

[REDACTED]

From: Amanda Scholes on behalf of Planning.Responses
Sent: 23 November 2018 08:16
To: Planning Scanning
Subject: FW: Pagham Planning applications P/140/16 OUT, P/134/16 OUT, P/6/17 OUT and P/25/17 OUT

Importance: High

From: David Easton
Sent: 22 November 2018 15:50
To: Planning.Responses
Subject: FW: Pagham Planning applications P/140/16 OUT, P/134/16 OUT, P/6/17 OUT and P/25/17 OUT
Importance: High

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[REDACTED]

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: paul collins [REDACTED]
Sent: 14 November 2018 12:44
To: Karl Roberts; Neil Crowther; David Easton; Liz Fitcher; Cllr. Richard Bower
Subject: Pagham Planning applications P/140/16 OUT, P/134/16 OUT, P/6/17 OUT and P/25/17 OUT
Importance: High

Dear All

Following the reconvened DCC meeting that took place yesterday (13/11/2018) I thought I would put on record my understanding of where we are now at regarding these applications so that I can update and advise my client Pagham Parish Council.

P/140/16 OUT was Approved conditionally subject to a S106 at the SDCC Meeting on 24 October 2018 and although the agenda states that there would be no further discussion on the application at the reconvened meeting some discussion did, (quite rightly) take place due to the interconnection between all four applications in terms of the overarching issues of compliance or otherwise with Local Plan policy, resolution or otherwise of the cumulative impacts on the Pagham Harbour SPA, the resolution or otherwise of cumulative impacts on the wider Transport Network with particular regard to roads and junctions in Chichester District between Pagham and Chichester and the effectiveness/lawfulness of the recommended S106/Conditions proposed regarding infrastructure delivery as set out in the Officers reports on all.

As you know I have raised a litany of procedural complaints regarding the manner in which this application was considered by the Authority prior to its resolution on the 24th and a litany of reasons why the issuing of the decision would be unlawful unless Officers put this application back to the Committee for reconsideration in the light of all relevant material considerations (including the consideration of the linked applications P/6/17 OUT, P/134/16 OUT

and P/25/17 OUT) before issuing the decision notice but thus far Officers have confirmed that the decision will be issued once the S106 is signed and without a referral back to Committee.

P/6/17 OUT was not determined at the DCC on 24 October 2018 but according to the minutes of the meeting the DCC did vote to reject the Officers recommendation of approval subject to conditions and a S106 and a formal proposal was put forward and duly seconded that the matter be deferred to consider the access to the site. However, on being put to the vote the proposal was LOST and Members then turned to discussing reasons for refusing the application but as there was no proposed reason for refusal forthcoming from the Committee to enable Members to take a further vote and the Committee was unable to make progress, the Chairman suspended the meeting and stated it would be reconvened to a later date.

The meeting was reconvened yesterday for the purpose of concluding its deliberations regarding P/6/17 OUT and then determining P/134/17 OUT outstanding from the previous suspended Committee. As the reconvened meeting Agenda makes clear the meeting was being reconvened at the point of the adjournment and, in accordance with the Planning Local Code of Conduct Committee Process, the options open to the Committee were 1. to propose refusal of the application with clear reasons for this refusal; or 2. to defer the application to a future meeting to enable a further officer report to be prepared covering the specific issues raised by Members and the officer's report was re-produced in the agenda, together with the officer update given at the meeting.

Regrettably this is not what happened as instead of asking the Committee what their clear reasons for refusal were (the point reached at the previous adjournment) the first question the Chairman asked before allowing any debate was whether he had any proposals for a deferment and deferral was then proposed by Councillor Charles on the basis that he wished to see an independent assessment to be undertaken of the Highway safety of the access to the site. This was seconded by Councillor Haymes. Committee debate followed as to the merits of the proposals but to no effect because a vote had to be taken on the proposal for deferment before any counter proposal could be put and on being put to the vote the proposal was duly carried by those members of the reconvened Committee meeting who were present. **Yet another breach of Committee procedure and the Planning Services Code of Conduct.**

Therefore the application stands deferred and whatever the reason for deferment (this was not entirely clear following the debate and despite the further clarification sought by Mr Crowther) the application (in its entirety) will now need to be considered at a DCC meeting at an unspecified date in the future in the light of all material considerations applicable at that date.

P/134/16 OUT was then considered at the reconvened meeting in the usual manner. The Officers provided a presentation and an update but unfortunately failed to update the Committee as to the representations made on behalf of Pagham Parish Council on 8 November 2018. However, following hearing from public speakers and the member debate, the officer recommendation of approve conditionally subject to a S106 was duly put to the vote and by a very narrow majority the members accepted and agreed the Officers recommendation. Given the member debate and the deferral of the linked application P/6/17 OUT this seemed somewhat irrational and perverse. However, because of the Committees decision to defer the linked application P/6/17 OUT (it is clear that the two applications propose an all or nothing approach), Officers cannot lawfully issue a decision notice regarding the application (even if the S106 is signed) without referral back to the Committee because the Committee must now reconsider its decision in the light of the material considerations arising from the ongoing consideration of P/6/17 OUT and any other material considerations that may arise in the interim including the consideration of P/25/17 OUT.

P/25/17 OUT has yet to be considered by the Committee but when it is the Council's deliberations regarding P/140/17 OUT, P/6/17 OUT and P/134/16 OUT will, of course, be material considerations as will any others that may arise between now and the still unspecified decision date.

No reply necessary but please put this email and any response on all files for future reference if required.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner