

Arun District Council
The Arun Civic Centre
Planning Dept
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

PDW/20023

08 June 2021

Dear Sirs,

Approval of details reserved by condition imposed under ref P/140/16/OUT relating to Condition No 6 - design code masterplan Location: Land South Of Summer Lane & West Of Pagham Road Pagham -- LA Ref P/83/21/DOC.

On behalf of our client, Domusea Ltd we are writing **to object** to the above application. Domusea has an interest in land at Church Barton Farm which was granted outline consent on 05 September 2019 under LA Ref P/25/17/OUT for the erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works. The land at Church Barton Farm immediately adjoins the land the subject of this Discharge of Condition Application and the proposed Design Code masterplan submitted to discharge condition 6 will prevent the delivery of a comprehensive development across both sites. The Design Code fails to reflect the agreed plans approved at outline stage for P/140/16/OUT showing connectivity between both sites and does not reflect the objectives of the Illustrative Master Plan, the Density Plan, the Development Framework Plan, the Internal Movement Strategy Plan all referred to in the condition.

The Need for a Comprehensive Development

Both outline applications P/140/16/OUT and P/25/17/OUT were granted consent because the Council accepted that the illustrative masterplans submitted in support of them would deliver a comprehensive development. This is an overriding policy requirement of Local Plan policy HSP2 which states that development proposals within the Strategic Site Allocations must be comprehensively planned, should have regard to a masterplan endorsed by the Council for the respective areas, incorporates a high-quality imaginative design and gives a sense of place.

Condition 6 of Outline P/140/16/OUT

The Design Code has been submitted to discharge Condition 6 which states:

Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed

proposals will reflect the objectives of the:

- **Illustrative Masterplan (Dwg No. DLA.1731.L003.05 Rev F);**
- **Design and Access Statement (DLA.1731.DAS.RPT.02.PLANNING ISSUE);**
- **Density Plan (DLA.1731.L003.07 Rev B);**
- **Storeys Parameter Plan (DLA.1731.L003.10);**
- **Development Framework Plan (DLA.1731.L003.02 Rev B); and**
- **Internal Movement Strategy (DLA.1731.L003.12 Rev B).**

The Design Code masterplan does not reflect the objectives of the Illustrative Master Plan, the Density Plan, the Development Framework Plan or the Internal Movement Strategy Plan all referred to in the condition. They all show two road and footpath connections into Church Barton Farm but these are all absent from the Design Code. The Wider Development Framework Plan 1731.L003.15 actually shows the consented Church Barton Farm application land with road connections into 3 proposed residential blocks. All the Design Code is intended to do is provide further details on matters such as character areas, street hierarchy building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. Instead by deleting the intended vehicular and pedestrian connectivity shown at outline stage it is now in conflict with Local Plan policy H SP2 because it is no longer able to deliver the comprehensive master planning requirements of the policy.

Of course, as the Design Code omits any connectivity with the land at Church Barton Farm, there will be reciprocal conflicts with our clients agreed Masterplan TSP591 FS06 Rev C for that as well. Therefore, if the Design Code is approved as submitted, it will mean that development hereby permitted for P/25/17/OUT will not be able to be carried out in accordance with the approved plans as it would be in breach of its own Condition 3 as well. It simply cannot be right that the Design Code not only prejudices delivery of the agreed layout for P/140/16/OUT but also the agreed layout for my clients approved application P/25/17/OUT.

It is disappointing that all these fundamental shortcomings in the submitted Design Code could easily have been remedied if, as your Council requested as long ago as 2020, the applicant for P/140/16 had contacted Domusea to jointly agree a way forward. Our client has also asked us to remind you that representatives for Foreman Homes and Hanbury Properties were minuted at the last Pagham Advisory meeting on 30 March 2021 saying they would engage with Domusea to discuss the Design Code master planning but to date, there has been no communication whatsoever.

That aside, your officers will be very familiar with Paragraph: 005 Reference ID: 21a-005-20190723 of the Planning Practice Guidance which provides guidance on the proper use of planning conditions in planning applications. It is clear that where details have been submitted as part of an outline application, the guidance states 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 illustrative purposes only.

The only application plan for P/140/16/OUT that could possibly fall within this definition would be the Illustrative Master Plan. However, the other Plans listed in Condition 6 comprising the Density Plan, the Development Framework Plan and the Internal Movement Strategy Plan also show connections to Church Barton Farm and are not annotated as illustrative. Therefore, even if the applicant wanted to make a case that the masterplan should not be relied on, the other plans forming part of the development for which the application was made show the connections to Church Barton Farm, and to use the Design Code to circumvent this and deny prospects for a comprehensive development would be in conflict with Local Plan policy H SP2 anyway.

For all these reasons the application to discharge condition 6 of application P/140/16/OUT with the submitted Design code **should be refused permission** and the applicant requested to submit a fresh Design Code that reflects the plans agreed at outline stage to allow the delivery of a comprehensive development all in accordance with policy.

Yours faithfully
for Smith Simmons & Partners



Paul White
Director of Planning