

[REDACTED]

From: Simon Robinson [REDACTED]
Sent: 07 February 2020 16:46
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Arjan De Jong <Arjan.DeJong@arun.gov.uk>; Eric Cox [REDACTED] Brooks Brothers
[REDACTED]
Subject: Re: BR/282/19/PL 2-4 Waterloo Square

Hi Simon

Having discussed the affordable provision with our client, they have now taken further advice and requested that the information set out in this email be examined prior to our meeting next week. I would appreciate it if you could consider its content and provide a response at the meeting on 14th Feb.

**PA No. BR/282/19/LP - LAND AT THE BEACH HOTEL, FORMER MUD CLUB, AND 2 AND 4, WATERLOO SQUARE, BOGNOR REGIS PO21 1SU
AFFORDABLE HOUSING - APPLICANTS' ASSESSMENT BASED ON GOVERNMENT AND LOCAL POLICIES**

Present position -- the current planning application makes no provision for affordable housing

Overall summary

Present position on site

- (1) - Former beach Hotel - destroyed by fire - 20/11/2016
- (2) - 2, Waterloo Place - demolished - 12/02/2019
- (3) - 4, Waterloo Place - demolished - 12/02/2019

Residential accommodation prior to demolition

- (1) Beach Hotel - 2 x 1 bedroom flats
- (2) 2, Waterloo Square - 2 x 1 bedroom flats
- (3) 4, Waterloo Square - 2 x 2 bedroom flats

NB - Beach Hotel - recently expired planning permission for 6 x 1 bedroom flats, 2 x 2 bedroom flats and 2 x 3 town houses.

National Policy - NPPF

Paragraph 63 reads :-

" To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount "

There is a marker "28" which reads as follows:-

"Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned"

[HTTP://WWW.GOV.UK/GUIDANCE/PLANNING OBLIGATIONS](http://www.gov.uk/guidance/planning-obligations)

Guidance

Planning obligations

Paragraph 26 (15/3/19)

Paragraph 27 (25/3/19)

Paragraph 28 (15/3/19)

This document includes the following :-

"Does the vacant building credit apply to any vacant building being brought back into use"

The vacant building credit applies where the building has not been abandoned.

The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property
- the period of non-use
- whether there is an intervening use: and
- any evidence regarding the owner's intention

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider;

whether the building has been made vacant for the sole purpose of re-development

whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development."

The applicants, in assessing the above, confirm the following points :-

The buildings were never abandoned.

The former Beach Hotel was destroyed by fire. Insurance claim settled.

Nos 2 and 4 Waterloo Square - Arun's Environmental Officers served Notice that the buildings were unsafe for human habitation which led to their demolition.

Regarding "abandonment" - there are 4 bullet points:-

The condition of the properties - please see above.

The period of non- use :

Former Beach hotel - Upper floors vacant prior to purchase on 20.09.2016.

Ground floor in active use - tenant inherited (chip shop at front of the building)

2, Waterloo Square - since March 2018

4, Waterloo Square - since March 2018
Demolition Section 81 Notice applied for on 24/7/2018

There were no intervening uses

Any evidence regarding the owner's intentions.

This is vitally important

The applicants can provide documentary evidence and statements if required to support the facts set out below.

18/04/2016 - email from Nick Hopper(applicants' original architect) confirming the proposed redevelopment of all 3 sites by prospective purchasers (ie the present applicants).

20/06/2016 - e mail from Nick Hopper regarding applicants' heritage consultant.

Meeting in the summer of 2016 with Head of Place, Karl Roberts, Council Estates Officer, Paul Broggi and Heritage Conservation officer, Martyn White at ADC's Offices.

04/10/2016 - e mail relating to meeting with Martyn White at Council Offices.

The Beach Hotel was destroyed by fire on 20/11/2016. As shown above, there is clear evidence that the prospective new owners intended , after purchase, to redevelop the site to include residential units. Following purchase this was followed up by a request for pre application advice on 31/01/2017. This was acknowledged by e mail dated 01/02/2017 under reference PAA/28/17.

In any event , planning permission was previously given for redevelopment of the Beach Hotel on 16/09/2011 - reference no BR/239/11/ which included both residential and commercial (as does the current application)

2 and 4, Waterloo Square - these properties were demolished on 12/02/2019 on the direction of the Council's environmental officers.

However, in an email from Simon Davies of the Council to Simon Robinson (applicants' agent) dated 19/12/2019 it records :-

" Paragraphs 027 - 029 of the National Planning Practice Guidance set out the application of vacant building credit (<https://www.gov.uk/guidance/planning-obligations>). However I do not consider that this would apply as the buildings on the site have long since been removed and were not technically removed to make way for new development"

With respect, that is not a correct statement.

Prior to demolition ,as mentioned earlier, the applicants' agent had undertaken a formal pre-application consultation with Council officers concerning the owners' intention to redevelop all 3 sites and get Bognor Regis regeneration started.

From the initial meeting prior to the fire, discussions were ongoing with officers of ADC. The applicants successfully brought an end to the stalemate position that existed with the ex leaseholder (2/4 Waterloo Square) and the Council. This had left 2/4 Waterloo Square in a very poor state.

The Policy Statement also states , inter alia, should have regard to the intention of the National policy.

2 bullet points are made - restated below :-

"whether the building has been made vacant for the sole purpose of re-development"
"whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development"

The first point has been covered already.

The second point refers to " recently expired planning permission".
Permission for the residential and commercial development - similar to that currently applied for expired on 16/09/2016.

The applicants consider the factual background clearly shows that their intentions for redevelopment for residential purposes had always existed and it was matters outside their control (ie fire and direction from the Council) which led to the sites being currently vacant.

In these special circumstances ADC should allow the vacant building credit to be applied.

Government advice also includes the following :-

"What is the process for determining the vacant building credit ?"

"Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set in their Local Plan. A "credit" should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10.000 square metres . Any affordable housing contribution should be a fifth of what would normally be sought .

Paragraph =: 027 Reference ID:23b-027-20190315

On that basis that this formula is the correct one to follow in calculating the amount of affordable accommodation.

As quoted earlier the government advice records:-

"... any affordable housing contribution should be a fifth of what would normally be sought"

ADC's normal policy of 30% for 49 units generates 14.7 % of affordable housing.

Using the Government's formula of one fifth (20%) of 14.7% produces 2.94 units (rounded up to 3)

ADC's policy AH SP2 states :-

"For all developments of 11 residential units or more the Council will require a minimum of 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance "

This is clearly at odds with the Government advice which says a fifth (20%) not 30%.

SUMMARY

The applicants consider that vacant building credit should be granted on the above facts. - plus there is a moral duty to accept that the exceptional circumstances were outside the applicants' control.

They believe, that the Government's one fifth is the correct formula to follow.

THE NEXT STEPS

The Officers are requested to confirm the requirement for affordable housing having regard to the above is 3 units.

Accordingly, revised plans will be submitted which will include this element of affordable housing and request these new plans be substituted for the originals and that they be considered by the Planning Committee

In conclusion, the applicants recognise that the site , as it currently stands is an "eyesore" and no credit to the Conservation Area or , indeed the Council.

They wish to avoid an appeal and a resultant public local inquiry, which, regardless of its outcome, would involve even further delay in redevelopment - hence this endeavour to resolve matters by consultation now.

I look forward to hearing from you soon.

Regards

Simon Robinson - Associate

