

[REDACTED]

From: paul collins [REDACTED]
Sent: 29 March 2022 18:18

[REDACTED]

Subject: P/116/19/OUT,P/147/21/RES, P/15/22/DOC, P/14/22/DOC - Land adjacent to Sefter School House Sefter Road Bognor Regis PO21 3EE

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Mr Davis/Mr Brown

I write so as to both register my complaint regarding breaches of planning control taking place at this site and request that these alleged breaches of planning control are properly investigated in accordance with the council's Planning compliance strategy and make my representations regarding the current applications seeking discharge of conditions.

As you will be aware the only planning permission for this site is the OPP granted on this site contrary to the development plan under ref: P/116/19 OUT on 1/10/20 subject to pre commencement conditions numbered 4,6,7,8,9,10,11,12,13,14,15,17 and 18 and development commenced on the site in breach of these conditions in 2021.

An application for the approval of the reserved matters Layout; Scale; Appearance and Landscaping was approved on 05-01-22 under ref: P/147/21/RES but the details submitted did not match the OPP granted and in particular the terms of conditions 3,19 and 20 of the OPP granted and the decision was also made subject to conditions which sought (unlawfully) to change the terms of conditions imposed on the OPP granted. A reserved matter approval is not a planning permission and it may not lawfully Change or alter the terms or conditions of the OPP to which it relates.

An application seeking to discharge pre commencement Condition Nos 9 - surface water drainage, 10 - discharge flows to watercourses, 11 - maintenance & management of surface water drainage, 12 - foul drainage assessment, 13 - contamination, 14 - Construction Management Plan and 15 - Arboricultural Impact Assessment on the OPP granted was submitted on 8/2/22 under ref: P/15/22/DOC and this is undetermined at this date. This application may not be lawfully approved (thereby discharging the conditions as requested) because a) none of the information

submitted in support of the application matches that required to be submitted so as to discharge those specified conditions and b) the specified conditions are pre commencement conditions so that compliance with same cannot be undertaken retrospectively as the only way in which the OPP and its conditions may be varied or altered in such circumstances is by way of a retrospective application under s73a of the Act.

An application has also been made seeking to discharge conditions 2-detailed levels survey, 4-in curtilage cycle stores, 5-colour schedule of materials and finishes and 6-energy efficiency imposed on the reserved matters approval but it is largely irrelevant as to whether or not these are approved or not by ADC Officers because the development of the site may not be considered to be proceeding lawfully unless it is being undertaken in full compliance with the conditions on the only planning permission that exists for the site which is the OPP granted under ref: P/116/19 OUT and it is not at this date.

I understand from previous correspondence that currently Officers intend to determine these matters under delegated powers regardless of any representations received , (including those from the Parish Council and/or Ward Members) but given the foregoing and the fact that a satisfactory resolution to the matters I highlight have implications for safeguarding and protecting Pagham Harbour and the satisfactory development of the adjoining strategic site SD1 and SD2 can I suggest that they do not do so until such time as they have carried out a proper investigation of the breaches of planning control I highlight and have determined whether or not ADC Members (in consultation with Ward Members and the Parish Council) wish to exercise the discretionary enforcement powers available to them (see <https://www.gov.uk/guidance/ensuring-effective-enforcement>) so as to remedy the breaches of planning control as part of their adopted vision to deliver the right homes in the right places.

Please acknowledge these representations and my complaint in accordance with your usual adopted procedures and place this e mail and any responses on the public files specified for all to see.

Thank you

Paul Collins BA (Hons) DipTP

