

From: paul collins [REDACTED]
Sent: 07 November 2018 15:02
To: Neil Crowther; Karl Roberts; David Easton
Cc: Planning.Responses
Subject: P/140/16 OUT

Dear All

I note that the Officers reports in respect of this application assert that there are no material considerations which indicate a decision otherwise than in accordance with the development plan for the purposes of section 38(6) of the Act. Pagham Parish Council and I disagree as the following are all material considerations which have not to date been considered by the DCC:

1. The fact that SD1 and SD2 were only allocated in the ADLP 2018 so as to identify sufficient sites to demonstrate a district wide 5 year supply of deliverable sites against district wide housing requirements (as opposed to being necessary to meet the needs of Pagham) and the fact that the proposals the subject of P/140/16 OUT will not provide such a deliverable housing site as now defined in the NPPF July 2018 in any case.
2. The fact that ADLP 2018 Policies HSP 1, HSP2 and H SP2a and the related HIP Strategy are not up to date a) because they have not been updated to reflect the Current housing requirement and housing land supply position since September 2017 and b) because they were devised and adopted against the relevant policies in the NPPF 2012 and have not been reviewed or updated so as to reflect paragraphs 59 – 66 of the NPPF 2018 c) the fact that there have been a number of alternative deliverable housing sites identified elsewhere throughout Arun District by way of planning permissions granted and the Call for sites 2018 that could replace and deliver 400 dwellings as part of the district wide supply contrary to the out of date Policies.d in the out of date Policies.
3. The fact that the impact of 2000sqm of A1/A2/A3/D1/sui generis floorspace forming part of the proposals on the vitality and viability of the existing village centre has not been considered and whether or not it would be more appropriate for the scheme to make a contribution towards the improvement of the existing village centre in accordance with Policy H SP2 (g) and NPPF July 2018 paragraphs 85 - 90
4. The fact that the officers report does not carry out any assessment of the proposals against Paragraphs 170 – 183 of the NPPF 2018 with particular regard to Paragraph 175.
5. The fact that the HRA undertaken in respect of these proposals does not expressly consider the cumulative impacts of the proposals in combination with (for example) the planning permissions granted for 130 dwellings on adjoining land under Council references P/58/15 OUT and P/125/14 PL and others in the adjoining Chichester District.
6. The fact that the HRA does not consider alternative locations in Arun District where the 400 dwellings proposed could be located with less harmful impacts)

7. The fact that the relevant tests in the Waddenzee Judgement have not been considered by ADC so that it is not clear that they have satisfied themselves as the decision maker that the mitigation measures described in the HRA Report, can be suitably, secured, deliverable and effective given the outline nature of the application.
8. The Fact that the proposed Heads of Terms for the S106 make it clear that infrastructure contributions and delivery from this scheme are dependent on the outcome of deliberations regarding outstanding applications (P/25/17 OUT, P/134/16/OUT and P/6/17 OUT), proposals in Chichester District and decisions by WSCC regarding primary, secondary and sixth form education provision which are not known or have not yet been assessed/determined.

As you are aware a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission) and whilst recognising that the weight to be given to a material consideration is a matter for the decision maker, whether or not a decision has been lawfully made by reference to all relevant material considerations is ultimately a decision for the courts.

In this regard I note that on 5 November 2018, the applicant in respect of P/140/16 OUT declined to agree the requested EOT until 30 November 2018 but did agree an extension of time until 9 November 2018 on the basis that they consider that the S106 will be completed and signed in this timescale and we ask you to consider carefully whether or not the Council is able to sign the S106 at this date and issue the decision notice in this timescale.

Please be advised that subject to appropriate legal advice, Pagham Parish Council consider that this application and any associated Draft S106 should be returned to the Committee before any decision is issued in order that the Committee can reconsider their decision in the light of all relevant material considerations and a lawful decision can be made.

Please place this e mail on the file for future reference if required.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



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Chartered Town Planner