

Juan Baeza

From: Eve Hearsey <[REDACTED]>
Sent: 12 October 2012 12:35
To: Juan Baeza
Cc: Nikolas Antoniou
Subject: Fw: AL/72/12

Dear Mr Baeza

Further to our telephone conversation this morning regarding my earlier email sent to you on 8th October (below), I write to again clarify some points that you said, which I believe were erroneous.

Cond. 2. I am pleased that you will be citing the most up to date plans in any approval given.

Cond. 3. The materials used on the Old Stables are clearly identified on the forms, and my understanding of case law has shown that whilst information given in a Design & Access statements are not binding, information given on submitted application forms are. Therefore I again say that this condition is not required.

Cond. 5. I am pleased to hear that you will be including the log, cycle and bin store within the condition, not just that it is technically correct, it will prevent the complaints from willful nearby neighbours that the building is not being used for the parking of vehicles.

Cond. 6. I am disappointed that you are not seeing sense on this condition. I reiterate that you go too far in taking this unit out from an **existing** permission, and thereby are treating this unit differently from the others.

I say existing, as from the conversation you seemed to be under the misapprehension that the building was an agricultural barn and therefore a change of use was being proposed.

This is not true. I draw to your attention the approval AL/92/08. If you look at the **approved** plans, the old stables were shown to be for storage only. This building was within the red edge of the application and therefore **part** of the application.

Further, Condition 11 of AL/92/08 states:-

'The permission relates to the plans as submitted and amended by substitute site plan dated 12 December 2008.

Reason. For the avoidance of doubt and to confirm, the redundant farm building, also referred to as stables, is to be retained for storage only.'

I therefore reiterate that the old stables are part of the existing tourist use granted under AL/92/08 and therefore this current application seeks to convert the said building from tourist storage into tourist accommodation. It is not a change of use.

I therefore believe the original condition on AL/92/08 (condition 10) should apply to any permission on this building for tourist accommodation.

Cond. 7. Finally I again draw to your attention that fact that the foul and surface drainage has already been undertaken on this site via the tourist accommodation approval AL/92/08 and the submitted plans on this current application, clearly identify, with a green line, the connections from the application site to the existing drainage system.

If you are still in any doubt, I would be pleased if you would re-consult the Council's Engineers before dc committee.

I would appreciate your early response to this email in order that I may prepare an up to date speech to the dc committee Members at dc committee.

Thank you in advance.

Yours sincerely

Eve Hearsey

Sent: Monday, October 08, 2012 5:02 PM
Subject: Fw: AL/72/12

Dear Mr Baeza

I have downloaded the dc committee report on Friday regarding the above application, and I note a few problems with the suggested conditions, which I feel I ought to draw to your attention in order for them to be amended before the dc committee.

Cond. 2. You requested in an email to me on the 24-09-12 for a plan identifying the proposed gate to the site. I duly sent the plan to you on the 27-09-12. However, this plan is not on the Councils web-site, nor is it referred to in the condition. For the avoidance of doubt, the plan number is 8034/01/R1.

I therefore conclude that it is this plan that should be referenced on the condition.

Cond. 3. 'No development shall be carried out.....construction of the building.' You are well aware that the Old Stables has already been converted and indeed because of this the submitted Design & Access Statement together with the submitted application forms, clearly state the materials used, namely Block & Render walls (both existing and used for the conversion). Also the roof which had an Asbestos covering was changed to Natural Slate. I therefore conclude that the imposition of this condition is not necessary.

Cond. 5. 'The proposed car port shall not be used for any purposes other than the parking of vehicles'.

I believe this condition should be amended as clearly, should you look at the plans, the car port also contains bins, cycle storage, and log storage.

May I therefore suggest a simple rewording of the condition to read:- **'The proposed car port shall not be used for any purposes other than that shown on the approved plans.'**

Which brings me to the necessity of such a condition in the first place, as the plans clearly identify the use of the car port, and to condition it is superfluous, as the plans become the approved plans once the application is approved (see condition 2).

I therefore conclude that the imposition of this condition is not necessary.

Cond. 6. The last sentence of this condition i.e. '.....The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local

● Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.'

This requirement is unacceptable and I would suggest ultra vires on behalf of the Local Planning Authority. Further, the condition goes further than the condition on the original permission AL/92/08. These stables were originally included within that earlier application, and indeed following on from the Engineers comments at that time, additional plans were submitted to show the entrance to the stable as per this application. However, the Local Planning Authority, for whatever reason, did not stamp those plans up as part of the application, and indeed on the advice of the Local Planning Authority, and indeed in order that the application should proceed with an approval the applicant did not raise any objections to the Local Planning Authority at that time. The application was subsequently approved.

Notwithstanding the history of the site, it is not clear why the Local Planning Authority are stretching the condition now. I reiterate that the other units do not have this as a requirement of their use.

Cond. 7. The condition imposed requires '....full details of the proposed surface water drainage scheme.....'

The reason cited for this condition is 'To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

I must point out that GEN7 makes no reference whatsoever to drainage requirements.

GEN9 states:- 'Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDs) as alternatives to conventional drainage where appropriate.'

A commendable policy. However, I put forward that the requirement of a condition to require surface and/or foul drainage would have been the requirement of any of the following:- the Environment Agency, Southern Water, or the Council's own Engineers.

All of which were consulted on the application and **none** of them requested such a condition.

Southern Water did however request an **Informative** regarding connection to the public sewer and that the Council's engineers be consulted concerning soakaways to dispose of surface water.

The submitted plans **do show the connection to the public sewer**, and despite the Council's Engineers being consulted on the application, they did not request any further information regarding the drainage than that submitted with the application.

I therefore conclude that the imposition of this condition is not necessary.

One additional matter I draw to your attention is the spelling mistake in the Informative giving southern waters web address.

I would be grateful if you would assess the above, with a view to amending and or deleting the conditions for the reasons given.

Yours sincerely

Eve Hearsey

