

From: Amanda Scholes on behalf of Planning.Responses
Sent: 16 February 2021 10:00
To: Planning Scanning
Subject: FW: P/1/21PL Summer Lane Pagham,
Importance: High

Amanda Scholes

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From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 15 February 2021 16:59
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: P/1/21PL Summer Lane Pagham,
Importance: High

Objection.

From: Thomas, Will [REDACTED]
Sent: 15 February 2021 16:18
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Neil Crowther <Neil.Crowther@arun.gov.uk>; [REDACTED] Daniel OShea
[REDACTED] Joseph Maphosa <[REDACTED]> Howard, Karen
Subject: RE: P/1/21PL AND P/97/20 PL Summer Lane Pagham,
Importance: High

Dear Mr Davis

Thank you for your email. My client is satisfied that the correct notice has now been served upon them and is content for the application referenced P/1/21PL (the "Application") to be considered at the next committee meeting in March. However, this is subject to our client being afforded the opportunity to respond to any comments the applicant has on our letter of objection dated 12 February 2021 (re-attached).

We note that the applicant has already made a number of comments below and in their attached email of 12 February 2021 timed at 18:45. However, the applicant also states that they "will be commenting separately with regard to the planning policy matters at paragraphs 10 – 27" of our letter. It therefore seems that the applicant will be providing further comments in due course.

So that the Council has all material information before them to properly determine the Application, our client should be granted a reasonable opportunity to respond to any further comments the applicant might make in respect of our objection.

In respect of the comments made by the applicant to date, we note the following:

1. The applicant states that the correct ownership notices were not originally served as it was "very unclear" who owned the application site. We disagree. The title clearly states who the registered owners are. Whilst other parties may have a legal interest in the site, that does not make them "owners" that require advance notice of a planning application.
2. The applicant alleges that unauthorised development has been carried out on site. That is incorrect. Outline permission for the development on our client's land (reference P/58/15/OUT) and reserved matters approval (reference P/70/19/RES) have been granted. All necessary pre-commencement conditions have been discharged and the development has been lawfully implemented, as accepted by the Council.
3. The applicant claims that our client's development authorised by the planning permission referenced P/58/15/OUT will not provide 2.57 hectares of open space. Again, this is incorrect, for the following reasons:
 - a. The description of the development authorised by outline permission P/58/15/OUT includes a clear reference to "open space". The permission was also granted on the basis that public open space "comprising a total area of 2.57ha including on-site play area provision" would be secured by a section 106 Agreement (see page 28 of the committee report).
 - b. Clause 6 of the section 106 agreement dated 27 September 2016 requires the public open space identified on the plan attached to that agreement to be provided as part of the development.
 - c. The outline planning permission and reserved matters approval (reference P/70/19/RES) contain conditions relating to the delivery of the public open space. All relevant pre-commencement conditions have been discharged.

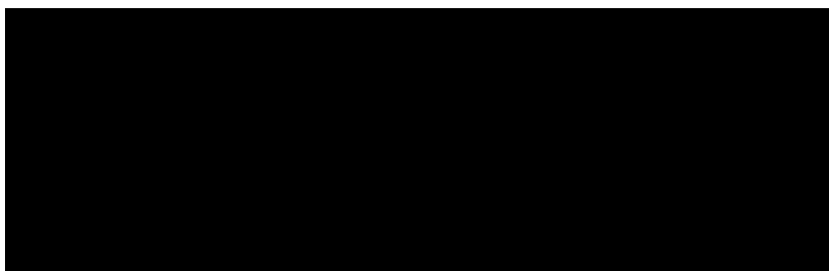
With regard to the applicant's comments on the open space to be provided by other extant planning permissions, we trust that the Council will ensure that the committee report (which we look forward to receiving in due course) accurately reflects the position for those developments.

We trust this helps clarify matters and should be grateful if we could be provided with any further comments from the applicant in due course.

Kind regards

Will Thomas
Senior Associate

SHOOSMITHS



From: Simon Davis <Simon.Davis@arun.gov.uk>

Sent: 12 February 2021 17:50

To: Thomas, Will [REDACTED]

Cc: [REDACTED] Howard, Karen [REDACTED]

Subject: FW: P/1/21PL AND P/97/20 PL Summer Lane Pagham,

Dear Mr Thomas,

Can you confirm that this satisfies your clients in respect of Notice having been served upon them?

I am proposing to query the sentence .. and no doubt they and/or you will ensure that this is passed on to all those with a notifiable interest in our application site .. with the applicant as I do not consider this to be your responsibility and nor is it mine.

Kind Regards.

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874
E: simon.davis@arun.gov.uk

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From: paul collins [REDACTED]
Sent: 12 February 2021 16:24
To: Simon Davis <Simon.Davis@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>; Nigel Lynn <Nigel.Lynn@arun.gov.uk>
Cc: [REDACTED] Cllr. James Walsh [REDACTED]; Cllr. Martin Lury [REDACTED] Cllr. Jamie Bennett <[REDACTED]> Cllr. David Huntley [REDACTED] Cllr. June Hamilton [REDACTED] Nicola Swann' [REDACTED] <[REDACTED]>
Subject: FW: P/1/21PL AND P/97/20 PL Summer Lane Pagham,

Dear Mr Davis

Thank you for your e mail below enclosing the letter from Shoosmiths LLP attached.

My clients and I are also keen to ensure that ADC makes a lawful decision in this case and any other application pertaining and we will also be watching carefully to ensure that they do.

The certificate C attached to the original application was correct because following an appropriate Land Registry Search and a search of the Councils records it was very unclear to us who did or did not own the application site or parts of it and there is, in any case, an ongoing dispute as to ownership and other interests relating to same. As to the non-service of the appropriate notice we can only assume that the problem there is the result of the poor quality postal service that we all have to endure in these times.

However the Land Registry title documents to which the letter author refers are attached and from these it is clear that Drew Smith Limited and the Langmead Family do not have a sole freehold interest in all of the application site as Arun District Council and others also have registered ownership interests and it would also seem to be unclear as

to whether or not Drew Smith Limited have the sole freehold interest in all the land that is the subject of the OPP granted under ADC ref: P/58/15 OUT or indeed that under P/97/20 PL as they have previously claimed. You are also aware that the construction works being undertaken at the site by Drew Smith Limited are the subject of ongoing ombudsman complaint investigations under refs: 31437,32095 and a Corporate complaint investigation by Arun District Council under Ref: C20-217 so that whilst the progress of their alleged unauthorised works at the site and the further application they have made under ref: P/97/20 PL may be affected by those complaint investigations the progression of our application under P/1/21 PL is not.

Notwithstanding the foregoing and in the interests of clarity I now attach a completed certificate b and notice number 1 completed in accordance with the request made by Shoosmiths LLP and no doubt they and/or you will ensure that this is passed on to all those with a notifiable interest in our application site to ensure that no one can subsequently claim that they have been prejudiced by these uncertainties and a lawful decision can be made by ADC in respect of P/1/21 PL by the due date of 9/3/21.

As you know the making of a lawful decision or not is the responsibility of Arun District Council alone as unlawful decisions can be the subject of legal challenge by any party with an interest and not just part owners of the application site like Drew Smith Ltd.

In this regard I will be commenting separately with regard to the planning policy matters at paragraphs 10 – 27 of the Shoosmiths LLP letter as I am a Town Planner rather than a Solicitor so am better placed to comment on same. I am also instructed to maintain a watching brief in respect of this Application and will also be taking an interest in how this application is to be determined by Arun District Council.

In this regard I would be grateful if you could confirm how ADC does intend to determine the application by the due date of 9/3/21 by return

Please place this e mail trail and the attachments together with any responses on the files P/1/21 PL and P/97/20 PL

Thanks

Paul Collins BA (Hons) DipTP

From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]

Sent: Friday, February 12, 2021 1:43 PM

To: paul collins [REDACTED]

Subject: P/4/21PL Summer Lane Pagham

Dear Mr Collins,

We have today received the attached objection to your application from (on behalf of) Drew Smith. I write to seek your comments in respect of paragraphs 4 to 9 of the letter in respect of land ownership matters. Please can you provide me with your comments on this matter so we can ensure that any decision that is made on the application is lawful.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874

E: simon.davis@arun.gov.uk

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