

Nicola Spencer

From: David Easton
Sent: 25 January 2019 14:25
To: Nicola Spencer
Subject: FW: Y/32/18/PL

From: Ian Johnson [REDACTED]
Sent: 18 June 2018 19:04
To: David Easton <David.Easton@arun.gov.uk>
Subject: RE: Y/32/18/PL

Dear David

Would it be possible to arrange a meeting to discuss a way forward regarding the variation of Condition 2 under Y/1/17/OUT? The current wording places the timing of further reserve matters approvals beyond the control of my client. I think it would be helpful to discuss this around the table and I expect we may arrive at an alternative mechanism to S73 for seeking a more reasonable form of wording. I appreciate you are very busy and I would be happy to fit around your diary next week, if only to grab 30 mins of your time.

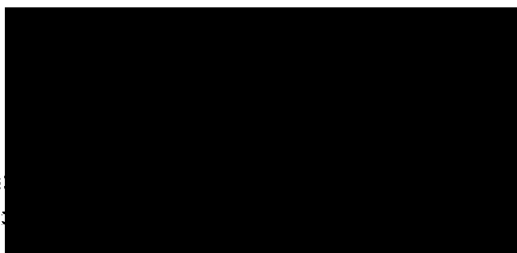
Best regards

Ian

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From: David Easton [<mailto:David.Easton@arun.gov.uk>]
Sent: 31 May 2018 10:33
To: Ian Johnson <[REDACTED]>
Subject: Y/32/18

Dear Mr Johnson,

As we keep missing each other on the telephone I thought it would be quicker to send an email which we can then discuss on the telephone.

I have a concern in relation to the above planning application. The proposed variation relates to condition 2 and seeks to replace the word first with last. Given that this condition relates to the time limits for commencement I decided to check the wording section 73(5) of the Town and Country Planning Act. This section states;

Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—

- (a) a development must be started;*
- (b) an application for approval of reserved matters (within the meaning of section 92) must be made.*

Having considered this I am of the belief that the proposed variation would result in the extension of the time within which the development must be started. However, if you are aware of any case law or justification as to why this is not the case I would be grateful if this could be provided.

I am in the office today and will be at my desk for most of the day (except between 1200 and 1300). Therefore, I would be grateful if you could give me a ring to discuss or let me know a convenient time to contact you.

Many thanks,
David

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