

From: Amanda Scholes on behalf of Planning.Responses
Sent: 17 June 2020 08:02
To: Planning Scanning
Subject: FW: P/40/20/DOC - Officer report to DCC ON 24/6/20

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Save the environment - think before you print.

From: Raymond Cole <Raymond.Cole@arun.gov.uk>
Sent: 16 June 2020 19:36
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: P/40/20/DOC - Officer report to DCC ON 24/6/20

Please could you upload the e-mail below to the application folder P/40/20/DOC as a representation received on 16 June 2020?

Thank you

Raymond Cole

Principal Planning Officer
Directorate of Place

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From: paul collins [REDACTED]
Sent: 16 June 2020 19:26
To: Raymond Cole <Raymond.Cole@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>
Cc: 'Nicola Swann' [REDACTED] Cllr. Martin Lury [REDACTED]
[REDACTED] Cllr. David Huntley [REDACTED] Cllr. Hugh Coster [REDACTED]

Subject: P/40/20/DOC - Officer report to DCC ON 24/6/20

Dear Mr Cole

Please note the following for your file.

I note that your report asserts that it ***“deals solely with the partial discharge of condition 34”*** being that so numbered as imposed on OPP P/134/16 which reads as follows: ***“Prior to the commencement of development, a statement shall be submitted which will provide details of how the WW2 Infantry Section Post will be retained on site and integrated as part of the proposals. The development shall be carried out in accordance with the approved statement, unless otherwise agreed in writing by the Local Planning Authority.”***

I also note that your report records the fact that neither of the applicants reports submitted so as to discharge this condition actually provide a statement as required by the condition so that the condition may not be discharged (partially or otherwise) as the applicant has not provided the ***details of how the WW2 Infantry Section Post will be retained on site and integrated as part of the proposals*** as the condition requires. Indeed neither statement actually specifies that the ***WW2 Infantry Section Post will be retained***.

If the applicant cannot or does not want to comply with the condition requiring its retention then the right and lawful course of action would be to submit an application seeking to remove or vary the condition under S73 of the act. Alternatively if the applicant is unable to comply with the condition at this date for any reason then the application should be withdrawn until such time as they are able to do so but what ADC cannot lawfully do is rewrite the condition or what it requires by way of this application and a partial discharge and/or discharge of the condition (partially or otherwise) until such time as the applicant actually provides what the condition requires that they should.

However if Officers are insistent that the application is determined at this Committee I urge members to decline to give the discharge consent requested as recommended as the applicant has failed to provide the information required and necessary in order for them to do so.

I note for the file that this is a pre commencement condition so that no development may lawfully commence on site until such time as it is lawfully discharged (in full) and that it is one of 13 pre commencement conditions on the OPP and that 8 of these are not subject to any application to discharge undetermined or otherwise at this date.

Please place this e mail on your file as a representation.

Thanks

Paul Collins BA (Hons) DipTP
[REDACTED]