

[REDACTED]

From: Simon Davis
Sent: 18 December 2018 14:17
To: Planning Scanning
Subject: FW: Application Ref: Y/44/17/OUT, Y/91/17OUT, Y/92/17 OUT and Y/88/18 OUT

Application correspondence ref Y/44/17/OUT

From: paul collins [REDACTED]
Sent: 18 December 2018 13:22
To: Simon Davis [REDACTED]
Cc: Neil Crowther [REDACTED]; David Easton [REDACTED] Cllr. Stephen Haymes
<[REDACTED]> Planning.Responses
[REDACTED]
Subject: RE: Application Ref: Y/44/17/OUT, Y/91/17OUT, Y/92/17 OUT and Y/88/18 OUT

Mr Davis

Thank you for the clarification.

For the files please note the following with regard to Y/44/17 OUT:

- Conditions 4 – 27 inclusive imposed on the OPP granted (as worded) fail the relevant tests set out in the relevant PPG and are therefore unenforceable.
- Conditions 7-12 inclusive are also pre- commencement conditions which have been imposed contrary to the provisions of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and are therefore unlawful and unenforceable for this reason as well.
- The S106 is unlawful and unenforceable a) because it contains obligations that are not in accordance with the relevant CIL 123 tests, b) imposes obligations for development which do not form part of the application to which it relates c) has not been signed by all parties with an interest in parts of the land to which it relates (Those benefitting from the overage clause and Highways England) and d) specifies parties (who are not signatories) other than ADC as the LPA by whom some of the obligations are enforceable

This being so the OPP granted cannot be implemented as intended and further applications and S106 will need to be submitted/approved/agreed to allow for implementation so no other applicant can rely on implementation of same in support of their applications.

Can I suggest that Officers take the time to review their procedures and practices based on independent legal advice early in the New Year so that this unfortunate position can be avoided when dealing with outstanding applications in the future.

Thanks

Paul Collins BA (Hons) DipTP MRTPI
[REDACTED]



From: Simon Davis [REDACTED]
Sent: Friday, December 14, 2018 4:04 PM
To: 'paul collins' [REDACTED]
Cc: Neil Crowther [REDACTED]
Subject: RE: Application Ref: Y/44/17/OUT and Y/88/18 OUT

Dear Mr Collins,

I apologise for the incorrect date on the Decision. We are not sure why that date had been inputted on the decision screen but this has now been rectified and a corrected decision notice has been issued to the applicant and is on our website. We have also now uploaded the complete S.106 Agreement.

As regards your concerns in respect of land ownership and Y/88/18/OUT, I will seek a response from the applicant via their agent.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Save the environment - think before you print.

From: paul collins [REDACTED]
Sent: 14 December 2018 15:16
To: Planning.Responses [REDACTED]
Cc: Neil Crowther [REDACTED]; Simon Davis [REDACTED]
Subject: RE: Application Ref: Y/44/17/OUT and Y/88/18 OUT

Dear All

Thank you for the notification.

I note that application Y/44/17 OUT was considered by the DCC on 14/11/18 and that the minutes record that the DCC resolved that:

The application be approved as detailed in the report subject to satisfactory completion and signing of the Section 106 Agreement.

However I also note that the decision notice now issued is dated 2/11/18 (12 days before the DCC) and that there is no evidence on the file that the S106 Agreement has been satisfactorily completed and signed.

Can you explain please as the above seems to be an unlawful process.

Also I note that the site edged red on the location plan for Y/44/17 OUT includes land now subject to application Y/88/18 OUT.

As you know (I brought it to your attention) the agents for Y/44/17 OUT previously indicated that the site (ALL OF IT) was owned by a number of individuals so it must be assumed that any related S106 (if it has been completed and signed) will have been signed by those landowners and yet I now note that the same agents for application Y/88/18 OUT (which includes the same land within its site) have now completed an ownership certificate which implies that the site was not owned by anyone other than "Pibworth Holdings Ltd" and WSCC Highways 21 days before the date of that application (i.e. on 23/10/18)

Once again can you explain please as any S106 that may have been completed and signed in respect of Y/44/17 OUT will not of course be lawful or enforceable if not signed by the correct landowners of all the site to which it relates.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: [REDACTED]
Sent: Friday, December 14, 2018 2:19 PM
To: [REDACTED]
Subject: Please find attached details of Planning decision on Application Ref: Y/44/17/OUT

To: Mr Collins

**NOTIFICATION FROM ARUN DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990**

APPLICATION NO: Y/44/17/OUT

Site Address: Land at Stakers Farm North End Road Yapton

Grid Reference:

Category: Plan Applicat'n

Description of Works: Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access . This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings

I refer to your representations in connection with this proposal and am able to inform you that after careful consideration by the Council a decision has been made.

[Click here to view the decision](#)

The officer who dealt with this application was Mr S Davis who can be contacted on telephone number [REDACTED]

Thank you for your interest

<http://www.arun.gov.uk>
DX 57406 Littlehampton

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