

From: Simon Davis
Sent: 18 December 2018 12:02
To: 'Rosie Foreman' <rosie.foreman@dowsettmayhew.com>
Subject: RE: Conditions pursuant to Y/92/15/PL- Land at Longacre, Maypole Lane (ref Y/92/18/DOC)

Dear Rosie,

I have spoken with Laura and with my Team Leader and I am afraid that my/our position does not change. If there was more time before your permission expires then I'm sure this could all be resolved. We do not consider that pre-commencement conditions can be part discharged in such a way as to allow commencement to start. We also do not consider that a verification report solution would be achievable as we cannot discharge a pre-commencement condition on the basis of further work to be done. This would only work if there was a condition requiring a validation report.

You are welcome to submit a S.73 application. However, I do not believe that there is now time to determine such an application before the 27th January – and to implement before then would put you in breach of condition. For a start, due to the size and complexity of my caseload, I am determining applications at least 5 weeks late and we would need exceptional reasons to bump an application ahead of older applications. Furthermore, we have now run our final weekly list before Xmas. I have just had a brief conversation with our head of planning admin and it is her suggestion that any application submitted now would not go on the weekly list to Parish Council/be advertised in the paper until the 10th January which would mean a no decision before by date of the 8th February.

I am sorry but I do feel that unless you are able to supply the details requested to satisfy our engineers, then you may be looking at having to apply again for planning permission (at which point we can agree the wording of the conditions that will help you out at the discharge stage).

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Rosie Foreman <rosie.foreman@dowsettmayhew.com>
Sent: 17 December 2018 17:23
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: Re: Conditions pursuant to Y/92/15/PL- Land at Longacre, Maypole Lane

Hi Simon

Further to our conversation just now, I understand that Laura is comfortable with the principle of the proposed drainage strategy, but is seeking additional infiltration testing and detailed construction drawings. Our drainage consultants will endeavour to gather additional infiltration data in time to submit in early January. However, at this stage, drawings to the level of detail sought have not been prepared, as a contractor to build the reservoir and drainage infrastructure has not been appointed. The applicant intends to make a material start on site by constructing a stretch of access road in the first instance, and appointing specialist contractors for the reservoir and glasshouse later in the year. I have therefore been considering options which would allow our client to lawfully implement the extant planning permission.

It would be helpful if you could discuss the requirements with Laura and identify which parts of the conditions the detailed construction drawings relate to, as we may be able to identify areas where conditions could be part discharged with outstanding details to be submitted prior to construction of the glasshouse and/or reservoir as appropriate.

It may also allay Laura's concerns if the Applicant commits in the drainage strategy to having the final scheme independently inspected and a verification report submitted to and approved by the Council prior to the construction of the glasshouse beyond slab level. I understand that this is a common requirement for surface water drainage schemes, to ensure that infrastructure is constructed as approved. Fully detailed construction drawings could be provided at the verification stage if still required.

We have also been considering the use of a s73 application to re-word the relevant conditions to prevent construction of the reservoir and/or glasshouse as appropriate until further detail has been provided. Although s73 cannot change the time limit for implementation, if the Applicant were to submit a s73 application and make a start on the access track before the original time limit has expired, the work would have commenced prior the original time limit for implementation, thereby complying with the original time limit for implementation. We would need to submit such an application in the next few days, so I'd appreciate your view on this option as soon as possible.

I look forward to hearing from you,

Rosie Foreman
BSc (Hons) MSc MRTPI
Senior Planner

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From: Simon Davis <Simon.Davis@arun.gov.uk>
Date: Monday, 17 December 2018 at 11:30
To: Rosie Foreman <rosie.foreman@dowsettmayhew.com>
Subject: RE: Conditions pursuant to Y/92/15/PL- Land at Longacre, Maypole Lane

Dear Rosie,

My position is that I follow the advice of our engineers who know what they are talking about in this field. I would not want to start directing them as to what they can and can't ask for as I would not be confident of the impact this would have on the eventual scheme. Furthermore, I would be extremely uncomfortable about discharging a condition without their agreement. However, I will pass your comments to our engineer who may wish to comment on the specific points raised.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Rosie Foreman <[REDACTED]>
Sent: 12 December 2018 16:33
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: Re: Conditions pursuant to Y/92/15/PL- Land at Longacre, Maypole Lane

Hi Simon

Further to the voicemail I left earlier, I thought I'd follow up with a little more detail in an email as I am out of the office when you return on Friday.

The Council's drainage team have fed back to our client's drainage and flood risk consultants regarding the design of the surface water drainage scheme and reservoir. We can deal with many of the points raised, but one of the requests is for detailed construction drawings of the development. Although this level of detail may be useful to support the drainage scheme, the conditions do not explicitly require construction drawings.

For example, condition 12 requires the detailed design of the reservoir to be approved, but does not advise what level of 'detail' the 'design' needs to provide, nor whether this should be provided in drawings or through a written statement. The original planning application drawings provided plans and cross sections of the reservoir, and the conditions application is accompanied by details of the lining of the reservoir and supporting information detailing the measures which will be taken to ensure that the reservoir has sufficient capacity to attenuate a worst case scenario stormwater event. This ensures that the reason for the condition is addressed, i.e. to prevent flooding by ensuring the satisfactory storage of surface water from the site.

We understand that the Council's drainage engineers would like certainty about bringing the reservoir into the Reservoirs Act. I have been advised by our consultants that as a result of the capacity of the reservoir, it will need to be registered with the EA. This process requires EA-approved engineers to be appointed for construction, supervision (to monitor the reservoir and produce annual statements) and inspection (every 10 years). We have confirmed in our covering letter accompanying the application that the reservoir will come under the requirements of the Reservoirs Act, and will be subject to these design approvals, construction monitoring and operational monitoring/inspection by the EA.

In our view, sufficient information has been submitted to demonstrate an acceptable surface water drainage scheme can be delivered on site which reduces the risk of flooding both on and off site, and therefore to meet the requirements of the conditions.

The final design and build drawings have not yet been prepared to the level of detail being sought. The first work on site to implement the permission is intended to be laying a part of the access road surfacing, carried out by general building contractors, with work on the reservoir/drainage infrastructure starting later in the year, led by specialist engineers and contractors.

Should any details of the reservoir/drainage infrastructure require amendment following appointment of a contractor for construction of the reservoir/drainage infrastructure and the preparation of the final construction drawings, then the amended scheme will require approval pursuant to conditions. The Council therefore retain full control over the delivery of the development.

Do give me a ring if you need to discuss the matter, as we are keen to work with you and your colleagues to allow approval be issued in advance of the time limit for determination expiring and allow a material start to be made.

I look forward to hearing from you,

Kind regards,

Rosie Foreman

BSc (Hons) MSc MRTPI

Senior Planner



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