49 The Meadway
Shoreham-by-Sea
West Sussex
BN43 5RN

18/03/2025

The Planning Inspectorate
C Eagle 3rd Floor
Temple Quay House
2 The Square
Bristol
BS1 6PN

Appeal - 51 & 51A Old Fort Road BN43 5RL Ref. APP/Y3805/W/25/3359461

Dear Caroline Harvey

I wish to make further representations regarding the above appeal to clarify facts and to provide focus to our previous representations regarding the application for variation of planning conditions.

A little context:

At the time of the original application the applicant was an Adur Councillor on the Planning Committee.

He was obviously compelled to recuse himself whilst the application was dealt with at the planning Committee meeting, the Chairman had to specifically ask him to leave the room. Surprisingly there were unusually glowing endorsements of the project made by one Councillor on the committee in particular, who also dominated questions.

This whole application became a case of a Planning Committee member gaming the system by virtue of their privileged position and the inside knowledge that brings.

The process included numerous applications, private deals, and then amendments, and subsequently several applications for variation in an attempt to achieve what the applicant wanted all along, which the planners had reasonably and rightfully sought to restrict.

The development is the tallest in this stretch of the road, with the highest density of accommodation, achieved by jamming two disproportionally large properties on one small bungalow plot. Adur Council ignored their own guidance on amenity space, allowing for example a smaller rear garden, with the property closer to the northern boundary wall than guidance dictates. The front of the property also extends closer to the road than the property line established by adjacent properties.

Adur Planners and the Councillors on the Planning Committee were noticeably continually fearful of an appeal throughout, as Mr Collins openly used the threat of Appeal in his attempt to game the system from the beginning. Consequently, it is apparent that concessions were made in an attempt to appease Mr Collins, and guard against the possibility of appeal. These perverted the course and outcome of the application. There were multiple occasions when the planning committee chairs consulted with the Council Solicitor regarding this at the Planning Committee, and I also understand this continued outside of the meetings.

One instance, relating directly to this appeal, was when deciding whether to remove the restrictions 'non-habitable' and 'no sleeping accommodation'. There was a long private huddle between Planners, Chairman, Solicitor and others in the public meeting. Despite the application having been deferred to obtain clarification on the relevant points, there was no substantive new information and the fundamental questions relating to the application remained unanswered. A vote was called for despite not clarifying WSP's role and previous representations regarding standing water flood risks.

The Committee, subsequently decided to withdraw the 'non-habitable' condition without any sound basis for doing so, completely ignoring clear evidence from WSP's previous representations of 27/09/2024 (see below) this was on the basis that the Local Authority stated '... the Environment Agency trumps WSP' a point that the Environment Agency (EA) specifically clarifies is **not** the case in their representation 17/10/2024 (see below).

The Planners and Committee failed to comprehend that the Environment Agency explicitly told them that their remit was restricted to tidal flooding, and that WSP were responsible for ground (standing) water flooding. WSP representations illustrate that the Basement (optimistically called 'flexible room' by the applicant), is subject to potential flooding based on their model. Planners and the Chairman erroneously stated that the Environment Agency advice overruled that from WSP which is blatantly incorrect, see EA document referenced below.

It is also worth noting, as evidence of gaming the system, that the applicant marketed the properties as having 4 bedrooms (including the Basement) before they had even applied for the variations to remove the conditions preventing the basement from being used as a bedroom. The applicant and owner subsequently lied directly to the penultimate Committee Meeting about the misleading advertising. In fact, the Head of Planning had to intervene to have the false advertising taken down.

Misleading Appeal Application:

The following would be relatively small technical points, however they are indicative of the Applicant's wider behaviour and strategy:

Part A
Simplicity Projects (Simplicity Project Management Ltd) was compulsorily struck off the register by Companies House on 15/11/2016 and is therefore not a valid legal entity.

Neither Dave or Brenda Collins have resided at 51 or 51a Old fort road for at least 3 years since demolition commenced. They have not lived there since completions of the properties either. They continue to endeavour to obscure their current address. Surely they should list their current address on the Appeal document.

Part I – Certificate A
Mr Collins asserts that he is 'the owner of the land to which the appeal relates'. This is manifestly incorrect. In fact Mrs Collins is the sole owner of both properties.

In part J it would appear that the Applicant may not have furnished you with the following:

05.(c) List of all plans, drawings or documents upon which the LPA made their decision

07. Design & Access Statement

12. Shouldn't they have included 'the original permission with the condition attached'

Material Facts:

The following are 2 of numerous statements essentially providing the same information regarding flood risk which has been known about throughout most of the application process.

EA response to request for clarification 17/10/2024:

> '… Basement… shall not be used for sleeping accommodation…'
>
> 'The Town and Country Planning (Development Management Procedure) (England) Order 2015 came into force on 15 April 2015 and removed the Environment Agency as a statutory consultee in relation to surface water drainage.'

This means that EA are responsible for responses regarding Tidal Flooding, and WSP are responsible for responses regarding Standing Water Flooding.

WSP consultation response 27/09/2024:

> '… **the development is not safe for habitable accommodation within the basement** and is not in accordance with the NPPF and PPG.'
> (The author clearly wanted to emphasise this therefore they emboldened it as replicated here.)

I am aware that WSP eventually (17/10/2024) said that they agreed with EA, but that's meaningless in isolation, and does not explain the facts they provided in their immediately preceding (27/09/2024) representations together with their very significant concerns regarding ground water flooding. It's almost as if someone said to them 'just agree with EA so we can put this to bed'.

EA's comments are on the basis of EA's remit – Tidal Flooding. WSP need to make their own decision on the basis of their remit – Standing Water Flooding. At no point have the facts and assertive warning in the WSP letter of 27/09/2024 specifically been rescinded. They still appear valid.

This Appeal:

Appealing the removal of the 'no sleeping accommodation' is entirely vexatious as both relevant consultees, EA & WSP specifically state that the 'No Sleeping' restriction must be retained and the Adur Planners and Planning Committee have agreed all along, in order to protect future occupiers. Further, the applicant previously accepted this in order to obtain other concessions they were seeking at the time. There is no merit in revisiting this now.

To reinforce the need for this restriction we note that electrical wall sockets are at low level in the Basement, constituting a substantial hazard in the event of a flood, possibly incompatible with life.

Mr Collins assertion in his notes for his speech at the Planning Committee, dated 12/02/2025 on the Adur planning website, are clearly erroneous as WSP specifically state the development is not in accordance with NPPF and PPG in their response of 27/09/2024.

The models on which WSP base their advice still illustrate that the Basement is susceptible to ground water flooding. The architects drawings try to present the tanking as being rather higher than it really is by highlighting several spot heights whereas in fact the lowest point over which water will happily flow is 6.06 AOD at the external entrance to the Basement. Based on the Applicant's drawings and EA/WSP data, the ground level at the rear/side of the property is 5:28, when you add the WSP 30-90cm the potential defences to guard against ground water flooding would need to be at least 6.18 AOD which is 120mm above the lowest point of the tanking. A lot of water can flow very quickly over a gap that deep and 550mm wide.

Conclusion:

On the basis of the above, and the facts available to you, we therefore request that you uphold the ‘no sleeping accommodation’ condition.

We also specifically request that you reinstate the ‘non-habitable’ condition in the interests of the safety of all future owners and occupiers of the two properties on the basis of the erroneous decision making of the Planning Committee.

If you are unable to do this, perhaps because of limitations on your remit, we request you return the issue to the Adur Planning Committee with instructions to revisit the applicability of the restriction stating the clear facts above that they ignored.

We have been appalled at the handling of this planning application by the local authority, and would ourselves have appealed the original, and some subsequent, decisions had we had not been prevented from doing so by the intricacies of the planning system.

Thank you for your consideration.

Regards

Chris Grace