

**From:** Simon Davis  
**Sent:** 28 February 2020 13:38  
**To:** Adrian Barker [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

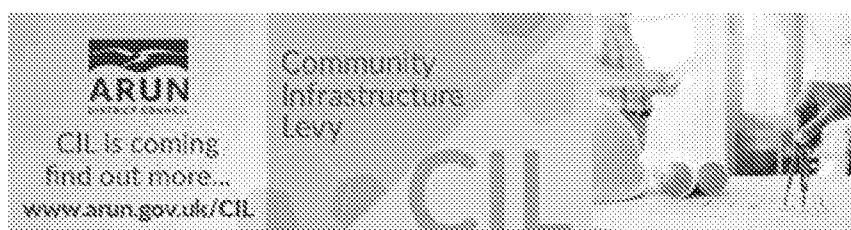
Dear Adrian,

We could not quite agree your wording as we felt that the inclusion of the bit about it already being approved in association with the outline condition combined with the need to approve further details causes issues of precision. Therefore, we have amended it to say:

*No development shall take place until technical drawings illustrating the detail of the drainage strategy as agreed in principle, have been submitted to and approved in writing by the local planning authority. No building shall then be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details. The drainage system shall thereafter be maintained in good working order in perpetuity.*

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |  
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: [simon.davis@arun.gov.uk](mailto:simon.davis@arun.gov.uk)  
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**From:** Adrian Barker [REDACTED]  
**Sent:** 28 February 2020 12:05  
**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>  
**Subject:** Re: Land N of Summer Lane, Pagham P/70/19/RES

Great thanks for the update. Good luck with Paul, I hope he can see that this is a pragmatic way forward.

Regards

Adrian

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**From:** Simon Davis <Simon.Davis@arun.gov.uk>  
**Date:** Friday, 28 February 2020 at 11:56  
**To:** Adrian Barker [REDACTED]  
**Cc:** "Daniel O'Shea [REDACTED]" Philip Farminer (Drew Smith)"  
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

Dear Adrian,

I just want to run this past Paul Cann. He is around after lunch. However, my team leader has otherwise found my report to be fine therefore will be able to issue today.

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**From:** Adrian Barker [REDACTED]  
**Sent:** 28 February 2020 10:52  
**To:** Simon Davis <Simon.Davis@arun.gov.uk>  
**Cc:** Daniel O'Shea [REDACTED], Philip Farminer (Drew Smith)  
**Subject:** Re: Land N of Summer Lane, Pagham P/70/19/RES

Simon

Many thanks for your time on the telephone earlier today. To reiterate my understanding of the drainage situation, I believe that the drainage strategy for the site is agreed in principle and as such it is only the detailed technical engineering information which sits alongside it which needs to be submitted and approved.

Relative to the suggested off-site improvements, the desire for these is noted and the applicant remains comfortable and committed to explore these. That said, to require these works as part of a condition would not satisfy the condition tests, as the applicant does not have control of the off-site land. This is not appropriate or acceptable.

Our proposal for the condition are as follows:

***No development shall take place until technical drawings illustrating the detail of the approved drainage strategy associated with condition 9 of outline planning permission 5/58/15/OUT, as agreed in principle through this decision, have been submitted to and approved in writing by the local planning authority. No building shall then be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details. The drainage system shall thereafter be maintained in good working order in perpetuity.***

I hope that the above makes sense and explains our position. This said, as always I would be happy to discuss.

Regards

Adrian

---

**From:** Simon Davis <Simon.Davis@arun.gov.uk>  
**Date:** Thursday, 27 February 2020 at 18:25  
**To:** Adrian Barker [REDACTED]  
**Cc:** "Daniel O'Shea (Drew Smith)" [REDACTED] Philip Farminer (Drew Smith)"

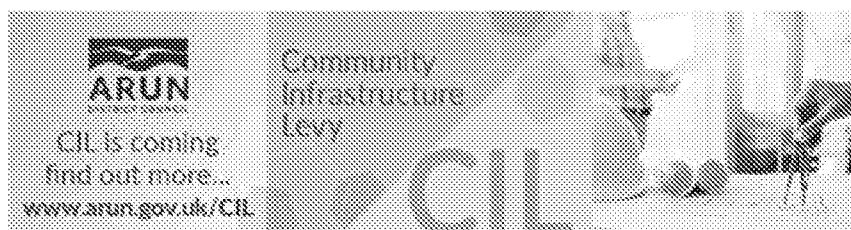
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

Dear Adrian et al,

I have been in the office today but I am sorry I was concentrating on getting the report done and hence ignoring emails and the phone. I have just finished it and so I'll be happy to speak about this matter when I'm back in tomorrow morning. I will also get a Team Leader to review the report tomorrow so as long as we can agree the condition, it should get issued by the end of Friday.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |  
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk  
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**From:** Adrian Barker

**Sent:** 27 February 2020 16:13

**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>

**Cc:** Daniel O'Shea (Drew Smith) Philip Farminer (Drew Smith)

**Subject:** Re: Land N of Summer Lane, Pagham P/70/19/RES

Simon

I hope you are well. I am aware that Phil has picked up on a couple of the key outstanding drainage issues today whilst I have been in meetings/ travelling. Appreciating this, it would be good if we could catch up to discuss these further. I note that you are not in the office today and wonder if you can please give me a bell when you have a minute on 07585289488- as you will appreciate, we are keen to finally get this RMA over the line now.

I look forward to speaking soon.

Regards

Adrian

---

**From:** "Philip Farminer (Drew Smith)"

**Date:** Thursday, 27 February 2020 at 12:13

**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>

**Cc:** Adrian Barker "Daniel O'Shea (Drew Smith)"

**Subject:** FW: Land N of Summer Lane, Pagham P/70/19/RES

Hi Simon,

I have been included on the e-mail chain below and write to ensure that a planning decision is not issued with a condition that frustrates development of this site.

We assert that sufficient information has been provided with the reserved matters application to satisfy conditions 9, 10 & 11. The information provided provides considerable detail of the scheme of surface water drainage including the use of shallow infiltration and this has been the subject of various meetings.

If an additional condition is required to ensure that working drawings are consistent with the scheme approved under condition 9, then we consider this acceptable. However, whilst willing to work positively with the Local Authority and adjacent land owners we cannot accept any condition which would require works on third party land. Such a planning condition would also fail the necessary tests for us.

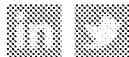
Both I and Adrian are available for a call later today if this is possible (I am available at anytime and Adrian after 4pm).

Can you please consider and let me know your availability for this?

Regards

**Phil Farminer**  
Director

**Drew Smith Limited**  
Drew Smith House, Mill Court, The Sawmills, Durley,  
Southampton, Hampshire SO32 2EJ



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---

**From:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>

**Sent:** 26 February 2020 14:50

**To:** Daniel O'Shea (Drew Smith) [REDACTED]; Adrian Barker [REDACTED]

**Cc:** Daniel Vick <[Daniel.Vick@arun.gov.uk](mailto:Daniel.Vick@arun.gov.uk)>

**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

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Daniel and Adrian,

Paul has commented that:

*"It is very clear from what has been submitted, that there is insufficient drainage details to be able to discharge the drainage conditions. Perhaps they should seek advice from their engineers in this respect?"*

*I note on the 2015 outline approval, that conditions 9, 10 and 11 relate to surface water/land drainage. One is pre-commencement and the other two appear to be pre-occupation (for some reason).*

*Bearing in mind the above, your suggestion to allow them to build up to DPC would be acceptable in this instance. This should exclude the construction of roads and driveways as the detailed drainage design could affect the construction details of these elements. Temporary roads can of course be built.*

*I understood that the offsite drainage improvements would be part of our agreement to the drainage strategy (subject to agreement of third party landowners) and that they would take on the lead on discussions with the interested parties. So this aspect will be an integral part of the overall drainage design."*

I note that his second paragraph regarding the wording of the outline conditions is slightly wrong. However, he clearly feels that we don't have sufficient design drawings to be able to agree the drainage scheme at this time. Therefore, I think we have the following options:

- (1) We refuse the application on grounds that drainage scheme is insufficient. Neither of us want that.
- (2) You agree to the pre-commencement drainage condition albeit with the winter testing element removed.
- (3) We can compromise somewhat and word the drainage condition to require approval before DPC level (which is not therefore pre-commencement). Paul does request that roads/driveways not be built either before approval but that would still allow you to commence. I've had a go at drafting such a condition below:

*No development of buildings above damp proof course (DPC) level or any permanent hard surfaces shall be laid unless and 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. No building shall then be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.*

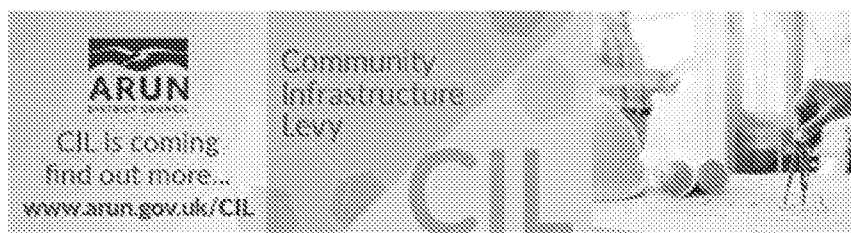
Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |

Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: [simon.davis@arun.gov.uk](mailto:simon.davis@arun.gov.uk)

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**From:** Daniel O'Shea (Drew Smith [REDACTED])  
**Sent:** 26 February 2020 12:48  
**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>; Adrian Barker [REDACTED]  
**Cc:** Daniel Vick <[Daniel.Vick@arun.gov.uk](mailto:Daniel.Vick@arun.gov.uk)>  
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

Thanks Simon, we look forward to hearing from you shortly.

Kind regards,

Daniel O'Shea  
Planning Manager

Drew Smith Limited  
Drew Smith House, Mill Court, The Sawmills, Durley,  
Southampton, Hampshire, SO32 2EJ



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[www.drewsmithhomes.co.uk](http://www.drewsmithhomes.co.uk)

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**From:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>  
**Sent:** 26 February 2020 09:44  
**To:** Daniel O'Shea (Drew Smith) [REDACTED] Adrian Barker [REDACTED]  
**Cc:** Daniel Vick <[Daniel.Vick@arun.gov.uk](mailto:Daniel.Vick@arun.gov.uk)>  
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

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Dear Daniel & Adrian,

Thank you for your email and your agreement to the Extension of Time til Friday. I have asked Paul Cann to advise what details of design he thinks is missing and I am waiting on his response.

I am sorry but it seems that the revised SUDS Statement never made it to our website. I can see that it was received in November and it did form part of my request to planning admin to change the website files but it clearly never got added or the previous one superseded. I will have it changed now.

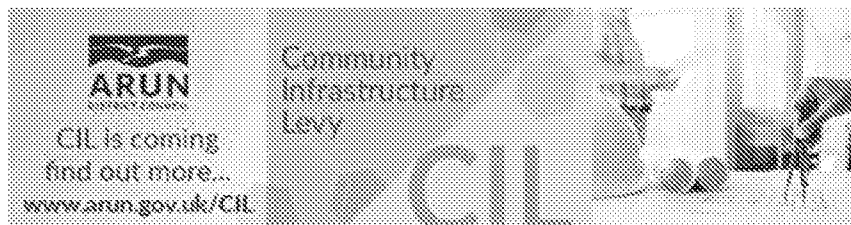
Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |

Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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**From:** Daniel O'Shea (Drew Smith) [REDACTED]  
**Sent:** 26 February 2020 09:21  
**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>; Adrian Barker [REDACTED]  
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

Good morning Simon,

Adrian is busy in other meetings in London today, so I am picking up the correspondence on his behalf. He has put together the following collective response from us and the relevant consultant:

**Simon**

Many thanks for your e-mails of earlier today and your subsequent time on the telephone just now. As requested, below I set out our responses to the drainage issue in the hope that these will clarify things and assist you in bringing the issue to an appropriate and timely conclusion.

Whilst some strategy documents can be high-level in their nature, it is contended that ours constitutes a detailed design and has been submitted as such. The drainage strategy includes details of all manhole cover levels, invert levels and of shallow infiltration etc.

It is highlighted that we carried out a combination of both shallow and deep infiltration as agreed pre submission through liaison with Laura Gibbons on scope. We also agreed the permeable paving with partial infiltration techniques. Accordingly, we would challenge the suggestion that there is a need to now revisit this.

The strategy submitted does include the current layout as Appendix (E) in Part 3 of the attached (it is noted that previously this was submitted as a separate document). Following that is the layout for permeable/ impermeable areas, based on the results of ground water monitoring and infiltration testing. Given this, it appears that the Council does have sufficient detail to address the condition.

With regard to the suggested off-site works, I would reiterate the points previously raised by Dan O'Shea. While wider network works could improve the situation for adjacent landowners, the submitted drainage strategy design and hydrology reports both evidence that the current flows within the network will not be increased as a result of our development. As such, it is difficult to see how it would be reasonable to withhold approval of this element. The Council may consider that off-site changes would be nice to have, but are clearly not essential to the functionality of our proposal.

Further, although we are happy to try and work with surrounding landowners to make the drainage ditch network improvements off site, it is emphasised that the applicant does not have control of this land. The Local Authority has more influence than the applicant in terms of adjacent landowners, so if it is felt that discussions are required around off-site improvements, it would appear appropriate for the council to facilitate the necessary meeting. We have agreed to work with other parties, but essentially, we cannot make other people carry out works.

It is also highlighted that careful consideration is required as to how the possible off-site improvements are handled procedurally in order to ensure that any planning condition is reasonable and satisfies the required tests. It is noted that PPG is clear at paragraph 37, reading:

## Control over land

37. Particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted. If the land is included in the site in respect of which the application is made, conditions can in principle be imposed, but the authority should have regard to the conditions discussed in paragraph 28 above. If the land is outside that site, a condition requiring carrying out of works on the land cannot be imposed unless the authority are satisfied

It is the view of the applicant that sufficient detail has been submitted to satisfy the drainage requirement regardless of the possible off-site improvement being advocated by the council. As such, the reserved matters decision should be issued without reimposition of a drainage condition.

Whilst writing, on the matter of timescale, it is confirmed that the applicant is agreeable to extending the determination period to the 28<sup>th</sup> February 2020, as requested.

We hope that the above adequately sets out our position and enables you to move your detailed consideration of the matter forward. As always, we would be happy to discuss.

Kind regards,

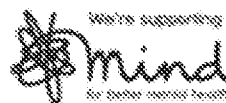
Daniel O'Shea  
Planning Manager

[REDACTED]  
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**From:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>  
**Sent:** 25 February 2020 14:14  
**To:** Adrian Barker <[REDACTED]>  
**Cc:** Daniel O'Shea (Drew Smith) <[REDACTED]>  
**Subject:** RE: Land N of Summer Lane, Pagham P/70/19/RES

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Dear Adrian,

Further to the below, our Engineers advise that:

“I note the winter monitoring carried out, which didn’t include the whole winter. Luckily it captured the known peaks in that particular winter, so the data will suffice. The infiltration testing was carried out without due regard to the recorded peak groundwater levels ie. too deep. It is acknowledged there is a high water table, but there are some areas where shallow infiltration may be possible (via permeable paving). This will require further discussion with the applicant.

The drainage strategy document is purely that – a strategy and does not constitute detailed design. Therefore, an appropriate pre-commencement condition will be required.

This will need to include any offsite improvements which have yet to be formally agreed. In fact, we were waiting for the applicant to arrange a meeting between all interested parties in order to agree a way forward.”