



From: paul collins [REDACTED]
Sent: 12 November 2018 12:17
To: Karl Roberts
Cc: Neil Crowther; Simon Davis; [REDACTED] Planning.Responses; Cllr. Richard Bower; Cllr. Stephen Haymes; Liz Futchter; Jane Fulton; Carrie O'Connor; Committees; Planning.Responses; 'Lorraine Gamble'
Subject: Y/44/17 OUT
Importance: High

Mr Roberts et al

I have by chance noted that an officers report in respect of the above has been added to the agenda by way of an Urgent Item for consideration at the DCC on 14 November 2018.

The report appeared after the expiry of the usual 5 clear working days period before a meeting and it is not clear whether or not it has been placed on the agenda in a manner which accords with the Council's constitution but its late appearance is certainly prejudicial to the interests of those who have made representations on the application (including Yapton Parish Council) because if it is considered by the Committee they will have been denied their right to fair representation and/or to be heard by way of the Council's public speaking procedures in the Planning Services Code of Conduct (also enshrined in the Council's constitution). The late appearance of the report also denies Committee members a fair opportunity to properly consider the complex matters it raises. This is the second time this month that Officers seem willing to allow such breaches of the Constitution to arise in respect of this Committee.

Furthermore I note that the Officers Report misrepresents the written representations made by Yapton Parish Council as a withdrawal of their objection when it is clear that none of the caveats to which their withdrawal was subject can or will be met so that their objection should stand notwithstanding the inducement of free land for a Primary School offered by the Applicants. (unlawful in itself)

Still further the report recommends that the Committee makes a decision contrary to the law in terms of Section 38 (6) and less importantly the Planning services Code of Conduct by recommending approval when there are clear and unequivocal conflicts with relevant policies in the development plan and not a single (legitimate) material consideration identified to indicate a decision otherwise than in accordance with the development plan. I also note that the suggested S106 is unlawful and the suggested pre commencement conditions are unenforceable and also unlawful.

As an interested party I would expand this representation but due to the late and unannounced appearance of the report I have been denied the time or opportunity to do so.

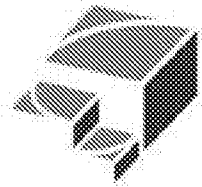
In these circumstances any decision made by the Committee (to either refuse or approve) based on this report would be unlawful and I therefore urge you to withdraw the report from the agenda so that further complaint and/or exposure to JR can be avoided.

As you are aware the application has already been under consideration by your authority for at least 14 months so there is no urgency and another months deliberation in order to ensure a lawful decision is made would seem sensible.

Please confirm your intentions and place this e mail and any response on the file for future reference if required.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner