

Nicola Spencer

From: Nicola Spencer
Sent: 29 August 2019 18:03
To: 'paul collins'
Cc: Anita Gardner; Juan Baeza
Subject: RE: LU/210/19/PL

Dear Paul

I have now received a response from Legal and application LU/210/19/PL has been treated correctly as a major application as the proposal is for 10 dwellings.

Article 2 of the Town and Country Planning (Development Management Procedure) England Order 2015, defines a 'major development' as meaning development involving any one or more of the following:

'(c) the provision of dwelling houses where—

(i) the number of dwelling houses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);'

The application is for the demolition of one vacant building and the erection of 10 dwellings. The site covers 0.48 hectares.

The definition is 'number... to be provided' so it is classified as a Major application with a 13 week determination period.

With regards to LU/133/19/PL due to human error this had been incorrectly coded and as a result the acknowledgement letter had pulled in a determination period of 8 weeks not the correct 13 weeks. I can only apologise for this and the subsequent confusion this has caused. To avoid this happening again, I have reminded the team of the importance of the coding and the fact that this has a knock on effect on the wording of the automatically generated acknowledgment letters.

I note that a non determination appeal has been made and accepted by the Planning Inspectorate based on the 8 week date and that you have informed them of the discrepancy and they are still prepared to continue.

Yours sincerely

Nicola

Nicola Spencer | Technical Support Manager, Planning Department, Arun District Council | Location: First floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Nicola Spencer

Sent: 19 August 2019 17:37

To: Juan Baeza <Juan.Baeza@arun.gov.uk>

Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>

Subject: RE: LU/210/19/PL

Dear Paul

My understanding is that the determination period is based on the development that is proposed not the net gain and that is how we should have been treating applications for 10 or more dwellings. However, in view of the fact that we have had a discrepancy in how we have dealt with the earlier application, I have referred the matter to our legal section for formal clarification. I will respond more fully on receipt of their advice.

Yours sincerely

Nicola

Nicola Spencer | Technical Support Manager, Planning Department, Arun District Council | Location: First floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Juan Baeza

Sent: 16 August 2019 08:59

To: paul collins <[REDACTED]>

Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>, Nicola Spencer <Nicola.Spencer@arun.gov.uk>

Subject: RE: LU/210/19/PL

Paul

I have said all I can to explain that this was registered as a major application and therefore a 134 week determination date. I have copied the technical administration manager in to see if she has anything further to add. As I've already said this application is the same as its predecessor and will be determined in a similar way. You will have to wait until the appeal statements are exchanged to find out the reasons why.

In so far as the appeal statement is concerned it will be prepared by Anita.

Regards

Juan Baeza Area Team Leader – Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37765 | External: +44 (0) 1903 737765 | E-mail: juan.baeza@arun.gov.uk

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From: Anita Gardner

Sent: 15 August 2019 18:03

To: Juan Baeza <Juan.Baeza@arun.gov.uk>

Subject: FW: LU/210/19/PL

From: paul collins

Sent: 15 August 2019 18:01:02 (UTC) Dublin, Edinburgh, Lisbon, London

To: Juan Baeza; Neil Crowther

Cc: Anita Gardner

Subject: RE: LU/210/19/PL

Juan

You are right to say that this "*application is no different to that it proceeds*". Regrettably the officers obstructive approach to its determination is also no different.

The previous application LU/133/19/PL was validated as a minor application with an 8 week determination period and the applicants appeal against the Council's failure to determine the application within that period was validated and accepted by PINS and was allowed to proceed on that basis. Moreover PINS has been made aware of the fact that this resubmission has been validated as a major application with a 13 week determination period but has confirmed that the extant appeal is none the less valid.

Major development is defined in the Council's Local validation List updated on 7/6/19 as being *10+ dwellings/ over half a hectare/ building(s) exceeds 1000m²*.

Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines major development as including (c) the provision of dwellinghouses where— (i) the number of dwellinghouses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i); (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;

This application provides 9 dwellings (net), the site area is 0.48 hectares and the floor space to be created does not exceed 1,000 sq metres so the statutory determination period is 8 weeks from the date of validation and not 13 weeks as incorrectly/unlawfully stated by ADC from the outset.

Therefore please correct your records so that they correctly record the 8 week determination period which by my calculation expires on 28 August 2019 or not as you see fit as I care not because PINS will validate an appeal lodged against your councils failure to determine the application within the statutory period after that date in any case and the applicant will not be awaiting your Council's refusal of his application at some unspecified date in the future when and if you can be bothered to get around to it.

In the meantime I can only note for the file your intentions and your Councils abject and systemic failure to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this planning application and your resulting inability to be able to include the statement required under Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (other than by lying) on any decision notice issued in this case. Remind me why are you unable to approve this application conditionally in accordance with the development plan and all relevant material considerations?

Frankly I no longer care but out of duty to the applicant and more in hope than expectation I will have one more go at getting you to address/answer the questions I put rather than avoiding them.

Please can you provide the applicant with a full and proper explanation as to why his application cannot be determined within the statutory 8 week determination period which expires on 28 August 2019 or by the DCC at its meeting on 4 September.

Please can you also advise who is writing your statement of case regarding the outstanding appeal due with PINS on 21 August 2019 by return..

Whilst I do not care (I live outside of the your district and will be paid anyway) you should care as your wilful, ill-informed and obstructive approach amounts to maladministration and also lays your employer ADC and the public they represent wide open to a successful application for a costs award against them as part of any appeal process so perhaps you can remember that when reporting the outcome of this sorry affair to your DCC member in your usual unhelpful appeal reports.

The applicant has now been waiting 4 months and counting for your council to determine his application for much needed housing on a site within a defined built up residential area with an extant outline planning permission for 9 dwellings net. Ridiculous.

Paul Collins BA (Hons) DipTP MRTPI





RTPI

Chartered Town Planner

From: Juan Baeza [<mailto:Juan.Baeza@arun.gov.uk>]

Sent: Thursday, August 15, 2019 4:29 PM

To: paul collins [REDACTED]

Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>

Subject: RE: LU/210/19/PL

Paul

As this application is no different to that it proceeds its likely to be refused. You will be notified of the reasons for refusal in the decision notice which will be issued before its determination date of 2 October. You are already aware that the registration team registered this as a major application with a 13 week determination period.

Regards

Juan Baeza Area Team Leader – Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: paul collins [REDACTED]

Sent: 15 August 2019 16:12

To: Juan Baeza <Juan.Baeza@arun.gov.uk>; Anita Gardner <Anita.Gardner@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>

Subject: RE: LU/210/19/PL

Juan

Please note that I will refer to this correspondence in the ongoing appeal under PINS ref: APP/C3810/W/19/3232378 Anita Gardner has advised in her out of office reply that she does not return to the office until 37/8/19 (sic) Therefore as the relevant Team Leader please can you advise the intended decision (refuse or approve conditionally) and provide the applicant with a full and proper explanation as to why his application cannot be determined within the statutory 8 week determination period which expires on 28 August 2019 or by the DCC at its meeting on 4 September.

Please can you also advise who is writing your statement of case regarding the outstanding appeal due with PINS on 21 August 2019 by return..

Please also note that if the application is not determined by the expiry of the 8 week determination period on 28 August 2019 the Applicant will give consideration to a further appeal against non-determination with an application for an award of costs against ADC.

Thank you

Paul Collins BA (Hons) DipTP MRTPI

[REDACTED]



RTPI

Chartered Town Planner

From: Juan Baeza [<mailto:Juan.Baeza@arun.gov.uk>]

Sent: Thursday, August 15, 2019 3:51 PM

To: paul collins [REDACTED]; Anita Gardner <Anita.Gardner@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>

Subject: RE: LU/210/19/PL

Paul

This application will not be going forward to the next committee in September. Anita will deal with it under delegated powers on her return from leave.

Regards

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From: paul collins [REDACTED]

Sent: 15 August 2019 15:48

To: Anita Gardner <Anita.Gardner@arun.gov.uk>; Juan Baeza <Juan.Baeza@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>

Subject: FW: LU/210/19/PL

Anita

See e mail trail below.

The advertising period has expired today . Based on the relevant development plan policies, the consultation replies and the representations received the Council's options are Approve conditionally or refuse and I note that there is a DCC on 4 September 2019. Please advise your intentions by return..

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: paul collins [REDACTED]

Sent: Tuesday, August 6, 2019 12:36 PM

To: 'Anita Gardner' <Anita.Gardner@arun.gov.uk>

Cc: 'Juan Baeza' <Juan.Baeza@arun.gov.uk>

Subject: RE: LU/210/19/PL

Anita

See my previous which crossed with yours. I would have thought that this one was urgent as your Statement of Case regarding the outstanding appeal against your council's failure to determine the previous application is due on 21st August and the related costs application.

However response noted.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: Anita Gardner [<mailto:Anita.Gardner@arun.gov.uk>]

Sent: Tuesday, August 6, 2019 12:13 PM

To: paul collins [REDACTED]

Subject: RE: LU/210/19/PL

Dear Paul,

I am prioritising other urgent cases currently and haven't concluded my report on your application yet so I am unable to provide you with refusal reasons at this time.

Regards

Anita Gardner

Principal Planner

From: paul collins [REDACTED]

Sent: 05 August 2019 16:45

To: Anita Gardner <Anita.Gardner@arun.gov.uk>

Cc: Juan Baeza <Juan.Baeza@arun.gov.uk>

Subject: RE: LU/210/19/PL

Dear Anita

Thanks for the confirmation of the decision date . Please could you advise what the recommended refusal reasons are please.

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: Anita Gardner [<mailto:Anita.Gardner@arun.gov.uk>]

Sent: Monday, August 5, 2019 4:15 PM

To: paul collins [REDACTED]

Cc: Juan Baeza <Juan.Baeza@arun.gov.uk>

Subject: RE: LU/210/19/PL

Dear Paul,

It is intended that the application will be determined by the end of next week, once the advertising period has expired on 15-08-2019.

Regards
Anita Gardner
Principal Planner

From: paul collins [REDACTED]
Sent: 05 August 2019 12:33
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Cc: Juan Baeza <Juan.Baeza@arun.gov.uk>
Subject: FW: LU/210/19/PL

Dear Anita

Please may I have a reply to my e mail below.

Please note that the appellant may in due course refer to this e mail and any response received as part of the ongoing appeal with regard to LU/133/19/PL PINS Ref: 3232378.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: paul collins [REDACTED]
Sent: Wednesday, July 24, 2019 12:40 PM
To: 'Anita Gardner' <Anita.Gardner@arun.gov.uk>
Cc: 'Juan Baeza' <Juan.Baeza@arun.gov.uk>
Subject: LU/210/19/PL

Dear Anita

This application was submitted on 3/7/19 and does not relate to major development so the statutory determination period expires on 29 August 2019 (8 weeks) and not 2/10/19 (13 weeks) as stated in the Council's validation letter. In this regard you are aware that the application is a resubmission of LU/133/19 PL and that the appeal against the councils failure to determine that application within the statutory determination period for minor development (8 weeks) was validated by PINS.

The statutory consultation period expires on 15 August 2019 and the applicant hereby invites you to determine his application as submitted and confirms that he does not agree to any pre commencement conditions that maybe suggested by you or any consultee as none are necessary to make the development acceptable in planning terms.

The applicant understands that you are able to refuse the application at any time after 15 August 2019 under delegated powers but in view of the LTC Objection if you are to recommend Conditional approval the application needs to be referred to Committee.

Please can you confirm the date on which the Council intends to make a decision on this application.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner