

SPECIAL DEVELOPMENT CONTROL
COMMITTEE

14 NOVEMBER 2018

OFFICER REPORT UPDATES

REPORT UPDATE

Application no: Y/44/17/OUT
Page no: .
Location: Land at Stakers Farm North End Road Yapton
Description: Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access . This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings

UPDATE DETAILS

Reason for Update/Changes:

UPDATE ON THE SECTION 106-

The Section 106 is yet to be signed but our solicitor has advised that the Agreement has been agreed by all parties and will be signed today by both Arun DC and the applicants. It will then be sent to West Sussex County Council for them to sign and return. All being well, it will be fully signed and formally completed on Friday. The recommendation before you is to approve subject to competition of the Section 106 Agreement after the Meeting.

REPORT CHANGES-

(1) The first page of this report refers to the text having been amended to reflect representations received since the April Committee Meeting including the withdrawal of the Yapton Parish Council objection. This should instead say the "conditional withdrawal of the Yapton Parish Council objection".

(2) The section of the report which responds to the Consultation Responses, in particular that of Southern Water refers to a new Infrastructure Charging Regime coming into force on the 1st of April 2018. This is now in force and as such Southern Water are unable to now refuse connections to the foul system and will receive a per plot payment from the applicant to fund network improvements.

FURTHER OBJECTIONS-

One late letter of objection from an interested third party which raises the following concerns:

- The report was not published 5 working days before the Meeting;
- It is not clear whether the report's inclusion within the agenda is in accordance with the Council's constitution;
- The report's late appearance is prejudicial to the interests of interested parties and the Committee members themselves;
- The report misrepresents the further response of Yapton Parish Council as it is clear that none of

the conditions to which their withdrawal was subject to can or will be met;

- The report is contrary to the law in terms of Section 38 (6) and the Planning services Code of Conduct as it recommends approval when there are clear conflicts with relevant development plan policies;
- The suggested Section 106 is unlawful and the suggested pre-commencement conditions are also unenforceable & unlawful;
- Any decision by the Committee would be unlawful and may lead to a Judicial Review
- The application is already 14 months old so a further delay should not be an issue;

OTHER MATTERS-

Members may wish to note that a new outline planning application was submitted on Monday 12th November concerning the adjacent land to the north of the Yapton C of E Primary School which forms part of the neighbourhood plan residential allocation.

Officers Comment:

In response to the objections of the interested third party, the report was published on the website on Wednesday 7th November i.e. one week ago. Members should also note that this application has previously been before the Committee in April 2018 at which time there were full public speaking rights. In accordance with the Councils Constitution, there are no public speaking rights on applications that are being reconsidered. There are no other comments in respect of the points raised above and as such , there are no proposed changes to the recommendation, conditions or reasons.

REPORT UPDATE

Application no: A/51/18/PL
Page no: ~~40~~ 41
Location: Pound Place Roundstone Lane Angmering
Description: Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.

UPDATE DETAILS

Reason for Update/Changes:

Reason for Refusal no 3 has been amended to refer to policy AH SP2 .

The Landscape Officer's and Tree Officer's comments have been received and state:

No Objection: There would be no requirement for play or play area contribution. However greening to soften the development would be required. The Supplementary Planning Guidance states that for developments aimed at non-family dwellings, there will be the requirement for other forms of open space more appropriate to the needs of the residents. These areas need to be attractive, accessible and appropriately designed.

Whilst there has been a landscape plan produced Landscape Proposals Dwg no 101G is an indicative layout which we would require to be submitted in detailed plan form listing species choice with specific quantities of each, with planting densities and size at time of planting. Planting beds and specimen shrubs have been indicated which will give an element of greening, these will need to be confirmed in order for the full picture to be seen and screening trees to be incorporated as appropriate in consideration of the surrounding properties. The communal courtyard patio should be stimulating and attractive particularly important for residents who may potentially be confined to these areas, the stimulation of what's outside should not be underestimated in providing a valuable and pleasant place to live. The indicative scheme appears suitable for use and location and should be conditioned. A detailed plan will be required to take account of the existing preserved trees on the site and their replacement.

The comments of the Council's Affordable Housing Manager have been received and state:

Objection - The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the District where more than 11 units are proposed such as on this site. The applicants are not proposing any dwellings for affordable housing which does not meet this specific policy requirement. The Policy requires a tenure split of 75% rented and 25% intermediate housing.

Housing Need.

There is high demand for affordable housing throughout the Arun District for both rent and low cost home ownership. As at November 2018 there were 890 households in housing need on the

Council's housing register.

All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition.

To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a) 30% (19 units) of affordable housing on-site as part of the development with the tenure as above;
- b) Provide 19 units for affordable housing elsewhere in the district as part of a bespoke application;
- c) Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £1,520,000 (19 x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

A Councillor Briefing Note has been received from the agent advising that the application is for a very high-quality care home and is supported by the Parish Council and neighbours.

Benefits of the proposals:

- A community-centred, inclusive nursing and dementia facility.
- Award winning, care-focussed owner/operator.
- Providing choice for local elderly people and their families.
- High quality architecture, materials, and build.
- Outstanding landscaping and gardens.
- New native tree and shrub planting.
- Appropriate removal of non-native, invasive Leylandii.
- Many job opportunities at all levels.
- Boost to the local economy with direct and indirect job creation and local spend.
- On site facilities, which can benefit the local community.
- The site is near the village centre and on a bus route.

The following comment was made to the planning officer from Angmering Parish Council "Angmering Parish Council support application A/51/18/PL as per the revised plans submitted. The development is considered a good use of the land in question with the building form appropriate to the environment which along with provision of employment is in accordance with the Angmering Neighbourhood Plan"

Addressing the issues:

A public consultation event and feedback from the Parish Council flagged up some concerns on the original application. The revised plans address all the concerns and now have the full backing of the parish council, who state that the revised plans accord with their Neighbourhood Plan.

The revised plans represent the following:

- A reduction in height, bulk, and scale.
- A reduction in number of bedrooms.
- Ability for residents to consult Doctors on site.
- No reduction in onsite facilities.

- Increased amount high quality on-site open space for the care home residents.
- A visually attractive and acceptable design.
- A positive impact on the street screen.
- Removal of non-native Leylandii, where appropriate.
- Extensive new landscaping.
- A discretely located building with ample parking.
- Acceptable relationships with neighbouring residential gardens and houses.
- A safe, secure, and caring home and gardens for the most vulnerable in our society.

Viability: The viability report was submitted to the Council in April 2018. The planning department sent the viability report to the District Valuer in September 2018. Due to this delay, and through no fault of the applicant, there has been insufficient time for proper discussions. Therefore, we respectfully request that should you be minded to grant permission, agreement on the viability and Section 106 should be conditioned, or delegate approval to allow discussions to be completed.

The Agents have also submitted a Commentary on the Development Control Committee Report which states:

Introduction - A number of issues are raised in the planning officer's report. These confirm that the scheme is acceptable in respect of a number of issues whilst also highlighting a small number of objections. This note sets out why the scheme is acceptable in respect of the points raised in the officer's report.

Principle of Development - The planning officer's report acknowledges that the site lies within the defined built up area within which the principle of residential development is accepted. It is also noted that outline planning permission for 18 residential properties has also been granted on the site. This proposes residential development across the entire length of the site including up to the eastern boundary.

Visual Amenity and Design - The officers confirm that the mainly 2 storey care home with an upper second floor contained within the roof is similar to neighbouring buildings and is considered acceptable in terms of height. It is also accepted that the appearance of the elevations in detail design terms is appropriate. Moreover, the officers note that the use of different materials helps in visually splitting the building into sections. Accordingly, the proposed height and design of the care home is acceptable.

Residential Amenity - The officers confirm that the proposal by reason of the sensitive location of the care home and its positioning of windows ensures that sufficient distance between the development and site boundaries has been achieved to prevent any material adverse overbearing effects or overlooking to neighbouring properties. Accordingly, the officers confirm that the proposal is acceptable in respect of residential amenity considerations.

Impact on the Character of the Area - Roundstone Lane

The site is characterised by strong landscape containment. This includes along Roundstone Lane which in part contributes to its soft landscaped character. There should be no objection to the building being set back from the lane with the successful retention of existing frontage trees. The officers accept that "the retained and proposed vegetation on the western boundary will maintain

and enhance the existing tree lined and vegetated nature of Roundstone Lane". In this regard there should be no objection to the car park at the front. This will not be clearly seen from Roundstone lane. Furthermore the car parking area will be split by a belt of new planting with an area for landscaping to the front to soften its appearance. The suggestion that the car park will provide a hard site frontage is therefore misleading. In light of this and given there are no objections to the height and detailed design of the building there should be no reason why the proposal is not therefore acceptable in respect of the character of the area with an open frontage to Roundstone lane.

Development at the Eastern end of the site - The officers object to the proposal extending beyond the eastern limit of developments that lie to the north and south. Three points arise in this matter.

Existing Site plan - Firstly, with reference to the existing ordinance survey plan above, the existing house on the site lies beyond the eastern limit of development to the north.

Proposed site Layout Plan - Secondly, with reference to the proposed site layout plan above, the proposal extends a similar distance to the east by comparison to development in Brougham Grove to the south.

Approved 18 unit application site layout plan - Thirdly, with reference to the approved outline layout plan, condition 3 to this permission suggests that the development should be carried out in accordance with this plan. It is clear that this approval shows the location of houses close to the eastern boundary and beyond that proposed in this application and beyond developments to the north and south. Accordingly, there should be no objection to the proposed location of the care home in the centre/rear part of the site.

Furthermore, the existing private house and its associated private garden together with the most recent planning approval on the site clearly establishes the principle of development at the rear of the site and the abandonment of an area of larger open space on the eastern half of this site. That said, the proposal does include open-space proposals at the eastern end of the site which, spatially, relate to the areas of open space to the north, east and south. This will be an improvement by comparison to the approved 18 unit residential scheme which included a terrace of four properties and a detached unit at the far eastern end of the site where open space is now proposed as part of the care home scheme.

The proposal has acceptable relationships to residential properties to the north and south, and the building will also sit in a wider area of open space to the north, east and south east. In this regard the proposal, which the officers confirm is acceptable in height and design terms, should not give rise to any harm to the character of the surrounding area.

Pedestrian and Vehicular Links - The site represents a standalone plot which with existing strong landscape boundaries has no visual or physical connection to the neighbouring estate development to the north, south and east. The existing pedestrian and vehicular links around the site provide convenient access to the north and south as well as east-west routes. As a result, there is now no need for additional pedestrian/vehicular links through the application site. These would only duplicate existing routes.

Density - In respect of density considerations, it is misleading to compare a 64 bedroom care home proposal where each bedroom is compared with a house on the neighbouring residential estate development. Furthermore, if the proposal is acceptable in respect of height, design, relationships with neighbouring residential properties, trees, drainage/flooding, ecology

/biodiversity and car parking provision, then there should be no issue with the resulting numerical density calculation. Furthermore, the level and nature of open space provided within the scheme is designed to meet the particular needs of the elderly residents. This too is different to the open space requirements associated with more conventional residential estate development.

On-Site Amenity Space - In respect of on-site open space, Hallmark, the applicant, prides itself with bespoke, high quality landscaped open spaces that meet the needs of the residents as well as providing attractive immediate settings to the care home. The level, location and form of open spaces around the proposed care home are sufficient to meet the needs of the elderly residents and are indeed generous compared to many other care home proposals, as evidenced by Hallmark's own density comparisons submitted as part of the application.

Viability Considerations - The applicant submitted a viability assessment on 23rd April 2018. The applicant has been open to discuss and agree the findings of this assessment for the last 5 months. The assessment establishes the levels of appropriate contributions. In these terms, and subject to the completion of viability negotiations, the proposal is consistent with policy INF SP1 in respect of affordable housing provision, infrastructure and additional healthcare facility contributions. It is premature for the officer's report to refer to an absence of a s106 agreement when the applicant remains open to discuss the findings of the viability assessment. To date there have been no approaches to the applicant's viability consultant to engage in any such negotiations. The Council sent the Viability Statement to their appointed surveyor on the 20th September 2018.

Benefits /Conclusions

The application provides a care home facility that not only meets important needs but provides an important local community facility for the local populous as well as a genuine employment generating use. Collectively, the proposal delivers a significant number of benefits to the local area without any harm to any planning consideration.

To conclude, the proposal has many benefits, as recognised by officers, and for the reasons set out above does not result in any unacceptable harm to the visual amenity of the locality by reason of the proposed layout of the site, the footprint and site coverage of the care home and its associated car park and onsite open space.

The proposal, as accepted by officers, retains and enhances the landscape setting to Roundstone Lane, does not result in any unacceptable relationships with the adjoining open space to the rear, comparing favourably with previous approved schemes, whilst the lack of any linkages with developments to the north and south of the site does not give rise to any harm owing to existing linkages already now provided.

For all these reasons the application scheme has significant merits and should be approved

Officer comment

It is acknowledged that the existing dwelling is set back from the site frontage, but the area in front of it is landscaped and it is not dominated by car parking.

There is a need for the scheme to be integrated with other surrounding developments and permeable by using linked footpaths through the development to the adjoining developments and the open space in line with the agreed Masterplan.

The density calculations have been used to demonstrate that the proposal is high density and an over development of the site. The proposal should incorporate sufficient space around the

development to ensure it is in keeping with its setting. The amount of external space not used for car parking is limited and indicative of an overdevelopment of the site.

The findings of the viability assessment are set out below. The lack of contributions is only one of a number of recommended reasons for refusal. At the time of making the decision there is no Agreement relating to contributions. If an Agreement is subsequently provided this reason for refusal would then be withdrawn and not defended at appeal.

Viability - The Viability Report from Dixon Searle has been received. This provides an independent check of, and opinion on, the planning applicant's viability information. It is noted that since the original application was submitted and the Financial Viability Statement was carried out, the applicant has amended the application and reduced the number of bed spaces from 71 to 64. No updated financial viability statement, or updated costings regarding construction of the scheme, have been provided therefore they assessed the FVS as submitted, on the basis of a 71 bed space care home. It is unlikely that the recent changes would lead to improved viability.

Dixon Searle were broadly in agreement with the methodology and the assumptions used by the agent in their viability statement. The conclusion in the agent's viability statement was that the development is only able to sustain a planning obligation payment of £12,350.

Dixon Searle agreed that the scheme will not support a policy compliant level of affordable housing. This is in line with their experience deriving from analysis of similar schemes and from CIL viability assessment work, which is that development genuinely falling within Use Class C2 usually has a different viability profile to that associated with C3, owing primarily to the increased development costs overall, and those not being balanced out sufficiently by the values side in many cases. The main point of contention is the use of an Alternative Use Value to arrive at the Benchmark Land Value, which is based on a previous outline permission issued in 2015 for a residential development in the garden of the existing house, and retaining the existing house. The applicant has used a general figure for land value. Using a different methodology Dixon Searle considered that the Council should be able to seek an additional £128,300 in financial contribution - thus a total of £140,650.

Given this identified scheme viability, which is less than the total of the contributions identified for infrastructure, NHS and affordable housing, discussions will need to take place at a later stage to determine how financial contributions would be divided.

The Council has sought Counsel's opinion on paragraph 64 of the National Planning Policy Framework with regard to contributions towards affordable housing.

Paragraph 64 states:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-

built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site

A recent legal blog suggests that para 64 only refers to the 10% which should otherwise be a form of home ownership rather than the affordable element as a whole.

These exemptions largely relate to housing models or sectors of the market where allowing people to buy or acquire their homes at a discounted or reduced rate would make no sense - such as Build to Rent or Student Accommodation schemes, where the whole point is that the entire scheme is operated on a rental model.

Counsel's view is that NPPF 64 clearly relates only to the expectation that 10% of homes within major developments should be available for affordable home ownership. It does not relate to the general requirement for an Affordable Housing Contribution to be made. Therefore, the reasons for refusal from the affordable housing officer remain.

The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.

Pound Place
Roundstone Lane
Angmering

RECOMMENDATION

R - Refuse

- 1 The layout, excessive scale, footprint and site coverage and consequent lack of open space result in an unacceptable overdevelopment of the site which is harmful to the visual amenities of the locality and detracts from the character of the area in conflict with policies D SP1 and D DM1 of the Arun Local Plan and policies HD5, HD6 and HD7 of the Angmering Neighbourhood Plan.
- 2 By virtue of its siting on the site with the significant set back from the Roundstone Lane frontage, excessive site coverage, unacceptable relationship with the adjoining open space and lack of linkages with development to the north and south of the site, the proposal is not in keeping with the character and appearance of the area. The proposals will significantly detract from the character of the area in conflict with policies D SP1, D DM1, T DM1, T SP1 and ENV DM5 of Arun Local Plan and TM1 of Angmering Neighbourhood Plan.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision, infrastructure and additional health care facilities and would therefore be contrary to policies AH SP2 and INF SP1 of the Arun Local Plan.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

REPORT UPDATE

Application no: A/99/17/OUT
Page no: 2 SS
Location: Land South of Water Lane Angmering
Description: Outline application with some matters reserved (Access only) for development up to 175 No. residential dwellings, public open space, play areas with associated infrastructure including roads, drainage & landscaping. This application affects the character & appearance of Angmering Conservation Area & the setting of Listed Buildings.

UPDATE DETAILS

Reason for Update/Changes:

Proposed amendments to the Section 106 Table attached to the Committee report:

"Green Infrastructure" - the applicant claims that there are health and safety reasons for the provision that the Green Infrastructure space should be laid out "prior to the occupation of the 50th dwelling" rather than the 150th dwelling.

"Sport and Leisure" - the applicant wishes to vary the triggers from 25 dwellings to 50 dwellings for the Palmer Road contributions for the 3G pitch surface and base layer and to improve the quality of the existing sports pitches, to be consistent with the triggers for the MUGA, BMX, Skateboard contributions and open space contributions.

Officers Comment:

The applicant's request to vary the triggers for Green Infrastructure and the Palmer Road contributions to the 50th dwelling is acceptable as it would ensure consistency in delivery of green infrastructure and the sports pitches. The draft S106 Agreement has been amended accordingly.

In terms of affordable housing, the applicant has requested the split of 75% rented and 25% intermediate housing to be changed to 50% rented and 50% intermediate housing.

Officer's Comment:

The ADC Housing Officer has agreed that the proposed 50:50 tenure split for rented and intermediate housing is acceptable and for the draft S106 Agreement to be amended accordingly.

WSCC, acting as the Lead Local Flood Authority, has submitted a letter requesting a developer contribution of £13,650 towards the Angmering Flood Risk Management Project to deliver sustainable water management for the Black Ditch catchment through Angmering.

Officer's Comment:

The LPA considers the request from WSCC, acting as the Lead Local Flood Authority, for a developer contribution towards the Angmering Flood Risk Management Project to be CIL compliant as it complies with the tests in Regulation 122 of the CIL regulations. The applicant has agreed with this request and asked for the project to be added to the draft Section 106 Agreement. The draft S106 Agreement has been amended accordingly.

Concerns have been raised about the existing safe routes to school in Angmering; and about access to the site by the emergency services via the emergency accesses on Weavers Hill and High Street.

Officer's Comment:

The LPA, working with the Local Highway Authority, has reviewed the safe routes to school in Angmering and assessed potential new routes. It is not considered necessary for the applicant to provide any further safe routes to school as part of this proposed development. North of the application site, there is a requirement in the draft Section 106 Agreement for the applicant to provide a 3.0 metre wide shared use footway/cycleway onto Water Lane, once the land North of Water Lane site has commenced. Provision to the east along Water Lane and West via a proposed development access would be secured through the delivery of outline planning application (A/40/18/OUT) - Land North of Water Lane. West of the application site, the site provides crossing facilities at Weavers Hill to enable pedestrians to cross into Cumberland Drive. Highfield Close has a footway on the northern side of the carriageway and steps provided into the private road of Hillside Crescent. Hillside Crescent has low vehicle flows and as the road is private, even if it were deemed a necessity, it would not be possible to request that the applicant upgrades it. Honey Lane has low vehicle flows and again it is a private road but with an existing pavement. South of the application site, improvements to High Street are proposed as part of the Manor Nursery outline planning permission; until such a time the development is commenced, vehicle flows along this section of the High Street would not require the provision of a formal pedestrian provision. Pedestrian provision is provided the length of Roundstone Lane, Cow Lane and the internal network of the Roundstone Lane developments (i.e. Swanbourne Park and Cresswell Park) also provide alternative southbound provision. It is acknowledged that pedestrians would be required to cross into Weavers Ring to utilise the footpath to avoid walking in Roundstone Lane for a short section, however, this is an existing constraint and would be addressed by the implementation of residential development on the Manor Nursery site, or as advised above alternative routes are available.

The LPA is recommending an additional condition regarding the emergency accesses to the site from Weavers Hill and High Street. The condition is set out below:

"Emergency Access

No part of the development shall be first occupied until the emergency vehicular accesses onto Weavers Hill and High Street have been constructed in accordance with the approved plans. The accesses onto Weavers Hill and High Street once constructed shall thereafter be used by emergency vehicles, pedestrians, and cyclists only.

Reason: To ensure that the emergency accesses are suitable for their intended purpose, in

accordance with Policy T SP1 of the Arun Local Plan."

A late letter has been received from a local resident raising concerns about the increased risk of flooding.

Officer's Comment:

The issue of flooding has been addressed in the Committee report.

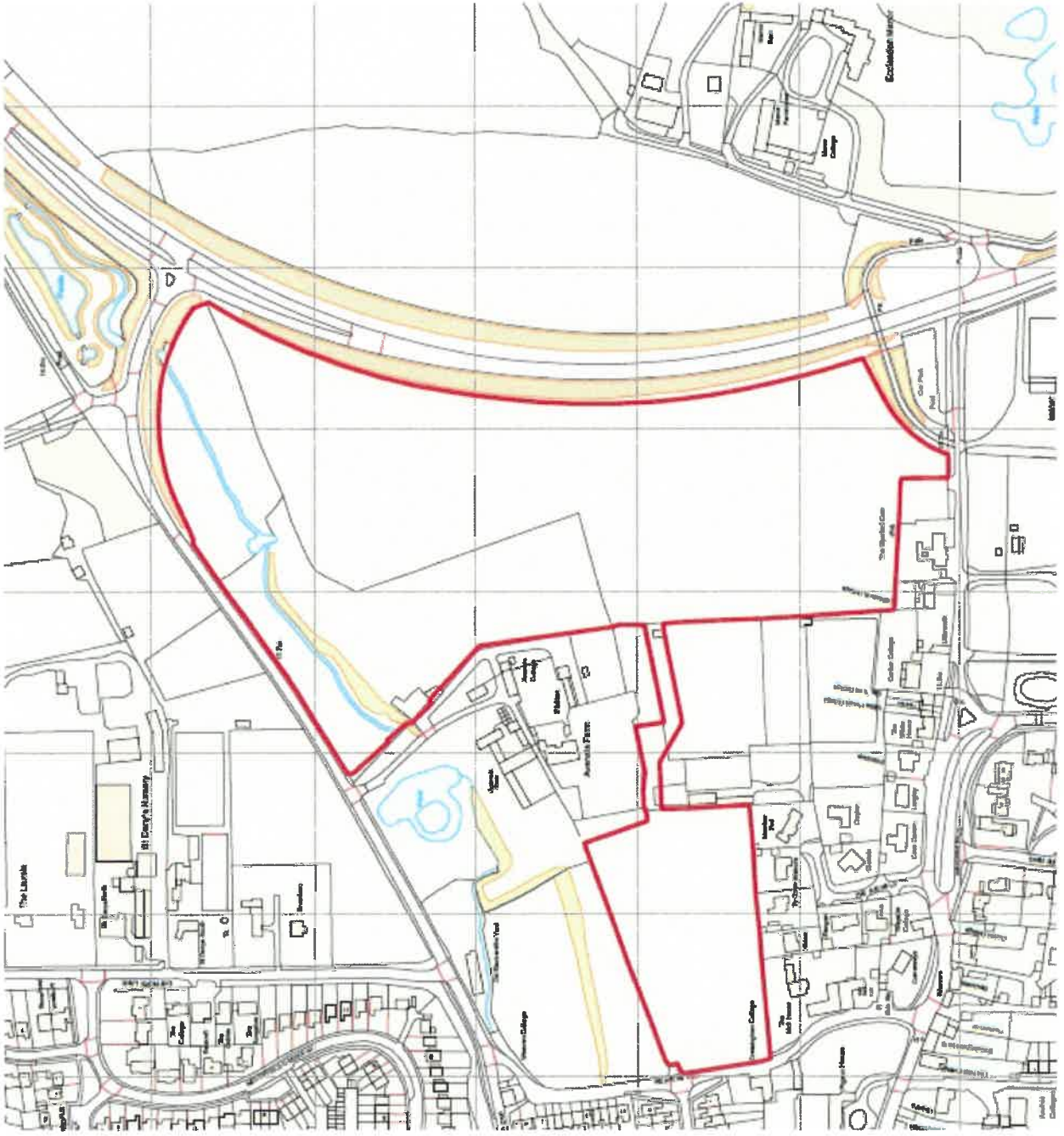
Note: The amended Section 106 Agreement Table is appended to this update sheet.

Instruction for Planning s106 Agreement/Deed of Variation/Supplemental Agreement
 This instruction also gives authority and acts as a heads of terms & a completion statement

Planning Application Ref: A/99/17/OUT	Today's date: 14/11/2018
Date of Agreement (or original deed/agreement if variation/supplemental): Section 106 Agreement to be drafted for 14/11/2018 (i.e. the date of the Development Control Committee)	
Completed Deed relating to:	Seal Register Number: (to be inserted by Legal)
Legal Ref:	Statement completed by:
Delegated authority: (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)	
Please attach a plan with the site outlined in red and complete a brief description of the development:	
Outline planning application (A/99/17/OUT) with some matters reserved (access only) for development of up to 175 residential dwellings, public open space, play areas with associated infrastructure including roads, drainage and landscaping – Land South of Water Lane, Angmering.	

PL10 – S106 Completion Statement
 Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning s106 Agreement/Deed of Variation/Supplemental Agreement
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PL10 – S106 Completion Statement
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Instruction for Planning s106 Agreement/Deed of Variation/Supplemental Agreement
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This table sets out the Heads of Terms for the S106 Agreement, Deed of Variation or Supplemental Agreement (amend as appropriate)

Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	Spend by restriction
Education:	To pay 25% of the nursery education contribution prior to the Occupation of the first dwelling. To pay the remaining 75% prior to the occupation of the 50th house.	£249,375	West Sussex County Council: Education, Children and Families	Contributions generated by this proposal shall be spent on a new early years' facility serving Angmering, located alongside the new primary school at Mayflower Park and the site immediately north of Mayflower Park (i.e. Bramley Green).	
	To pay 25% of the primary education contribution prior to the Occupation of the first	£883,400	West Sussex County Council: Education, Children and Families	Contributions generated by this proposal shall be spent on the second phase of a new primary school serving Angmering	

Instruction for Planning s106 Agreement/Deed of Variation/Supplemental Agreement
 This instruction also gives authority and acts as a heads of terms & a completion statement

	<p>dwelling. To pay the remaining 75% prior to the occupation of the 50th house.</p>			<p>accommodated on 2 hectares of land provided by Angmering Parish Council at Mayflower Park and the site immediately north of Mayflower Park (i.e. Bramley Green).</p>	
<p>To pay 25% of the secondary education contribution prior to the Occupation of the first dwelling. To pay the remaining 75% prior to the occupation of the 50th house.</p>	<p>£769,300</p>	<p>West Sussex County Council: Education, Children and Families</p>	<p>Contributions generated by this proposal shall go towards fixtures, fittings and equipment associated with Phase 1 of the new secondary school serving Arun.</p>		
<p>To pay 25% of the secondary education contribution prior to the Occupation of the first</p>	<p>DfE figure x Additional Child Product = See WSCC response for full text</p>	<p>West Sussex County Council: Education, Children and Families</p>	<p>Contributions generated by this proposal shall go to the infrastructure related to the future expansion at The Angmering School Sixth Form.</p>		

Instruction for Planning s106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

					dwelling. To pay the remaining 75% prior to the occupation of the 50th house.	
Library provision		Contribution towards the development of a Tier 7 Facility at Palmer Road.	West Sussex County Council: Library Service	£32,812.50	Occupation of first dwelling	
Health Care		The contribution will be funding toward the infrastructure development of part of an extension to the Angmering site / re-development to cover for residents that require a specific on the day appointment for medical care.	Arun District Council	£187,194	Occupation of 25 th dwelling	
Fire and Rescue		To be used as a	West Sussex	Y x (Z / M) =	Occupation of	

PL10 – S106 Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

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	first dwelling	See WSCC response for full text	County Council: Fire Service	contribution towards the re-development of Littlehampton Fire Station.		
Policing	Occupation of 75 th dwelling	£22,751,63	Sussex Police	£2,239.81 towards the costs of an additional officer to work in the Angmering Neighbourhood Policing Team.		
	Occupation of 75 th dwelling		Sussex Police	£312.90 towards the cost of 1 additional support staff member to be based at Littlehampton Police station.		
	Occupation of 75 th dwelling		Sussex Police	£14,562.45 towards the cost of adapting/converting space in Bognor Regis police station to form the new Arun NRT (Neighbourhood Response Team) office.		

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Instruction for Planning s106 Agreement/Deed of Variation/Supplemental Agreement
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	Occupation of 75 th dwelling		Sussex Police	<p>£5,594.75 towards the purchase of an additional vehicle for use by the Angmering Neighbourhood Policing Team.</p>		
<p>Transport</p>	<p>Occupation of 125th dwelling</p>	<p>Applicant to deliver.</p>		<p>Highway works to A280 / Water Lane Signal Improvement (Drawing ITB9105-GA-021B)</p>		
<p>Occupation of 125th dwelling</p> <p>If prior to 125th occupation, development has commenced at Land North of Water Lane and it secures delivery of Highway works to A27 / A280 / Titnore Lane as shown on Drawing No.</p>	<p>Applicant to deliver.</p>		<p>Highway works to A27 / A280 / Titnore Lane as shown on Drawing No. ITB 9105-GA-023</p>			

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<p>ITB 9105-GA-024.(the alternative highway scheme) then the obligation to deliver the works shown on Drawing ITB9105-GA-023 falls away.</p>	<p>Occupation of 50th dwelling</p>	<p>Applicant to deliver.</p>	<p>WSCC (Highway Authority)</p>	<p>£399,726.75 (Index Linked)</p>	<p>Highway works to Weavers Hill - Bus Stop Improvement: i.e. re-locating bus stop (Drawing ITB9105-GA-026A)</p>	<p>HW1 Commuted Sum²:</p>
<p>If prior to 125th occupation, development has commenced at</p>						

PL10 – S106 Completion Statement
 Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

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<p>Land North of Water Lane and if secures delivery of a roundabout as set out on Drawing No. 'ITB 9105-GA-100 Rev. E' (or any revisions thereof), a contribution of £399,726.75 (index linked) would be paid towards improvements to the A259 and other highways in the vicinity of the Land that benefit the site (the alternative highway scheme) in lieu of delivery of the Highway works to A280 / Water Lane Signal Improvement (Drawing ITB9105-GA-021B) .</p>	<p>If prior to 125th occupation,</p>	<p>Applicant to deliver.</p>	<p>The delivery of a 3.0 metre wide</p>	
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	<p>development has commenced at Land North of Water Lane the 3.0 metre wide shared use footway / cycleway shall be implemented with footways / cycleways being constructed on the eastern side of the site access road to Water Lane.</p>			<p>shared use footway / cycleway to be constructed as shown on Drawing number ITB9105-GA-108 Rev. E, onto Water Lane which would link the application site on Land to the South of Water Lane to the Land North of Water Lane.</p>		
<p>Green Infrastructure</p>	<p>Occupation of 50th dwelling</p>	<p>Applicant to deliver.</p>	<p>Management Company</p>	<p>Provision of 6 Local Areas of Play (LAPs) and 1 Local Equipped Area of Play (LEAP); informal open space; a central village green; a central north / south pedestrian and cycle link; and SuDS attenuation basins.</p>		

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	Occupation of 50 th dwelling	£35,000	Arun District Council: Leisure and Culture	Allocation towards erection of fencing or the like at Palmer Road Recreation Ground MUGA.	
	Occupation of 50 th dwelling	Contribution of £200,000 which would be the total cost for the re-provision of the BMX track, Skatepark and the Adult Fitness Equipment.	Arun District Council: Leisure and Culture	(a) re-providing the existing BMX Track - total cost of £70,000. (b) re-providing the Skate park - total cost of £120,000; and (c) the movement of the Adult Fitness Equipment from the site of the proposed primary school - total cost of £10,000. Items a), b) and c) would be re-provided on land owned by the Parish Council immediately west of Mayflower Park).	
Sport & Leisure:	Occupation of 25 th dwelling	£12,743	Arun District Council: Leisure and Culture	Contribution to increase the number of health &	

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	Occupation of 25 th dwelling	£20,336	Arun District Council: Leisure and Culture	fitness stations and increase the gym changing facilities as part of the new larger leisure centre to be provided in Littlehampton.		
	Occupation of 50 th dwelling	£11,596	Arun District Council: Leisure and Culture	Contribution to increase the level of swimming pool changing facility and provide village change spaces as part of the new leisure centre to be provided in Littlehampton		
				Contribution towards provision of a new full size 3G pitch surface and base layer at a new facility at Palmer Road, to		

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	Occupation of 50 th dwelling	£47,833	Arun District Council: Leisure and Culture	<p>serve the East of the District.</p> <p>Contribution towards the Palmer Road recreation ground, specifically to improve the quality of the sports pitches to alleviate overplay through improved maintenance and drainage work; and reconfigure the pitches to better accommodate youth 11v11 users.</p>		
Flood Alleviation Measures:	Occupation of first dwelling	£13,650	West Sussex County Council: Lead Local Flood Authority	<p>Contribution towards the Angmering Flood Risk Management Project to deliver sustainable water management for</p>		

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				the Black Ditch catchment through Angmering.	
Right click above to insert extra rows					

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Provision on-site (30%) of 53 affordable homes 50% rented and 50% intermediate housing by means of an Affordable Housing Master Plan.	Not to occupy or cause to allow to occupy more than 50% of the market housing units in the development until the affordable housing is provided on the land.	ADC	Housing Officer
Right click above to insert extra rows			
Other Comments:			

REPORT UPDATE

Application no: BR/93/18/PL
Page no: 142
Location: Clubhouse & Grounds Hampshire Avenue Bognor Regis
Description: Single storey pitch roof side extension, flat roof rear extension with replacement of existing garage with 2 No. metal storage containers on a concrete slab with access ramps.

UPDATE DETAILS

Reason for Update/Changes:

Officers Comment:

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Since the Committee report was compiled the Council's Tree and Landscape Officer has commented on this application. In the event of insufficient information they would have to object to this application as there are significant trees both on and off the site which may be adversely affected by the proposals. However they consider that this development proposal is achievable but further work is required to come up with a plan and method statement that ensures adequate protection and respect for trees of significant value. They also consider that:

There are significant trees both on and off this site which may be adversely affected by the proposals, yet there is no arboricultural information submitted with the application - a requirement of BS5837:2012. As such, were this application to now proceed, we will not have sufficient information to guarantee such trees would be adequately respected and protected.

There is a cluster of trees at the site entrance which have important screening value and visual amenity. Although none are of special merit as individuals, they are a cohesive group with some landscape value and should be protected throughout any development of the site. This should be easy to achieve as much of their RPA is under established hard-standing which would remain undisturbed and remaining aspects given over to grass verge can easily be 'fenced off' without complicating any site work. Some facilitation pruning of overhanging branches may be required to allow uninhibited delivery of materials to site and this should also be specified in a formal report.

and they recommend that:

The applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Protection Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then

BS5837:2012 requires that the Detailed Planning Application is accompanied by an Arboricultural Method Statement (AMS) to describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Officers consider, as the Council's Landscape and Tree Officers states that the proposal is achievable following further work, the imposition of an appropriate condition recommending the aforementioned further details be provided prior to the commencement of works is appropriate.

Previous condition number 3 has been replaced:

Previous Condition:

Tree protection must be in place during construction for any trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree works/removal must be in consultation with Arun District Councils Tree Officer.'

Reason: In order to ensure the protection of nearby trees in accordance with policy ENV DM4 of the Arun Local Plan.

Current Condition:

Prior to the commencement of works, relating to the extensions to the clubhouse hereby granted, the applicant is required to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment which must be inclusive of a Tree Survey Schedule, a Root Protection Area (RPA) Schedule and a Tree Protection Plan, which shall be submitted to and agreed in writing by the Local Planning Authority

In the event that a RPA of any tree which is proposed for retention overlaps the development an Arboricultural Method Statement (AMS) is carried out in accordance with BS5837:2012, prior to the commencement of works relating to the extensions to the clubhouse hereby granted, which shall be submitted to and agreed in writing by the Local Planning Authority.

REPORT UPDATE

Application no: BR/141/18/PL
Page no: 150
Location: 26 Nyewood Lane Bognor Regis
Description: Change of use from dwelling (C3 Dwelling House) to 8 bed HMO (Sui Generis).

UPDATE DETAILS

Reason for Update/Changes:

One additional letter of representation from a local resident commenting that:

- There is a mountain of cardboard in the skip outside and this suggests that refurbishment progress is well underway;
- The applicant knows the scheme will be approved or holds nothing but contempt for Arun's planning process as the committee has yet to formally decide on the proposal; and
- Is there a way of finding out if the applicant has orchestrated the result?

Officers Comment:

Planning permission is not required for internal works and in this case, provided that the change of use does not actually occur without there being a planning permission in place, there will be no breach of development control.

There are no changes to the recommendation, conditions or reasons.

REPORT UPDATE

Application no: CM/16/18/PL
Page no: 161
Location: Land to the rear of Bairds Farm Shop Crookthorne Lane Climping
Description: Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.

UPDATE DETAILS

Reason for Update/Changes:

Comment in relation to reason for refusal no. 4. The applicants contend that this reason for refusal should not refer to the need to provide an affordable housing contribution.

The Council has sought Counsel's opinion on paragraph 64 of the National Planning Policy Framework with regard to contributions towards affordable housing.

Paragraph 64 states:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site

A recent legal blog suggests that para 64 only refers to the 10% which should otherwise be a form of home ownership rather than the affordable element as a whole.

These exemptions largely relate to housing models or sectors of the market where allowing people to buy or acquire their homes at a discounted or reduced rate would make no sense - such as Build to Rent or Student Accommodation schemes, where the whole point is that the entire scheme is operated on a rental model.

Therefore, the reasons for refusal from the affordable housing officer remain. Counsel have advised that NPPF 64 clearly relates only to the expectation that 10% of homes within major developments should be available for affordable home ownership. It does not relate to the general requirement for an Affordable Housing Contribution to be made.

Officers Comment:

Reason for refusal number 4 remains as recommended.