

From: Daun Johnson
Sent: 02 February 2021 08:35
To: Planning Scanning
Subject: FW: P/4/21, P/134/16 OUT, P/24/20 RES and P/128/20/DOC - Land North of Sefter Road & 80 Rose Green Road Pagham Bognor Regis

Please upload per the instructions below.

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From: Raymond Cole <Raymond.Cole@arun.gov.uk>
Sent: 01 February 2021 20:42
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: P/4/21, P/134/16 OUT, P/24/20 RES and P/128/20/DOC - Land North of Sefter Road & 80 Rose Green Road Pagham Bognor Regis

Please could you upload the e-mail below to the application folders P/4/21/PL, P/134/16/OUT, P/24/20/RES and P/128/20/DOC (correspondence from the applicant in the case of the first and representation letters in the case of the others if they need to be categorised)?

Thank you

Raymond Cole
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From: paul collins [REDACTED]
Sent: 27 January 2021 16:35
To: Raymond Cole <Raymond.Cole@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>
Cc: 'Ian Gledhill' [REDACTED]; 'Parish Clerk (Pagham)' [REDACTED]
'Clerk (Aldwick Parish Council)' [REDACTED]; Cllr. June Hamilton [REDACTED]
[REDACTED] <>; Cllr. David Huntley [REDACTED]; Cllr. Martin Lury [REDACTED]
[REDACTED] Cllr. James Walsh [REDACTED]; Cllr. Hugh Coster [REDACTED]

Subject: P/4/21, P/134/16 OUT, P/24/20 RES and P/128/20/DOC - Land North of Sefter Road & 80 Rose Green Road Pagham Bognor Regis

Dear Mr Cole

I consider that it is appropriate to record the following on the above files and that for P/4/21 for future reference if required.

P/134/16 OUT was for an outline planning permission for the development of the site with up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks.

All matters except for access were reserved for later approval and the only plans approved under that permission were those listed in condition 3 being Site Location Plan - CSA/2038/113 Rev D and Proposed Access Arrangements - 12-018-024 Rev C and no others

P/24/20 RES was an application for *Approval of Reserved Matters pursuant to condition 1 (Reserved Matters details), condition 6 (Design Code Masterplan) and condition 7 (landscaping and layout details) following the approval of Outline planning permission P/134/16/OUT for the erection of 280 dwellings, (including affordable homes), replacement scout hut & Ambulance Community Response Post Facility; provision of a primary vehicular access from Sefter Road; demolition of No. 80 Rose Green Road & creation of a pedestrian & emergency only access; provision of Public Open Spaces including associated children's play areas, landscaping, drainage & earthwork.* and it was validated, considered and determined ultra vires (without legal authority) by Arun District Council because it provided information and details that did not accord with description of the approved development, the approved plans its conditions or its S106 Agreement and also sought approval of matters that were not reserved matters and the discharge of conditions. However that application was refused by Arun District Council and it is not known at this date whether or not the applicant has appealed that decision.

None of the development approved under P/134/16 out may lawfully commence on the site (including the approved access) until such time as an application for reserved matters has been lawfully submitted considered and determined favourably by Arun District Council or via an inspector on appeal and all pre commencement conditions on the OPP (of which there are many) have been lawfully discharged in accordance with their specified terms and that has not happened to date.

It appears to me that if the applicants proposals for this site have changed since the grant of the OPP (and they clearly have) the right and lawful approach would be for the applicant to make a fresh application for planning permission in respect of the development and access as now proposed rather than endeavouring to unlawfully implement the existing OPP for the site (See PPG at Paragraph: 001 Reference ID: 17a-001-20140306 <https://www.gov.uk/guidance/flexible-options-for-planning-permissions#how-can-a-proposal-that-has-planning-permission-be-amended> amongst several others in this regard) but that is a matter for ADC and the applicant and not me.

However, for the benefit of others I do confirm that this account supports the case for ADC considering the revocation of this permission as stated in separate correspondence.

No need for a reply (not that I expect one) but please do place this e mail on the files referenced.

Thank you

Paul Collins BA (Hons) DipTP

