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From: Daun Johnson <Daun.Johnson@arun.gov.uk>

Sent: 20 July 2020 10:04

To: Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: FW: P/46/20PL - Land To North And South Of Summer Lane Pagham PO21 4NG WRITTEN SUBMISSION FOR DEVELOPMENT CONTROL COMMITTEE

Rep

Daun Johnson

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From: Neil Crowther <Neil.Crowther@arun.gov.uk>

Sent: 20 July 2020 09:04

To: Planning <Planning@arun.gov.uk>

Subject: FW: P/46/20PL - Land To North And South Of Summer Lane Pagham PO21 4NG WRITTEN SUBMISSION FOR DEVELOPMENT CONTROL COMMITTEE

From: paul collins [REDACTED]
Sent: 18 July 2020 15:17
To: Simon Davis <Simon.Davis@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>
[REDACTED]

Subject: P/46/20PL - Land To North And South Of Summer Lane Pagham PO21 4NG WRITTEN SUBMISSION FOR DEVELOPMENT CONTROL COMMITTEE

Mr Davis

I refer to the above application and your Planning application report to the DCC scheduled for 29 July 2020. I recorded my intention to submit this written submission via the appropriate telephone line on 18 July 2020 in accordance with your "virtual meeting" public speaking procedures. Please read out this submission at the meeting and place this on your file as a representation. You may also wish to reconsider, amend or withdraw your report to the DCC in the light of same but that is a matter for you.

Written submission by Paul Collins BA(Hons) DipTP Town and Country Planner

I draw members attention to the representations made by Pagham Parish Council on 15 July 2020 which are on the file but do not appear in the published report on the agenda at the date of this submission (20 July 2020) but will no doubt be brought to members attention in any subsequent Update report.

There is evidence that construction has already commenced on this site unlawfully and the PPC representation requests that ADC officers investigate the possible breaches of planning control that have and are occurring as a matter of urgency and before granting any further consents but this has received no reply to date.

The only planning permission that relates to this site is P/58/15 OUT. All others recorded in the report are applications to discharge conditions and the reserved matters approval under Ref P/70/19 RES and none of these are in law planning permissions.

*Condition 16 on P/58/15 OUT states that **no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.** A plan was submitted to and approved in writing by the LPA under Ref P/23/20 DOC and paragraph 4.4.1 of the approved construction management plan states: **The standard working hours for all construction activities will be from: 8am to 5pm Monday to Friday***

P/46/20PL purports to be made under s73 of the Act. S73/s73a enables the LPA to validate and determine an application to be made for planning permission for the development of land without complying with or to vary conditions subject to which a previous planning permission was granted and its terms are unaffected by the COVID 19 legislation.

The application made does not relate to a condition subject to which a previous planning permission was granted as it relates to a condition which was imposed on the reserved matters approval under ref: P/70/20 RES which is not a planning permission. Therefore the ADC decision to validate the application and any decision made by ADC in respect of the invalid application are/would be ultra vires decisions and if the application was approved as recommended would be unenforceable. (See PPG at Paragraphs: 031 and 040 Reference ID: 21a-031-20180615)

If ADC wishes to see this site developed in accordance with the terms, conditions and s106 Agreements that relate to the only planning permission for the site under P/58/15 OUT as Pagham Parish Council does including the approved construction management plan under P/23/20 DOC the appropriate course of action now would be to refuse this invalid application and invite the applicant to submit a valid application under S73 of the act to vary condition 16 imposed on P/58/15 OUT accompanied by an amended Construction management plan.

Thank you

