

Simon Davis

From: Simon Davis
Sent: 01 June 2023 13:19
To: Tania Tindale
Subject: RE: APP/C3810/W/22/3308857 - 2-10 Queensway, BOGNOR REGIS, PO21 1QT - FAO SAFIA KAUSAR
Attachments: Email 150922.pdf; Email 021122.pdf

Hi Tania,

Please see attached.

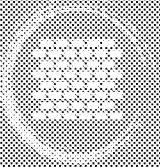
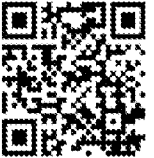
Simon.

Simon J Davis MRTPI
Principal Planning Officer, Directorate of Growth
T: 01903 737874
E: simon.davis@arun.gov.uk
Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

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Our priorities...

 Improving the wellbeing of Arun	 Delivering the right homes in the right places	 Supporting our environment to support us	 Fulfilling Arun's economic potential	 
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From: Tania Tindale <[REDACTED]>
Sent: Thursday, June 1, 2023 11:30 AM
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: FW: APP/C3810/W/22/3308857 - 2-10 Queensway, BOGNOR REGIS, PO21 1QT - FAO SAFIA KAUSAR

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Hi Simon,

Can you please forward the emails dated 15/09/22 and 02/11/22 you refer to in your email below to PINS.

Many thanks

Kind regards

Tania

Tania Tindale
Director

www.verveplanning.com



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From: Simon Davis <Simon.Davis@arun.gov.uk>

Sent: Tuesday, May 30, 2023 5:10 PM

To: [REDACTED]

Cc: Daniel Vick <Daniel.Vick@arun.gov.uk>; Tania Tindale <[REDACTED]>

Subject: RE: APP/C3810/W/22/3308857 - 2-10 Queensway, BOGNOR REGIS, PO21 1QT - PAO SAFIA KAUSAR

Dear Safia,

I acknowledge that our website states that:

"Where it can be proven that 30% affordable housing provision is not viable, then a reduction in the amount of affordable housing on a site or off-site provision as part of another development within the Arun district may be considered. The provision of affordable housing on a site at less than 30% or an alternative site or by way of a commuted sum will only be allowed in very exceptional circumstances and if supported by robust evidence including, where appropriate, viability evidence. In these cases, we will use an independent assessor, Dixon Searle Partnership, to appraise the evidence provided. This will be at the cost of the applicant. Please note that we may publish developer viability appraisals in full on our website if the application fails to meet our affordable housing policy requirements."

I also acknowledge that the appellant has since sought advice from registered affordable housing providers and based on this does not consider the physical affordable housing requirement to be workable. The appellant has offered to pay the costs of this exercise which reflects our agreed approach. If this was being offered during an application or post decision to inform a resubmission, then there would be no objection.

However, it is material that the s106 heads of terms for the appeal application were first shown to the appellant in November 2022 and that the eventual s106 agreement was only signed 3 months ago (24/02/23). Our guidance on the use of a viability assessor was also raised with the appellants twice during the determination of the resubmission application – on 15/09/22 by our Affordable Housing consultee and on 02/11/22 by me. I can provide emails to demonstrate this if necessary.

We have already expended significant time post the refusal of the appeal application on pulling together the information to agree the heads of terms (accepting that part of this process coincided with the same exercise on the resubmission application) and then getting the s106 signed and the appellant has already been afforded plenty of opportunities to negotiate on either or both of the applications. We have already

prepared our appeal statement based on a case of viability yet with there being no arguments in the appellants submission to this effect. We acknowledge that the cost of the viability exercise will be paid by the appellant, but this will not include officer time in briefing & instructing our assessor and other admin costs.

Whilst I accept that the appointed Inspector will have discretion in accepting late submission of information, we have adhered to the timeframe set out for the appeal and would have assumed that the appellant would have done also. We feel that some of the work we have undertaken to date has been wasted.

We therefore object to this approach.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer, Directorate of Growth
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From: East 2 [REDACTED]
Sent: Thursday, May 25, 2023 3:29 PM
To: Planning <Planning@arun.gov.uk>
Cc: Tania Tindale [REDACTED]
Subject: FW: APP/C3810/W/22/3308857 - 2-10 Queensway, BOGNOR REGIS, PO21 1QT - FAO SAFIA KAUSAR
Importance: High

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Dear Sir/madam,

The appellant has requested to submit a viability report on this appeal, and they have offered to cover the costs of the LPA in appraising the evidence, please see their email below. We are minded accepting the document and unless we hear otherwise by 17:00 on Tuesday 30 May 2023, we will assume you have no objection to our

acceptance. Should the LPA object to the request, we will defer this matter to the Inspector once one is appointed to the appeal.

Many thanks
Safia



The Planning
Inspectorate

Safia Kausar| Case officer, East 2
The Planning Inspectorate
Temple Quay House, 2 The Square, Temple Quay,
Bristol, BS1 6PN
T 44 303 444 5450 | [REDACTED]

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From: Tania Tindale [REDACTED]
Sent: 23 May 2023 16:01
To: East 2 <[REDACTED]>
Cc: Adrian Burrows <[REDACTED]>
Subject: APP/C3810/W/22/3308857 - 2-10 Queensway, BOGNOR REGIS, PO21 1QT - FAO SAFIA KAUSAR
Importance: High

Dear Safia

We write further our telephone conversation earlier in respect of the above appeal.

When we submitted the planning appeal in October 2022 the Appellant was still in negotiations with Arun Council's Housing Officers to agree the amount, tenure and size of affordable units to be provided in a separate application ref BR/238/22/PL. As such the Appellant's Statement of case confirmed that a Unilateral undertaking would be provided to PINS within 7 weeks of the Appeal Start date (i.e. at the Rebuttal stage) confirming an appropriate level of affordable housing provision.

Arun Council subsequently granted planning permission under BR/238/22/PL on 1 March 2023 for an almost identical scheme, subject to a legal agreement which included 9 affordable rented dwellings, 1 shared ownership dwelling and 3 first homes.

Following this decision, the Appellant has contacted the Council's Housing Department and all of the preferred registered affordable providers on Arun Council's website to ascertain their interest in the affordable housing units comprised within the consented scheme. They have received no interest to date from any providers. Indeed, the feedback received has indicated that the lack of interest is due to the unit numbers and the location of the site.

Furthermore, given the current market conditions and the inflation in build costs, there has also been a significant impact on the viability of the scheme. The Appellant was obviously not aware of these issues when the Appeal was made back in October 2022.

A robust viability report is being finalised this week by a specialist consultant on behalf of the Appellant. The Appellant proposes to submit the viability appraisal to PINS as part of the Rebuttal case (i.e. within 7 weeks of the start date) to demonstrate that the scheme cannot viably support any affordable housing due to the current market conditions coupled with inflation in build costs having a significant impact on scheme viability. As part of the appeal process, we write to request that the Council be given time to review the viability case. The Appellant agrees to pay any independent consultants' fees incurred by the Council in appraising the viability evidence on their behalf.

We look forward to hearing from you once you have spoken to your manager.

Many thanks

Kind regard

Tania Tindale

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Tania Tindale
Director


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