

From: Raymond Cole <Raymond.Cole@arun.gov.uk>

Sent: 23 July 2020 14:29

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

Subject: FW: P/67/20/DOC - Land North of Sefter Road & 80 Rose Green Road Pagham Bognor Regis

Please could you upload the e-mail below to the application folder P/67/20/DOC as a representation letter?

Thank you

Raymond Cole

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From: paul collins [REDACTED]

Sent: 23 July 2020 13:38

To: Raymond Cole <Raymond.Cole@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>

Subject: P/67/20/DOC - Land North of Sefter Road & 80 Rose Green Road Pagham Bognor Regis

Dear Mr Cole

I have noted the submission of this application on 17 July 2020 and wish to make the following preliminary comments in advance of more formal representations by the due date as I believe that they may assist ADC Officers to determine the application correctly.

The application has been registered with a Decision by date of 11 September 2020 being 9 weeks from the validation date of the validation date of 17 July 2020. This is incorrect as where the LPA is determining an application for approval required by a condition imposed on planning permission for EIA development (as is the case here) which must be obtained before all or part of the development may be begun, the period is 16 weeks. (*Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and regulation 68 of the Town and Country Planning (Environmental Impact Assessment) Regulations and PPG Paragraph: 034 Reference ID: 21a-034-20190723 Revision date: 23 07 2019*).

Therefore can I suggest that you arrange for the application to be advertised with the correct decision by date so that the public are not misled.

I also take this opportunity to remind you of the statutory duty on ADC to formally notify Pagham Parish Council on the application in accordance with Schedule 1, paragraph 8, of the Town and Country Planning Act 1990 and article 25 and 25A of the Development Management Procedure Order and that the duty for PPC to respond to such notifications within 21 days runs from the date that they receive the notification in the form prescribed.

Therefore can I suggest that you also arrange for PPC to be notified in the prescribed manner

I note that the site benefits from an Outline PP under P/134/16 OUT and that this application has been made following the refusal under delegated powers of P/24/20 RES being reserved matters pursuant to that OPP and the refusal to discharge Conditions 9,15,28,32, and 33 pursuant to that OPP under P/40/20 DOC.

The applicant has not to my knowledge lodged an appeal against either decision nor have they indicated their intention to do so. Please could you confirm that this is the case

The application made to discharge condition 15 was refused by officers for the following reason:

The Ecological Protection and Enhancement Plan dated 27 February 2020 contains plans (3697/EPEP2 Ecological Protection Measures, 3697/EPEP3 Reptile Mitigation Plan and 3697/EPEP4 Ecological Enhancement Measures) that are required to be read in conjunction with and based upon a Planning Layout (CB_84_139_001) that is considered unacceptable to the local planning authority and has been refused on an application for approval of reserved matters (P/24/20/RES).

I also note from the applicants agents covering letter dated 10 July 2020 that the application made relates to the refusal to discharge condition 15 only and that its submission was allegedly supported "in principle" by ADC Officers but that the only change made to that application refused under P/40/20 DOC seems to be the deletion of a detailed layout and its replacement with "a high level layout" but that the Ecological Protection & Enhancement Plan nonetheless remains the same and is based upon the Planning Layout (CB_84_139_001) refused under P/24/20 RES and for that matter the same out of date protected species surveys conducted on behalf of the applicant 2014 – 2016 as allegedly updated in December 2019 (No evidence or outcomes of such survey work is provided with the application) **Is this correct?**

Therefore it seems to me to be appropriate to remind ADC that where an applicant is unable to demonstrate that an outline planning permission can be satisfactorily implemented by way of applications to discharge reserved matters and/or pre commencement conditions the right and proper course of action is to either submit an application under S73 of the act to vary some or all of the pre commencement conditions (recognising that such an application may not be made in respect of reserved matters) or to submit a fresh application for planning

permission to develop the site. (See for example PPG Use of planning conditions ID: 21a-001-20140306) rather than submitting thinly veiled repeat applications with no attempt to alter or address the reasons for previous refusals.

In this regard I highlight the principles relating to dealing with repeat applications at PPG ID: 14-058-20140306 and in particular Paragraph 58 which states : *The purpose of these powers is to inhibit the use of 'repeat' applications that the local planning authority believes are submitted with the intention of, over time, wearing down opposition to proposed developments.*

As stated these are preliminary comments designed to assist officers at this early stage with the determination of the application and are made without prejudice to later representations that I or Pagham Parish Council may or may not make in due course.

Please place this e mail on the file for future reference if required

Paul Collins BA (Hons) DipTP

