

Recommendation Report for Application for Approval of Details To Satisfy An Obligation

REF NO: BE/12/25/AOO

LOCATION: Nursery Fields  
Land to the North of Chalcraft Lane  
West Bersted  
PO21 5TS

PROPOSAL: Application to approve Schedule 2, Clauses 1.2, 1.4 and 1.5 related to the Affordable Housing Programme in the Section 106 dated 07.09.21 (as amended) in relation to planning permission BE/148/20/OUT.

SITE AND SURROUNDINGS
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## DETAILS OF DECISION

The council has considered the details you have submitted in order to satisfy obligations under Schedule 2, Clauses 1.2, 1.4 and 1.5 of the Section 106 agreement dated 7th September 2021 which relates to planning permission BE/148/20/OUT (Nursery Fields, Land to the North of Chalcraft Lane, West Bersted, PO21 5TS). This was amended under BE/37/24/DOV to amend schedule 2 (affordable housing) definitions and clauses 1.1, 1.6, 1.7, 2.1, 4.2 and 4.5, add schedule 6 (first homes) and replace schedule 5 (self-build housebuilding). This Deed Of Variation is dated 31/01/25 and was approved by the Council's Planning Committee, and subsequently determined on 03/02/25.

BE/114/24/NMA was approved following this DOV, to regularise Tenure Plan SL04 Rev AB.

The details you have supplied comply with the following clauses:

'1.2 To submit a planning application that includes the Affordable Housing Programme for approval by the Council'

'1.4 Not to Commence any Residential Units until the Affordable Housing Programme has been approved by the Council'

'1.5 Subject always to paragraph 1.6 of this Schedule, the Owners must not submit any planning application that proposes Residential Units in a Phase unless a Phase Specific Affordable Housing Delivery Plan has been submitted to the Council for approval in respect of that Phase and must not Commence any Residential Unit in that Phase until a Phase Specific Affordable Housing Delivery Plan for the Phase in question has been approved by the Council.'

'Affordable Housing Programme' means 'a written programme submitted as part of a planning application that proposes Residential Units for approval by the Council showing how the Affordable Housing Units will be delivered in the Development and shall include the following details:

- (a) the proposed number of Affordable Housing Units in the Development;
- (b) the proposed distribution of Affordable Housing Units within the Phases of the Development;
- (c) the proposed size, type and tenure mix of the Affordable Housing Units;

and the approved Affordable Housing Programme may be amended or substituted from time to time provided that the Council first agree to such amendment or substitution in writing.'

'Phase Specific Affordable Housing Delivery Plan' means 'Plans 2 and 3 appended hereto at Appendix 5 and 6 for the delivery of Affordable Housing Units (and any amendments to such plan as may be agreed from time to time) which plan shall be generally consistent with the Affordable Housing Programme (although minor deviations may be acceptable at the discretion of the Council) and shall contain the following:

- (a) the proposed location (per building) and distribution of the Affordable Housing Units within the Phase in question;
- (b) the proposed size, type and tenure mix of the Affordable Housing Units within the Phase in question, including specifically:
  - a. those Affordable Housing Units in that Phase which are to be for Affordable Rent;
  - b. those Affordable Housing Units in that Phase which are to be Intermediate Units;
  - c. those Affordable Housing Units in that Phase which are to be First Homes;
- (c) proposals for the management of the Affordable Housing Units in that Phase;
- (d) the timetable for the transfer of the relevant Affordable Housing Land in that Phase to a Registered Provider;

and, in all cases, must demonstrate compliance with the terms set out in this Schedule'

It is noted in respect of part (d) above (transfer of Affordable Housing Land to a Registered Provider), this is pursuant to a further clause under Paragraph 2 (Delivery of Affordable Housing). This requires 100% of the Affordable Housing Units to be constructed and transferred to the RP prior to the occupation of more than 50% of the Open Market Units in a

particular Phase.

The details that satisfy this clause comprise:

Site Layout Tenure SL04 Rev AB  
Phasing Plan SL012 Rev L

REASON FOR DECISION

The information has been reviewed by Hannah Kersley (Senior Planning Officer of Arun District Council) and meets the requirements of Schedule 2, Clause 1.2, 1.4, and 1.5 to provide an Affordable Housing Programme and Phase Specific Affordable Housing Delivery Plan for approval by the Council, and not commence any Residential Units until these details have been submitted and approved. The details submitted are in compliance with the information previously approved in respect of BE/148/20/OUT (and subsequent applications).

To fully comply with the obligation the development must be completed in accordance with the above details. If subsequent changes are required, amended details will need to be submitted and approved again. Please note this letter does not constitute a formal legal deed of discharge under Section 106A of the Town and Country Planning Act 1990 however the obligation status has been noted in the Planning Obligation Monitoring Records for any future enquiries.

DEVELOPMENT PLAN POLICIES

RECOMMENDATION
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APPROVE