



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/25/0041

Land North of Glebe Farm and Kings Barn Lane, Kings Barn Lane, Steyning, West Sussex,

DESCRIPTION:

Modification of planning obligations (Schedule 3 Financial Contributions 'White Bridge Link' definition; Schedule 4 'Affordable Housing' Tenure Split and Register Provider clauses; Schedule 5 'Land Management' Business/trade allowed to Open Amenity Space' to approved application DC/21/2233 Outline application for up to 265 dwellings, demolition of No. 37 Kings Barn Lane to provide new pedestrian/cycle/emergency link, provision of vehicular access from the A283 Steyning by-pass, provision of public open space, community orchard, sustainable drainage and other ancillary and enabling works. All matters reserved except for vehicular access from A283.

RELEVANT PLANNING HISTORY:

DC/21/2233	Outline application for up to 265 dwellings, demolition of No. 37 Kings Barn Lane to provide new pedestrian/cycle/emergency link, provision of vehicular access from the A283 Steyning by-pass, provision of public open space, community orchard, sustainable drainage and other ancillary and enabling works. All matters reserved except for vehicular access from A283.	Permitted 29.11.2024
DC/25/1138	Approval of Reserved Matters following the Outline Planning Permission (reference DC/21/2233) relating to the Appearance, Landscaping, Layout and Scale for 265no. dwellings, demolition of No. 37 Kings Barn Lane to provide new pedestrian/cycle/emergency link, provision of vehicular access from the A283 Steyning by-pass, provision of public open space, community orchard, sustainable drainage and other ancillary and enabling works.	Permitted 19-12-2025
DC/26/0325	Removal of conditions 19 (water efficiency measures) and 21 (water neutrality strategy) and variation of trigger of Condition 14 (traffic noise mitigation) of planning approval DC/21/2233 (Outline application for up to 265 dwellings, demolition of No. 37 Kings Barn Lane to provide new pedestrian/cycle/emergency link, provision of vehicular access from the A283 Steyning by-pass. All matters reserved except for vehicular access from A283).	Permitted 20-05-2026

PLANNING ASSESSMENT

This application seeks to make amendments to the Section 106 Legal Agreement pursuant to planning permission ref: DC/21/2233. The proposal specifically seeks to amend the definition of 'White Bridge Works' in Schedule 3, amend the definition of 'Affordable Housing Tenure Mix and 'Register Provider' in Schedule 4, remove Paragraph 2.10 of Schedule 4, amend the wording of Paragraph 6(v)(a) in Schedule 5, and remove Schedule 7.

Schedule 3 amendments

The definition of 'White Bridge Works' in Schedule 3 is currently defined as meaning:

'the replacement of the White Bridge (being metal bridge crossing the River Adur in the vicinity of the Site) and all associated works for its installation'.

The definition is proposed to be amended (addition underlined for clarity) to read as meaning:

'the replacement of the White Bridge (being the metal bridge crossing the River Adur in the vicinity of the Site) and all associated works for its installation and River Adur riverbank works and any other associated infrastructure'

The proposed changes to broaden the 'White Bridge Works' definition in Schedule 3 is at the request of HDC to allow funds to be directed to the wider remaining works associated with the project as the White Bridge Works have already otherwise been completed. The applicant is content to oblige and therefore have proposed the changes are part of this application. It is considered that this broadening of the definition will allow further benefits and improvements as part of the development and should be approved.

Schedule 4 amendments

The definition of 'Affordable Housing Tenure Mix' in Schedule 4 currently reads as:

'a tenure mix of 70% Affordable Rented Units and 30% Shared Ownership Units or such other mix of Affordable Housing Units as shall be proposed by the Owner and approved in writing by the District Council prior to Commencement of Development (such approval not to be unreasonably withheld or delayed).'

The definition is proposed to be amended to read:

"a tenure mix for all Affordable Housing Units not proposed to be 2-bed of 70% Affordable Rented Units and 30% Shared Ownership Units and for all 2-bed Affordable Housing Units of 50% Affordable Rented Units and 50% Shared Ownership Units or such other mix of Affordable Housing Units as shall be proposed by the Owner and approved in writing by the District Council prior to Commencement of Development (such approval not to be unreasonably withheld or delayed)."

During the application's determination, the applicant/developer met with the Council's Housing Officer and, among other matters, agreed to amend the tenure split from 70% Affordable Rent and 30% Shared Ownership to a straight 50/50 split on the two-bedroom units in order to better align with identified housing need in Steyning, taking account of the Council's most recent housing waiting list alongside the SHMMA.

The above is a request to formalise this agreement and amend the current tenure split as defined under the "Affordable Housing Tenure Mix" under Schedule 4 "Affordable Housing". The wording of this has been refined as part of negotiations between the applicant and Council's legal representatives. The tenure split is as otherwise unchanged. This is agreed by Officers.

Following negotiations, it has also been agreed to amend the definition of "Affordable Housing Units" to reflect and align with the tenure mix proposed in subsequent Reserved Matters Approval (application reference DC/25/1138) as detailed in the Committee Report, with replacement with the following:

"40% (equating to 106 (one hundred and six) of the Dwellings based on a total of 265 Dwellings) of which:

a) In relation to Affordable Housing Units not proposed to be 2-bed:

i) Affordable Rented Units comprising:

- 12 (twelve) as one bedroom flats*
- 20 (twenty) as three bedroom houses*
- 4 (four) as four bedroom houses*

ii) Shared Ownership Units

- 5 (five) one bedroom flats*
- 8 (eight) three bedroom houses*
- 1 (one) four bedroom house*

AND

b) In relation to Affordable Housing Units proposed to be 2-bed:

i) Affordable Rented Units comprising:

- 28 (twenty-eight) as two bedroom flats/houses
- ii) Shared Ownership Units
- 28 (twenty-eight) as two bedroom flats/houses

or such other percentages of housing mix as may be proposed by the Owner and approved by the District Council in writing and which are to be transferred to an Affordable Housing Provider as housing for persons in Housing Need in accordance with the provisions of this Deed unless an alternative tenure mix is required to fulfil the requirements of paragraph 2.8 of Schedule 2”.

Whilst the Committee Report for the Reserved Matters noted at para. 6.21 that Officers continued to work with the applicants to agree the final affordable housing provision (noting the overprovision of 2 bed and under provision of 3 and 4 bed affordable rent), the report went on to set out at para 6.22 that overall Officers considered the RM scheme provided for a balanced development of an appropriate range of dwelling types and sizes in accordance with HDPF Policy 16 and allied HDC Planning Obligations and Affordable Housing SPD. Officers therefore accept the affordable housing tenure mix be amended in the legal agreement to reflect that presented at Reserved Matters stage.

The developer, Vistry Homes Ltd, are in the process of negotiation with a registered provider (RP) in relation to the affordable housing offer in the S106 to be delivered on the site. As part of those negotiations, the RP has requested that the mortgagee in possession (MIP) clause is amended to improve their ability to secure the necessary funding to deliver the affordable housing. The amendment proposed to this clause will enable the RP to engage with potential commercial lenders by mitigating financial risk. The wording proposed represents a standardisation to the industry agreed RP mortgagee protection provision. The removal of such a clause is standard practice and is crucial to ensure the RP has the best opportunity to secure funding across the lending sector. Advice has been sought from the Council’s Housing Officer who has given their support in principle. This is agreed by Officers.

A further modification is sought to delete Paragraph 2.10 of Schedule 4 which relates to the recycling of funds from sales and specific prioritisation. The reason for such a request is on the basis that the RPs structure prohibits them from committing to delivering affordable housing in a specific local authority area and the ringfencing of certain receipts. It is also not practical as receipts from sales including staircasing and right to buy/acquire disposals are often fragmented and take place over a long period of time. The impact that the recycling of receipts can have on local development and affordable housing is also often limited. This is also agreed by Officers.

Schedule 5 amendments

Paragraph 6(v)(a) of Schedule 5 currently reads:

‘that the LEAP and the Open Amenity Space shall be made available for the use of the general public and shall only be used for the purposes of public open space and LEAP as defined in this Deed and shall not be used for any trade or business and that no development requiring planning permission shall be carried out thereon unless it is for the purpose of providing children's play facilities or for the maintenance of the LEAP and the Open Amenity Space or is required to be carried out by a statutory undertaker;’

The addition of the word ‘permanent’ is proposed (underlined for clarity) so the paragraph will read as follows:

‘that the LEAP and the Open Amenity Space shall be made available for the use of the general public and shall only be used for the purposes of public open space and LEAP as defined in this Deed and shall not be used for any permanent trade or business and that no development requiring planning permission shall be carried out thereon unless it is for the purpose of providing children's play facilities or for the maintenance of the LEAP and the Open Amenity Space or is required to be carried out by a statutory undertaker;’

The proposed change is to allow the temporary use of the public open space for community functions, such as exercise classes, community fairs and/or coffee or food vendors. This initiative was advanced by local ward Members in their engagement with the developer.

It is supported by HDC Officers as it would add to place-making qualities of the scheme and support the community use of the open space with negative impacts (such as deterioration on the open space through such activities and neighbour impact) would be addressable by the Management Company.

Schedule 7 amendments

Schedule 7 relates to Water Neutrality, and this application seeks to remove this schedule from the legal agreement in its entirety.

The changed circumstance of Water Neutrality has been addressed in detail in allied section 73 planning permission DC/26/0325, which approved the removal of planning conditions pertaining to water neutrality. The removal of this obligation is therefore supported.

Conclusion

For the above reasons, the deed of variation to the legal agreement under Outline planning permission DC/21/2233 is judged acceptable for planning purposes.

Recommendation: Application Permitted

POSITIVE AND PROACTIVE STATEMENT

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

DELEGATED

Case Officer sign/initial Matthew Porter Date: 26-08-2026

Authorising Officer sign/initial Adrian Smith Date: 27/08/2026