

From: Juan Baeza
Sent: 07 November 2018 15:48
To: 'Stephen milliner'
Cc: Karl Roberts; Cllr. Terence Chapman; Cllr. Richard Bower; Neil Crowther; Paul Cann; Laura Gibbons
Subject: RE: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Milliner

As stated in my earlier email Mr Cann is a member of ADC engineers team and not a building control officer as you claim. His involvement was in connection with the drainage conditions and he met the applicants on site to try and help confirm the presence of the ditch/culverted watercourse on the site boundary. They also discussed any potential planting in that area and the need to ensure no detrimental effect on the pipe i.e. ensure low planting. Potential fencing arrangements were discussed to ensure no detriment/and being demountable to enable future access to carry out repairs, and the removal of the existing outbuilding, which could be over the pipe (betterment).

He also discussed potential connections to the watercourse for surface water disposal. The outcome was that the applicant must investigate the use of soakaways and they would need to discuss/agree this with Building Control, as we have no surface water drainage condition on this application.

Only if soakaways do not work, would we consider a connection to the watercourse. If that was the case, then they would need to resubmit the appropriate DOC application to agree the finer details of the connection, as their approval is for the use of soakaways. They would also need to obtain Land Drainage Consent for the connection.

Regards

Juan Baeza Area Team Leader – Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Stephen milliner [REDACTED]
Sent: 07 November 2018 10:50
To: Juan Baeza
Cc: Sharon Lilleywhite; Karl Roberts; Cllr. Terence Chapman; Cllr. Richard Bower; Planning
Subject: Re: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Baeza

I would be garteful if the Council could respond to my questions highlighted in yellow below.

Also the supplementary information Laura Gibbons mentions is still not on the planning portal. Can this please be uploaded. I know you have approved this DOC but all the facts should be on the portal.

Yours sincerely

Stephen Milliner

From: Stephen milliner [REDACTED]
Sent: 30 October 2018 18:21
To: Juan Baeza
Cc: Sharon Lilleywhite; Karl Roberts; Cllr. Terence Chapman; Cllr. Richard Bower; planning@arun.gov.uk
Subject: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Baeza

I see that the Email from Inspired Design dated 5th October has today been uploaded to the planning portal which I thank you for. This has belatedly only occurred through my scrutiny of this DOC and the Council continues to withhold information from the general public relating to planning matters despite assurances from senior members of staff at the Council that the discharge of conditions relating to 60 Vermont Drive will be conducted properly. As set out below I do not agree with the reply from Laura Gibbons to my Email dated 28.10.18 but I see no point in reiterating my commentary which is factual.

Now there are a few other points to note which arise from the Inspired Design Email 05.10.18 (copy attached). I see that the Council's Building Control officer, Paul Cann met Inspired Design at the premises and I am wondering why seeing as ADC are not appointed as the Building Control Authority. Is it customary for the Council to provide a free design service to Inspired Design at the expense of the taxpayer? As you know the developer has appointed County Building Control Limited as the Approved Inspector for the development. Why do the Council continue to bend over backwards for Inspired Design (at taxpayers expense) when it should be the applicant providing the Council with the necessary information and justification demonstrating that the rainwater from the site can be discharged properly? These events are of concern to me and they should be of concern to senior management at the Council.

On the subject of information accuracy I would be very disappointed if the planning department relied on information that could be incorrect particularly as it is a simple task for the developer to obtain the information necessary to satisfy (or not as the case may be) the Council for compliance with Gen 7 and Gen 9. The use of words such as "likely" are not relevant to a DOC as you can not (as far as I am aware but please correct me if I am wrong) condition a DOC. The information needed to discharge a DOC should be accurate, factual, complete and relate to the site.

I would be pleased if the Council could reply to my questions/concerns above at their earliest opportunity and I do hope the Council stops conducting its business in secrecy on planning matters as this process should be completely transparent.

I don't believe the supplementary information Laura Gibbons states she provided to the planning department is on the planning portal yet so could this please be uploaded.

I trust the above is of assistance.

Yours sincerely,

Stephen Milliner

From: Stephen milliner [REDACTED]
Sent: 29 October 2018 20:25
To: Juan Baeza
Subject: Re: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Baeza

My Email below is already on the planning portal but the correspondence that Laura Gibbons refers to " *the developer submitted written commentary stating they will not discharge to the watercourse*" is not on the portal. In addition the supplementary information Laura Gibbons says she provided the planning department is also still not on the planning portal. I see Laura Giobbons has responded to my Email. I do not agree with her response but see no point in reponding further.

Yours sincerely,

Stephen Milliner

From: Juan Baeza <Juan.Baeza@arun.gov.uk>
Sent: 29 October 2018 09:08
To: 'Stephen milliner'
Subject: RE: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Milliner

Do you want you below email to go on the public web site under this reference?

Regards

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From: Stephen milliner [REDACTED]
Sent: 28 October 2018 16:46
To: Laura Gibbons
Cc: Juan Baeza; Planning
Subject: 60 Vermont Drive - Application EP/131/18/DOC

Dear Laura Gibbons

My concerns are:

I suspect the development that the Council's Building Control is referring to is 66 Vermont Drive but it is not entirely relevant in my view. I live within circa 100 hundred yards of the proposed development and in the immediate surrounding area it is not uncommon for us to have standing water when it rains. My wife's mother lived at 48 Vermont Drive (sadly passed away recently) and the same is experienced here. Our ground has a high clay content and water does not percolate easily to the surrounding ground. I am also aware that the development to 66 Vermont Drive was undertaken during the summer months so would not have been an accurate reflection of the highest water table (particularly as we had a very dry summer).

The proposed development significantly reduces the area of permeable surface and the applicant's agent's drawing does not even show how the rainwater is dispersed on the hard standing areas (new carriageway and parking areas).

I agree that all Building Control departments should see that the rainwater is disbursed properly but the planning department are making assumptions which may not be correct. The legal obligation of the planning department is to see that Condition 4 and 5 are properly discharged and this relies upon "The Detail". The Council do not yet have this detail and therefore are unable to conclude that Condition 4 is being complied with. In addition we all know that different Building Control Authorities have different opinions and thresholds and from my experience a developer friendly Approved Inspector is likely to be more sympathetic in his views than a Council's Building Control department (hence why the developer has chosen an Approved Inspector route).

From my experience as a Professional Consulting Engineer in the Construction industry it is not unreasonable to make assumptions on ground conditions at an early stage of a project but when you are looking to demonstrate site specifics it is normal to establish the actual site conditions. The applicant has not done this and therefore not demonstrated that they comply with Condition 4 as there is no detail and what is being judged is not based upon what the applicant has submitted but based upon an assumption the Council has proffered on a different development. This assumption may prove to be correct but equally it may be incorrect. I am afraid this is just another example of the Council favouring the applicant rather than getting the applicant to demonstrate compliance with Condition 4. The Council's obligation is to see Condition 4 is complied with rather than favouring an applicant based upon non site specific information particularly as you are aware that there is a history of poor rainwater dispersion in the area and there is a watercourse at the rear of the premises.

You mention that the *"the developer submitted written commentary stating they will not discharge to the watercourse"*. I have not seen any such commentary on the applicants drawings or application form. Are the Council once again withholding information from the public on a planning matter? Could the Council please see all such correspondence relating to this application (and any other application relating to 60 Vermont Drive) is on the planning portal and available for public scrutiny?

Having said the above may I suggest that the statement you refer to is not relevant anyway. Anyone can make a statement. It is the Council's legal obligation to see that Condition 4 and Condition 5 are **complied with** and that the applicant submits sufficient detail for you to see the applicant has complied with the requirements of Condition 4 and 5. Statements or performance type information does not demonstrate compliance.

I can see no detail demonstrating compliance with Condition 4 and please remember this is not only applicable to the new dwelling as the applicant has proposed on their drawing but applicable to everything within the red line on application EP/69/17/PL as that is what the planning application and associated conditions refer to. The Conditions should therefore consider the whole development area including the existing dwelling, all existing hard standing areas and all new hard standing areas as well as the new dwelling and the left over permeable areas. Something else you might like to observe is that Inspired Design have sought to present inaccurate information again. The planning application shows a fence at the front of the new dwelling but guess what on the drawing submitted with the DOC this fence has miraculously disappeared. The fence will be required for compliance with Arun's policy on rear garden space and further obstructs access to the watercourse at the rear of the premises. For correctness I suggest the drawing should be updated/ correct and any assessment of Condition 5 based upon an accurate drawing.

You are correct that if you have provided supporting evidence to the planning department in your response to them that they have withheld this supporting information from the general public. This is not surprising as it seems to be symptomatic of this Council's planning department that they constantly withhold information.

I agree with your initial concern that the development proposals may not have sufficient permeable areas and adequate ground conditions to discharge rainwater sustainably in compliance with Gen 7 and Gen 9. Even if

the rainwater is not discharged to the watercourse at the rear of the premises it would cause harm to other neighbours if not properly dealt with. You may not be aware from observing the DOC drawing that the development is proposed to have a significantly greater impermeable proportion with the new carriageway, front car parking and rear parking together with the existing and new dwelling obstructing rainwater disposal. Unless I am mistaken or it has been withheld from the public domain I don't believe you have seen anything submitted by the applicant relating to this development plot that allays mine and your fears.

On another note you probably are not aware that the applicant's site slopes and at the front (the west side of the development) falls away to the road so there is no means of water collection shown for the development which prevents water entering the public sewers. I am minded this should not be permitted as it puts a strain on the local authority sewer. In peak storms the surface water in the public highway of Vermont Drive has in the past failed to flow away with water/sewage coming out of gulleys in to the road. Unsustainable drainage strategies should not be permitted in any circumstances and the Council should see full compliance with Conditions 4 and 5 so that the development proposals comply with Gen 7 and Gen 9.

Could the Council please.

- Properly make available to the general public all information relating to this DOC application including full details you have provided to the planning department and the developers written statement you state has been submitted.
- Properly consider the DOC for Condition 4 and 5 and see the information adequately demonstrates compliance, is not performance based, is not reliant upon third parties and is completely accurate and site specific. This is particularly relevant when it has already been demonstrated and known to the Council that the applicant's agent has previously issued inaccurate/incomplete information.

I see you have some doubt about the watercourse so to give you some comfort I enclose a copy of the H.M. Land Registry details which clearly shows the drain.

I trust the above commentary is of assistance.

Yours sincerely

Stephen Milliner

From: Stephen milliner [REDACTED]
Sent: 26 October 2018 14:21
To: Laura Gibbons
Cc: Juan Baeza
Subject: Re: 60 Vermont Drive - Application EP/131/18/DOC

Dear Laura Gibbons,

I have a number of concerns here and I will set these out when I return home this evening.

Thanks for your note which is helpful.

Yours sincerely,

Stephen Milliner

From: Laura Gibbons <Laura.Gibbons@arun.gov.uk>

Sent: 26 October 2018 13:24

Cc: Juan Baeza

Subject: RE: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Millner,

Condition 4 relates to the discharge of flows to an ordinary watercourse. This was applied as there was some degree of uncertainty as to the potential for a culverted watercourse to the boundary of this property. In reviewing the discharge of condition application I have reviewed the ability for the surface water to be disposed of without connection to the ordinary watercourse. My original comments on 2nd October detailed my concerns regarding the suitability of the underground strata to allow infiltration. In between this time and my consultation response on the 10th of October I spoke with our building control department who have recently been involved with a development in close proximity to the property in question. They provided me with photographs of excavations which clearly demonstrated that groundwater was not encountered and that the underlying geology was sandy clay with an underlying gravel layer. Based on this information I am confident that infiltration will be achievable on site which meets the requirements of building regulations approved document H. Therefore, there will be no need to discharge flows to ordinary watercourse. Furthermore, the developer submitted written commentary stating they will not discharge to the watercourse and plans showing the soakaways. If any proposals change they will have to resubmit the DOC application.

All building control inspectors should ensure the requirements of building regulations are met. This is independent of whether it is Arun District Council building control or not.

It should also be noted that I submitted supporting information as an attachment which provided further detail regarding my change in stance, however I am unsure if this was made available on the planning portal or not.

Condition 5 relates to easement from the potential watercourse. I reviewed the proposed planting scheme and their possible root zones and determined the proposed plants would not have an adverse impact upon the possible culvert.

I hope this addresses your concerns.

Regards,

Laura Gibbons, MEng, GMICE
Engineer (Drainage & Coastal)

Laura Gibbons | Engineer (Drainage & Coastal), Engineering Services, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Juan Baeza
Sent: 26 October 2018 10:45
To: Laura Gibbons
Subject: FW: 60 Vermont Drive - Application EP/131/18/DOC

Hi Laura

Could you please provide a response to Mr Milliner and cc me so I can post it on the web site for this application.

Thanks

Juan Baeza Area Team Leader – Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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From: Stephen milliner [REDACTED]
Sent: 26 October 2018 10:43
To: Juan Baeza
Cc: Karl Roberts; Neil Crowther; Planning; Cllr. Terence Chapman; Cllr. Richard Bower
Subject: 60 Vermont Drive - Application EP/131/18/DOC

Dear Mr Baeza

I dont believe the below (highlighted in yellow) has been attended to?

The Email below is on the planning portal against EP/132/18/DOC and it should be EP/131/18/DOC.
Apologies my error.

Yours sincerely

Stephen Milliner

From: Stephen milliner [REDACTED]
Sent: 19 October 2018 22:09
To: Juan Baeza
Cc: Karl Roberts; Neil.Crowther@arun.gov.uk; planning@arun.gov.uk; Cllr. Terence Chapman; Cllr. Richard Bower
Subject: Re: 60 Vermont Drive - Application EP/132/18/DOC

Dear Mr Baeza

The below Email is not on the planning portal. Could the item highlighted in yellow please be actioned.

Yours sincerely

Stephen Milliner

From: Stephen milliner [REDACTED]
Sent: 14 October 2018 18:30
To: Juan Baeza
Cc: Karl Roberts; Neil.Crowther@arun.gov.uk; planning@arun.gov.uk; Cllr. Terence Chapman; Cllr. Richard Bower
Subject: 60 Vermont Drive - Application EP/132/18/DOC

Dear Mr Baeza

I see that Arun's Drainage Engineer provided the planning department with commentary on the rainwater infiltration for the proposed development on the 2nd October along the lines of my commentary and advised that there is insufficient information to demonstrate that Condition 4 can be discharged.

I see then that the technical view of the Council's drainage engineer has subsequently been influenced by the applicant's agent and the view of Building Control has also influenced their opinion (subsequent internal Email dated 8th October) so they have now retracted their opinion (without explanation). Shocking really that outside parties can influence a planning decision in such a way and for such reasoning not to be documented (other than it says there was some chit chat at the telephone).

I also would like to draw to you attention to the fact (it can be seen on your Portal) that the applicant has registered a Building Control Notice and the Council's Building Control department will not be involved in the works so there should be no reliance on your Building Control department in the planning application.

Planning should be a transparent process and surely anything that has changed the opinion of your Drainage Engineer should be in the public domain. If it is not then the process is being conducted in a nontransparent/secretive way against Government guidelines and the general public can only conclude that the Council's planning department are favoring the applicant and there is misconduct. Could the Council please make the reasons for the Council's Drainage Engineer changing their mind open to the general public.

May I re-iterate that senior members of the Council's staff have given me assurances that the conduct of the Council in considering any discharge of conditions will be correct and matters will be properly considered.

Yours sincerely,

Stephen Milliner

<http://www.arun.gov.uk>

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