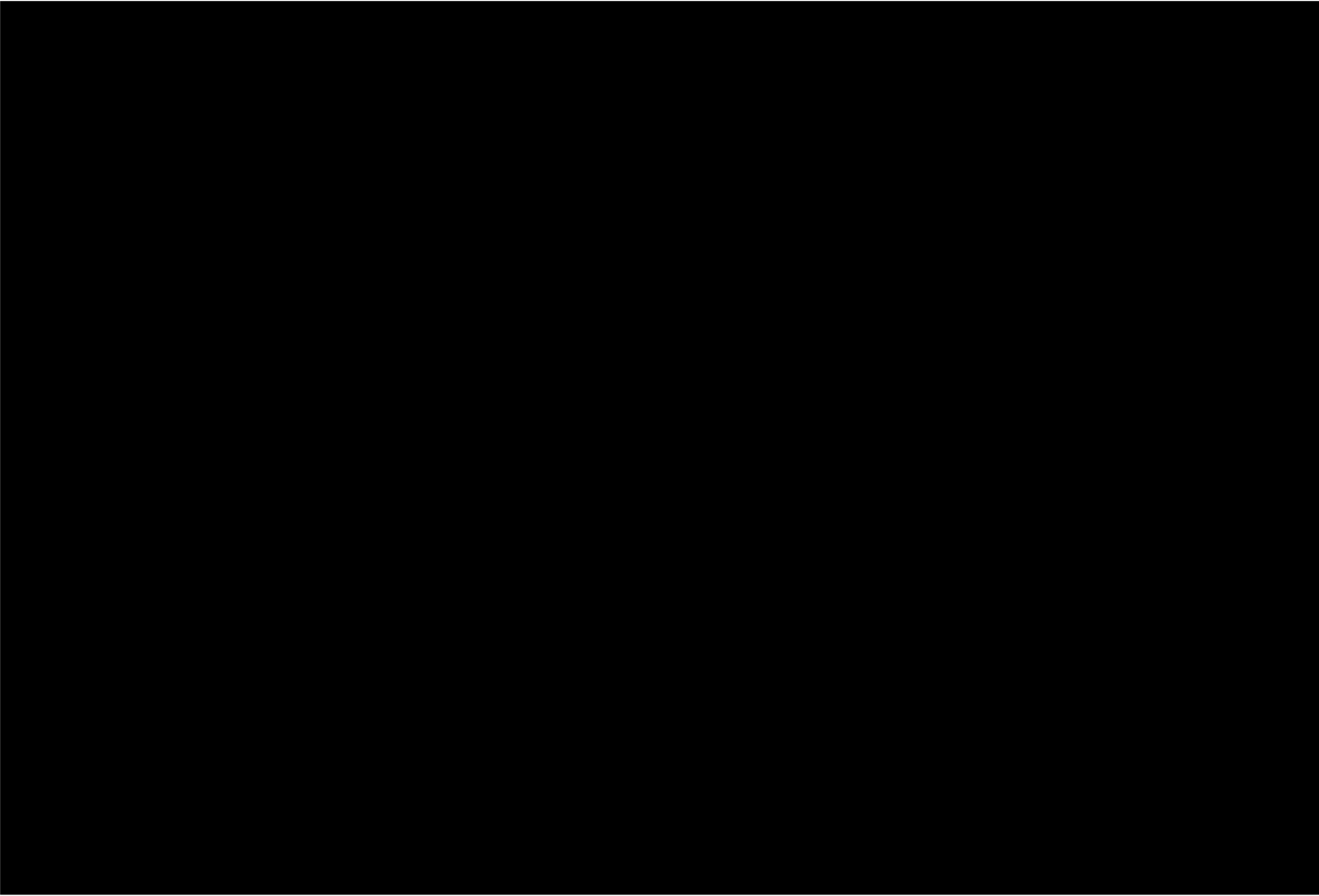




From: Adrian Burrows [REDACTED]
Sent: 28 November 2018 13:11
To: Juan Baeza; Anita Gardner
Subject: Fwd: aha ! Fitzalan rd

Begin forwarded message:

From: Adrian Burrows [REDACTED]
Subject: aha ! Fitzalan rd
Date: 28 November 2018 at 09:54:51 GMT
To: A.Burrows RPH [REDACTED]

Dear Juan,

I understand from your recent email to me that Anita will be collating her officer's report within the next 48 hours.

1. I remain deeply concerned that the highway officer still requires information and has raised concerns about :

- a) non existant visibility splays to south west along fitzalan rd;
- b). non existent turning areas for fire tender;

c). major concerns about the overall design due to lack of width on the access rd for passing vehicles resulting in vehicles reversing onto Fitzalan rd when meeting on coming residents egressing the site; and, d) lack of path from the pedestrian access into the town. The designed ped crossing is in a position away from the town which will result in pedestrians crossing in a misconceived and potentially dangerous location with almost no visibility splay.

2. The tree officer is yet to report on the recent information showing that the adjoining land contains trees under TPO which will be affected by the development- he was not aware of this when I spoke to him last week because the applicants' plans and their tree report fails to show the trees or RPA's etc (which of course they are obliged by statute to do).

3. The rights of light report continues to fail to show the closest window to the development (namely the window over the garage at Riverside house only 7 m from the site) and the applicants have now admitted the position of those buildings was incorrect so the whole report is a nonsense and completely incorrect.

4. Owners certificate: we now have considerable evidence that the application requires visibility splays that are over land to the south west which: firstly, are not outlined in red; and, secondly, the owners of the land were not issued an owner's certificate. On the evidence before us, the application is therefore completely invalid and the applicants have committed a criminal offence. AHA! have been alerting the LA to this issue since April 2018 and in early Oct 2018 we sent a comprehensive email stating the breaches, quoting the acts and providing the LA with the interpretation in law. Our concerns have now been confirmed by the Highways Authority and they have confirmed they are reporting to you. What is happening in this regard please?

It seems almost beyond belief that we find ourselves some 6 weeks since our substantive letter regarding this and only 48 hours before the officer's report being finished, in a position where we are all working on a potentially illegal application.

Please confirm what steps are the LA taking to report the applicants to the Courts for allegedly incorrectly submitting the owner's certificate, failing to amend the breaches (in spite of amending many other drawings and plans), and, recklessly and deliberately continuing to attempt to progress an apparently illegal application.

The LA has obviously incurred vast fees and costs in dealing with this application over the last 9 months, and, as rates payers, if it transpires that the application is ultra vires (as we believe it is), we respectfully request that the LA pursue the applicants for costs and damages (plus interest) in respect of the alleged illegal submission. AHA! is willing to be a party to the submission and will also seek costs and damages from the applicants.

Please confirm what urgent steps the LA are now taking?

You will appreciate that if the LA fail to take steps against the applicants (if the allegations are correct), it will be sending a message to all parties who deal with the LA, that Arun accept and allow false and misleading criminal submissions. On this basis, electoral registers, housing benefit applications and the like can all be incorrectly submitted to Arun and Arun takes no steps to enforce.

We look forward to hearing from you on this increasing urgent and important matter.



