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From: paul collins [REDACTED]

Sent: 01 October 2018 19:25

To: Simon Davis; Neil Crowther

[REDACTED] 'Jez Donovan'; Cllr. Richard Bower; Cllr. John Charles; Cllr. Stephen Haymes; Cllr. Derek Ambler

Subject: Y/44/17 OUT Stakers Farm

Dear Mr Davis

I refer to my earlier representations and the e mail you have received from Mr Barker dated 26 September 2018 and ask you to note the following factual matters for your Committee report if and when you come to write it.

The description of the application currently reads as follows:

"Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access (access to be achieved via permitted road (reference Y/93/14/OUT))" all matters (appearance, landscaping, layout and scale) except for access are reserved and all plans other than the location plan relating to the reserved matters are indicative and do not form part of the application.

There was and never was any road permitted under Council reference Y/93/14/OUT because that application was also made in outline with all matters except for access reserved and it has now expired without being implemented in any case.

Furthermore the application does not seek permission for any expansion of the Yapton Primary school and any such expansion will decrease the amount of POS proposed to a level below that which is required by way of adopted ADLP Policy for a development of 70 dwellings .

I also note that the only two statutory consultees under The Town and Country Planning (Development Management Procedure) (England) Order 2015 in this case were WSCC as the relevant Highway Authority and Highways England and that both consultees commented well before such changes were made. .

Therefore, contrary to the advice you have received from Mr Barker, in a case of an application where all matters except for access are reserved and having regard to planning practice guidance (Paragraph: 061 Reference ID: 14-061-20140306 and Paragraph: 012 Reference ID: 21a-012-20140306) it seems to me that the LPA should address such changes which modify the application in such a way as to make it substantially different from that set out in the application by inviting the applicant to withdraw the current application and make a fresh application as the use of conditions seeking to modify the development should not be used and would be unenforceable if they were.

Turning to the S106 Agreement under negotiation you will be aware that Planning obligations may only constitute a reason for granting planning permission if they meet the statutory and policy tests set out in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework and where they do not and also seek contributions in conflict with the relevant pooling restrictions they would, even if agreed, be unlawful and unenforceable. As you are aware given the current absence of a Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List any development that is approved without a lawful/enforceable S106 would, if approved, be allowed to proceed without addressing necessary infrastructure requirements contrary to ADLP Policies H SP1 and its supporting text at 12.1.12 and INF 1 and the related infrastructure development plan.

Finally in addition to the self-explanatory conflicts with the relevant development plan policies and the lack of any material circumstances to depart from same that I have highlighted previously, you may also like to take some advice on the application of the "*Wednesbury principles*" to the manner in which the Council seems to be proceeding with its consideration of this case.

Please place this representation on your file for future reference as necessary.

Thank you

Paul Collins BA (Hons) DipTP

