



Fontwell Avenue,
Eastergate,
West Sussex.
PO203RU
30.07.18

Dear Sir,

We wish to object to planning application AL/67/18 PL which requests variance of Condition 6 imposed on planning application AL/122/17/PL. This is to allow the applicant to begin building his houses before the access and internal road are completed. We do so for the reasons listed below:-

1. This condition was imposed on the planning permission because of previous difficulties relating to both passing traffic and traffic entering and exiting the site. The Council have already acknowledged the difficulty of accessing the A29 at this point in their refusal to previous Planning Application (AL/122/87)PL and the ongoing difficulties with Planning Application AL/136/17/PL. This difficulty of access has only increased over time since nothing has ever been done to decrease the amount of traffic using the A29, and now that the Nyton Road Development has begun, (Less than 200 yards along the A29 and also exiting onto the A29) traffic has already increased.

This difficulty has not been eliminated so there should be no change in the condition imposed.

2. The owners of the northern most section of land have already changed the access agreed by previous planning permissions, as it is much wider than the one shown on the plan. They have in fact created a layby on the A29. The internal road has also been cut off at the edge of the first section of ownership, making a small open parking area. Consequently, many lost H.G.V. vehicles travelling on the A29, pull into the access (parking across ours), when they are unable to find the address they are looking for or pull into the parking area and then have to reverse out again against the oncoming traffic. This difficulty has increased since construction

work and associated HGV traffic has started arriving at the Nyton Road development. This issue has been reported to the Council Compliance Department who, although they have visited the site, measured the access and photographed its position, seem unable or unwilling to do anything about it! This road was laid well before Christmas and has only now (July 2018) been acknowledged as a planning compliance issue – but still nothing has been done about it.

The internal division of the site and incorrect construction of the access has caused this problem.

3. Since the owners of the site have sub-divided it, in order to obtain more planning permissions, the access arrangements have become more complicated. Land registry documents, show clearly the three individual sections of land belonging to each of the three owners. WSX375039 Mr. and Mrs. Duggin, 28.10.16, WSX375044 Mr. Norgate 22.09.15 and WSX375045 Mr. Parker 22.09.15.

None of these documents show any kind of historical access to the site, from the A29.

I have previously questioned the validity of the access at the northern end of the site which was assumed to be correct when Planning Application AL/95/13 was granted. Over time, anyone can lay a patch of tarmac and drop a kerb. This does not mean that legal access has been granted. Maybe the original application should have been for '3 detached houses with garages and new access off of the A29' just as the latest application for the southern plot asks for new access.

Are these multiple applications still being treated individually in order to obtain planning permission, or are they now being considered collectively with regard to access arrangements, because it is more convenient to do so?

4. The individual sections of land extend to the boundary with the A29. By the time that the planning application was registered for Mr. Norgate on the centre plot, the original application, (when the land was shared), had expired and there was technically no access road from the first section to the second section and they were

owned by two different people. Mr. Norgate would have needed permission from the owner of the first section of land to cross over onto his own land to access any houses he might build. There is no evidence of this on the Land Registry documents. What would happen if one of the owners sold his land?

Therefore, it is difficult to see how Mr. Norgate could build any houses on his land at all, without having a legal document giving him vehicular right of way over someone else's land.

5. The actual road within the site and the 'parking area' which Mr. Norton has started to build has been constructed in the wrong place on the land. A buffer/landscape feature, has been omitted and for part of the site, the road runs adjacent to the boundary, instead of about 3m away from it. Mrs. Dannatt has already made a site visit and observed this. Also, the road has also not been constructed with the materials specified on the planning documents. Instead, Mr. Norgate has brought in large pieces of demolition waste. You have photographs to show this and it is present and visible on the site. Other people have also brought their demolition waste to the site which could even be hazardous. Additional photos of questionable waste being tipped are available. **Mr. Norgate has shown that he does not comply with planning arrangements which already exist and they should not therefore be varied.**

We believe, that if this request to vary Condition 6 were granted, the access to the development and the internal road, would never be properly finished. It is the case that the applicant has not observed any of the conventions of common decency associated with a building site in a residential area and in fact twelve Enforcement Notices have already been served on the owners of the land for, noise, pollution and working unsociable hours. The owners of the site do not seem to understand that anything constructed, must be to the specification, size and location of the plans already agreed in the Planning Permission given. When (if) these houses and the access road are finally built, which owner will be responsible for any defects?

If the applicant is allowed to build his houses before the front of the development is finished, we believe that further requests for variance will be submitted and when granted, will allow the second phase of building to begin, whilst the access and the internal road, remain the 'eyesore' they are now.

We urge you to refuse this Application.

Yours Sincerely,

David and Susan Smith.

