

-----Original Message-----

From: [REDACTED]
Sent: 13 March 2018 11:22
To: Michael Eastham; Planning.Responses
Subject: FW: Y/13/18 PL - Street Buildings North End Road,Yapton,

Dear Mr Eastham

Thank you for the Council's validation letter dated 13 March 2018 (copy attached for bcc recipients) in respect of our s73 application.

The letter states that our application "cannot be determined until the end of the statutory publicity and consultation periods which is 12th April 2018".

For the record I must point out that there are no statutory publicity or consultation periods for applications made under s73 so the Council is able to determine the application prior to 12 April 2018 if it so chooses.

Further, I also attach a copy of article 20 ("Consultations before the grant of planning permission pursuant to Section 73 or the grant of a replacement planning permission subject to a new time limit.") and Schedule 4 Table 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 to which paragraph 2 of article 20 refers.

Once again for the record, there are no authorities or persons falling within a category set out in Table 4 Schedule 4 that require a statutory consultation in this case so the Council is able to determine the application without any consultation should it choose to do so.

I note that the 13 week determination period expires on 1st June 2018 but in view of the above we can see no reason why this application could not be determined well before that date.

Please can you place this e mail on your file for future reference if required.

Thanks

Paul Collins BA (Hons) DipTP
T: 07709993015
E:ppcplanner@btinternet.com

-----Original Message-----

From: Daun Johnson [mailto:Daun.Johnson@arun.gov.uk]
Sent: Monday, March 12, 2018 10:48 AM
To: [REDACTED]
Subject: FW: Message from "mfp-planning1"

-----Original Message-----

From: Photocopier DO NOT REPLY@arun.gov.uk
[mailto:Photocopier DO NOT REPLY@arun.gov.uk]
Sent: 12 March 2018 10:35
To: Daun Johnson
Subject: Message from "mfp-planning1"

This E-mail was sent from "mfp-planning1" (Aficio MP 7502).

Scan Date: 12.03.2018 10:35:29 (+0000)
Queries to: Photocopier DO NOT REPLY@arun.gov.uk

<http://www.arun.gov.uk>
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DX 57406 Littlehampton

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Our Ref: Y/13/18/PL
Please ask for:
Michael Eastham
01903 737772

Dear Mr Collins

12 March 2018

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
Application for Planning Permission

Development Variation of condition 3-approved plans & removal of conditions 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27 following the grant of Y/49/17/OUT.

Location Street Buildings North End Road, Yapton,

Receipt:

UNKNOWN

Receipt No. P107152 Amount £ 234

Thank you for your application received on 2nd March 2018. I am writing to acknowledge that it was accepted as a valid application on 2nd March 2018. On receipt of this letter if you have any concerns about the way that the Council has described your application you should contact the Case Officer: Michael Eastham, who will be dealing with your application, to discuss the matter. They can be contacted by email at michael.eastham@arun.gov.uk.

The Council will publicise this application by means of a site notice on or near the application site and on our website. The notice needs to be displayed for not less than 21 days. **The notice and folder remain the property of Arun District Council and MUST NOT BE REMOVED and remain in place for the officer to collect after the 21 days have expired.** If there are any problems with regards to the site notice (e.g. vandalism), please contact your Case Officer.

Your application cannot be determined until the end of the statutory publicity and consultation periods which is 12th April 2018.

You can follow how your application is progressing on the Council's website:

www.arun.gov.uk/planning.

The Council aims to make as many decisions as possible before the end of the statutory determination period, which in this case will be 1st June 2018. However, this is not always possible for a number of reasons, including on-going negotiations or the scheduling of Planning Committees.

If you have not received a decision by 1st June 2018 or agreed in writing to extend the time in which the Council make a decision, you have 6 months in which to appeal to the Secretary of State. Your appeal (under Section 78 of the Town & Country Planning Act 1990) would be that the Council has failed to make a decision and you would be asking a Government Planning Inspector to make the decision instead. You can do this on a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Or from the planning portal website www.planningportal.gov.uk/planning/appeals/.

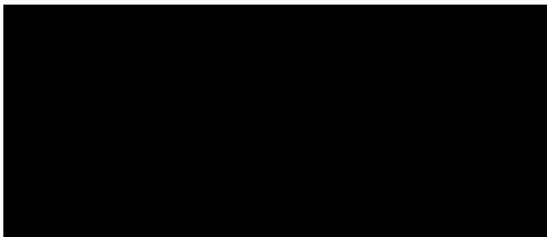
If you allow the Council extra time to make a decision on your application, and you disagree with the decision, you will still be able to appeal within 6 months from the date the decision was issued.

This acknowledgement only relates to this application and not to any other applications you may have made, or may need to make to the Council, for example Building Regulations approval. You will need to carry out your own checks to determine whether any other consents or permissions are required.

For advice on whether Building Regulations are required please visit the government's website www.planningportal.gov.uk or seek your own professional advice. If, in general, you wish to know more about Building Regulation approval and the Building Control Services offered by Arun District Council please see www.arun.gov.uk/buildingcontrol/

Please do not hesitate to contact the case officer if you have any queries.

Yours sincerely



Neil Crowther
Group Head of Planning

Please note: When an application is submitted online or with an email address in the agent details, most correspondence, including the decision notice will be sent by email. It is therefore important that you inform us if you make any change to your email address during the course of this application.

Consultations before the grant of planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit

20.—(1) Paragraph (2) applies in relation to an application—

- (a) made pursuant to section 73 of the 1990 Act (determination of applications to develop land without conditions previously attached);
- (b) for planning permission where the development that is the subject of the application—
 - (i) has not yet begun; and
 - (ii) was granted planning permission on or before 1st October 2010 subject to a time limit imposed by or under section 91 (general condition limiting duration of planning permission) or 92 (outline planning permission) of the 1990 Act^(a) which has not expired; or
- (c) for outline planning permission where the development that is the subject of the application—
 - (i) has begun in accordance with the terms of, and any reserved matters approved under, an outline planning permission which is required or expressly permitted to be implemented in phases, other than a permission granted on an application made under sub-paragraph (b); and
 - (ii) was granted that outline planning permission on or before 1st October 2010 subject to a time limit imposed by or under section 91 or 92 of the 1990 Act which has not expired.

(2) Before granting planning permission on an application in relation to which this paragraph applies, the local planning authority must consult such authorities or persons falling within a category set out in the Table in Schedule 4 as the local planning authority consider appropriate.

Consultation with county planning authority

21. The period prescribed for the purposes of paragraph 7(7)(c) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) is 21 days.

Duty to respond to consultation

22.—(1) The requirements to consult which are prescribed for the purposes of section 54(2)(b) of the 2004 Act (duty to respond to consultation) are those contained in—

- (a) articles 18 and 19 and Schedule 4, except as provided for in paragraph (2);
- (b) article 20;
- (c) article 24;
- (d) paragraphs W(5) and (6) of Part 3 of Schedule 2 to the Permitted Development Order (change of use)^(b);
- (e) paragraph E.3(5) and (6) of Part 4 of Schedule 2 to the Permitted Development Order (filming);
- (f) paragraph A.3(5)(a) of Part 16 of Schedule 2 to the Permitted Development Order (development by electronic communications code operators);
- (g) section 71(3) of the 1990 Act (consultations in connection with determinations under section 70);
- (h) paragraph 4(2) of Schedule 1 to the 1990 Act^(c);

(a) Sections 91 and 92 were amended by section 51(1) of the 2004 Act and section 91 was subsequently amended by paragraph 13 of Schedule 12 to the Localism Act 2011 (c. 20); there have been other amendments to section 91 which are not relevant to this Order.

(b) S.I. 2013/2996.

(c) Paragraph 4(2) of Schedule 1 was amended by sections 19(2) and 84 of, and paragraph 53 of Schedule 7 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34).

SCHEDULE 4

Articles 18, 19 and 20

Consultations before the grant of permission

Table

Para	Description of Development	Consultee
(a)	Development likely to affect land in a National Park	The National Park authority concerned
(b)	Development likely to affect land in Greater London or in a metropolitan county other than land in a National Park	The local planning authority concerned
(c)	Development likely to affect land in a non-metropolitan county other than land in a National Park	The district planning authority concerned or, where there is no district planning authority in relation to the land, the county planning authority concerned
(d)	Development, in relation to which an application for planning permission has been made to the Secretary of State under section 293A of the 1990 Act (urgent Crown development: application)(a), where that development is likely to affect land in the area of a parish council	The parish council
(e)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(f)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; or (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process,	The Office for Nuclear Regulation

(a) 1990 c. 8. Section 293A was inserted by section 82(3) of the 2004 Act.

	or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.	
(g)	Development other than minor development, likely to result in an adverse impact on the safety of, or queuing, on a trunk road	The highway authority for the trunk road
(h)	Development likely to prejudice the improvement or construction of a trunk road	The highway authority for the trunk road
(i)	Development which consists of or includes the construction, formation or laying out of access to or from a trunk road	The highway authority for the trunk road
(j)	Development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport
(k)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(l)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(m)	Development involving—	
	(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or	The local highway authority concerned
	(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(n)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(o)	Development which involves the provision of a building or pipeline in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(p)	Development involving or including mining operations	The Environment Agency
(q)	Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or Grade II*	Historic England ^(a)
(r)	Development likely to affect the site of a scheduled monument	Historic England

(a) See section 12 of the National Heritage Act 1983 (c. 47). This body is also known as the Historic Buildings and Monuments Commission for England.

(s)	Development likely to affect any battlefield, garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1983 (register of gardens)(a)	(a) Historic England in relation to any battlefield, and any garden or park which is classified as Grade I or Grade II*; and (b) the Garden History Society in relation to all registered gardens or parks
(t)	Development involving the carrying out of works or operations in the bed of, or within 20 metres of the top of a bank of, a main river which has been notified to the local planning authority by the Environment Agency as a main river for the purposes of this provision	The Environment Agency
(u)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(v)	Development relating to the use of land as a cemetery	The Environment Agency
(w)	Development in or likely to affect a site of special scientific interest	Natural England
(x)	Development involving any land on which there is a theatre	The Theatres Trust
(y)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land;(b) which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	Natural England
(z)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been— (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or	Sport England(c)

(a) 1983 c. 49; section 8C was inserted by paragraph 16 of Schedule 4 to the National Heritage Act 1983 (c. 47).

(b) See Natural England publication for the agricultural land classification system. The 2019 edition 2 – Agricultural Land Classification: protecting the best and most versatile agricultural land available from <http://publications.naturalengland.org.uk/publication/13312?category=PNL>.

(c) Sport England is also known as the English Sports Council.

- (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
- (bi) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface

(za) Development likely to affect—	The Canal & River Trust
(i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal & River Trust	
(zb) Development falling within any of the following descriptions—	(a) The COMAH competent authority;
(i) development involving the siting of new establishments;	(b) where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, Natural England; and
(ii) development consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances(a); or	(c) in the case of development falling within paragraph (iii), any person who according to—
(iii) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident.	(i) the register held by the hazardous substances authority under regulation 20 of the Planning (Hazardous Substances) Regulations 2015(b), or
	(ii) a notice submitted under regulation 32(1)(b) of those Regulations where the local authority has been notified under regulation 32(3) of those Regulations, is the person in control of the land on which any establishment is located.

(a) OJ L 197, 24.7.2012, p. 1.
(b) S.I. 2015/627.

(zc)	Development, other than minor development, which is to be carried out on land— (i) in an area within Flood Zone 2 or Flood Zone 3; or (ii) in an area within Flood Zone 1 which has critical drainage problems and which has been notified for the purpose of this provision to the local planning authority by the Environment Agency	The Environment Agency
(zd)	Major development which does not use the services of a sewerage undertaker for the disposal of sewage	The Environment Agency
(ze)	Major development with surface water drainage	The Lead local flood authority
(zf)	Development involving the boring for or getting of oil and natural gas from strata	Any water or sewerage undertaker in whose area of appointment the development is proposed and, in the case where the development is likely to affect water resources in the area of appointment of another water or sewerage undertaker, that undertaker

Interpretation of Table

1. In the above Table—

- (a) in paragraph (e)(iv), “industrial process” means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (g), “minor development” means—
- (i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - (ii) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 250 square metres; and
 - (iii) the alteration of an existing building where the alteration does not increase the size of the building.
- (c) in paragraph (j), “network” and “operator” have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services)(a);

(a) 1993 c. 43; see section 83.

- (d) in paragraphs (k) and (l), "classified road" means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(a); or
 - (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (e) in paragraph (m), "concessionaire", "road subject to a concession" and "toll order" have the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(b);
- (f) in paragraph (n), "street" has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and "new street" includes a continuation of an existing street;
- (g) in paragraph (r), "scheduled monument" has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(c);
- (h) in paragraph (t), "main river" has the same meaning as in section 113 of the Water Resources Act 1991 (interpretation of Part 4 – flood defence)(d);
- (i) in paragraph (x), "theatre" has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(e);
- (j) in paragraph (z)—
- (i) "playing field" means the whole of a site which encompasses at least one playing pitch;
 - (ii) "playing pitch" means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;
- (k) in paragraph (zb)—
- (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive;
 - (ii) "COMAH competent authority" has the meaning in regulation 2(1) of the Planning (Hazardous Substances) Regulations 2015; and
- (l) in paragraph (zc)—
- "Flood Zone 1" means land which has a less than a 1 in 1000 annual probability of river or sea flooding(f);
- "Flood Zone 2" means land which has—
- (i) between a 1 in 100 and 1 in 1000 annual probability of river flooding; or
 - (ii) between a 1 in 200 and 1 in 1000 annual probability of sea flooding;
- "Flood Zone 3" means land which has—
- (i) a 1 in 100 or greater annual probability of river flooding; or
 - (ii) a 1 in 200 or greater annual probability of sea flooding; and
- "minor development" has the same meaning as in paragraph (g).

(a) 1980 c. 66.

(b) 1991 c. 22.

(c) 1979 c. 48.

(d) 1991 c. 57.

(e) 1976 c. 27.

(f) Maps showing the various Flood Zones are available from the Environment Agency at <http://www.environment-agency.gov.uk>.