

From: Andy Elder
Sent: 19 March 2018 09:13
To: David Easton; Planning.Responses
Cc: Claire Potts
Subject: FW: AL/13/18/PO - Nyton Nurseries DoV

Revised comment from Housing Strategy and Enabling Manager – Deed of Variation AL/13/18/PO Nyton Nurseries

I confirm that I have no objection to this proposed Deed of Variation which seeks to revise the tenure of the 20 affordable houses/flats to shared ownership housing.

Regards,

Andy

Andy Elder | , Housing Strategy and Enabling Manager

Services Directorate, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Adam Davies - TW Southern Counties
Sent: 16 March 2018 14:30
To: David Easton
Cc: Claire Potts; Alex Sciarretta - TW Southern Counties; Andy Elder
Subject: RE: AL/13/18/PO - Nyton Nurseries DoV

Hi David,

Thanks for clarification.

Kind regards,

Adam

Sent from my Windows Phone

From: David Easton
Sent: 16/03/2018 14:27
To: Adam Davies - TW Southern Counties
Cc: Claire Potts; Alex Sciarretta - TW Southern Counties; Andy Elder
Subject: RE: AL/13/18/PO - Nyton Nurseries DoV

Hi Adam,

I am not sure when Andy is back in the office but I think it should be Monday. If that is the case I wouldn't expect too much delay in Andy amending the consultation response so I would hope that we should be able to get a decision issued the middle of next week.

Kind regards,
David

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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From: Adam Davies - TW Southern Counties [REDACTED]
Sent: 16 March 2018 10:19
To: David Easton
Cc: Claire Potts; Alex Sciarretta - TW Southern Counties; Andy Elder
Subject: RE: AL/13/18/PO - Nyton Nurseries DoV
Importance: High

Hi David,

Thanks for the response, I'm glad we've been able to bottle out the confusion.

Could you give us a time frame on when Andy will be able to amend the response and receiving the decision notice?

Kind regards,

Adam

Adam Davies BSc MSc | Land Buyer | Taylor Wimpey Southern Counties
Colvedene Court, Wessex Business Park, Colden Common, Hampshire, SO21 1WP
[REDACTED]

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From: David Easton [<mailto:David.Easton@arun.gov.uk>]
Sent: 16 March 2018 10:09
To: Adam Davies - TW Southern Counties [REDACTED]

Cc: Claire Potts <Claire.Potts@arun.gov.uk>; Alex Sciarretta - TW Southern Counties

[REDACTED] Andy Elder <Andy.Elder@arun.gov.uk>

Subject: RE: AL/13/18/PO - Nyton Nurseries DoV

Hi Adam,

Much better thank you.

We are awaiting an updated consultation response from Andy. The issue we have is that the consultation response provided on this application makes reference to the affordable housing being split 50/50 (affordable rent/shared ownership) and this being acceptable.

Having looked at Andy's email from the 3rd January 2018 it is apparent that he is in support of the proposed affordable housing scheme. However, until we receive this confirmation we cannot issue a decision. I believe Andy will be back in the office on Monday and I will chase an amended consultation response. Once this is received the decision can be issued.

I apologise for the delay in this case.

Regards,
David Easton

From: Adam Davies - TW Southern Counties [REDACTED]
Sent: 15 March 2018 11:26
To: David Easton
Cc: Claire Potts; Alex Sciarretta - TW Southern Counties; Andy Elder
Subject: FW: AL/13/18/PO - Nyton Nurseries DoV
Importance: High

Good morning David,

Hope you're feeling better.

Could you update me on the email below as a matter of urgency please?

This is holding up the contract with the Registered Provider.

Kind regards,

Adam

Adam Davies BSc MSc | Land Buyer | Taylor Wimpey Southern Counties
Colvedene Court, Wessex Business Park, Colden Common, Hampshire, SO21 1WP
[REDACTED]

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From: Claire Potts [mailto:Claire.Potts@arun.gov.uk]
Sent: 09 March 2018 12:53
To: Andy Elder <Andy.Elder@arun.gov.uk>
Cc: David Easton <David.Easton@arun.gov.uk>; Jeremy Cook <Jeremy.Cook@arun.gov.uk>; Adam Davies - TW Southern Counties [REDACTED]
Subject: FW: AL/13/18/PO - Nyton Nurseries DoV
Importance: High

Andy,

I think there has been some confusion about the above deed of variation and what they are proposing, because the form they sent in wasn't clear. The wording they are changing is set out below and is what they have previously discussed and agreed with you. It means that the 20 houses/flats in the main site would be all shared ownership rather than a mix of shared and rented affordable housing.

Could you please update your response to AL/13/18/PO to confirm the above.

Kind regards

Claire

Claire Potts BSc MSc MRTPI | Strategic Development Team Leader, Directorate of Place, Arun District Council | First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37698 | External: +44 (0) 1903 737698 E-mail: claire.potts@arun.gov.uk

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From: Adam Davies - TW Southern Counties [REDACTED]
Sent: 02 March 2018 17:25
To: David Easton
Cc: Alex Sciarretta - TW Southern Counties; Murray, Aiden; Glover, Aimee; Claire Potts
Subject: RE: AL/13/18/PO
Importance: High

Dear David,

Thank you for your email.

You're correct in the wording as it currently stands in the S106 Signed 20th November 2014 is:

"eighty (80) of the Dwelling Units to be provided as Affordable Housing in accordance with the terms of this Agreement comprising 60 Dwelling Units for Senior Living (Affordable Rent and Intermediate Housing) and 20 Dwellings Units for Affordable Rent and Intermediate Housing."

Our DOV proposes the following changes:

"Affordable Housing Units" means eighty (80) of the Dwelling Units to be provided as Affordable Housing in accordance with the terms of this Agreement comprising 60 Dwelling Units for senior living (Affordable Rent and Intermediate Housing) and 20 Dwelling Units for Intermediate Housing.

Please see attached an email from Andy Elder confirming that he's happy with the changes to the wording. All relevant and additional information was provided to and cleared by Andy Elder in order to move the DOV forward. Claire Potts confirmed that Andy was happy with everything.

I am unclear on why we would need to go through a S73 application when Andy was clearly happy with the tenure mix and changes.

Could you please contact me as a matter of urgency! We are due for a decision on the public consultation on Wednesday March 6th 2018.

Kind regards,

Adam

Adam Davies BSc MSc | Land Buyer | Taylor Wimpey Southern Counties
Colvedene Court, Wessex Business Park, Colden Common, Hampshire, SO21 1WP

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From: David Easton [<mailto:David.Easton@arun.gov.uk>]

Sent: 02 March 2018 16:10

Cc: Darren Kennett - TW Southern Counties; Adam Davies - TW Southern Counties

Subject: FW: AL/13/18/PO

Dear Mr Murray and Ms Berry,

I have attempted to contact Mr Murray in relation to the below but receive a response stating that he is no longer working at JLL. I wonder if someone could please give me a ring to discuss the below.

Kind regards,
David Easton

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: David Easton

Sent: 02 March 2018 16:02

Subject: FW: AL/13/18/PO

Dear Mr Ramsey,

I write in relation to the above application for a deed of variation in relation to the s106 agreement under reference AL/61/13/ which has been reassigned to me for determination. I tried to phone you this afternoon (2nd March) but there was no answer and as such I thought an email may be of assistance.

Having worked through this application and the s106 agreement I have identified some issues on which I require clarification.

Firstly, I should confirm that I have no issues with the variation as far as it relates to the strategic highways infrastructure contribution by virtue of the Inspectors Decision (specifically paragraph 128 of APP/C3810/A/14/2217385 in which the Inspector stated;

"...with the exception of the obligation in relation to the realignment of the A29 the infrastructure contributions sought by the Council are reasonable and necessary, and would comply with the tests within Regulation 122."

It should also be noted that a clause was included in the s106 agreement under 18.1 (page 15) which stated;

"In the event that there is an express finding within the decision of the Planning Inspector that one or more of the obligations in this Agreement does not meet the statutory tests set out in Regulation 122 of the Community

Infrastructure Levy Regulations (2010) (SI 2010/946) then (without prejudice to the remainder of this Agreement) the relevant individual obligation shall not take effect."

Therefore, in the interests of completeness I have no issue with the proposed DoV concerning the strategic highways contribution.

However, things are somewhat more complicated in relation to the proposed variation concerning the Affordable Housing. I am unclear, on the basis of the information submitted as part of the DoV application (under reference AL/13/18/PO), as to what is proposed for the variation. The s106 signed under reference AL/61/13/ requires the submission of an;

Affordable Housing Plan *identifying the location of the Affordable Housing Units and the Affordable Housing Land to include the tenure of the Affordable Housing Units, plot boundaries, garden areas and the location of parking spaces for each Affordable Housing Unit.*

The **Affordable Housing Units** are defined in the s106 agreement as;

"eighty (80) of the Dwelling Units to be provided as Affordable Housing in accordance with the terms of this Agreement Comprising 60 Dwelling Units for Senior Living (Affordable Rent and Intermediate Housing) and 20 Dwellings Units for Affordable Rent and Intermediate Housing."

I am unsure if additional information has been provided to Andy Elder concerning this application but his consultation response makes reference to;

"The tenure of the affordable housing as proposed will be split 50% Affordable Rent and 50% shared ownership which is acceptable to the Council."

On the basis of the information I have available to me it is unclear what is proposed in terms of the DoV and if it is best achieved via a DoV or if the relevant information just needs to be provided. The tenure split identified by Andy Elder would not conflict with the definition of Affordable Housing Units contained within the s106 agreement and as such it is unclear what element of the s106 agreement is being varied.

If this is the case it should be noted that this is complicated somewhat due to the fact that the reserved matters application under reference AL/102/17/RES included an Affordable Housing Tenure plan and this was secured via Condition 1 of the approval. Therefore, if the proposed alteration affects the tenure plan as approved as part of the reserved matters application it may be that a s73 application would be required.

I hope the above makes some sense but I would be grateful if you could get in touch with me to discuss this. I look forward to speaking with you.

Kind regards,
David

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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