

From: paul collins [REDACTED]

Sent: 22 November 2021 16:01

To: Karl Roberts <Karl.Roberts@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Simon Davis <Simon.Davis@arun.gov.uk>; Chief Executive <Chief.Executive@arun.gov.uk>

Cc: Planning <Planning@arun.gov.uk>; Cllr. Terence Chapman <Cllr.Terence.Chapman@arun.gov.uk>; Cllr. Martin Lury <Cllr.Martin.Lury@arun.gov.uk>; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; [REDACTED] Cllr. Hugh Coster <Cllr.Hugh.Coster@arun.gov.uk>

Subject: Land north and south of Summer Lane Pagham P/58/15 OUT and

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Dear All

I act for no one in this matter but do wish to record the following on your files:

The site known as Land north and south of Summer Lane is a development that is situated immediately south of Spinnaker view (see my previous e mail) and it is comprised of 90 dwellings which allegedly benefits from an Outline Planning Permission granted under ADC Ref: P/58/15 OUT and a S106 Agreement (as modified) and when and if completed it would provide 27 Affordable Dwellings which were purchased from plan and are now owned by ADC.

The time limit for submitting reserved matters applications pursuant to the OPP granted (i.e all matters other than access) expired on 30/9/19 and although a Reserved matters application (P/70/19/RES) was submitted within this timescale and then considered and determined by ADC this was done ultra vires as the application made sought to discharge other conditions on the OPP and the decision made, sought to change the approved access plans under P/58/15 OUT and imposed unlawful and unenforceable conditions relating to matters other than those reserved to which the application could only relate. Therefore the only planning permission for the site is that granted under P/58/15 OUT.

Development allegedly pursuant to this permission commenced in 2020 and is ongoing. Applications for reserved matters and to discharge pre commencement conditions have been made and approved by ADC Officers but the development is (as a matter of fact) not taking place in accordance with those controlling conditions on the Outline Planning permission, those imposed on the Reserved Matters application or the details submitted so as to discharge those conditions and therefore numerous breaches of planning control have been and continue to take place on a daily basis to the serious detriment of the amenities and property rights of immediate residents and the amenities of the wider locality and contrary to national and local planning policies which seek to safeguard against surface water flood risk, achieve adequate foul drainage safeguard and protect nationally important nature conservation interests in Pagham Harbour and safeguard and provide safe and convenient access for all users.

Most recently I have been advised that a number of the dwellings now (unlawfully) completed on part of the site have been occupied so that the landowners (which now includes ADC) have also failed to comply with the terms of the S106 Agreement (as modified) and a number of pre occupation controlling conditions.

I and numerous others (including Pagham Parish Council and Pagham Ward Members) have previously raised their concerns regarding the breaches of planning control taking place over the last 13 months or more with those Officers responsible above and have requested that ADC Officers properly investigate the breaches of Planning control that have and continue to take place at this development in accordance with the ADC adopted Planning Compliance Strategy 2019 so that they may give ADC Members a properly prepared and considered report detailing the issues so that they may then properly consider whether or not they can or should exercise the discretionary enforcement powers available to them as detailed in the relevant Planning Practice Guidance at <https://www.gov.uk/guidance/ensuring-effective-enforcement> but the Officers concerned have refused to do so.

Given this refusal I understand that local Residents have now lodged a complaint to the LGO who has now confirmed that the matter will be investigated but it seems to me that this matter would be better and more effectively resolved locally by way of a negotiated solution but those officers concerned have consistently and steadfastly refused to even consider same .

Please place this note and any response on the files identified for future reference by anyone who may have an interest in these matters and I hereby give my permission for it to be used as they or any other recipient of this e mail sees fit.

Thank you .

Paul Collins BA (Hons) DipTP Independent Town Planner (Retired)

