECK THE EMAIL ADDRESS, AS IT MAY BE SPAM!

=====

Craige,

I have received the following email from Southern Water.

Are you happy with the condition highlighted by me in yellow below being inserted in the Decision Notice?

Kind regards,

Michael

Michael Eastham | Principal Planning Officer, Strategic Development, Directorate of Place, Arun District Council | Location: First Floor,
Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37772 | External: +44 (0) 1903 737772 | E-mail: Michael.eastham@arun.gov.uk



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Save the environment - think before you print.

From: [REDACTED]
Sent: 19 February 2020 10:02
To: Michael Eastham <Michael.Eastham@arun.gov.uk>
Subject: RE: BN/93/19/PL - Angels Nursery, Yapton Road, Barnham

Hi Michael

There is a right to connect to our sewer under s106 and we cannot prevent this. What we ask is that from the date of planning permission being granted we are given 24 months to construct any network reinforcement should this be required and that the developer keeps in contact with us on progress, standard text from our response is as follows:

Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Regards

Joff

Joff Edevane
Growth Planning Lead



from
Southern Water

From: Michael Eastham [<mailto:Michael.Eastham@arun.gov.uk>]

Sent: 18 February 2020 15:49

To: [REDACTED]

Subject: BN/93/19/PL - Angels Nursery, Yapton Road, Barnham

Dear Joff,

The Local Planning Authority has imposed the following condition on a planning permission for residential development at Angels Nursery, on Yapton Road in Barnham.

"The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Including details of its routing, design, and subsequent management / maintenance.

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM1 of the Arun Local Plan."

Redrow Homes are claiming that the proposed Condition (Condition 28: Foul Water Drainage) is considered unnecessary. The Water Industry Act 1991 (as amended) controls the connection of homes / developments to the foul water network. Redrow already has consent under the act to connect (via section 106 agreement) and the proposed sewers will be adopted (via section 104 of the act). As you will be aware conditions should not be used where they require compliance with other regulatory requirements, this condition is requiring compliance with the Water Industry Act and is therefore does not pass the tests for a condition. This is our most significant concern.

What is the view of Southern Water to the claim made by Redrow Homes?

I look forward to receiving your reply.

Regards,

Michael

Michael Eastham | Principal Planning Officer, Strategic Development, Directorate of Place, Arun District Council | Location: First Floor,
Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37772 | External: +44 (0) 1903 737772 | E-mail: Michael.eastham@arun.gov.uk



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**WATER
for LIFE**

from

**Southern
Water** 

Mr Trevor Baker
TDS Southern
Hillreed House
54 Queen Street
Horsham
West Sussex
RH13 5AD

Your ref

Our ref
DS_CPS-112492

Date
23/09/2019

Contact:



Application to Connect to the Public Sewerage System - Section 106 Water Industry Act 1991. Location: Angel & Hyde Nursery, Yapton Road, Barnham, Bognor Regis, West Sussex, PO22 0AY

Dear Mr Baker,

We refer to your recent application to connect to the public foul sewer at the above location. We are pleased to advise that your proposal, as shown on your drawing 19377-GS-Z1-XX-DR-C-1060 & 1061 Revision P4 Dated 13/09/2018, is approved subject to:

This letter is for the purpose of approval to permit communication to be made to the public sewer, under S106 of the Water Industry Act 1991. It is to the means and mode of construction only.

S106 approval does not confirm that capacity is available for the proposed development in the public sewer network. Lack of such capacity may increase the risk of flooding and pollution and is a material drainage matter for the Planning Authority to consider, by way of appropriate Planning Conditions. The availability of such capacity may be assessed through the Capacity Check process.

This letter and any comments or approvals should hence not be considered as approval by Southern Water to the discharge of any relevant Planning Conditions relating to drainage. This is a separate matter to be reviewed under a consultation from the Planning Authority to discharge any such conditions.

If connection is to be made through land under the ownership of other Parties, then you are advised to obtain the Landowners consent before carrying out any works.

In approving this application, it is assumed that you have obtained any necessary Building Regulations Approval and /or Highway Authority Road Opening License.

This approval is given based on the information provided in support of this application and the assumption of the final discharge point being to the public foul sewer. If this is different, then this approval becomes invalid.

Southern Water Developer Services, Sparrowgrove House, Sparrowgrove, Otterbourne, Winchester, Hampshire, SO21 2SW
southernwater.co.uk

Southern Water Services Ltd, Registered Office: Southern House, Yeoman Road, Worthing BN13 3NX Registered in England No. 2356670

If as noted above, there is any change in the approved connection point, then you must provide us with revised drawings and details and obtain our approval for the changes prior to the connection being made.

Please note that surface water must not communicate with the public foul sewers.

Connections to existing manholes and new manhole and the arrangement of pipe junctions within any manholes should be in accordance with Sewers for Adoption 7th edition and Southern Water guidance documentation.

We refer you to Southern Water Health and Safety Advisory that can be viewed in the Developer and Builders section of the Southern Water website as the link below:

<https://www.southernwater.co.uk/health-safety-advisory>.

This approval is given on the basis that you will review this Advisory and take the necessary actions concerning Health and Safety.

Please contact Mick Vince our Assistant Adoption Manager for this area on 07803 259227 giving at least 2 full working days' notice, in order for a mutually convenient date and time for the inspection of the works to be arranged.



Geoff Hall
Developer Services