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From: paul collins [REDACTED]
Sent: 01 March 2021 15:52
To: Raymond Cole <Raymond.Cole@arun.gov.uk>; Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: RE: - P/132/20 RES Land at Hook Lane and Pagham Road Pagham

Mr Cole

Further to my last please note the following facts for your file regarding P/132/20 RES for future reference if required.

The site benefits from an Outline planning permission granted under ADC Ref: P/30/19 OUT which is an outline planning permission for the development of the site with up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure granted conditionally on 2nd September 2019 in those terms set out on the decision notice of that date.

https://www1.arun.gov.uk/PublicViewer/Authenticated/Main.aspx?user_key_1=P/30/19/OUT

Notwithstanding the description issued the only plans approved were those specified in condition 3 which were Red Line Boundary - 167/P/007 Rev C
Proposed Access Arrangement On Hook Lane (North) - JNY8840-09 Rev A and Proposed Access Arrangement Pagham Road - JNY8840-12 Rev A and the OPP granted may not be lawfully implemented otherwise than in accordance with those Plans.

An application was made to discharge condition 6 of the OPP granted on 19/6/20 and this condition was said to be discharged by virtue of a decision letter dated 9 October 2020 which stated "Arun District Council have decided to APPROVE details reserved by this condition This condition is discharged in so far as it relates to the 'Hook Lane, Pagham Design Code Document' October 2020 and any future planning submissions and the development itself shall thereafter proceed"

Notwithstanding the decision made in this regard Condition 6 was not and is not discharged by this application. Firstly the Pagham Design Code Document' October 2020 described a scheme which did not accord with the OPP granted or describe detailed proposals which reflected the objectives of the Development Framework - 167/P/006 Rev E, Landscape Masterplan - 167/P/003 Rev D and the Design and Access Statement - January 2017 as required by the condition and secondly the Council's assertion that future planning submissions and the development itself shall thereafter proceed in accordance with same is ultra vires because the law requires that future planning submissions and the development itself must proceed in accordance with the OPP granted and not the subsequently approved Pagham Design Code Document' October 2020 unless the OPP granted is replaced by way of a new permission for the site.

The application made under Council ref: P/132/20 RES is an application for those matters reserved by the OPP granted under Ref: P/30/19 OUT and those matters reserved are specified in Condition 1 and are : (a) Layout; (b) Scale; (c) Appearance; and (d) Landscaping.

An application for reserved matter approval must be made in accordance with the OPP granted (including its conditions and any related S106 Agreement) and cannot be used so as to discharge other conditions on the OPP granted.

The application for reserved matters approval made under ref: P/132/20 RES does not describe details of (a) Layout; (b) Scale; (c) Appearance; and (d) Landscaping which accord with the OPP granted (including its conditions and any related S106 Agreement) and also appears to seek to discharge other conditions on the OPP granted so that its consideration and determination by ADC appears to be ultra vires.

Notwithstanding the foregoing in the event that ADC does consider and determine the submitted application and decides to approve same this does not negate or override the need for the landowners to discharge the pre commencement conditions 3,5,9,10,11,12,14,16,19,27,29,30,32 and 33 by way of separate discharge consents before commencing any development on the site pursuant to such a reserved matters approval and in this regard it is already apparent from the details submitted in respect of that reserved matters application that the landowners will not be able to do so if they seek to implement the scheme in accordance with the reserved matters application sought.

Equally conditions 8,13,14,15,18,20,21,22,23,24,25,26 and 34 and the S106 Agreement combine to make it clear that a large number of matters need to be submitted to and approved by ADC before any occupation of the proposed houses can take place (even if they are lawfully built pursuant to the OPP granted) and it seems to me that it is a matter of common sense rather than the law that it would be in the interests of all parties if such matters were resolved now and/or before it was too late to do so as in the worst case scenario an inability to comply with these conditions and the S106 Agreement (and lawfully implement the OPP) may become apparent once the dwellings are built but before they can be sold and lawfully occupied.

Thank you

Paul Collins BA (Hons) DipTP

From: paul collins [REDACTED]
Sent: Saturday, February 27, 2021 12:29 PM
To: 'raymond.cole@arun.gov.uk' <raymond.cole@arun.gov.uk>

[REDACTED]

Subject: P/4/21 PL - Land at Sefter Road, Hook Lane and Pagham Road Pagham

Mr Cole

This application seeks to change the use of agricultural land in this area to open space and was based on the well documented evidence relating to the need for such land in Pagham so as to provide adequate alternative natural greenspace to protect Pagham Harbour and for surface water flood storage and is supported by all relevant Local Plan policies and the local community and Pagham Parish Council has raised no objections.

However it has now become clear that ADC Officers and the site promoters for Pagham North are vehemently opposed to same (despite the relevant Local Plan policies and the proposals under P/30/19 OUT and P/134/16 OUT ostensibly recognising the requirement for such land to be provided) and have made it abundantly clear that they will do all that they can to obstruct the progress of the application and/or the delivery of the open space if approved and are determined to implement the existing planning permissions and their related S106 Agreements and are not prepared to consider alternatives or change those proposals .

Therefore in view of the foregoing and the fact that no client has come forward to support my efforts to properly plan for development in this part of Pagham, I have decided to withdraw my application so as to stop wasting my time and money in trying to promote same and will now focus my time on prosecuting my continued opposition to the current proposals under ADC Refs: P/30/19OUT, P/132/20 RES, and P/134/16 OUT.

This is not, in my view, how the proper planning of this part of Pagham should take place but we are where we are and I am also a realist.

Therefore please action this withdrawal and place this e mail and any response you may give on the files for P/4/21 PL, P/132/20 RES and P/134/16 OUT.

Thank you

Paul Collins BA (Hons) DipTP

[REDACTED]