

Simon Davis

From: Lisa Jackson - [REDACTED]
Sent: 23 May 2022 16:30
To: Simon Davis
Cc: Andrew Tice; Jacintha Carty
Subject: Re: Y/3/22/OUT Land West of Bilsham Road, Yapton - PC Conditions

Categories: For future upload, Response Required

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Dear Simon

Many thanks for your response regarding the conditions. We have spoken subsequently with regard to the holding objection from National Highways to the above application and your advice that the application will now be considered at the June planning committee.

My further response on the conditions is as follows:

Condition 8 - Given the National Highways advice on sheeted loads this can remain in the condition if requested rather than trigger any additional approval from them.

Condition 10 - Thanks for agreeing to the amendments to allow for enabling works. I would hope there would now be time for the engineers to review the additional information on groundwater monitoring. A technical report is attached confirming 14 rounds of ground water monitoring visits including the important winter period, these were completed and recorded between 25/05/21 and 29/04/22. In addition infiltration and percolation testing has been completed. The raw data results are included in the appendix to the report.

The engineers have confirmed that the drainage design for the application proposed in the FRA is entirely suitable given the full year monitoring results and I would hope that your engineers can agree there is no further requirement for more data as it will not reveal any more favourable or different conditions. Can I suggest that following review by your engineers this may be able to revert to the changes to the condition I previously suggested?

Condition 11- Would be acceptable as pre DPC level condition.

Condition 12 - Would be acceptable as a pre-occupation condition

Condition 15 - Thanks for acknowledging that this is not a PC condition

Thanks also for ensuring that the outline conditions reflect agreed changes.

I hope that is clear but do let me know if you need any further information.

Kind regards,
Lisa

On 20 May 2022, at 11:38, Simon Davis <Simon.Davis@arun.gov.uk> wrote:

Dear Lisa,

Thanks for your comments. Please see our responses below in blue:

Condition 8 - we can agree the changes re enabling works and substitution of the word *preferred* for *means of access*. The inclusion of the sheeted loads requirement derives from typical National Highways advice for large developments that will use the A27. Whilst I accept that they have not responded yet with such advice, they may do so and their responses always finish with the following,

"Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete."

Therefore, it may then be necessary to defer the decision for further agreement. I am happy to remove this for now but just be aware in case they then formally request it.

The standard condition 10 does not reflect the full winter monitoring has now been completed and the full results (consistent with the earlier results reported in the FRA) will be submitted by the engineers before committee; this underpins that infiltration may not be the most suitable surface water strategy, hence the revised wording suggested for condition 10.

We could agree that the amendments regarding enabling works. However, I have had initial advice from Engineers to say "There is no way I could agree to altering the wording as suggested. Laura was firm on this in her previous consultation of 22 March 2022. If such changes are to be approved it will need to come from Paul Cann or Roger Spencer but I would be very surprised if they agreed to the suggested alterations."

I would refer you back to our drainage consultation comments:

22/03 "We note that the applicants engineer is stating that groundwater monitoring results will be available prior to committee and that further monitoring secured via PCENG2 is not required. We do NOT agree with this, and once again request that PCENG2 is applied if you are minded to approve this application. All monitoring to date has been completed at the peripheries of the fields. As per policy requirements, monitoring should be completed at the location of proposed drainage features, this requirement has not been and will not be met prior to determination of this hybrid application.

We further highlight that only two monitoring locations are within the extents of this application. Two groundwater monitoring locations for a development of 140 dwellings is far below what we would expect. The applicant is also stating that further infiltration testing is

not required, once again we do NOT agree with this and request that PCENG2 is applied. As per our policy requirements, infiltration testing should be completed in the winter at the location and depth of proposed drainage features, and above peak groundwater level. One summer test at the peripheries of the field and development does not meet policy requirements. Furthermore, nowhere within the information provided does it detail what depths the infiltration and percolation tests were completed."

15/02 "If you are minded to approve the application please ensure that the drainage strategy is NOT listed as approved and please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere."

I also fail to see how there is sufficient time to submit the testing results in advance of the Committee and get agreement from Engineers that it has all be done to their satisfaction. I would have to report the Engineer concerns with the condition as an objection to our members.

Condition 11 does not need to be a pre-commencement condition, it is only necessary as pre-occupation as the LPA have complete control of the surface water scheme under condition 10.

Engineers have stated that "the Maintenance manual (Con 11) is required "early doors" in part so that prospective owners are aware of the financial implication and liabilities going forward. If the Condition is changed to pre-occupation that might be provided the day before the first person moves in. They (new owners) would not have the information that we like people to have prior to signing on the dotted line." Instead, we could make it pre DPC?

Condition 12 is unnecessary as all of this work has been completed in full in the Land Quality Assessment submitted as part of the application submission. Only condition 37 (repeated as 81 for the outline) is necessary in respect of potential contamination.

EH has noted the applicant's comments, however they do not address the concerns and data gaps raised in EH's initial response of 25 February 2022. Due to the report's missing information and the sensitive proposed end-use, EH continue to recommend the full and precautionary PCL conditions. To avoid the 'pre-commencement' issue, it is suggested that the beginning of the full condition could be re-phrased from 'Prior to commencement of the development...' to 'Prior to occupation...'. However, it is worth noting, that requisite information should be provided to the LPA at appropriate stages of the development to ensure that if additional investigatory and/or remedial works are required, disruption to the proposed development's schedule, budget and existing structures is minimised.

Condition 15 The phased approach is welcome as availability of products may change over the life of the development and will reflect the changes to building control in June this year. The condition could be triggered by development above DPC, as the energy solutions are part of the detailed design for construction, and need not be a pre-commencement condition.

I can accept this change.

Having now seen the remaining conditions in the committee report conditions 63 and 68 repeat 10 and 12 and are already covered by information submitted as part of the application, so perhaps should be adjusted for consistency.

Should we agree any changes to the PC conditions affecting the full permission then I will also ensure that the outline ones reflect those changes. However, we will not change the outline conditions where changes are not agreed by consultees.

Kind Regards

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From: Lisa Jackson <[REDACTED]>
Sent: 18 May 2022 14:44
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Andrew Tice <[REDACTED]> Jacintha Carty
[REDACTED] Andy Higgins <[REDACTED]>; Bava
Sathan ([REDACTED] <[REDACTED]>
Subject: Re: Y/3/22/OUT Land West of Bilsham Road, Yapton - PC Conditions

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Dear Simon

As discussed I have consulted both the applicant, the consulting engineers Campbell Reith, and the preferred developer Boklok, who are at advanced stages of negotiation to acquire the site should planning permission be granted.

I attach a marked up version of the draft pre-commencement conditions with explanation/justification given as a series of footnotes.

Following the experience of Boklok at Littlehampton with application LU/116/21/PL we have sought to exclude enabling works from being caught by pre-commencement consistent with the approach in that application.

Most of the suggested changes are self-explanatory.

The standard condition 10 does not reflect the full winter monitoring has now been completed and the full results (consistent with the earlier results reported in the FRA) will be submitted by the engineers before committee; this underpins that infiltration may not be the most suitable surface water strategy, hence the revised wording suggested for condition 10.

Condition 11 does not need to be a pre-commencement condition, it is only necessary as pre-occupation as the LPA have complete control of the surface water scheme under condition 10.