

[REDACTED]

From: paul collins [REDACTED]
Sent: 17 July 2020 17:16
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Karl Roberts <Karl.Roberts@arun.gov.uk>; Nigel Lynn <Nigel.Lynn@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. Martin Lury <Cllr.Martin.Lury@arun.gov.uk>
Subject: FW: P/62/20/DOC Summer Lane

The e mail below and the attachment are representations, ask questions and request actions. Please place it and the attached on the file.

Paul Collins BA (Hons) DipTP
[REDACTED]

From: Nicola Swann [REDACTED]
Sent: Wednesday, July 15, 2020 7:42 AM
To: Simon Davis <Simon.Davis@arun.gov.uk>

Cc: Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; 'Cllr. June Hamilton' <Cllr.June.Hamilton@arun.gov.uk>
Subject: P/62/20/DOC Summer Lane

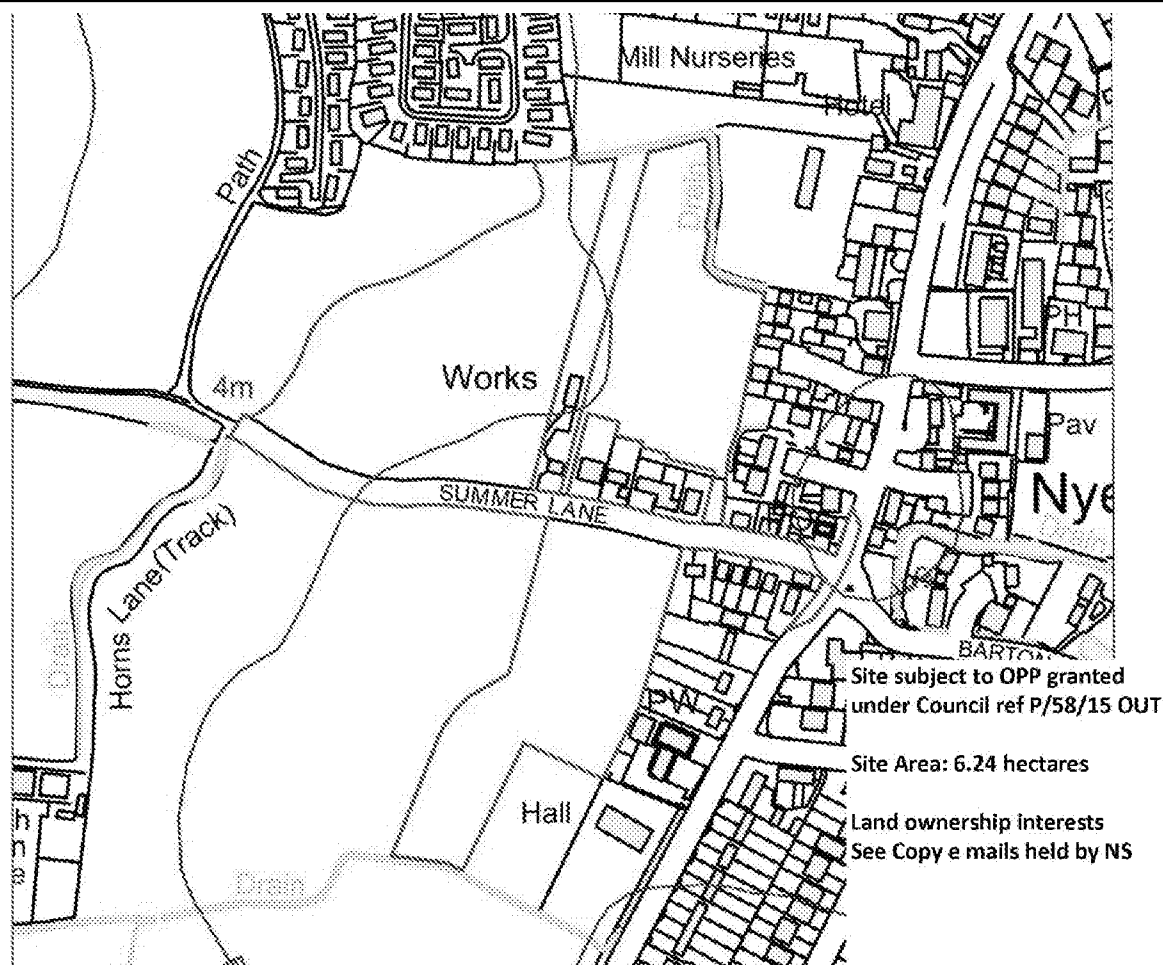
Dear Simon

Further to advice received from our retained Planning Consultant, I am enclosing a report regarding the Summer Lane site to which P/62/20/DOC relates. Pagham Parish Council formally request that ADC Officers pursue the following in accordance with the relevant PPG at ID: 17b-001-20140306 *Responding to suspected breaches of planning control*:

- a. review the case and the concerns raised and provide a written response/explanation to Pagham Parish Council as a matter of urgency
- b. investigate the alleged breaches of planning control as a matter of urgency
- c. advise the owner that any works on the site undertaken without the express approval of ADC pending the outcome of that investigation may result in enforcement action and/or prosecution by way of breach of condition notices and/or for unauthorised works to protected trees/hedgerows
- d. Give consideration to the service of a stop notice in the event that the above does not bring about a cessation of unauthorised works on the site pending the receipt of the relevant approvals sought

Best wishes


Nicola Swann
Clerk & RFO
Pagham Parish Council


REPORT FOR PAGHAM PLANNING COMMITTEE**AUTHOR: PAUL COLLINS BA (Hons) Dip TP RETAINED PLANNING CONSULTANT****DATE OF REPORT: 9 July 2020****SUBJECT: P/62/20/DOC – Applicant : Drew Smith****Approval of details reserved by condition imposed under ref P/70/19/RES relating to Condition Nos 3 - drainage strategy and 6 - electric vehicle charging****Land To North And South Of Summer Lane Pagham PO21 4NG****The Site****Planning History**

P/58/15 OUT	Outline planning permission with some matters reserved for the erection of 90 No. dwellings with associated access & open space. Approved conditionally 30/9/16
S106	Agreement relating to P/58/15 OUT is dated 27 September 2016
P/52/19/PO	Application to Modify a Planning Obligation dated 30 September 2016 under P/58/15/OUT in relation to the definition of 'Affordable Housing Units'. Approved 29/10/19
S106 Deed of variation	Dated 21 st November 2019
P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials). Approved Conditionally

P/23/20/DOC	Approval of details reserved by condition imposed under ref P/58/15/OUT relating to Condition Nos 8 - ecological, 16 - Construction Management Plan, 17 - archaeological, 21 - Public Open Space, 22 - broadband strategy and 23 renewable and low carbon energy. Condition 16 discharged by notice dated 29 May 2020, Condition Number 21 discharged by notice dated 20 May 2019, Condition Number 23 discharged by notice dated 19th May 2020, Condition Number 22 discharged by notice dated 19th May 2020, Condition Number 17 discharged by notice dated 19th May 2020, Condition Number 8 discharged by notice dated 19th May 2020
P/37/20/DOC	Approval of details reserved by condition imposed under ref P/70/19/RES relating to Condition Nos 3 - drainage strategy and 5 - pumping station design Refusal to discharge Condition Number 3 by notice dated 25th June 2020 Application made to discharge Condition 5 – remains undetermined at the date of this report
P/35/20/DOC	Approval of details reserved by condition imposed under ref P/58/15/OUT relating to Condition Nos 7 - foul water drainage, 10 - discharge flows to watercourses and 11 - maintenance and management of SuDs Refusal to discharge Condition Number 11 by notice dated 25th June 2020 Refusal to discharge Condition Number 10 by notice dated 25th June 2020 Application made to discharge Condition 7 – remains undetermined at the date of this report
P/38/20/DOC	Approval of details reserved by condition imposed under ref P/70/19/RES relating to Condition Nos 4 - paved & gated access, 6 - charging of electric vehicles and 9 - new signage to encourage responsible dog ownership. Condition Number 9 discharged by notice dated 19 May 2020 Refusal to discharge Condition Number 6 by notice dated 19 May 2020 Condition Number 4 discharged by notice dated 19 May 2020
P/46/20/PL	Variation of condition 13 imposed under P/70/19/RES relating to temporary relaxation of planning hours from approved Monday to Friday 8AM-6PM & Saturday 8AM-1PM to Monday to Thursday 8AM-9PM, Friday 8AM-6PM (no change) & Saturday 8AM-4PM until 13th May 2021. Current application not yet determined
P/62/20/DOC	Approval of details reserved by condition imposed under ref P/70/19/RES relating to Condition Nos 3 - drainage strategy and 6 - electric vehicle charging. Current application not yet determined
TPO/P/1/20	Provisional TPO which came into force on 6 February 2020 which will expire and cease to have effect unless confirmed before or by 6 August 2020

Conditions on P/58/15 OUT which do not appear to have been discharged at the date of this report

This is the only planning permission for the site as P/70/19 RES (despite its description) related to reserved matters only and did not approve any other matter subject to conditions on the OPP

7. Prior to the commencement of development, details of a foul water drainage system (including details of its siting, design and subsequent management/maintenance, if appropriate) shall be submitted to the Local Planning Authority for written approval. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

8. Prior to the commencement of any site clearance or preparation works, a detailed ecological mitigation and enhancement scheme, including timing for implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the mitigation and enhancement details set out in section 9 of the submitted Ecological Assessment dated April 2015. The scheme shall include provision for further badger survey work and sensitive hedgerow and vegetation removal. The development shall be carried out in accordance with the approved scheme and timetable. **(Although this condition was said to be discharged by notice under application P/23/20 DOC the details submitted did not match that required by the condition.)**

9. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of a proposed surface water drainage scheme. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied, in each respective phase, until the complete surface water drainage system serving the dwellings in each respective phase has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

10 The development shall not proceed until written consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling

or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.
11 Prior to the occupation of any dwelling hereby approved, full details of the maintenance and management of the SuDs system set out in a site-specific maintenance manual, shall be submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
12 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of vehicular access onto Summer Lane. The development shall be carried out in accordance with the approved details and shall be implemented prior to the occupation of any dwelling in each respective phase.
15 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed parking bay and crossing point on Summer Lane, as detailed on the submitted plan entitled 'Block Plan. The development shall thereafter be carried out in full accordance with the approved details and implemented in full before the first dwelling is occupied.
16 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters: - the anticipated number, frequency and types of vehicles used during construction; - the method of access and routing of vehicles during construction; - the parking of vehicles by site operatives and visitors; - the loading and unloading of plant, materials and waste; - the storage of plant and materials used in construction of the development; - the erection and maintenance of security hoarding; - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); - measures to control noise and vibration during construction; - measures to control the emission of dust and dirt during construction; and - details of public engagement both prior to and during construction works.
17 No development shall take place within each respective phase of development until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out in accordance with the approved details. (A scheme was submitted and agreed under P/23/20/DOC but there is no evidence that the approved scheme has been implemented and the results of same if implemented are unknown)
18 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include the full details, measures, monitoring and subsequent reporting, as set out in the approved Travel Plan which is included in the submitted Transport Statement. The approved measures shall be implemented in full prior to the occupation of any dwelling hereby approved.
19 Development shall not commence in each respective phase of development (including site clearance), until the mitigation measures detailed in the submitted Tree Survey and arboriculture Impact Assessment have been implemented in full. The mitigation measures shall be retained in full during the construction phase of each respective phase of development.
20 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.
21 No development shall take place until details of laying out, timetable for provision and maintenance of the area shown on the approved plans for Public Open Space have been submitted to and approved in writing by the Local Planning Authority. The layout details submitted under planning condition 1 (layout) shall define the boundaries of the Public Open Space areas, their intended use, any items of equipment, means of enclosure and all other structures to be installed. The scheme shall also include details of dedicated dog walking routes and 'off lead' dog walking areas. The development shall be carried out in accordance with the approved details.
22 Prior to the occupation of any of the dwellings hereby approved, a strategy for the provision of the highest available headline speed of broadband provision for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for delivery of 'superfast broadband' (defined as having a headline access speed in excess of 24Mb or more). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local

Planning Authority that technological advances for the provision of a new broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.
23 Prior to the commencement of any phase of the approved development, a scheme detailing the physical works and a timetable to provide a minimum of at least 10% of the total energy demand from the development comprising renewable or low carbon energy generation on site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation of each respective phase, and retained so in perpetuity.
24 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a scheme of mitigation in order to restrict the potential for vehicle parking in the vicinity of the proposed eastern access onto Summer Lane. Such approved measures shall be implemented in accordance with the approved details and retained thereafter.
25 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed car parking spaces associated with each dwelling. Such approved spaces shall thereafter be retained at all times for their designated use.
26 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a schedule of materials and finishes to be used in the external walls and roofs of the buildings. A 'statement of detail' shall be submitted setting out details of the proposed windows and doors, details of depths of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of detail' as approved shall be used in the construction of the buildings.

Progress made on those matters subject to informatives/planning obligations P/58/15 OUT

Informative/obligation	Progress
INFORMATIVE: Condition 24 - The requirement under condition 24 is for the developer to submit mitigation details to be considered in the event that a Traffic Regulation Order is not successfully implemented.	Unknown
INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer [REDACTED] in order to commence this process.	Unknown
INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader ([REDACTED]) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.	Unknown
INFORMATIVE: The implication of effective ground protection must be achieved before any construction works commences to protect the given RPA. Again the local planning authority arboricultural officer must check this protection before the construction works commences.	Unknown
Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDs or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's engineers.	The extent to which this can or will be enforced is in doubt given the existence of and conflict with other conditions on the consent. However progress with same is unknown in any case.
INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW ([REDACTED]) or www.southernwater.co.uk	Unknown
INFORMATIVE: The development layout should not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site has been submitted to the Council. No construction is permitted, which	Unknown

will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent the site in order to ensure the responsibilities as required under the Land Drainage Act 1991, and amended by the Flood Water Management Act 2010, can be fulfilled.	
INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement which includes the following provisions: agreement which includes the following provisions: AFFORDABLE HOUSING 27 units comprising 19 social rented (70%) and 8 intermediate (30%) split between: - 7no 1 bed (social rented); - 12no 2bed (social rented); and - 8no 2 bed (intermediate). PUBLIC OPEN SPACE AND ECOLOGICAL ENHANCEMENT/MITIGATION An area of Public Open Space (POS) comprising a total area of 2.57ha including on-site play area provision. This will be subject to a management regime and a mechanism to potentially hand over the land to the south of Summer Lane to the Parish Council. Pagham Area of Natural Open Green Space (ANOGS) - A contribution of £114,750, equating to £1,275 per dwelling, is to be provided in order to mitigate the potential impacts on Pagham Harbour SPA. The site lies within 'Zone B' (between 400m and 5km) of the SPA. Mitigation shall include contribution to the employment of a full time warden, dog project, additional signage and interpretation material and future monitoring. WSCC INFRASTRUCTURE CONTRIBUTIONS Primary Education - £215,644; Secondary Education - £232,083; 6th Form Education - £54,369; Libraries - £23,634; Fire and Rescue - £2,144; and Fire Hydrants - on-site requirement for 3. OTHER Works to facilitate a link between the application site and the Orchard Homes development site on the proviso that planning permission is granted for planning application P/125/14/PL: (a) grant a pedestrian right of way via a footpath to the application boundary, subject to the Council procuring a Compulsory Purchase Order (CPO) for crossing the ditch; (b) provide a footpath between the end of the proposed road layout and the ditch, subject to the Council procuring a CPO for crossing the ditch; and (c) grant construction access rights for the Council to use the site access road for construction access, subject to the Council procuring a CPO for crossing the ditch.	<i>This list does not match the original S106 which is in any case of dubious legality/enforceability and the Deed of Variation to same granted under P/52/19/PO is equally of dubious legality/enforceability Notwithstanding the foregoing progress with delivery of the Obligations is unknown</i>

Progress made on the discharge of conditions imposed on P/70/19/RES

(Included for completeness because even if such conditions were discharged any undischarged conditions on the OPP granted under P/58/15 OUT would remain applicable because any permission granted under P/70/19 RES is not a planning permission to develop the site and does not and cannot replace that planning permission or the applicants responsibility to comply with its terms and conditions)

See discharge applications made under Council references P/37/20/DOC, P/38/20/DOC, P/46/20/PL and P/62/20/DOC as detailed under **Planning History** above.

Possible/alleged Breaches of Planning Control at the site

(There is evidence on the files that the developer applicant has commenced work on the site and local residents have been vocal in raising concerns about those works although there seems to be some doubt about who undertook some of those works (current applicant or a previous owner)

Removal of Hedgerow protected by conditions and possibly under the Hedgerow Regulations 1997

Unauthorised works to Drainage ditches resulting in harm to protected trees

Unauthorised ground and clearance works resulting in harm to the ecology interests and protected trees on the site

Work undertaken outside of authorised hours/contrary to construction management restrictions

Recommendations

NS/PC/DH/JH have raised all the concerns set out in this report and others with the ADC Case Officer and his managers (NS/DH/JH can advise) but no satisfactory answers have been received to date and unauthorised site works seem to be continuing and ADC Officers show no alacrity to investigate, take appropriate action or respond to correspondence.

Therefore the Committee is asked to:

1. endorse the action taken to date
2. send this report to ADC and formally request that ADC Officers pursue the following in accordance with the relevant PPG at ID: 17b-001-20140306 *Responding to suspected breaches of planning control*:
 - a. review the case and the concerns raised and provide a written response/explanation to Pagham Parish Council as a matter of urgency
 - b. investigate the alleged breaches of planning control as a matter of urgency
 - c. advise the owner that any works on the site undertaken without the express approval of ADC pending the outcome of that investigation may result in enforcement action and/or prosecution by way of breach of condition notices and/or for unauthorised works to protected trees/hedgerows
 - d. Give consideration to the service of a stop notice in the event that the above does not bring about a cessation of unauthorised works on the site pending the receipt of the relevant approvals sought