

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

REF NO: Y/4/26/AOO

LOCATION: Land at Bilsham Road
Yapton

PROPOSAL: Application for approval of details under Section 106 dated 3/4/2019 relating to Y/91/17/OUT in relation to Schedule 3 Clause 1.4 - definition of Affordable Housing Provider

SITE AND SURROUNDINGS

DETAILS OF DECISION

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

The council has considered the details you have submitted in order to satisfy obligations required under the Glossary and Schedule 3, Clause 1.4 of the Section 106 dated 03/04/2019 which relates to planning permission Y/91/17/OUT (Land at Bilsham Road, Yapton). This is in respect of the approval of the Affordable Housing Provider.

The definition of Affordable Housing Provider, as stated within Paragraph 1.1 (Interpretation), is as follows:

'Affordable Housing Provider - means either one or a combination of:

- a. a registered provider of Affordable Housing registered under the Housing and Regeneration Act 2008 with Homes England who is on the Council's list of approved Affordable Providers (annexed as Appendix 4); or
- b. Any other provider of Affordable Housing who is approved by the Council; or
- c. such other body or organisation approved by the Council in writing whose main objective is the provision of Affordable Housing.'

Schedule 3, Paragraph 1 (Affordable Housing), Clause 1.4 requires that:

'Subject to paragraph 1.11 below not the Occupy or cause or permit the Occupation of more than:

Fifty percent (50%) of the Market Housing Units (or fifty percent 50%) of the Market Housing Units on a Phase as the case may be) (or such other number of Market Housing Units that may be agreed in writing by the Council) until fifty percent

(50%) of the Affordable Housing Units (or as the case may be fifty percent (50%) of the Affordable Housing Units on that phase) have been Provided and disposed of to an Affordable Housing Provider (either freehold or leasehold for a period of not less than 125 years) on terms which ensure that the Affordable Housing Units are and remain bound by the obligations in this Schedule (unless otherwise agreed in writing by the Council).

Eighty percent (80%) of the Market Housing Units (or eighty percent 80%) of the Market Housing Units on a Phase as the case may be) (or such other number of Market Housing units as may be agreed in writing by the Council) unless and until all the Affordable Housing Units (or as the case may be Affordable Housing units in a Phase) have been Provided and disposed of to an Affordable Housing Provider (either freehold or leasehold for a period of not less than 125 years) on terms which ensure that the Affordable Housing Units are and remain bound by the obligations in this Schedule (unless otherwise agreed in writing by the Council).'

The submission proposes the transfer of Hyde Housing Association Limited retained equity in the shared ownership properties to M&G UK Shared Ownership Limited.

The ADC Enabling and Development Officer has provided written confirmation of no objection to the fulfilment of this obligation though the transfer of equity held by Hyde Housing of the Shared Ownership units to M&G UK Shared Ownership, as the Affordable Housing Provider. This is subsequently acceptable, and satisfies Schedule 3, Clause 1.4.

The details that satisfy this clause comprise:

- Application Form dated 29.01.2026; and
- Covering Email dated 29.01.2026.

REASON FOR DECISION

The information has been reviewed by David Easton (Strategic Development Team Leader of Arun District Council) and meets the requirements of Schedule 3, Clause 1.4 to approve the provision and disposal of Affordable Housing Units to an Affordable Housing Provider (Registered Provider). The details submitted are in compliance with the information previously approved in respect of Y/91/17/OUT (and subsequent applications). Please note, this is only in respect of the Shared Ownership units, which are transferred to M&G UK Shared Ownership Limited (the Registered Provider). A separate AOO application will be required for Rented Units.

To fully comply with the obligation 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. 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.

CONSULTATIONS

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

APPROVE