

[REDACTED]

From: [REDACTED]
Sent: 16 January 2019 15:00
To: Neil Crowther; Karl Roberts; Dawn Hall; Ash Patel [REDACTED] Liz Futchter; Planning.Responses;
Cllr. Richard Bower
Cc: paul collins; Peter Atkins
Subject: FW: P/6/17 OUT - Land North of Hook Lane Pagham

Dear Mr Crowther

Your e mail below has been forwarded to me by Mr Collins.

My Council was notified by way of an e mailed letter dated 11 January that the above application deferred at a previous meeting held on 13 November 2018 is due to be reconsidered at the Development Control Committee meeting on 23 January 2019 but that no further public speaking will be allowed at the meeting.

Having read the Officers report my Council notes that the recommendation in the Officers report is: That planning permission is granted conditionally (33 Conditions and 3 In formatives) subject to the completion of the S106 agreement; and that authority is delegated to the Group Head of Planning in association with the Chairman and Vice-Chairman of the Development Control Committee to make amendments to the S106 agreement which are substantially in accordance with the heads of terms and that the below additional Condition was missed off from the original recommendation report and should be included with the approval

No part of the development shall be first occupied until plans and details of the proposed pedestrian and cyclist access points have been submitted to and approved in writing by the Local Planning Authority. The approved access points shall thereafter be constructed in accordance with a phasing plan or timetable as may be agreed with the Local Planning Authority.

Firstly on behalf of the many residents of Pagham who have made representations my Parish Council requests that you provide them with a written explanation as to why the Council is denying them their right to access public speaking in respect of this application as granted under the Council's constitution.

Secondly I understand that neither the Council's Constitution nor the Officers scheme of delegation provide for any such delegation of decision making by the Development Control Committee or the finalisation/signing of S106 Agreements in the terms recommended by officers and that any changes to the Officers scheme of delegation are matters for the Full Council to consider and decide upon and not the Development Control Committee or for that matter the DCC Chairman and Vice Chairman.

Thirdly you will be aware that access is the only matter included within this application for determination by the Committee and that as identified in the Independent Road Safety Audit (Paragraph 2.2 - Seen for the first time by my Council on 14 January 2019) alterations have been made to the proposed access arrangements forming part of the application since it was submitted but not notified to us.

PPC also notes that West Sussex County Council Highway Authority (as the relevant Statutory Consultee) does not appear to have been consulted with regard to those alterations or the now submitted Independent Road Safety Audit or that if they have their response is not recorded on the file or in the Officers report. It is also noted that the

additional condition now recommended has the effect of reserving pedestrian and cyclist access points (being aspects of access as defined in Article 2 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015 forming part of the development for which the application was made) for subsequent approval. This is in direct conflict with relevant Planning Practice Guidance at Paragraph: 005 Reference ID: 21a-005-20140306 under the heading Are there any circumstances where planning conditions should not be used? . (This states "Where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only").

Given your e mail I must now request that Arun District Council complies with its statutory duty by a) sending a copy of these alterations to the council; or (b)informing the council in writing of their general effect and providing us with the statutory 21 day period to enable us to consider these alterations and make our representations.

However, in the meantime please note that Pagham Parish Council will not be able to provide our representations in advance of the meeting on 23 January 2019 but will provide those representations before the expiry of the requisite 21 day period with a request that our representations when made are duly considered by the Council's DCC before the application is determined by your authority.

In view of the foregoing and Arun District Council's statutory duty to consider my Council's representations before determining this application you may consider it prudent to defer any consideration of this application by the Development Control Committee until Officers are in a position to properly consider those representations, report same to your Committee and the Committee is then able to properly take them into account when determining the application but this is a matter for you to consider.

Best wishes

[REDACTED]
Nicola Swann
Clerk & RFO
Pagham Parish Council
[REDACTED]

From: Neil Crowther [<mailto:Neil.Crowther@arun.gov.uk>]
Sent: Tuesday, January 15, 2019 12:59 PM
To: [REDACTED]
Subject: RE: P/6/17 OUT - Land North of Hook Lane Pagham

Mr Collins,

Following this request, I can confirm that Pagham Parish Council will be notified of any future amendments to this planning application.

Regards, Neil

Neil Crowther | Group Head of Planning, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37839 | External: +44 (0) 1903 737839 | E-mail: neil.crowther@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: [REDACTED]
Sent: 08 January 2019 12:49
To: Karl Roberts; Neil Crowther; David Easton
Cc: Planning.Responses; Cllr. Dawn Hall; Cllr. Ashvin Patel
Subject: P/6/17 OUT - Land North of Hook Lane Pagham

Dear All

As you are aware this application was submitted to Arun District Council on 18/1/17, validated by the Council on 24/1/17 and Pagham Parish Council (PPC) were given information in relation to the submitted application pursuant to the requirements under paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b) on 25/1/17. However no further information has been provided to PPC by Arun District Council pursuant to those requirements since that date. In particular PPC has not been notified of any alterations made to the application since it was accepted as being valid by the authority on 24 January 2017.

However for the avoidance of any doubt please take this E mail as formal written confirmation pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b) that PPC wishes to be notified of any alteration to this application accepted by the authority since the date of its submission and that PPC considers that your authority will comply with your duty to notify PPC of any such alterations by—
(a)sending a copy of the alteration to the council; or (b)informing the council in writing of its general effect.

Please also take notice that in accordance with Article 25 1) and 2) The Town and Country Planning (Development Management Procedure) (England) Order 2015 PPC do propose to make representations about the manner in which the application should be determined and will make those representations within 21 days of the date that the requisite written notification of the alterations made to the application since it was submitted is provided by Arun District Council. In the meantime PPC understands that your authority must not determine the application before—
(a) the council of the parish inform them that they do not propose to make any representations; (b) representations are made by the council; or
(c) the period of 21 days mentioned in paragraph (1) has elapsed.

Please acknowledge receipt of this e mail and confirm your intentions with regard to the statutory duties specified.

Paul Collins BA (Hons) DipTP MRTPI



Chartered Town Planner

<http://www.arun.gov.uk>

DX 57406 Littlehampton

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