

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

REF NO: CM/8/26/AOO

LOCATION: Land West of Church Lane
and South of Horsemere Green Lane
Climping

PROPOSAL: Application to approve details required under the Section 106 dated 03.09.24 linked to CM/1/17/OUT (Land West of Church Lane and South of Horsemere Green Lane, Climping) relating to Community Buildings (Schedule 3, Clause 3.1 and 3.2).

SITE AND SURROUNDINGS

DETAILS OF DECISION

Arun District Council hereby APPROVE the detail pursuant to S106 obligations for the following reasons.

This application seeks to approve details required under the Section 106 dated 03 September 2024 linked to CM/1/17/OUT (Land West of Church Lane and South of Horsemere Green Lane, Climping) relating to the marketing scheme for the Community Buildings (Schedule 3, Part 3.1 and 3.2).

A previous application for Schedule 3, Part 3.2 was previously refused in 2024 (CM/41/24/AOO). This was due to the marketing strategy under part 3.2.3 being inadequately detailed for its intended purpose, as a result of its prematurity. This application seeks to overcome this previous refusal, and approve details for Parts 3.1 and 3.2.

Schedule 3, Part 3 'Community Building' comprises the following clauses; for which details have been submitted to satisfy their obligations:

3.1 'Not to Commence Development on the Phase on which the Community Buildings are to be provided until the Community Building Scheme has been submitted to and approved in writing by ADC ("Approved Community Buildings Scheme") and the provide Serviced Community Building Land and access thereto prior to the Occupation of 50 Dwelling Units (or such other number of Dwelling Units that may be agreed by ADC).

3.2 'Not to Occupy more than 100 Dwelling Units (or such other number of Dwelling Units that may be agreed by ADC) until the Owners have submitted and the Council has approved

3.2.1 an application for Reserved Matters Approval (to include details of siting design and external appearance) in relation to the Community Buildings;

3.2.2 a scheme ("Scheme") outlining:

(a) the proposed opening hours of the A1 Community Building, together with the days of the week that the A1 Community Building will be open and trading and the types of goods to be sold; and

(b) the proposed uses to be provided within the D1 Community Building, together with the hours and days of the week that the D1 Community Building will be open;

3.2.3 a Community Building Marketing Strategy which shall include:

(a) the erection of boards on the Land advertising the Community Buildings (subject to receiving any advertisement consents from ADC that may be required);

(b) the preparation of detailed particulars to be circulated to a regional practice's range of retail/commercial clients;

(c) the placing of adverts within the appropriate local, regional and national press and on the internet advertising the Community Buildings' availability;

(d) details of the offer of Disposal that is to be sought for the Community Buildings to include details of the Market Rent lease provisions and the term;

(e) the appointment of specialist retail marketing agents to manage the marketing strategy;

(a*) the use that will be made of the internet and electronic media in the Community Buildings Marketing Strategy'

*It appears this is a typo and should be (f).

'Community Buildings' means:

'1. a community building with car parking spaces up to 875sqm net for community uses (Use Class D1, non residential institutions) on ground floor ("D1 Community Building"); and

2. a building (up to 530sqm net internal floorspace) for retail use (Use Class A1) ("A1 Community Building") to be provided as part of the Development in accordance with the Planning Permission, Reserved Matters Approval and the Approved

Community Buildings Scheme and "Community Building" shall be construed accordingly'

'Community Building Land' means 'an area within the Land capable of accommodating the Community Buildings and Serviced with access provided to its boundary in a location to be agreed in writing between the Owners and ADC and in accordance with the provisions of paragraph 3 of the Third Schedule'

'Community Building Marketing Strategy' means 'the strategy for the extensive marketing advertising and promotion of the Community Buildings as more particularly described in paragraph 3.2.3 of the Third Schedule'

'Community Building Scheme' means 'a scheme relating to the provision of the Community Buildings such scheme to include details relating to:

1. the precise location of the Community Buildings on the Land;
2. the specification;
3. a programme of implementation for the delivery and completion of the Community Building'

'Scheme' has the meaning ascribed in paragraph 3.2.2 of the Third Schedule.

Though development has commenced, Phase 2 is yet to commence, and this the phase containing the Community Buildings. Therefore, there is no conflict with Part 3.1. Part 3.2.1 has been satisfied under the approval of CM/48/21/RES.

A Community Building Scheme (15/05/26) has been provided to satisfy the requirements under Part 3.1 and 3.2.2. This sets out the precise location of the Community Buildings as approved under the RM CM/48/21/RES, on the north and south sides of the main access road into the site. A specification is also set out, explaining the historic use of A1 Use Class, and its amendment to Class E in 2020. The A1 Unit is now proposed to be in use under Class E(a) (the equivalent updated use class), and is proposed for retail or service related activities. Plans and Elevations are provided, alongside a list of likely products / services sold and operating hours. Details are also provided for the specification of the D1 Unit. D1 was phased out in 2020; replaced by Class E and F Use Classes. The proposed D1 Unit is therefore to be in use as Use Class E(e, f, or g). A list of potential activities have been provided; as this unit is proposed to be a flexible space to accommodate a range of community uses in accordance with the S106 Agreement. Operating hours are also detailed. This Scheme also provides a programme of implementation,

explaining these buildings sit within Phase 2 of the development, and are anticipated to be completed in March 2027. It is concluded that these details are acceptable, and meet the requirements of the Obligation for a 'Community Building Scheme' or 'Scheme'.

A Marketing Report (14/04/26 - Lambert Smith Hampton) has been submitted to satisfy the obligation under Part 3.2.3. This addresses the reasons for refusal as set out in CM/41/24/DOC, and provides the information as required to be included. This includes marketing and advertising details, prices for rent, details of disposal, opening hours, intended use, marketing period and monitoring updates for the progress of marketing. Lambert Smith Hampton are identified as the specialist marketing agents to manage this strategy. It is considered the details provided address the previous reason for refusal, and supply sufficient information for the requirements of 3.2.3. This report is subsequently accepted as the Community Building Marketing Scheme. It is considered that this Marketing Scheme is no longer premature, and could reasonably be begun within 15 working days of receipt of the approval of this application, as required under Schedule 3, Part 3.3.

As set out, the details submitted have been found to satisfy the obligations set out in Schedule 3, Part 3.1 and 3.2, of which written approval is required. Parts 3.3 and 3.4 do not require written approval, and are obligations to be undertaken by certain trigger points.

The following documents are accepted as satisfying the requirements for a Community Building Scheme and Community Building Marketing Scheme:

- Community Building Scheme (15/05/26)
- Marketing Report (14/04/26 - Lambert Smith Hampton)

The obligations under Schedule 3, Parts 3.1 and 3.2 are subsequently approved.

REASON FOR DECISION

The information has been reviewed by Hannah Kersley, Principal Planning Officer and has been found to satisfy the requirements requiring written approval by the Council under Schedule 3 (Community Buildings), Parts 3.1 and 3.2 for a Community Building Scheme and Community Building Marketing Scheme. The details submitted are in compliance with the information previously approved in respect of CM/1/17/OUT (and subsequent applications).

To fully comply with the obligation(s) 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 before provision.

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.

RELEVANT SITE HISTORY

CM/20/25/AOO	Application to approve details required under the Section 106 dated 03.09.2018 linked to CM/1/17/OUT (Land West of Church Lane and South of Horsemere Green Lane, Climping) relating to the Public Open Space Scheme (Schedule 3, Part 4.1).	Approve 23-07-25
CM/41/24/AOO	Application to approve details required under the Section 106 dated 03.09.24 linked to CM/1/17/OUT (Land West of Church Lane and South of Horsemere Green Lane, Climping) relating to the scheme for marketing the Community Buildings (Schedule 3, Part 3.2).	Refused 11-12-24
CM/26/24/AOO	Application to approve details required under the Section 106 dated 03.09.2018 linked to CM/1/17/OUT (Land West of Church Lane & South of Horsemere Green Lane) relating to the Affordable Housing Plan (Schedule 3 Clause 1.1)	Approve 08-10-24

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

APPROVE