

Karen Parsons

From: Simon Davis
Sent: 24 November 2017 16:51
To: Karen Parsons
Cc: Neil Crowther; Daniel Vick
Subject: FW: P1401 - Stakers Farm, Yapton - Masterplan, S106, A27 Improvements Y/44/17/OUT

Hi Karen,

EoT please re Y/44/17/OUT.

Neil/Dan – for info only.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: 1st Floor, Arun Civic Centre, Maitravers Road, Littlehampton, BN17 5LF
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk

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From: Chris Barker [REDACTED]
Sent: 24 November 2017 16:02
To: Simon Davis
Cc: Sam Sykes
Subject: Re: P1401 - Stakers Farm, Yapton - Masterplan, S106, A27 Improvements

Simon

Whilst the delays are disappointing, we can agree an Extension of Time on this until 19 January 2017 to expedite a positive decision.

Kind Regards

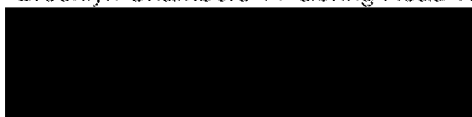
Chris Barker MATP MRTPI
Managing Director

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On Nov 24, 2017, at 10:18 AM, Simon Davis <Simon.Davis@arun.gov.uk> wrote:

Dear Sam,

I am unable to confirm re the outstanding points as I need to speak to Highways England and I am still waiting for legal advice on whether the land gift can be included within the S.106. You will appreciate that neither of the items are planning judgements and the delays are not the fault of us the planners.

I am also still waiting for an update from our solicitor re the 106 itself.

I am aware that the application 6 month date is the 25th December and we will not let it pass this date unless there is a signed EoT in place. Therefore, if there is no EoT in place before then, we will be refusing the application before Xmas most likely on the basis of the absence of a signed 106 and potentially on highways reasons depending on HE's position.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Sam Sykes [REDACTED]
Sent: 23 November [REDACTED]
To: Simon Davis
Cc: Chris Barker
Subject: RE: P1401 - Stakers Farm, Yapton - Masterplan, S106, A27 Improvements

Hi Simon,

Apologies for not coming back to you on this.

We assume on the basis of your email below that the attached is sufficient to allay your previous concerns. Please can you confirm? Please can you also confirm that the information provided within the attached email is sufficient to attract a positive recommendation?

Please can you also provide an update on the s106?

We will be in a position to agree an extension of time once we have had confirmation on the above.

Kind Regards

Sam Sykes MRTPI
Senior Planner

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From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]
Sent: 17 November 2017 11:30
To: Sam Sykes
Cc: Chris Barker
Subject: RE: P1401 - Stakers Farm, Yapton - Masterplan, S106, A27 Improvements

Dear Sam,

I note that the application expired in September and that no extension has been agreed. Our solicitor is still working on the S.106 and I will be doing my weekly chase later today. However, I would be grateful, mindful that this the 6 month date is approaching, if we can agree an Extension of Time on this until 19 January 2017 which would be two days after the planned Committee date. I know you want this to go to December but this is not going to be possible. Please indicate your agreement.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Simon Davis
Sent: 13 November 2017 16:58
To: 'Sam Sykes'
Cc: Chris Barker
Subject: RE: P1401 - Stakers Farm, Yapton - Masterplan, S106, A27 Improvements

Dear Sam,

Masterplan

I note your agreement to master planned approach only after permission has been granted for the outline permission. There is likely to be opposition to this standpoint and I cannot therefore currently give any assurances that the application can proceed to Committee or that it will attract a positive recommendation.

Land Gift

In relation to the land gift question, I am seeking legal advice on whether this requires a separate unilateral or can actually form part of the s.106. I have separately tried to ask about whether if a separate unilateral was required, this would hold up the determination of the application at Committee, in the same way that the report cannot go to Cttee until the 106 is signed. I would have thought not as it is a gift and is not required in policy terms. However, I have not been able to get a firm view on this question and therefore cannot currently offer you any assurances on this aspect.

A27 Improvements

I had understood that you wanted us to take a pragmatic stand point on this and in effect override the advice of Highways England. However, I then compared your suggested words to those of Highways England and I didn't notice any particular difference. Notwithstanding, I have submitted your proposal to Highways England for them to consider further.

Kind Regards



From: Sam Sykes [REDACTED]
Sent: 06 November 2017 [REDACTED]
To: Simon Davis
Cc: Chris Barker
Subject: P1401 - Stakers Farm, Yapton - Masterplan, S106, A27 Improvements

Dear Simon,

As discussed last week, we write to you on three matters regarding the Outline Application for up to 70 new dwellings at the land at Stakers Farm (Y/44/17/OUT).

Masterplan

With respects to your letter dated 31 Oct 2017 regarding whether our clients would be amenable to a Masterplan strategy for the site in conjunction with other land owners in the area, we can confirm that our clients would not however be happy to enter into such discussions prior to the determination of the current planning application. The current application is for Outline permission with details relating to layout reserved for later determination. It seeks to establish the principle of development alongside details of access arrangements. Subsequently, such discussions on the wider Masterplan approach can only be carried out subsequent to the principle being established – we would not wish to pre-empt the determination of the application in this respect.

Notwithstanding this point, there is no adopted or emerging policy which specifically requires the approach to masterplanning sites on the western side of Yapton. The Council has invited applications on HELAA developable sites such as the land at Stakers Farm to boost housing numbers in the short term as set out in the Arun Housing Implementation Strategy. Our clients have reacted to this invitation in good faith. It would be disingenuous to invite applications on the one hand to boost housing in the short term only to then halt such applications due to a lack of strategic policy (which the Council has responsibility to provide). There is no reason why a masterplan approach could not be considered subsequent to the determination of the application in this respect. Our client would be happy to include a clause in the s106 that would require them to use best endeavours to enter into discussions with other site developers subsequent to determination of the Outline application.

While we are cognisant of other proposed development sites in the vicinity, there are issues such as land ownership constraints and ransom strips (which we have discussed with you previously) which prevent the inter site connectivity referred to within your letter. This would need to be resolved subsequent to the determination of the application and it is likely that the Council would need to compulsory purchase land to enable such an approach. We cannot await such matters to be resolved before the determination of the current application – this would be unreasonable.

In summary we would suggest strongly that the application should be determined prior to further discussion and we would ask that the willingness of our clients to enter into such discussion post determination is communicated to Members at committee.

S106 – Land Gift to Yapton Primary

We understand that WSCC has requested a separate unilateral agreement on the land to be gifted as part of the planning application. The application is now well beyond the target determination date and we do not see what is restricting it from being included as part of the s106 agreement. We cannot agree to carrying out a separate unilateral agreement on the gift of this land since this will delay further the determination of the application. The land can alternatively revert to open space if the need for a unilateral will cause further delay to the determination of the application.

A27 Improvements

As discussed we would request that an appropriately worded condition is applied to deal with the concerns relating to the A27 right hand turn. We are concerned with the most recent suggested conditional wording from Highways England which allows for the occupation of up to 50 dwellings at Stakers Farm in relation to the Tye Lane development. We are concerned about the triggers and timing of development since the site at Stakers Farm has minimal impact on this junction yet should it come before the Tye Lane development, would be required to deliver the entire junction improvement. Subsequently, we would ask that the Council take a pragmatic approach with regards to the junction improvement and the timings of sites coming forward and agree to the following planning condition:

Improvements to the right hand turn junction of the A27 to Yapton Road will be delivered prior to the occupation of the 50th dwelling unless agreed otherwise in writing with the planning authority in consultation with Highways England.

Ideally the improvements to the junction would be undertaken on a proportional basis and sites would be required to pay a proportional amount based on their likely impact – the improvement as proposed cannot be provided in isolation solely by the Stakers Farm site in the instance that the Tye Lane site doesn't come forward prior to occupation of the 50th dwelling.

Following this correspondence, we trust you now have all required to determine the application. We would request that the application is considered at the December committee at the latest given the lengthy determination period to date.

We trust this is clear yet should you have any other queries please contact me.

Kind Regards

Sam Sykes MRTPI
Senior Planner

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