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[REDACTED]

From: paul collins [REDACTED]
Sent: 03 March 2021 16:08
To: Simon Davis <Simon.Davis@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>
[REDACTED]

Subject: P/97/20 PL - Land To North Of Summer Lane Pagham PO21 4NG

Mr Davis

I write so as to highlight a number of important procedural errors relating to this application which unless corrected prior to decision would result in an unlawful decision (refuse or approve) being made:

- The application is described as being for '*Residential development of 36 No. dwellings (net increase of 15 over current consent P/70/19/RES) including affordable housing (additional 5 units) with associated access, parking & landscaping*'.

This is incorrect. The only planning permission relating to the site is that granted under ADC Ref: P/58/15 OUT and P/70/19 RES is a Reserved matters approval for the (a) Layout; (b) Scale; (c) Appearance; and (d) Landscaping reserved for later approval by condition 1 on that OPP.

The OPP granted under P/58/15 OUT was for the erection of 90 No. dwellings with associated access & open space and condition 4 of the OPP granted states: *The development hereby permitted shall be limited to no more than 90 dwellings and the reserved matters submitted pursuant to condition no1 shall generally accord with the principles shown on the drawing entitled 'Block Plan* so that the reserved matters approved under P/70/19 RES show a)Layout; (b) Scale; (c) Appearance; and (d) Landscaping details for 90 dwellings and does not consent anything else.

Therefore this application is an application for full planning permission to erect 105 dwellings on the site of P/58/15 OUT (including affordable housing) with associated access, parking and landscaping and is not as described.

- The application is supported by a completed certificate A which claims that the applicant has a freehold land interest in the land site edged red on the submitted Location Plan which includes parts of Footpath/Bridleway 100 also known as Summer Lane and there is clear evidence on the file that demonstrates that the applicant does not have (or is unable to demonstrate) a Freehold interest in Summer Lane as stated in the certificate and the Council is, therefore unable to entertain the application. Certificate B needs to be provided and an ARTICLE 13 Notice needs to be served on all those who do have a Freehold interest in that land and the location plan needs to be altered so that it includes all the land necessary to develop the site with 105 dwellings as now proposed .
- A substitute Block plan dated 8/2/2021 has been submitted with a red edge that excludes Summer Lane, conflicts with the location plan and excludes the land required to access the development as originally proposed and as stated in the supporting Transport Statement and also does not match or include all the site edged red in respect of P/58/15 OUT either so that its status is unknown.
- Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) requires that this application is accompanied by a Design and Access Statement containing the information prescribed and this application is not accompanied by any such statement.
- P/58/15 Out was granted subject to a S106 Agreement and an associated DOV and these have not been complied with to date and may not be altered by way of this application as these relate to the whole site subject to that OPP for 90 dwellings and this application only relates to part of that site.

It seems to me that these procedural errors are fatal to this application because addressing same prior to a decision as is required would mean and require changes that affect the validity of the application submitted and/or would involve changes that are so significant as to materially alter the proposal such that a new application should be submitted. (See PPG Paragraphs 060/061 ID: 14-061-20140306).

I appreciate and understand that Officers may choose to disregard or ignore these representations but I thought it only fair and appropriate to bring these to their attention now as forewarned is forearmed.

Please place these representations on the file and make reference to same if and when any Officers report is compiled for the DCC.

Thank you

Paul Collins BA (Hons) DipTP

