

## Simon Davis

---

**From:**   
**Sent:** 21 January 2015 12:45  
**To:** 'Michael Knappett'  
**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL

Dear Michael,

I have just written the report up. However, in doing so, I do not consider that I am able to recommend approval. I still have concerns with the external space despite your amendments. Our Policy (D DM3) does not allow for front and side areas to be used within the total private space and I do not consider that the front garden will be private.

I also have an issue with the amount of internal space. I believe I may have previously indicated that this was ok but on looking back, I realise that I made a mistake calculating the total internal space in that I never divided the total for the building by 2 to get the space for each dwelling. I consider that it might be possible to remove the objection on the grounds of Policy D DM2 by reducing the number of bedrooms from 3 to 2 (as the internal requirement would then be 83m<sup>2</sup>) but a 2 bed dwelling would still require 85m<sup>2</sup> worth of private amenity space and I don't believe that this can be achieved on this plot. Accordingly, I am recommending that this application be refused.

I appreciate that you have been very patient with us and have agreed to our requests for extension of time and I am sorry that this delay is coupled with a refusal but I cannot put this through for approval and I cannot envisage my line manager supporting such an approval.

Kind Regards

Simon J Davis BA (Hons) DipTp MRTPI | Principal Planning Officer, Planning Department, Arun District Council |  
Location: 1st Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: [simon.davis@arun.gov.uk](mailto:simon.davis@arun.gov.uk)

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)



Save the environment - think before you print.

---

**From:** Michael Knappett   
**Sent:** 16 January 2015 10:03  
**To:** Simon Davis  
**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL

Dear Simon

How is this application progressing? If you will not be able to determine the application prior to 21<sup>st</sup> January 2015 please issue another extension of time letter prior to 20<sup>th</sup> January as I will be away on leave next Tuesday afternoon (20<sup>th</sup>) and all day Wednesday (21<sup>st</sup>).

Regards

Michael Knappett

Bryan Jezeph Consultancy Ltd; Registered in England and Wales No.306 5949; Registered Office: The Gallery, 3 South Street, Titchfield, Hampshire PO14 4DL.

  
This message is intended for the specified recipient only. If you are not the specified recipient, please delete this message immediately and disregard its contents.

---

**From:** Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]  
**Sent:** 08 January 2015 11:55  
**To:** Michael Knappett  
**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL

Dear Michael,

It will be under delegated powers. I am writing Committee reports this week and then have an appeal statement to do but will likely have time to determine it towards the end of next week.

Kind Regards

Simon J Davis MRTPI, Principal Planning Officer, Development Control  
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)  
Telephone: +44 (0)1903 737874  
Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)  
P Save the environment - think before you print.

---

**From:** Michael Knappett [REDACTED]  
**Sent:** 08 January 2015 11:54  
**To:** Simon Davis  
**Subject:** Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL

Dear Simon

Can you let me know your timescales for determining the application? The applicant has asked if the application would be determined under delegated powers and I have assumed it would given that there are no objections I am aware of.

Regards

Michael Knappett

Bryan Jezeph Consultancy Ltd; Registered in England and Wales No.306 5949; Registered Office: The Gallery, 3 South Street, Titchfield, Hampshire PO14 4DL.

[REDACTED]

This message is intended for the specified recipient only. If you are not the specified recipient, please delete this message immediately and disregard its contents.

\*\*\*\*\* IMPORTANT NOTICE: This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments. \*\*\*\*\* <http://www.arun.gov.uk> : NLPG UPRN 100062237016 : DX 57406 Littlehampton <http://www.arun.gov.uk>

NLPG UPRN 100062237016  
DX 57406 Littlehampton

## Simon Davis

---

**From:** Delwyn Jones  
**Sent:** 11 December 2014 17:06  
**To:** Simon Davis  
**Cc:** Andy Elder  
**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL (or Land at Milliards Pig Farm, Westergate Street, Westergate)

Simon,

Thanks for the email dated 10 December

As to payment I suggest you check with Finance Adrian ----you never know.

I will await further instructions ---- any Deed of Variation will cover [1] no more housing after the 3<sup>rd</sup> dwelling and [2] in consequence, the sum agreed in the previous deed under S106 will be reduced as appropriate to that as at the date of the deed.

I can draft this.

I think we should even anticipate an application to avoid all payment altogether due to the new 10 dwelling threshold, but that is for the developer to raise, not us.

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer , Legal Services, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37737 | External: +44 (0) 1903 737737 | E-mail: [Delwyn.Jones@arun.gov.uk](mailto:Delwyn.Jones@arun.gov.uk)

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)



Save the environment - think before you print.

---

**From:** Simon Davis  
**Sent:** 10 December 2014 16:55  
**To:** Delwyn Jones  
**Cc:** Andy Elder  
**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL (or Land at Milliards Pig Farm, Westergate Street, Westergate)

Delwyn,

I am unsure if they have already paid – but I assume not as otherwise the agent would have said so. I also do not think that they have started development as when I visited the site they were only building in the area east of Sunnyside (which is a different permission).

I have suggested to the agent that he submit a deed of variation application and we will consider the matter at that time.

Kind Regards

Simon J Davis MRTPI, Principal Planning Officer, Development Control

Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)

Telephone: +44 (0)1903 737874

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)

P Save the environment - think before you print.

---

**From:** Delwyn Jones

**Sent:** 10 December 2014 14:39

**To:** Simon Davis; Andy Elder

**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL (or Land at Milliards Pig Farm, Westergate Street, Westergate)

Simon,

Thanks for the email dated 8 December and highlighting the point that "..... they are only implementing 3 of the 4 houses on AL/114/12 for which there was a S.106 for £8832. I know the previous 106 is still lawful but as they are not implementing it in full, surely they can apply for a variation in the previous deed?"

My point on this would be :-

1. They must first seek and obtain a Deed of Variation to lower the amount due
2. If they do not seek and get a Deed of Variation, to this effect then, they will be bound to pay the higher amount ---the deeds usually provide " On Commencement of the Development pay X amount", which means the agreed sum is due, whether the whole development is implemented or not ----I think it may depend on how flexible Planning want to be.

Please advise if these developers have already started work? If so the terms of the deed, without variation, entitle, the Council I think, to insist on the full sum. Have these developers already paid?

3. Finally, I think any Deed of Variation, if agreed will, need a clause prohibiting more than 3 dwellings being built—which is only fair to the Council, if but only if the sum is lowered ---without this clause I think they could then go ahead and build the 4<sup>th</sup> dwelling, but not pay the agreed amount.

I have copied in Andy Elder. I am, sure he will have a view.

If you seek a Deed of Variation --let me know.

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer, Legal Services, [Arun District Council](http://www.arun.gov.uk) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37737 | External: +44 (0) 1903 737737 | E-mail: [Delwyn.Jones@arun.gov.uk](mailto:Delwyn.Jones@arun.gov.uk)

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)



Save the environment - think before you print.

---

**From:** Simon Davis

**Sent:** 08 December 2014 10:14

**To:** Delwyn Jones

**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL (or Land at Milliards Pig Farm, Westergate Street, Westergate)

Delwyn,

I hear what you are saying but his point is that they are only implementing 3 of the 4 houses on AL/114/12 for which there was a S.106 for [REDACTED] I know the previous 106 is still lawful but as they are not implementing it in full, surely they can apply for a variation in the previous deed?

Kind Regards

Simon J Davis MRTPI, Principal Planning Officer, Development Control  
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)  
Telephone: +44 (0)1903 737874  
Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)  
P Save the environment - think before you print.

---

**From:** Delwyn Jones  
**Sent:** 05 December 2014 12:00  
**To:** Simon Davis  
**Subject:** RE: Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL (or Land at Milliards Pig Farm, Westergate Street, Westergate)

Simon,

Thanks for the email dated 3 and 4 September. My "take" and advise on this is :

I am still not clear what Mr Knappett is asking. I am replying on what I think he is asking. Can he now reduce the sums demanded with a new variation?

#### Summary Answer

I think, in brief, he doesn't need to because, there is no policy or lever by which the Council can ask for affordable housing contributions post 28 November.

I think the result here is that the previous, lower figure in the previous planning obligations will apply, because they [ ie both planning obligation deeds and planning permissions ] were completed well before 28 November.

#### The facts

As I recall this was a development of up to 6 dwellings.

I recall several different planning applications have been submitted for the site, as Mr Knappett's email shows, from 2010 to date—the latest being ref AL/73/14.

Whatever the combination of dwelling numbers ----it was always under 10.

#### How the New Policy Applies Post 28 November

The deed of variation was submitted and completed on 28 October ---the cheque proves this. This date was when the Arun DC Policy still applied.

However, my understanding is that application ref AL/73/14 is still not determined.

So the material consideration is the new NPPG Paras 13-21 and you will have to determine the application without regard to the deeds and contributions in the deed dated 28 October!.

Karl has said, and I agree, that contributions already paid, or obligations already completed and planning permissions already issued under the previous policy can be retained, because they were still lawful at the time they were made pre 28 November.

I think if they wish to escape the Arun DC policy —they will need to resubmit new applications post 28 November.

I am not sure why they ask for reductions because, the case now is no affordable housing contributions can be sought in developments under 10 dwellings.

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer, Legal Services, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37737 | External: +44 (0) 1903 737737 | E-mail: [Delwyn.Jones@arun.gov.uk](mailto:Delwyn.Jones@arun.gov.uk)

Visit Arun's web site at [www.arun.gov.uk](http://www.arun.gov.uk)



Save the environment - think before you print.

---

**From:** Michael Knappett [REDACTED]  
**Sent:** 03 December 2014 17:15  
**To:** Delwyn Jones  
**Cc:** Simon Davis; Karl Roberts; Malcolm Purdue; Julian House  
**Subject:** Land adjoining Sunnyside, Westergate Street, Westergate - AL/73/14/PL (or Land at Milliards Pig Farm, Westergate Street, Westergate)

Dear Delwyn

I am advised by Malcolm Purdue (Verisona Solicitors) that the signed deed and cheque covering your legal fees were sent to the Council in October. You confirmed to me that the signed deed and cheque arrived with a covering letter dated 28th October 2014. These items, you confirmed, had been sat on your desk ever since and the cheque had not been banked.

The current application is due for determination shortly and I believe there is now a need to address the implications of DCLG's announcements on 28<sup>th</sup> November 2014 (see attached) in respect of affordable housing and financial contributions relating to developments proposing 10 or less dwellings.

The Original Agreement related to planning application reference AL/114/12 and a new application has been submitted to the Council by the Owner for a variation to the existing Planning Permission under new application reference AL/73/14 for the substitution of two in number three bedroom semi-detached houses in place of the existing four bedroom detached house on Plot 1 authorised under Planning reference AL/114/12. Clauses 2.4 and 4.1 cover the increase in affordable housing commuted sums applicable prior to 28<sup>th</sup> November 2014 as a result of the latest application. Given DCLG's recent announcement and because this latest application only relates to 2 dwellings, should a revised Deed of Variation now be submitted to reflect a decrease in the affordable housing commuted sum to be paid to the Council as a result of this application, so £8,832.00 reduces to £6,624?

I would welcome your guidance as to how best to proceed with this application.

Regards

Michael Knappett

Bryan Jezeph Consultancy Ltd; Registered in England and Wales No.306 5949; Registered Office: The Gallery, 3 South Street, Titchfield, Hampshire PO14 4DL.

[REDACTED]

This message is intended for the specified recipient only. If you are not the specified recipient, please delete this message immediately and disregard its contents.

## Simon Davis

---

**From:**   
**Sent:** 04 December 2014 12:43  
**To:** Nicola Spencer  
**Cc:** Simon Davis  
**Subject:** Millards Pig Farm ref AL/73/14/PL  
**Attachments:** 201412041212.pdf

Nicola, Simon,

The letter enclose arrived some time early November ---despite the curious date of 21 December v2012!!"

The cheque is dated 28 October and so is the deed ---usual report etc to follow. I was unable to report and complete this sooner because of the JRs we received/S106 on major sites/ plus some Housing files, so this is soonest I could come to this.

This is a deed completed but relating to an application still undecided so I think the following applies:-

The planning obligation was completed on 28 October ---see my email and completion report to be circulated.

The planning application has not been determined.

It will be determined by reference to current policy as of the date of decision.

The Affordable Housing Policy was superceded by paras 13-21 NPPG which now governs the matter.

So the planning obligation is no longer a material planning consideration, in my opinion, because there is no longer a policy justification for it ---indeed the opposite is the case ie --- DCLG says the Council should not have demanded it.

So you can now go ahead and make the determination of the application , the keeping of the S106 now being somewhat academic.

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer , Legal Services, Arun District Council | Location:  
First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37737 | External: +44 (0) 1903 737737 | E-mail: [Delwyn.Jones@arun.gov.uk](mailto:Delwyn.Jones@arun.gov.uk) Visit Arun's web site at  
[www.arun.gov.uk](http://www.arun.gov.uk) P Save the environment - think before you print.

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

**From:** Photocopier   
**Sent:** 04 December 2014 12:12  
**To:** Delwyn Jones  
**Subject:** Message from "nrg-resadmin"

This E-mail was sent from "nrg-resadmin" (Aficio MP 5002).

Scan Date: 04.12.2014 12:12:00 (+0000)

Queries to: [Photocopier\\_DO\\_NOT\\_REPLY@arun.gov.uk](mailto:Photocopier_DO_NOT_REPLY@arun.gov.uk)

