

[REDACTED]

From: Simon Davis

Sent: 29 September 2017 11:34

[REDACTED]
Subject: RE: BE/63/17/OUT - The Cottage, Shripney

Dear Tim,

I agree with the content of your file note.

As to your question regarding the 106, I am afraid that I cannot suggest anything different. However, now that this is on Delwyn's radar, I would suggest that you will see progress on the matter.

The deadline for reports to go to the November Cttee is the 25th October.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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Save the environment - think before you print.

[REDACTED]
Sent: 28 September 2017 14:24

To: Simon Davis

Subject: BE/63/17/OUT - The Cottage, Shripney

Dear Simon,

I refer to our telephone conversations of earlier in the week in respect of the above.

Following our conversations I am required to formally update my clients and I wish to ensure that I have captured everything accurately. Therefore I have produced the attached file note which records the matters we discussed, and I would be very grateful if you could have a read through and then confirm to me that you agree with the content, so as to avoid any subsequent inconsistencies.

I do feel that the applicant has gone above and beyond on this application, including the provision of extensive revised details in order to comply with all ADC and WSCC policies and requirements, and to meet ADC's discretionary new stance on s106 agreements. We are extremely disappointed we have been unable to be reported to the October committee meeting especially after the lengths the applicant has gone to get the s106 in place in a timely manner. The applicant's Solicitors contacted Delwyn as follows:

- On 6 September (attaching draft agreement) and providing solicitor's cost undertaking
- On 8 September to chase for comments
- On 15 September to flag up WSCC's cost calculator and implications on drafting
- On 21 September to chase for comments and to, once again, underscore urgency

Then on 22 September we received email correspondence from Delwyn advising firstly that he had not received instruction from you, and then secondly that he had traced the file on his computer but did not have the draft agreement that had been sent to him on 6th September by the applicant's Solicitors. (NB. The applicant's Solicitors have also corresponded with Shoosmiths (on behalf of WSCC) in addition to the dates set out above as it seems to us that ADC's approval is contingent on WSCC's approval).

We would be grateful if you could please advise how we can best work with the Council to ensure that the s106 is completed ASAP.

As you have advised that there is now no opportunity for our application to make the October meeting, we need to receive your reassurances that our application will be heard in November. In this respect please can you advise when the deadline date by when you must submit your report for the November meeting is?

I look forward to hearing from you.

Best regards

TIM RODWAY
PARTNER [REDACTED]



RODWAY PLANNING
CONSULTANCY LIMITED

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FILE NOTE OF TELEPHONE CONVERSATIONS

Planning Application BE/63/17: Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29), following the demolition of the existing dwelling & outbuildings.

Land at 'The Cottage', Shripney Road, Bognor Regis PO22 9PA

**Mr Simon Davis (Arun District Council, Principal Planning Officer) [SD]
Tim Rodway (Rodway Planning Consultancy Limited, agent to the applicant) [TR]**

Telephone conversations of Tuesday 26th September 2017 (AM & PM)

Morning tel con:

At the outset TR explained the applicant's position – specifically that we need the application to be determined at the 18th October 2017 Committee, and we consider that we have done all we can to ensure this is achievable.

TR explained the applicant's frustrations with how the Council's legal team have dealt with the s106 agreement to date, in that matters have not been progressed since their instruction and our provision to them of the draft agreement some 3 weeks ago.

SD confirmed that he is aware that the legal team has had the draft 106 for some time (6th September to be exact).

SD advised that the Planning Department are taking a hard line on these cases, and if the s106 is not in place prior to Committee then the application would not be heard at that time, but would be deferred until a later Committee but only at which point the s106 is finalised.

TR asked that, given our circumstances, whether Officers could apply some flexibility in this instance? Especially as we will be continuing to do all we can to get the agreement signed by mid-October - as in the relevant legal officer's absence the agreement will continue to be worked on by the applicant's solicitors and WSCC.

TR also asked whether SD could ask his superiors about this – as we feel we have been dealt with unfairly given our continued efforts – and it is clear that the delays have been caused by the Council and not by the applicant, and we fail to see why we should be punished as a result.

SD confirmed that he would speak with his superiors, but he anticipates that their answer will be “no”.

SD then advised that the deadline for writing the report for the 18th October Committee is 27th September. SD confirmed that the report writing has not yet commenced and it is extremely unlikely that he will have the opportunity to do so before the deadline passes.

TR advised that SD had known that the 18th October meeting was our intention for some time, and therefore this news was very disappointing.

SD said that he had made no promises about this date being achievable, and he was sorry but his holiday had come at a bad time and that this has contributed to the application missing the October meeting.

TR asked SD if he could use every effort to prepare his report on the applicant's site and reiterated that if there was anything we could do to assist (aside from the ongoing s106) to let us know.

SD said he would come back to TR following his conversation with his superiors.

Afternoon tel con:

TR explained the applicant's and their legal advisor's view is that the Council's approach with respect to reporting items to Committee only when a s106 in place seems illogical.

SD confirmed that he had now spoken to his immediate team leader, Mr Juan Baeza, and the instruction from the head of development control is that all planning applications that require a s106, must have this in place before the application is reported to Committee. Officers cannot apply flexibility, irrespective of the individual case and circumstances.

SD explained that this is an informal stance the Council is now taking, and it is not a policy contained within any new document, or changes to the existing delegation agreement or other document – but it is nonetheless something officers are instructed to abide by.

SD confirmed that as it stands he is unable proceed to report the applicant's application to the October 2017 committee.

TR explained that the applicant is extremely frustrated by this delay which is completely not of their making. Indeed, quite the contrary, the applicant considers that they have done all they can to facilitate the application going to the October committee meeting.

END