

From: Anita Gardner

Sent: 27 November 2018 16:44

Subject: FW: Land at Broadlees - Dappers Lane A/114/18/PL

Hi Anna,

We have been discussing the issues of the red line following receipt of legal advice. Our legal team have confirmed that this application can go forward to be determined. However if it were to be approved you would not be legally entitled to implement both permissions as implementation of the latest application (if permission was to be granted) would prevent full implementation of the existing permission and the latest application does not incorporate the existing permission.. Consequently and without prejudice, I suggest that you withdraw the current application and resubmit with an amended scheme relating to the whole of the application site approved under A/114/18/PL . If not you could potentially have 2 permissions one of which can't be implemented.

In addition the current application will require a section 106 Agreement to secure contributions and these would be additional to those secured under planning permission A/14/18/PL.

With regard to the site access please can you provide additional information to supplement the details in the Transport Assessment to demonstrate that the proposed access and that indicated on the site to the north will be safe and can work technically without compromising highway safety were application reference A/11/17/OUT to be approved ?

In the meantime we agree to the extension of time on the application until 18-01-2018 and will ensure it is recorded accordingly.

Regards

Anita Gardner

Anita Gardner | Principal Planner, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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November 2018 15:32

To: Neil Crowther; Anita Gardner

Cc: Juan Baeza; Sam Rous; Emma Patchell

Subject: RE: Land at Broadlees - Dappers Lane

Hi Anita

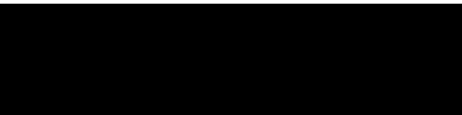
Just further to the email chain below, and my voicemails, I suggest we agree an extension of time to enable matters to be addressed. I therefore propose an extension until 18th January, a couple of days post the January committee. I acknowledge a s106 will be required, but this will provide a focus.

We look forward to hearing from Officers on the points below. I note Land North of Water Lane is intended to be heard at committee on the 12th December. We intend to lodge a strong objection to that scheme if the matter of access is not resolved on this site, and hence it is important we meet before then please.

Thanks very much

Anna Gillings

Managing Director
Gillings Planning



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From: Neil Crowther <Neil.Crowther@arun.gov.uk>

Sent: 23 November 2018 11:09

To: Anna Gillings [REDACTED] Anita Gardner <Anita.Gardner@arun.gov.uk>

Cc: Juan Baeza <Juan.Baeza@arun.gov.uk>

Subject: RE: Land at Broadlees - Dappers Lane

Anna,

I am awaiting a briefing from the officers so I am currently unaware of the details you want to discuss or why I would be required to discuss them.

Once I have discussed this, one of us will get back to you to progress.

Neil

Neil Crowther | Group Head of Planning, Arun District Council | Location: First Floor, Arun Civic Centre, Maltrovers Road, Littlehampton, BN17 5LF

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Save the environment - think before you print.

From: Anna Gillings [REDACTED]
Sent: 22 November 2018 14:52
To: Anita Gardner; Neil Crowther
Cc: Sam Rous [REDACTED] Emma Patchell; Juan Baeza
Subject: RE: Land at Broadlees - Dappers Lane

Dear Anita and Neil

Following my email below, and my voicemails, I would be very grateful for a call as soon as you are able please. I do think that a meeting would be the most helpful way of moving matters forward and it would be good to get a date in the diary for this.

I look forward to hearing from you.

Kind Regards

Anna Gillings

Managing Director
Gillings Planning

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From: Anna Gillings
Sent: 16 November 2018 14:08
To: Anita Gardner <Anita.Gardner@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>
Cc: Sam Rous [REDACTED] Emma Patchell
Subject: Land at Broadlees - Dappers Lane

Dear Anita and Neil

I write with respect to the above application, in response to the two main issues raised. We can not move on without a more detailed response and we will welcome a meeting to discuss.

Access Arrangements

I note your previous correspondence dated 2nd November 2018:

"Whilst County Highways have advised that the approved access is appropriate we will not be recommending approval of the application without the access being shared with the allocated development to the north and feel confident that even if this was the only reason for refusal it would be defensible at appeal.

The proposal would be refused on the basis of non-compliance with Paragraph 15 of the NPPF which states that the planning system should be plan-led. The previous approval was granted prior to adoption of the Local Plan within a different policy framework. We now have a Local Plan and a strategic plan for the development to

the north. If the sites are not comprehensively developed this material consideration will form a reason for refusal.

The previous approval is not a fall back position for the current proposal, it is for a different form of development”

The applicant requests a more detailed discussion on this point. We raise the following fundamental points:

- The adopted plan includes the site within the Built Up Area where *“Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan”*
- The policy for the adjoining site (SD9) relates to that site only - the policy does not, and could not, require adjoining sites to take access through it. There is no requirement within the policy for comprehensive development between the allocated site and other sites. I would be grateful if you could highlight exactly which element of the policy you would seek to rely on.
- I suggest there is no other policy in the Plan which could require this shared access.
- I note the NPPF requires development to be Plan led – but this does not support your position, as the Local Plan does not require comprehensive development of these sites.

Our view is therefore that a shared access is unnecessary and not required by the Local Plan.

That said, if the Council wish to secure a single point of access on this section of Dapper’s Lane, notwithstanding the County Highways not requiring such, and there being no highway safety reason for such a position, we contend that SD9 should take access through this site, utilising an approved access. We will make such representations to that application if necessary. However, that seems unnecessary when there is no policy basis and the County support both accesses.

As an aside, I would highlight that as the permission has been implemented (by the demolition), the previous approval is indeed a valid and credible ‘fall back’ and a material consideration.

We therefore request a meeting with yourself and Mr Crowther to resolve the position.

Red Line

We note the following response from Mr Cook on 6th November:

“I confirm that any number of applications can be made in respect of a site, or part of a site, and, whether they are incompatible with one another or not, the Local Planning Authority has a duty to determine each one on its own merits.

I confirm that it is a matter of fact and degree as to whether or not two permissions are incompatible with each other.

Further, I confirm that the case of Lucas & Sons Ltd v Dorking and Horley Rural District Council (1966) 17 P. & C.R.111 is good law, in so far as it was considered and distinguished in Pilkington and Melap Singh and, therefore, leaves the door open for the Courts to be satisfied that in particular circumstances a partial development can be permitted.

However, I am of the opinion that the stronger line of cases is that commencing with Pilkington v Secretary of State for the Environment and Others [1973] 1 W.L.R. 1527 and I would not wish to give the impression that the Council is likely to be persuaded that Lucas & Sons Ltd is the appropriate case, as I am of the opinion that it was decided very much on its own facts.

I hope that this confirms the Councils position on this matter”.

This confirms that the application must be determined on its merits and not on the basis of whether it is considered incompatible with the previous application. We fully concur with this conclusion. This is therefore immaterial for the purposes of this application and we are of the opinion that it would not be a justifiable reason for refusal, and therefore grounds for appeal.

We do accept that it would be material in considering whether to take enforcement action, but again do not consider the permission and application to be incompatible in any event. One simply replaces the footprint of one part of the other. If the Council wish to take this approach we will welcome a precise explanation of which elements are considered incompatible.

As you will note, there are matters which would be sensible to discuss in a meeting to move forward.

I will welcome confirmation of your availability next week please.

We look forward to hearing from you.

Kind Regards

Anna Gillings

Managing Director
Gillings Planning



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