

From: Amanda Scholes on behalf of Planning.Responses
Sent: 22 May 2020 09:02
To: Planning Scanning
Subject: FW: BR/58/20/PL

Amanda Scholes | Receptionist, Department, Arun District Council | Location: Ground Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF



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From: Maria Tomalova
Sent: 21 May 2020 16:57
To: Planning.Responses
Subject: FW: BR/58/20/PL

Thank you.

Maria Tomalova | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF



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From: [REDACTED]
Sent: 21 May 2020 16:33
To: Maria Tomalova [REDACTED]
Subject: RE: BR/58/20/PL

Hi Maria

I am happy for you to amend the description to change to study rooms. This can be done without a new form. I agree to the description as follows

To change the approved plans for minor amendments to include changes to internal layouts to plots 2 and 5 to create study room at first floor, general minor internal layout changes to all plots and move position of windows.

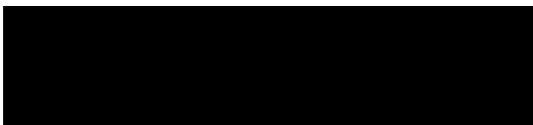
Regards

Philip Dudley
Director



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From: Maria Tomalova [REDACTED]
Sent: 21 May 2020 16:30
To: [REDACTED]
Subject: RE: BR/58/20/PL

Philip,

This is becoming a never ending storey;

Your description of development in application form:

To change the approved plans for minor amendments to include changes to internal layouts to plots 2 and 5 to create 3 bed dwellings, general minor internal layout changes to all plots and move position of windows.

It means new application form with study rooms matching plans.

Kind regards

Maria

Maria Tomalova | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF



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From [REDACTED]

Sent: 21 May 2020 15:14

To: Maria Tomalova [REDACTED]

Subject: RE: BR/58/20/PL

Hi Maria

Got your message. Attached revised drawings for plot 2 and 5 showing the study. Hopefully you can now approve the application. Just to note when you are issuing the decision notice can you make sure it is worded so as not to have to discharge any more conditions. We have already got discharge of conditions on the previous consent so these should follow over as performance conditions in accordance with the information already submitted. I don't want to have to submit another discharge of condition application for any new conditions.

Regards

Philip Dudley
Director



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[REDACTED]

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From: Maria Tomalova [REDACTED]
Sent: 21 May 2020 14:05
To: [REDACTED]
Subject: RE: BR/58/20/PL

Hi Philip,

I have left you a voicemail message on your phone.

We can accept the above application under section 73 if you sow the third rooms within units 2 and 5 as a study. It is because units at plots 2 and 5 to be 3bed 4 people with internal space requirement 84sqm whilst 81sqm provided (3sqm shortfall), however the number of future occupiers is the same; 4 people. The size of every bedroom is according the requirement within the NDSS.

If you send me amended drawings today it would be the best since there is an EoT with deadline tomorrow.

Kind regards

Maria

Maria Tomalova | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF



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From: [REDACTED]
Sent: 11 May 2020 08:32
To: Maria Tomalova <[REDACTED]>
Subject: RE: BR/58/20/PL

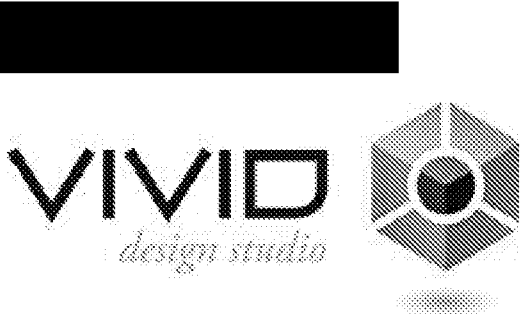
Hi Maria

Sorry I forgot it was bank holiday on Friday so I am still chasing client to confirm what they want to do. Can we extend the deadline to this Friday please so I can catch up with my client today.

Just an idea. I understand the issue that a section 73 cannot change the description so we are pretty stuck on this one. However to keep the description of the application the same can we simply call bed 3 a study on the drawings for the 2 units that are the 2 beds therefore it shows a room but it is still a 2 bed unit with a study?

Regards

Philip Dudley
Director



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From: Maria Tomalova [REDACTED]
Sent: 30 April 2020 14:48
To: [REDACTED]
Subject: RE: BR/58/20/PL

Philip,

This application will be due to 8th May.

I wish you all the best.

Maria

Maria Tomalova | Senior Planning Officer, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF



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From: [REDACTED]
Sent: 30 April 2020 14:42
To: Maria Tomalova <[REDACTED]>
Subject: RE: BR/58/20/PL

Hi Maria

Thank you. Can we agree an extension of time till Friday 8th May and I will review with my client and see how we deal with this.

Regards

Philip Dudley
Director



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From: Maria Tomalova <[REDACTED]>
Sent: 30 April 2020 14:39

To: [REDACTED]
Subject: RE: BR/58/20/PL

Hi Philip,

There is no problem with an extension of time and I apologize for a last minute.

I have considered as a strait forward, however there is not such an application.
This is rather awkward situation.

I am always confused from this planning issue; on one hand you have all this permitted Developments (PA and others) which they many times have rather dramatic consequences and on the other hand such an exercise for a simple change...

I am sorry for that since intension is good.

Kind regards

Maria

Maria Tomalova | Senior Planning Officer, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF



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From: [REDACTED]
Sent: 30 April 2020 14:05
To: Maria Tomalova <[REDACTED]>
Subject: RE: BR/58/20/PL

Hi Maria

Thank you for your comments.

I need time to consult with my client and his solicitor on this one as this is a major issue. My client has sold all the properties and currently has a funder funding the build. I need time to work out how we get over this and what cause of action we need to take.

I know the decision date is today but I need an extension of time to consult with my client before you make any decisions as we do not want a refusal as this will potential mean the funding withdrawing funds and the buyers pulling out which will put my client in a very difficult financial position. Considering the current circumstances we are in this is not going to help.

I am happy to agree an extension of time as you will appreciate this is last minute and does not give me any time to consider the options.

Can we agree on extension of time for a week so I can review.

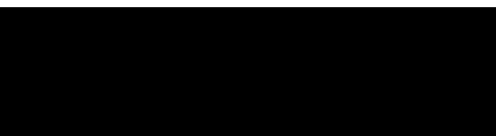
Regards

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From: Maria Tomalova [REDACTED]
Sent: 30 April 2020 13:38
To: [REDACTED]
Subject: BR/58/20/PL

Hi Philip,

I would like to ask you to withdraw the above application, since it is not possible to approve it under section 73.
The explanation why is below:

Preparing the approval for the variation of condition I have realized that what you propose would change the description of the original application: 'Demolition of existing building and erection of 6No. dwellings, 2x 3 bedroom and 4x 2 bedroom with associated access and car parking.'
The result of variation is 4x3 2x2, practically acceptable but from the legal point of view not.
I was trying hard to find a solution and consulting our Legal if there is some discretion.

Their response is below:
The Court of Appeal in *Finney*:

Lewison LJ found that, when considering applications under TCPA 1990, s 73, **LPAs could only vary or remove the conditions attached to a previous permission and could not amend the description of the development to which the conditions were attached, or, in other words, the ‘operative part’ of the permission.**

This would appear to amend the description, therefore in line with Finney could not be permitted under s73.

Kind regards

Maria

Maria Tomaiova | Senior Planning Officer, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

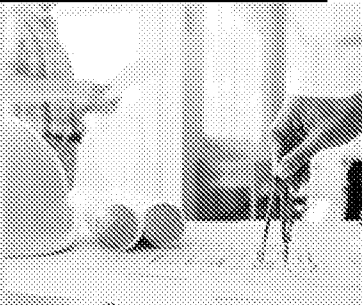


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