

[REDACTED]

From: [REDACTED]
Sent: 08 November 2018 13:58
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Agents letter re P/25/17 OUT, P/140/16 OUT and P/134/17 OUT

Mr Crowther

Your attempt to prevent information material to the determination of these applications from reaching the relevant files is both surprising and disappointing.

The subject letter states in the fifth paragraph from the end that *"In the meantime, you will also appreciate that notwithstanding the resolution to grant planning permission for the Summer Lane application this cannot be taken further because the mitigation measures presented to Members for that scheme and included in the draft heads of terms for planning obligations are based upon the other applications also being granted planning permission. In the event that the Hook Lane application is refused, this would be a material consideration that would need to be reflected in any decision to grant planning permission for Summer Lane. Put simply, the mitigation measures in the draft heads of terms would not be the correct ones and would need to be reviewed as they could not be relied upon to deliver the required mitigation for the Summer Lane scheme in the absence of permission being granted at Hook Lane. Not having regard to such a material consideration would be unlawful"*.

Pagham Parish Council agrees with this paragraph and would go further in stating that any refusal or deferral of application P/6/17 OUT or P/134/17 OUT at the meeting on 13 November 2018 would mean that the issuing of a decision in respect of P/140/16 OUT without a reference back to the Committee would be unlawful.

Please place this E mail trail and the attachment on the files for P/25/17 OUT, P/140/16 OUT and P/134/17 OUT as a representation from Pagham Parish Council for future reference if required.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: Neil Crowther [mailto:Neil.Crowther@arun.gov.uk]
Sent: Thursday, November 8, 2018 1:10 PM
To: [REDACTED]
Subject: RE: Agents letter re P/6/17 OUT

David,

Please don't carry out that request.

Neil

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

Internal: 37839 | External: +44 (0) 1903 737839 | E-mail: neil.crowther@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: [REDACTED]
Sent: 08 November 2018 13:08
To: David Easton; Neil Crowther
Subject: FW: Agents letter re P/6/17 OUT

David

Thank you for putting this letter on the web file. Please can you also put the letter on the files for P/25/17 OUT, P/140/16 OUT and P/134/17 OUT because as the letter quite rightly states its contents are relevant to the Council's consideration and determination of all.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: [REDACTED]
Sent: Thursday, November 8, 2018 11:40 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: P/6/17 OUT

Dear Mr Easton

I refer to the e mail dated 2 November 2018 from Mr Jones on behalf of the applicants which refers to attached correspondence for your consideration. Please can you arrange for the attached correspondence to be uploaded to the web file so that I and my client (Pagham Parish Council Council) may view same before next week's meeting.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.



1st November 2018
Our Ref: OJ/16.154

David Easton Esq
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear David

**Land north of Hook Lane, Pagham
P/6/17/OUT**

I am writing on behalf of my Client, Hallam Land Management Limited, who is the applicant for the above planning application.

This planning application was presented to the Council's Development Control Committee ('Committee') on the 24th October 2018. Officers had recommended that planning permission be granted. It was one of three applications presented on that day which relate to the two strategic sites at Pagham. I return to the relevance of this later.

Firstly, it is worth recounting the opening minutes of the Committee meeting, where, because the public announcement system was not working sufficiently, members of the public were in effect invited to sit in the Council Chamber. Because of this, there was little, if any, separation between members of the Committee and members of the public, who, without any noticeable exception, were opposed to the proposed developments being considered. The implication of this becomes apparent later, but to note here, this was a most extraordinary and unsatisfactory means by which to conduct a Committee meeting.

It should also be noted that there was no Legal Officer present at the meeting to advise Members on procedural matters. Again, this is most unusual, especially when the Council were aware that the applications being considered were unpopular locally.

Turning to the order of business, the Committee was first presented with an explanation of the status of the three sites as allocated sites in the recently adopted Local Plan and the significance of this in terms of how planning law requires applications to be determined. The cumulative effects and mitigation measures proposed in respect of the three developments were then presented in detail. Questions were posed by Members to representative of Highways England, the County Council as Highway Authority and Natural England. Each was answered fully. On reflection, and following advice from Leading Counsel, we believe that there should have been a written preface to the three Reports to explain to Members the inter-relationships between the three applications ie the way in which the draft heads of terms are set out is on the basis of an "all or nothing" approach.

The Committee were then presented with the first application, the proposed development at Summer Lane. Following a debate, Members resolved to grant planning permission for this development. The significance of this extends beyond that planning application as I refer to later.

Following this decision, the meeting was adjourned. During this period, members of the public were observed directly lobbying Committee Members; again not ordinary or acceptable conduct.

My Client's application was then presented and following a shorter debate, Members voted not to accept the Officer's recommendation to approve the application.

There followed a discussion about whether to defer the application to consider an alternative means of access to the site. Members resolved not to defer the application for this reason. No other reason was put forward.

This then required Members to bring forward an alternative motion supported by a reason or reasons to refuse the grant of planning permission. The Chairman and the Senior Officer made clear that the main debate had not given rise to any obvious reason for refusal that the Council could sustain in the event the applicant choose to appeal.

Various further attempts to construct a reason for refusal were put forward by Members, assisted by members of the public passing notes observed on two occasions, as well as verbal suggestions from the public gallery. Amidst these discussions, conduct in the public gallery became increasingly hostile towards the Committee Chairman and the Senior Officer. This culminated in an attempt by the Chairman to clear the public gallery, which was not respected by members of the Public and consequently was unsuccessful.

In the event, a number of reasons were put forward by Members. I list these below because they are important to record fully:

- i. lack of infrastructure;
- ii. means of access onto Pagham Road not satisfactory;
- iii. current foul water infrastructure not sufficient;
- iv. absence of a flood risk assessment;
- v. loss of best and most versatile agricultural land.

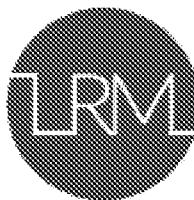
None of the suggestions put forward by Members referenced any conflict with the development plan; none attracted the necessary support from the Chairman or the Senior Officer to constitute a valid reason to refuse the application and Members were not able to bring forward a motion to refuse the application.

It was at this point, with Members having exhausted the opportunity to bring forward a reason or reasons for refusal, with the public becoming increasingly more hostile and vocal and in the absence of advice from a Legal Officer as to procedure, the Chairman decided to suspend the meeting.

It is clear that the Council has not determined my Client's application.

What is also clear is that Members failed to bring forward any reason to refuse the application at the point in the meeting afforded to this, despite various attempts.

This illustrates that the initial resolution not to accept the Officers' recommendation is unsound. It is irrational that the sequence of events after the resolution not to accept the Officers' recommendation could not be taken to a logical conclusion that saw either the application deferred or refused. This underscores why Members should have accepted the first recommendation.



It is also clear that, despite the efforts of the Chairman to conduct the meeting in a proper fashion, Members were unduly influenced by behaviour in the Public Gallery and, consequently, my Client's right to a fair determination of its application was prejudiced.

Moreover, the Committee's decision making is clearly inconsistent. The significance of the resolution to approve the first application cannot be understated. This established that the cumulative effects of the three applications before Committee were acceptable to them. Having made this first decision, Members cannot attribute any greater or additional significance to any effect arising from the second development under consideration to support a reason for refusal. To do so would be perverse. And in the circumstance where Members were subject to lobbying during the adjournment immediately prior to this application being considered, the spectre of biased decision making also comes to the fore.

The fact that the meeting has now been suspended gives rise to a very real prospect that Members will be further lobbied to bring forward hitherto unjustified reasons for refusal, again prejudicing my Client's interests.

In the meantime, you will also appreciate that notwithstanding the resolution to grant planning permission for the Summer Lane application this cannot be taken further because the mitigation measures presented to Members for that scheme and included in the draft heads of terms for planning obligations are based upon the other applications also being granted planning permission. In the event that the Hook Lane application is refused, this would be a material consideration that would need to be reflected in any decision to grant planning permission for Summer Lane. Put simply, the mitigation measures in the draft heads of terms would not be the correct ones and would need to be reviewed as they could not be relied upon to deliver the required mitigation for the Summer Lane scheme in the absence of permission being granted at Hook Lane. Not having regard to such a material consideration would be unlawful.

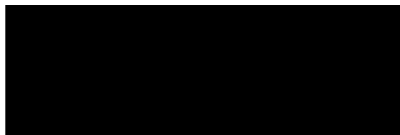
These circumstances are most unfortunate for the Council and my Client, and I would wish to learn how the Council intends to take forward this matter when the Committee reconvenes on the 13th November 2019.

It is our considered opinion that prior to this meeting there should be a written preface to the three Reports to explain to Members the inter-relationships between the three applications.

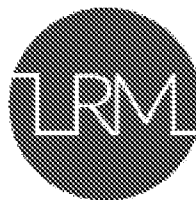
Moreover, in these circumstances Members must be taken back to the first recommendation in relation to the Hook Lane application, as Members were unable to identify any proper basis upon which to defer or refuse permission and the meeting was suspended prior to any decision on my Client's application becoming choate.

I look forward to hearing from you in the coming days.

Yours sincerely



Owen Jones
Director



cc: Ruth McKeown

