

From: Simon Davis

Sent: 01 March 2022 18:06

To: Thomas Roberts [REDACTED]
[REDACTED]

Subject: RE: Y/186/21/PL - Bonhams Field, Yapton - Response to Affordable Housing Comments [IM-Active.FID3411480]

Dear Thomas,

I note the advice of your planning solicitor. However, please also note the following which I set out in the pre-application response (PAA/105/21):

"Please ensure that any future application demonstrates how the necessary infrastructure can be provided through a combination of s106 and CIL and taking account of the s106 attached to the outline permission.

The question of whether we can accept a partial re-plan application or a full is whether you can implement the two permissions side by side. If there are issues with the relationship of s106 and CIL then this suggests that you cannot develop side by side and so you would need to submit a full application. You cannot amend the original s106 through a partial re-plan that would now be subject to CIL and would therefore be hit by CIL and the original s106. We need to have certainty of when a trigger in the s106 is reached and the act of implementing two different permissions makes this impossible.

Please also note that two recent re-plan applications have been refused (WA/59/20 & P/97/20/PL) with reasons relating to the infrastructure requirements.

Should you consider it appropriate to submit a partial re-plan application then I would recommend that you seek your own legal advice and the application be accompanied by a statement setting out how the two permissions can be implemented together and how the conflicts between the existing s106 and CIL can be resolved. However, it is our view that a full application for XX dwellings would be the most appropriate course of action and that this could then be accompanied by a Deed of Variation to the original s106 with the other infrastructure requirements then being secured by CIL."

It is disappointing that there was no response to these points in your submission for Y/186/21/PL and that it took me to raise it again during the application for it to be considered. Our policy as set out on our website is not to negotiate any changes where pre-application advice was not followed. For this reason, I do not agree to a meeting to discuss this.

It is our opinion that this application if permitted could not be developed side-by-side with the existing permission and that the existing s106 would be affected (as a DoV would be necessary). Unless you agree to withdraw and resubmit the proposal as a full application for the whole site, it is my intention to refuse permission under delegated powers.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer



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

To register to receive notification of planning applications in your area please go to
<https://www1.arun.gov.uk/planning-application-finder>

Arun is a CIL Charging Authority, for more information go to www.arun.gov.uk/cil
Sign up to our newsletter [here](#)



From: Thomas Roberts [REDACTED]
Sent: 01 March 2022 10:50
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: FW: Y/186/21/PL - Bonhams Field, Yapton - Response to Affordable Housing Comments [IM-Active.FID3411480]

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

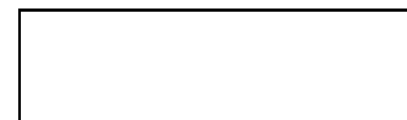
Good Morning Simon,

I hope you're keeping well. I appreciate that you have just come back off leave so are likely catching up with everything - have you had any thoughts on the below suggestion of having a meeting following Nicola's email setting out how we intend to address the Section 106 issue / affordable housing and M4(2) contribution.

Seaward are pushing us hard to get this sorted sooner rather than later, particularly given the determination target date is fast approaching and I appreciate that you will have to start getting the committee report ready etc.

Kind Regards
Tom

Thomas Roberts BSc (Hons) MA UD (He/Him)
Principal Planning Consultant



TSP:

- The information contained in this email may either be privileged and/or confidential.
- If you are not the intended recipient please delete this message; using (including disclosure, copying or onward distribution) its content may be unlawful.
- Our messages are checked for viruses, but we cannot accept liability for any viruses which may be transmitted in or with this message or attachments.
- Company Registration No. 07548836

Be green, save money and remember to print double sided.

From: Thomas Roberts [REDACTED]
Date: Friday, 18 February 2022 at 17:12
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Ian Johnson [REDACTED]
Subject: Y/186/21/PL - Bonhams Field, Yapton - Response to Affordable Housing Comments [IM-Active.FID3411480]

Good Afternoon Simon,

Following on from Nicola's email, are we able to arrange a meeting with yourself, the Housing Officer and Sovereign (the RP) to help us move forward with a legal agreement if you're in agreement with the approach Nicola has suggested?

Kind Regards,
Tom

Thomas Roberts BSc (Hons) MA UD (He/Him)
Principal Planning Consultant

TSP:

- The information contained in this email may either be privileged and/or confidential.
- If you are not the intended recipient please delete this message; using (including disclosure, copying or onward distribution) its content may be unlawful.
- Our messages are checked for viruses, but we cannot accept liability for any viruses which may be transmitted in or with this message or attachments.
- Company Registration No. 07548836

Be green, save money and remember to print double sided.

From: Nicola Gooch [REDACTED]
Date: Friday, 18 February 2022 at 17:05
To: Simon Davis <Simon.Davis@arun.gov.uk>, Thomas Roberts [REDACTED]

Subject: RE: Y/186/21/PL - Bonhams Field, Yapton - Response to Affordable Housing Comments [IM-Active.FID3411480]

Dear Simon,

Thomas asked me to respond to your email, as the planning solicitor advising the applicant on this scheme.

As you can appreciate, we have given the question of how best to integrate this application into the wider development site a great deal of thought.

Whilst Phase 2 is a stand-alone planning application, it is very closely connected with the wider development site. As such, we feel that it is appropriate to deal with the infrastructure contributions for this development through a deed of variation to the existing s.106 Agreement for the site which would:

1. Tie the 'Phase 2 Permission' (if granted) into the existing s.106 Agreement;
2. Adjust the financial contributions and payment triggers in the existing s.106 agreement to reflect the split between those units developed under the existing consent and those developed under the Phase 2 Permission – which would attract CIL;
3. Update the Affordable Housing provisions and requirements for M4(2) housing to reflect the 'balancing' or over/under provision issues previously discussed; and
4. Pick up any additional s.106 contributions or obligations arising out of the Phase 2 Permission

This would both ensure that the infrastructure contributions for Phase 1 and Phase 2 of the site were properly integrated and also provide you with a mechanism by which the over/under provision issues on the site as a whole can be addressed.

If this is an acceptable approach, please let me know and we can let you have an early draft of the deed of variation, so you can see how the mechanism would work.

Kind regards

Nicola Gooch
Partner
Irwin Mitchell LLP