

[REDACTED]

From: Pierre Langlois [REDACTED]
Sent: 07 January 2021 17:55
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: AW/318/20/DOC - Former Ship Inn

Hi Simon,

Yeah, this is all fine...

I look forward to receiving the Notice in due course.

Take care & thanks,

Pierre

Pierre Langlois BSc(Hons) MRICS
Associate

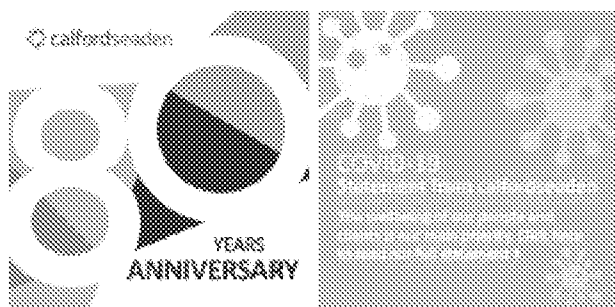
for and on behalf of calfordseaden LLP.



Stewart Court, 214a Hagley Road, Edgbaston, Birmingham, B16 9PH

[REDACTED]

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From: Simon Davis <Simon.Davis@arun.gov.uk>

Sent: 07 January 2021 13:27

To: Pierre Langlois [REDACTED]

Subject: RE: AW/318/20/DOC - Former Ship Inn

Hi Pierre,

I need to add a further sentence regarding completion of the works after any force majeure/other issues event. I am proposing that the condition decision read therefore can you agree this please.

The applicant has complied with the requirements of the condition in that they have entered into negotiations with the local planning authority to identify a scheme of pedestrian improvements, in that the proposed scheme is acceptable to the local highways authority from a s278 technical point of view and that the proposed works will be implemented once the Traffic Regulation Order (TRO) process has completed and the s278 Agreement issued.

The condition is therefore discharged in accordance with the approved details and on the basis that the highway works are completed within 3 months of approval of the TRO, subject to matters of force majeure or other issues beyond the control of the applicant or similar. If such circumstances do occur then the works shall be completed within 3 months of the resolution of the force majeure event or other issue beyond the applicants control.

The approved details referred to above are as follows:

Drawing B 101 Site Location and Block Plan

Drawing EX01 Rev P1 Proposed Kerbs and Ancillary Works

Drawing EX02 Rev P1 S278 Agreement Drawing

Drawing EX03 Rev P1 Signing and Lining.

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874

E: simon.davis@arun.gov.uk

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From: Pierre Langlois [REDACTED]

Sent: 06 January 2021 16:15

To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: AW/318/20/DOC - Former Ship Inn

Dear Simon,

Thanks for the below. Generally, we concur that this is mostly acceptable, and that a three month period would be appropriate, however, in this current environment, re COVID-19, etc, we feel that it would be worthwhile that there is an amendment to the wording, to include matters of delay which are beyond our control. This could relate to the supply of materials as a result of COVID, further lockdowns, or even matters surrounding delays attributable to WSCC/Arun.

I would recommend that the wording therefore includes a statement such as 'within 3 months of approval of the TRO, subject to matters of force majeure or other issues beyond the control of the applicant'.

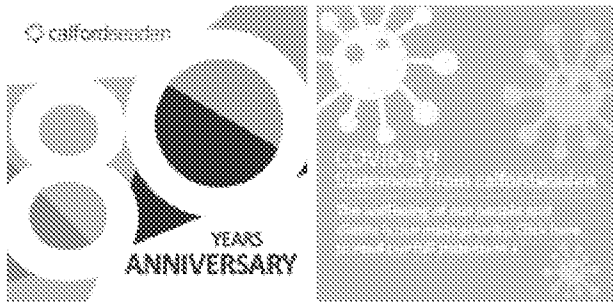
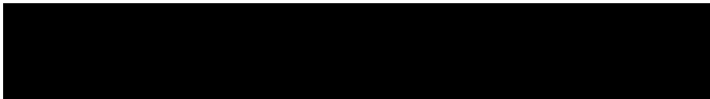
Thanks and regards,

Pierre Langlois BSc(Hons) MRICS
Associate

for and on behalf of calfordseaden LLP



Stewart Court, 214a Hagley Road, Edgbaston, Birmingham, B16 9PH



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From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 06 January 2021 15:21
To: Pierre Langlois [REDACTED]
Subject: RE: AW/318/20/DOC - Former Ship Inn

Dear Pierre,

I have discussed further with my Team Leader and with Alison Meeus at WSCC. I understand that the works are acceptable from a s278 point of view and on that basis (also on the basis of your points about compliance with the parts of the condition), I consider that we can actually discharge the condition.

However, before we can do this, can you agree to a different timescale which I will then reference in the wording of the decision notice. Alison states that the timescale needs to be more specific and it would be reasonable to change this to within 3 months of approval of the TRO, as this would allow time to book road space.

Look forward to hearing from you.

Simon.

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874

E: simon.davis@arun.gov.uk

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From: Pierre Langlois [REDACTED]
Sent: 05 January 2021 16:17
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: AW/318/20/DOC - Former Ship Inn
Importance: High

Dear Simon, Yes, back in work now, and Happy New Year.

Thanks for the below email, albeit, the content is somewhat disappointing, as the whole basis of us issuing the DOC was with the knowledge of the time that is often taken to conclude s.278 works, therefore with an expectation that the decision notice would be delayed until a time when all matters are concluded.

In this regard, and as per our previous discussions, it was therefore accepted and agreed between us, that the DOC for Cond 8 would be delayed until its conclusion. I am surprised therefore that your suggested course of action is to refuse the application, requiring a re-submission when all matters are concluded. Could we not simply keep the current DOC submission 'live', having a delay until the outcome of the s.278, in March, especially considering that Technical Approval of the highway proposals is already granted (please see attached)?

I also attach emails clarifying the cause of the delay. It is apparent from the attached emails, that we have undertaken all action in a timely manner, with the application being initially made less than one week after the issuing of the planning approval. My understanding of the cause of the delay is mostly surrounding the WSCC legal team. One assumes that this is due to a backlog of applications. Also, for a very small highway variation, they have

insisted upon a three month consultation window, further causing the delay. All these matters are hampering the conclusion of the s.278 and on-site works.

With regard to your final comment regarding your view of potential enforcement action, should the store open prior to implementation of the highway works, would you please clarify your position by reply. I only ask, as motions are already in place regarding occupation of the building. Please also refer to the attached email, and I have below a snip extraction from your highways team, whom have no issue with the occupation of the store prior to s.278 conclusion...

From: Lee Moses [REDACTED]
Sent: 16 December 2020 15:20
To: Phil Faulkner [REDACTED]
[REDACTED]
Subject: RE: Works at The Former Ship Inn - Aldwick

This is what planning said to me a few weeks back – I will double check and get them to put it in writing for you.

From: Phil Faulkner [REDACTED]
Sent: 16 December 2020 15:19
To: Lee Moses [REDACTED]
[REDACTED]
Subject: RE: Works at The Former Ship Inn - Aldwick

Lee

So the store can open without the TRO in place and without a signed S278 Agreement?

Regards

Phil Faulkner EngTech MICE
Project Engineer
Archibald Shaw
One Little London
Chichester
West Sussex
PO19 1PP

[REDACTED]

Finally, the condition wording is below:

- 8 Within 2 months of the variation of condition planning permission hereby granted, the applicant shall enter into negotiations with the local planning authority to identify a scheme of pedestrian improvements on Aldwick Street in the vicinity of the application site and once the scheme has been agreed in writing with the local planning authority, the applicant is required to enter into a Section 278 agreement with the local highway authority and implement the works in full within a timescale to be agreed.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

Within the context of the above, we have adhered to all aspects, as follows:

Within 2 months – we commenced this less than 1 week after receipt of the variation of condition planning permission, and have therefore adhered with this aspect...

...shall enter into negotiations with the local planning authority to identify a scheme of pedestrian improvements on Aldwick Street – this aspect has been adhered with, and technical approval has already been granted...
...and once the scheme has been agreed in writing with the local planning authority, the applicant is required to enter into a Section 278 agreement with the local highway authority – this aspect has been adhered with, technical approval has already been granted, and s.278 is in progress with WSCC...
...and implement the works in full within a timescale to be agreed. – The implementation of the works will commence shortly following conclusion of the TRO and s.278, having a timescale of 5-7 working days at site.

One could argue that all aspects are adhered with, and you may therefore discharge the condition at this moment.

I look forward to your response, particularly relating to para 4, the underlined section.

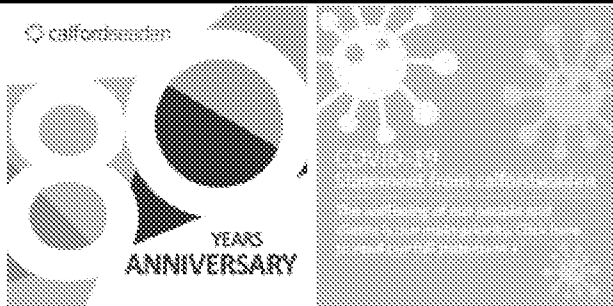
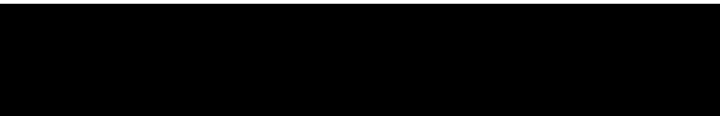
Take care, thanks & regards,
Pierre

Pierre Langlois BSc(Hons) MRICS
Associate

for and on behalf of calfordseaden LLP*



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From: Simon Davis <Simon.Davis@arun.gov.uk>

Sent: 04 January 2021 13:32

To: Pierre Langlois 

Subject: AW/318/20/DOC - Former Ship Inn

Dear Pierre,

I hope you have a good break and are enjoying being back at work.

Alison Meeus at WSCC has highlighted to me that there is an outstanding issue on AW/318/20/DOC. The s278 agreement linked to this application, has come to a halt for reasons relating to the TRO. I understand that the TRO team have advised Lee Moses, at WSCC, who is dealing with the s278 that the TRO is being progressed but it won't be completed until March 2020.

We can't keep the DOC live until March so I think on this basis, I will need to refuse AW/318/20/DOC and you should then resubmit it again at such a time that ensures that the expiry is after the TRO completion/s278 approval. Alison has also asked that you provide a timescale for delivery to discharge condition 8.

In the meantime, we cannot give you any assurances about opening the store without the highway improvement works being in place and if this store does open then we would need to take a view on this if an enforcement case arose.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874

E: simon.davis@arun.gov.uk

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