

From: Anita Gardner
Sent: 09 January 2019 12:00

Subject: FW: FG/171/18/DOC - Yeomans Honda Discharge of Conditions

Dear Mr Duffy,

I forwarded your e-mail to Engineers who have provided the response below.

Unfortunately, if no progress is made regarding this condition within the next 7 days the application to discharge this condition will be refused.

Regards

Anita Gardner

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Laura Gibbons
Sent: 08 January 2019 08:54
To: Anita Gardner
Subject: RE: FG/171/18/DOC - Yeomans Honda Discharge of Conditions

Hi Anita,

This is a complicated site due to historic flooding in close proximity (see attached photo). We even commissioned our own flood study report to try to find ways to resolve the flooding issues in this area. This development lies

within one of the catchments identified as a source of flooding. It is even acknowledged within the drainage strategy submitted that currently water flows overground to Hangleton Lane during saturated conditions.

As a result we are very conscious about getting the surface water drainage design correct. My comments to date are in line with the condition imposed, and no different to those on any other site. I am not prepared to change stance on this.

I have provided some responses below in red.

Any questions let me know, happy to come round and discuss if needed.

Kind 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: Anita Gardner
Sent: 07 January 2019 11:13
To: Laura Gibbons
Subject: FW: FG/171/18/DOC - Yeomans Honda Discharge of Conditions
Importance: High

Hi Laura,
Do you have any comments on the e-mail below?
Thanks
Anita

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From: Steve Duffy [mailto:]
Sent: 03 January 2019 17:12
To: Anita Gardner
Cc: Kevin Conlon
Subject: FG/171/18/DOC - Yeomans Honda Discharge of Conditions
Importance: High

Dear Ms Gardner,

Further to the ongoing correspondence between yourself and Kevin Conlon at the end of last year and also below, we write to further explain the circumstances of this project and how this is being exacerbated unnecessarily through the wording of pre-commencement condition 3, and the reluctance for Arun's flood risk engineer to meet with our own team to resolve the issue.

Condition 3 relates to the surface water drainage on site and includes the words '*winter groundwater monitoring*' – whilst familiar with this and the necessity to determine highest levels, neither ourselves nor our civil engineer has come across a condition worded so onerously or counter-development in its detail;

- Firstly, our proposed surface water drainage disposal system meets your **highest local priority** as per policy; i.e. *infiltration design*. As we are all aware, this is now extremely common practice, and indeed best practice, to reduce the wider impact on existing systems and help sustainably control surface water drainage.
- Your policy, and commencement restriction wording of the condition, then state that percolation test must be undertaken in winter months prior to commencement of development - which essentially precludes any development coming forwards for six months of the year (October through to March)... This is the aspect of the condition wording that is hard to comprehend. This is required as a pre-commencement condition because drainage design can influence entire site design in some instances, i.e. an increase in area available for surface water drainage is sometimes required following testing.

Our current infiltration testing, which does not include all of the winter months, has informed the drainage design that's principal has been accepted as part of the consent. The proposal includes the ability to manage *greater* depths of groundwater than those tested; indeed our proposed tank needs to be a minimum of 1.0m above the level of the water table and it is currently at **1.5m above** - it would therefore require a *significant amount of water to increase this level to potentially cause a problem* – the information for which would all become available through on-going monitoring of the ground water once construction has commenced. Within Arun District it is common for ground water levels to fluctuate by over 2m.

The project has now reached a very unfortunate and critical stage – the Applicant (Yeomans) are under increasing pressure from Honda to complete this site. Special dispensation had already been granted to ensure that Yeomans will not be penalised for not completing the project within the mandated franchise timescales set out by the manufacturer; for all new sites to be fully CI (corporate identity) compliant by **April 2019**. The original delays with Arun DC in determining this application put pressure on the programme and this was accepted by Honda at the time – the economic impact of not determining and approving this application were also all outlined in the original submission and conversations with the various case officers that reviewed the application prior to determination.

Honda have confirmed that they **will not** extend Yeoman's existing dispensation any further than they have already agreed to do so – and on that basis that if works cannot commence on site this month then there is a distinct danger that the whole project becomes unviable putting at risk the considerable new employment and economic benefits explained and understood as part of the consented scheme, and also existing employment in Littlehampton. If there can be no pragmatic agreement to move things forwards this project will not go ahead, and these jobs will be lost to Arun District and Ferring, and potentially Littlehampton (*Yeoman's existing non-CI compliant Honda franchise that is being relocated to Ferring*).

Despite trying to move things forwards with your engineer the only viable options that we now see, prior to the Applicant deciding to pull the development are;

1. Arun agree to allow some works to commence on site whilst the ongoing water monitoring is concluded. This **will not** have any risk or adverse impact to the environment or drainage systems as the site first needs to be cleared and foundations dug, slab cast and steel frame erected prior to any surface water drainage works being programmed. Further, Planning Condition 3 also requires that the system be completed in accordance with agreed details "**prior to occupation**" – so this should act as a reassurance that if groundwater levels are found to be different to those expected, the proposals will need to be amended and submitted to yourselves well in advance of any proposed site-wide construction works relating to this element.

Essentially this option would be very similar to the way other restrictive conditions are worded; i.e “if during development...” or “no development above X-level...” type wording. I would permit site clearance only prior to drainage details being agreed. Typically drainage is one of the first elements to be constructed, especially the sub base to permeable paving, which frequently forms the subbase to construction running roads. Without construction details I am unsure if this will be the case. Irrespective of this a change in groundwater levels could have a significant impact upon surface water drainage proposals. I also provided comments previously about the current surface water drainage design having inadequate capacity, therefore this may have an impact upon the wider site design.

2. Our engineers submit an entirely alternative scheme that no longer meets Arun’s preference for surface water discharge – namely a closed system that would need to utilise the existing drainage system on site. As you will be aware, discharging into an existing system should always be ruled out wherever possible so this proposal would essentially go against Arun’s policy. Time restrictions on development are not sufficient justification to rule out infiltration drainage. Such a drainage design would not be permitted unless winter ground water monitoring results and infiltration testing showed this to be the only viable option.

A (traditional, i.e pre NPA/ 01-10-18) “pre-commencement” condition should only be used when the local planning authority are certain that there is no other way of properly regulating the development, it is important that they are only imposed where justified to prevent unnecessary delays to the delivery of development. If, as is now required under the NPA, it were suggested that this needed to be a pre-commencement condition by yourselves prior to the consent being written up, then our engineers would have provided the justification as set out above as to why this shouldn’t prevent the commencement of development whilst the necessary additional details be obtained.

We **strongly** urge you to please consider this on a pragmatic basis, else risk preventing the whole development and the associated loss of the established economic and employment benefits that this local employer and developer applicant can provide to Arun and to Ferring.

We look forward to hearing from you at your earliest convenience in order to help move this forwards whilst the opportunity still remains to do so.

Kind regards
Steve

Steve Duffy
Director



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From: Anita Gardner
Sent: 04 December 2018 17:18
To: Laura Gibbons
Subject: FW: FG/171/18/DOC - Yeomans Honda Discharge of Conditions

Hi Laura,

Please can you advise if the drainage information below alters your previous comments

Thanks

Anita

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Kevin Conlon [mailto:]

Sent: 03 December 2018 17:53

To: Anita Gardner

Cc: Juan Baeza; Russell Scorey; Steve Duffy; Graham Taylor

Subject: FW: FG/171/18/DOC - Yeomans Honda Discharge of Conditions

Dear Mrs Gardner,

Thank you for your note. Apologies for the later than expected response as we have been seeking further professional advice. We have collated a number of comments with the preferred main contractor and Engineer to provide revised documents and further clarity on existing supporting information to suit.

Firstly, we have amended the Construction Management Plan document to include the following details as being required by West Sussex Highways Engineers:

- *Maximum size of delivery vehicles. The CMP states no articulated vehicles will be used however rigid vehicles can have a limited turning circle. We have reviewed this with the main contractor and determine a maximum delivery lorry size at 2.5m wide x 10m long.*
- *Swept paths for maximum vehicle size of; the access and of turning within the site. Swept paths should be shown on the CMP with all other obstructions ie parking also shown. The turning head 'banjo' of this largest vehicle is illustrated on the attached updated CMP.*
- *Details of any extra-large plant expected ie Cranes. The main contractor has highlighted a maximum 25 tonne crane for these works. The turning of this vehicle can be made on site and is illustrated on the attached updated CMP. We expect this to be the largest piece of plant to be used here. All large plant turning within the site will have a vehicle marshalling 'banksman' coordinating movements.*

The attached document supersedes all previous information submitted in relation to this Condition, so please can you substitute? i.e. Construction Management Plan dated 21.09.2018, and site drawings W111 P1 & W112 P1.

Secondly, we await clearance of the conditions associated with an Environment Health response.

Thirdly, we are at a loss as to why this small redevelopment of brownfield land is subjected to such stringent policy adherence. We understand potential local flood risk issues, but cannot see why this 'like for like' development will place any further burden on the existing ground conditions. Our Civil Engineer wishes to comment on this, for which was ignored by the Council's Engineer;

*"The infiltration system has been designed in accordance with current guidance and is located **1m above** the highest recorded ground water level on the site in accordance with current guidance. Further ground water monitoring can be carried out if there is a specific risk of ground water movement in this area, but this should not prevent the development from proceeding. The infiltration tank will not be installed until the ground water monitoring is complete. Should the ground water monitoring confirm a higher water level then the surface water drainage design will be adjusted and submitted for approval prior to any surface water drainage works."*

So we would ask, is there a real risk that this development will increase ground water issues? For which we believe the answer is no. **And**, if we can provide this additional testing / monitoring, can this be 'prior to the commencement of the drainage works' rather than commencement of 'any' development? We see this as a reasonable request to what is otherwise a specific obstruction to development.

The selected main contractor has estimated that they would intend to commence these surface water drainage works some 15 weeks into the construction programme, initially due to commence in late January. This equates to mid-May, for which there is ample time for this further testing to be taken to the end of March then submitted to yourselves for determination, whilst other works commence. We are confident that there will not be any changes to the drainage design, as all relevant worst case guidance has been followed.

If you do not see this as a reasonable way forward, then would you be amenable to a change of condition wording, via a minor material amendment application to the existing consent?

As you'll appreciate our client's project and the security of the employment for staff at Yeomans in both Littlehampton and Worthing is in serious jeopardy. Honda have placed a mandatory global 'completion date' to all franchises for all new and existing Honda sites to be fully brand compliant by summer 2018, else face commercial consequences. The current wording of the planning condition would unnecessarily cause a minimum of some 4-5 months if we cannot agree to a resolution, and as described above, jeopardise the viability and sustainability of this site in Ferring/Worthing.

We truly hope that you can discuss this internally at the highest level, and advise an amicable way forward for our client, one of the largest local employers in the area, to commence their development asap as granted by Arun DC.

Kind regards,

Kevin

Kevin Conlon
Senior Architect



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From: Anita Gardner <Anita.Gardner@arun.gov.uk>

Sent: 20 November 2018 15:35

To: Kevin Conlon [REDACTED]

Cc: Juan Baeza <Juan.Baeza@arun.gov.uk>

Subject: RE: FG/171/18/DOC - Yeomans Honda Discharge of Conditions

Dear Mr Conlon,

I can advise that the incorrect information relating to the other site in Ferring has been marked for deletion on our web site.

I understand that you will be sending in additional information with regard to the highway comments and the Construction Management Plan and I would appreciate receipt within the next 10 days.

The other outstanding conditions relating to lighting and contamination are awaiting responses from environmental health.

I cannot agree to a meeting to discuss compliance with the drainage condition. I understand that your Engineer is liaising with our engineer following refusal of the discharge of the condition. Any re-submitted details would not be approved without her agreement.

Regards
Anita

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From: Kevin Conlon [REDACTED]
Sent: 20 November 2018 13:14
To: Anita Gardner; Juan Baeza
Cc: Steve Duffy; Russell Scorey
Subject: FG/171/18/DOC - Yeomans Honda Discharge of Conditions
Importance: High

Dear Mrs Gardner & Mr Baeza,

I have made a number of attempts to contact you but have failed to reach you directly. We would very much like to discuss our Discharge of Conditions with the utmost urgency, knowing the application was due for decision yesterday 19th Nov 18.

We are progressing the additional information required for the Construction Management Plan, and should have this available shortly. We note some incorrect documents are logged onto the Council's web portal which is not for our development, for which we have no knowledge. I trust these have not been assessed against our submission.

Secondly, we understand our Engineer has contacted Arun's drainage engineer regarding the surface water drainage strategy, and failed to reach agreement with regards to our submitted supporting information. We understand the Engineer is following Policy, but would seek to determine a pragmatic way to resolve the impasse. Knowing this is a brown field site redevelopment with similar building and surface areas much as before. We would be happy to draft a simple commentary on the design as proposed, in the attempt to explain the rational approach that meets all required design criteria. And/or, hold a meeting with you and the Council's Engineer to discuss further.

We would very much like to hear from you at your earliest convenience.

Many thanks,

Kevin

Kevin Conlon
Senior Architect



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From: Kevin Conlon

Sent: 19 November 2018 15:44

To: Anita.Gardner@arun.gov.uk

Cc: Steve Duffy [REDACTED]

Subject: FG/171/18/DOC - Yeomans Honda Discharge of Conditions [Filed 19 Nov 2018 15:44]

Dear Mrs Gardner,

Regarding our Discharge of Conditions application I believe this is due to be decided today 19th Nov 2018.

I believe from the web portal there are a number of queries raised by your consultees regarding the site drainage and construction management plan conditions, for which we would very much like to discuss further if possible.

I have left a message on your answerphone and I would be grateful if you could call me back when you have the opportunity.

Many thanks,

Kevin

Kevin Conlon
Senior Architect

[REDACTED]

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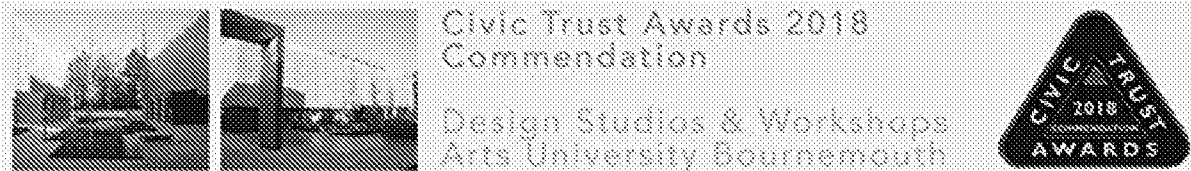
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