

FW: FP/139/25/PL - Land East of 22 Davenport Road

From Harry Chalk <Harry.Chalk@arun.gov.uk>
Date Tue 03/03/2026 13:32
To Planning.Responses <Planning.Responses@arun.gov.uk>

1 attachment (446 KB)
marcus wide uu 16th feb 2026.pdf;

Hello,

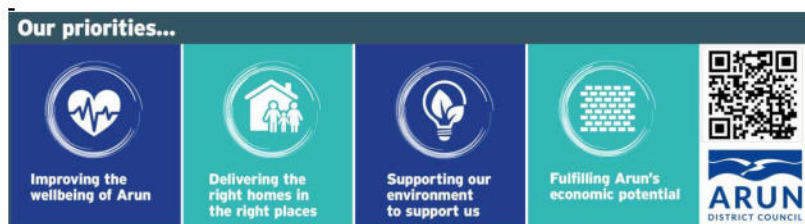
Can the attached S.106 draft please be uploaded to the above application. It will need redacting as appropriate.

Thank you,

Harry Chalk, MSc
Senior Planning Officer, Development Management

T: 01903 737577
E: harry.chalk@arun.gov.uk

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



From: Polly Reynold [REDACTED]
Sent: 03 March 2026 13:24
To: Harry Chalk <Harry.Chalk@arun.gov.uk>
Cc: Nik Antonio [REDACTED]; Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: RE: FP/139/25/PL - Land East of 22 Davenport Road

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Dear Harry,

Further to recent correspondence, please find attached the completed and executed Unilateral Undertaking.

This obligation was prepared and finalised in response to matters raised by the Council. Notwithstanding the additional time and cost involved, the Applicant has acted promptly and has sought to comply with the Council's requests at every stage. The submission of the executed UU is therefore provided as clear evidence of the Applicant's continued willingness to engage positively and to address outstanding issues.

I would be grateful if you could confirm receipt and arrange for the document to be formally logged and reviewed, as necessary. If any further steps are required from our side, please do let me know.

Kind regards,

Polly

Polly Reynolds | Partner
M [REDACTED]
Temple Bright | templebright.com
29 Great George Street | Bristol BS1 5QT

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From: Polly Reynolds
Sent: 02 March 2026 14:38

To: Harry Chalk <harry.chalk@arun.gov.uk>
Cc: Nik Antonio [REDACTED]; daniel.vick@arun.gov.uk
Subject: RE: FP/139/25/PL - Land East of 22 Davenport Road

Dear Harry,

Further to my email of 28 February and following some further checks by the project team over the weekend, I wanted to update you on one point and ask for a short steer so we can address the Engineers' concern on deliverability.

It appears likely that the coastal defence/sea wall in this location is maintained and managed by Arun District Council (with the EA/WSCC involved more generally in flood risk management), rather than the EA necessarily being the sole "asset owner" for any works to the sea wall/splash wall itself. If that is right, it would be helpful to understand whether the Council's objection is in substance seeking confirmation from ADC in its coastal engineering/coastal protection capacity, the EA under any permitting regime, or both.

To allow us to resolve this efficiently, please could you confirm:

1. which specific consent or consents you consider are required to form the outfall at this location, and who you consider the relevant decision-maker/asset owner to be and
2. whether the Council will re-consult the Environment Agency on the revised drainage proposal (given it has materially changed), or whether you would prefer us to provide particular "in-principle" correspondence from the relevant body outside the planning process.

As mentioned previously, we are initiating contact with the relevant bodies in parallel, but these processes are not typically capable of producing definitive written confirmation at very short notice. In that context, if you are not willing to pause determination or re-consult, please could you set out precisely what evidence the Council requires to demonstrate an achievable discharge point, so the applicant can decide the most efficient route (appeal vs resubmission) without further uncertainty.

Kind regards,

Polly

Polly Reynolds | Partner
M. [REDACTED]
Temple Bright | templebright.com
29 Great George Street | Bristol BS1 5QT

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From: Polly Reynolds
Sent: 28 February 2026 10:54
To: Harry Chalk <harry.chalk@arun.gov.uk>
Cc: Nik Antonio [REDACTED]; daniel.vick@arun.gov.uk
Subject: FW: FP/139/25/PL - Land East of 22 Davenport Road

Dear Harry,

FP/139/25/PL – Land East of 22 Davenport Road, Felpham- Surface water drainage – deliverability of proposed outfall

Thank you for your email and for setting out the Engineers' position. We understand the point being made-that the Council is not presently satisfied that a viable and lawful discharge location has been evidenced, and that you are concerned about the risk of an unimplementable permission if third-party consents were not ultimately granted.

We would, however, like to highlight that the revised strategy is not out of keeping with what already exists locally. Please see the screenshot below from Southern Water's asset plan (with the site marked), which shows the existing public sewer discharges onto the beach nearby (in fact, in two locations). In other words, what is now proposed is consistent with established practice in the immediate area and is not an unfamiliar approach in principle.

The remaining point appears to be what external consents are required (if any) to form the outfall and whether there is a realistic route to securing them. In that regard, could you please confirm:

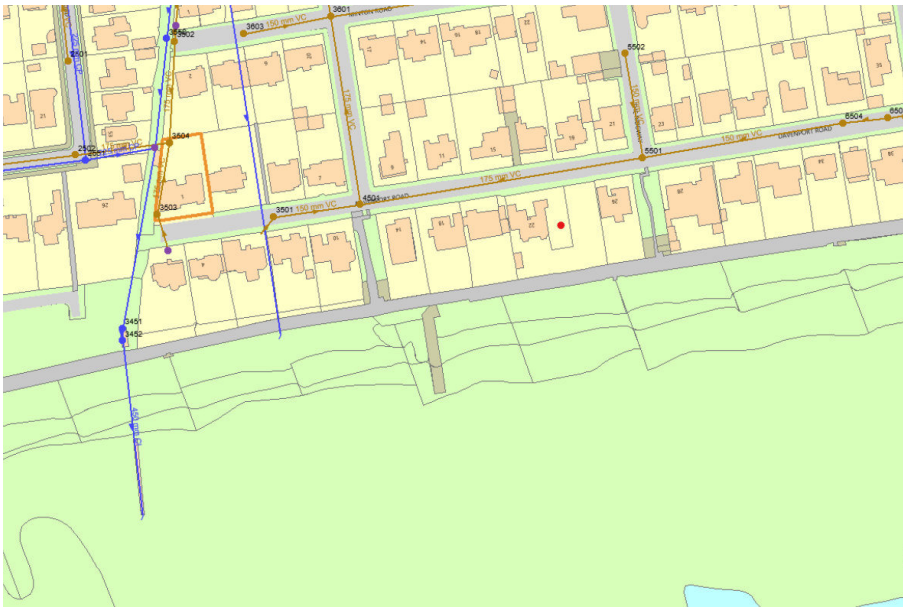
1. which specific consent(s) the Council considers are required and who you consider the relevant decision-maker/asset owner to be (EA and/or another body in relation to the sea wall/splash wall) and
2. whether the Council will re-consult the Environment Agency on the revised drainage proposal, given that the approach has changed.

We are, in parallel, initiating contact with the EA outside the planning process, but these processes are not typically capable of producing definitive written confirmation within days. In light of that, and given the local precedent above, we would ask that the decision be held very briefly to allow either a targeted re-consultation by the Council and/or an initial steer on the correct consenting route, so that refusal can be avoided if there is no in-principle objection.

If you are not willing to pause or re-consult, please could you set out precisely what evidence the Council requires to demonstrate an achievable discharge point, so the applicant can decide the most efficient route (appeal vs resubmission) without further uncertainty.

Kind regards,

Polly



Polly Reynolds | Partner

M [REDACTED]

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29 Great George Street | Bristol BS1 5QT

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From: Harry Chalk <Harry.Chalk@arun.gov.uk>
Date: 27 February 2026 at 09:04:28 GMT
To: Nik Antoniou [REDACTED]
Cc: Daniel Vick <daniel.vick@arun.gov.uk>
Subject: FW: FP/139/25/PL - Land East of 22 Davenport Road

Good morning, Nik,

Unfortunately, having discussed the matter with the Engineers and following their preliminary review, their objection is maintained (see below). The issue remains fundamental in that a viable and lawful discharge location for the proposal has not been evidenced. We cannot leave this to condition as it forms a fundamental part of the scheme's acceptability and it may not be dischargeable, which would clearly impact the proper implementation of the planning permission by resulting in the permission being unimplementable. We do not consider this to be reasonable or meet the six tests.

On this basis, we cannot support this application at this time, and it will be refused on these grounds in short course. It is apparent to me that you may disagree and that you feel a condition would be sufficient to resolve this matter. If you feel strongly about this, you will maintain the right to appeal the decision on these grounds.

My suggestion, however, would be to explore the newly proposed discharge method for its technical viability and seek any relevant consents/permissions in principle from the EA or other third parties that would be required to enable the proposed outfall location. Then, you could engage with our bespoke drainage pre-application service I mentioned to you the other day or come in with a further full application if at that stage, you are confident with the evidence base produced.

We have extended the application and conducted multiple re-consultations despite our published Customer Advice Note given what was initially thought to be simple matters to resolve and the unexpected requirement of the S.106 legal agreement for securing the self-build nature of the scheme. However, following the latest infiltration testing results, it appears the surface water drainage scheme has needed to shift fundamentally. It is unfortunate that after the work we have collectively put into this application it has not been possible to determine the application favourably, but I am not able to extend the lifetime of the application any further.

All the best,

Harry Chalk, MSc
Senior Planning Officer, Development Management

T: 01903 737577
E: harry.chalk@arun.gov.uk

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Delivering the right homes in the right places



Supporting our environment to support us

From: Kathryn Welch <Kathryn.Welch@arun.gov.uk>
Sent: 26 February 2026 09:58
To: Harry Chalk <Harry.Chalk@arun.gov.uk>
Subject: RE: FP/139/25/PL - Land East of 22 Davenport Road

Hi Harry,

Having reviewed the information submitted to date, even if we accept the feasibility conclusions at face value (noting that I have not yet completed a full assessment of the evidence), the critical issue remains unchanged: **the applicant has still not demonstrated that a viable and lawful discharge location exists.**

While discharge to a waterbody such as the sea may, in principle, be acceptable and is consistent with the drainage hierarchy, this theoretical acceptability is irrelevant without proof that the outfall can actually be delivered. Crucially, **no evidence has been provided confirming the permissions required to form such a connection**, particularly any approval needed from the Environment Agency to penetrate the sea wall. Noting there may also be a 'splash' wall to contend with in this location as well. In the absence of this, our objection must stand.

Nik's comments on the possibility of splitting conditions do not resolve the fundamental problem: if the Environment Agency refuses the necessary consents; which is a realistic and likely scenario, the entire drainage strategy (and in turn the permission) becomes undeliverable, as the ability to drain the site without increasing flood risk on site or elsewhere is directly linked to the size and scale of development being authorised. We cannot support a scheme where the drainage solution is contingent upon permissions that may never be granted, and approving a proposal on uncertain assumptions exposes the Council to significant legal and procedural risks.

For these reasons, evidence of an achievable discharge point, including all required permissions, **must be secured upfront**. Until this is demonstrated, the Drainage Engineers are unable to lift their objection.

Kind regards,

Kathryn Welch
Senior Planning Officer, Planning Department

Please note: My working hours are currently split between Development Management and ADC Engineers, which may result in extended response times.
Development Management: Tuesdays and Thursdays **ADC Engineers:** Mondays, Wednesdays, and Fridays
T: 01903 737789
E: kathryn.welch@arun.gov.uk

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From: Harry Chalk <Harry.Chalk@arun.gov.uk>
Sent: 23 February 2026 14:40
To: Kathryn Welch <Kathryn.Welch@arun.gov.uk>
Subject: FW: FP/139/25/PL - Land East of 22 Davenport Road

Hi Kathryn,

Following our call, please see the attached and the below response from Polly, their Planning Lawyer. If you could give it a once over and let me know your initial thoughts/any concerns, it would be appreciated.

Thank you,

Harry Chalk, MSc
Senior Planning Officer, Development Management

T: 01903 737577

E: harry.chalk@arun.gov.uk

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From: Polly Reynold [REDACTED] >
Sent: 13 February 2026 21:25
To: Nik Antonio [REDACTED]; Harry Chalk <Harry.Chalk@arun.gov.uk>
Subject: FW: FP/139/25/PL - Land East of 22 Davenport Road

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Dear Harry,

Further to Nik's email below forwarding the attached updated Surface Water Drainage Strategy dated 09/02/2026 ("SWDS"), I wanted to set out a suggested way forward on conditions.

The SWDS records that additional BRE365-style testing was undertaken in January 2026 at "representative depths of the proposed soakaway (i.e. 1.68m bgl)".

The results are clear: "water levels within both TP01 and TP02 fell only 0.01–0.03m" and "did not achieve the required fall ... to allow infiltration rates to be calculated in accordance with BRE 365". The SWDS conclusion is therefore that "both soakaways are considered to have failed" and that "infiltration drainage is unlikely to be viable at the site at depths of 1.68m bgl." In those circumstances, any condition that (in substance) requires infiltration, or makes commencement/occupation contingent on further infiltration "gateway" steps as though infiltration remains feasible, would not be workable or enforceable on this site because it would be requiring an outcome the submitted evidence indicates cannot be achieved.

The SWDS instead proceeds through the SuDS hierarchy and proposes discharge to the adjacent tidal waterbody (the English Channel): "Given that infiltration is deemed to be unsuitable, this is the next highest priority on the SuDS hierarchy. A new connection into the tidal waterbody is proposed." It also notes that, where discharge is to a large tidal waterbody, flow restriction is not necessarily required (with reference to national SuDS Standards (3.9) and "no requirement to provide a restriction in flow rates"), and tide-locking has been conservatively addressed by "assuming a surcharged outfall for 12 hours (720mins)".

Against that evidential background, we consider the most reasonable and proportionate approach is a condition that secures the key outcomes (detailed design, hydraulic confirmation, exceedance routing, outfall detail/consents, and lifetime maintenance) and is expressly tied to the principles of the SWDS, rather than mandating infiltration. This also aligns with the six tests for planning conditions (NPPF/PPG), namely that conditions must be: (1) necessary (2) relevant to planning (3) relevant to the development to be permitted (4) enforceable (5) precise and (6) reasonable in all other respects.

In summary, the proposed condition below meets those tests because: it is necessary to ensure the development is made safe and does not increase flood risk, planning-relevant because it controls drainage/flood risk outcomes, development-relevant because it only governs drainage arising from this single dwelling, enforceable because it contains clear submission/approval and implementation triggers (commencement / prior to occupation / ongoing retention) precise because it specifies the required deliverables (drawings, modelling, outfall details, maintenance plan) and reasonable because it does not require an undeliverable infiltration solution in the face of the January 2026 testing and the coastal/tide-influenced context evidenced in the SWDS.

Accordingly, we propose the following condition wording (for agreement with the LLFA):

Proposed condition (surface water drainage – details, implementation, and maintenance)

No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Lead Local Flood Authority). The scheme shall be based on the principles set out in the updated Surface Water Drainage Strategy dated 09/02/2026 and shall include:

- (a) detailed drawings showing the proposed surface water drainage layout

- (b) final hydraulic modelling and calculations demonstrating that the scheme will prevent flooding of the dwelling and the highway in the 1 in 30-year rainfall event, and will prevent flooding of the dwelling in the 1 in 100 year rainfall event including an appropriate climate change allowance
- (c) details of attenuation and treatment and exceedance routing
- (d) details of the outfall arrangement to the adjacent tidal waterbody and
- (e) a lifetime maintenance and management plan.

The approved scheme shall be implemented in full prior to first occupation and thereafter retained and maintained in accordance with the approved plan.

Please confirm that the above condition wording is agreed. If you (or the LLFA) consider any amendment is required, we would be grateful if you could set out the specific wording changes sought and the reasons for them, so that this can be addressed promptly.

Kind regards,

Polly

Polly Reynolds | Partner

M. [REDACTED]

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29 Great George Street | Bristol BS1 5QT

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----- Forwarded message -----

From: **Nik Antoniou** [REDACTED]
Date: Fri, 13 Feb 2026 at 16:04
Subject: Re: FP/139/25/PL - Land East of 22 Davenport Road
To: Harry Chalk <Harry.Chalk@arun.gov.uk>

Hi Harry

I hope you are well.

Please see attached the report that has just come through !

My understanding is that the testing from Clear Environmental justifies that infiltration of runoff from the development wouldn't be possible, thus an alternative solution is proposed. Given that pumps would likely be required to connect into the nearest surface water sewer, following the SuDS hierarchy, a new outfall onto the beach is proposed. Please see attached the proposed report.

Kind regards

Nikolas Antoniou
BSc HONS DIPTP MRTPI
Chartered Town Planner
For and on behalf of NJA Town Planning Limited
[REDACTED]
www.njatownplanningltd.co.uk

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