

PLANNING APPLICATION REPORT

REF NO: FP/274/21/OUT

LOCATION: Bognor Regis Golf Club
Downview Road
Felpham
PO22 8JD

PROPOSAL: Outline planning application with all matters reserved, except means of access, for the erection of up to 480 new homes (C3), the formation of a new means of access onto Golf Links Road, together with the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure and the retention and re-purposing of the retained club house (F2). This site also lies within the parish of Yapton, affects a Public Right of Way and is a Departure from the Development Plan. This application is subject to an Environmental Statement.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	39.6 Hectares
RESIDENTIAL DEVELOPMENT DENSITY	At a maximum of 480 dwellings the density would equate to an average of 40 dwellings per hectare of different densities across the development parcels. (Green and blue space stands at 27.7 ha being an equivalent of circa 70% of the total development area.)
TOPOGRAPHY	Largely flat.
TREES	A Tree Preservation Order TPO/FP/07 covers the eastern boundary of the golf course and TPO/FP/23 which covers many of the trees within the golf course itself.
BOUNDARY TREATMENT	Various boundary treatments can be found on the site, the site is largely open to the south, west and north but to the east the residential properties whose rear gardens back onto the site have close boarded fences and hedges.
SITE CHARACTERISTICS	<p>The site is fairly representative of a typical golf course and consists of manicured greens, fairways, interspersed with avenues and clusters of trees. The club house building lies at the south eastern extremity of the site accessed via Golf Links Road.</p> <p>The golf course is bounded by a small area of farmland and the Felpham Relief Road beyond that to the north, residential development to the east, the Downsvie Primary School and Felpham College to the south and LEC Airfield, Bognor Regis Railway line and agricultural land to the west.</p>

There are also a number of waterways in the vicinity notably the Lindsey Rife that defines the western boundary of the golf course. There are several public rights of way within the site boundary.

CHARACTER OF LOCALITY

The golf course (as well as Lec Airfield the Downsview Primary School and Felpham College) all create a large green buffer area between the residential built up area of Felpham to the east and the Bognor Regis Retail Park to the west, itself separated from the airfield by the Bognor Regis Branch railway line. The A259 Felpham Relief Road encloses the northern boundary.

REPRESENTATIONS

Felpham Parish Council - Strongly object to the application based on the significant flooding of Bognor Regis Golf Course as evidenced by recent events.

In relation to the proposed means of access, it is their view that it does not matter whether the land proposed to be developed is in the Local Plan or not, all this means is that the way to achieve the best solution is different. If the site had been in the local plan, the means of access would have been detailed within that plan. As with this case, if the site is not in the plan, the responsibility of WSCC Highways is still to secure the optimum means of access. The implications of not doing so would be that developers would be encouraged not to put sites for development under the local plan but to take the risk that they would be able to supply a lesser means of access to the site alone at a potentially lesser cost.

Felpham Parish Council do not accept that the changes to the traffic signal at the junction of Downview Road and the B2259 are acceptable. Although the changes are expected to deliver less queuing vehicles this is done so at the heightened risk to pedestrians and cyclists (many of which will be children accessing the two schools nearby). These traffic lights were amended a short time ago to give unfettered access all the way across them for pedestrians and cyclists on the grounds of enhanced safety. These proposals by the developer will revert the operation of these lights back to what was considered, a few years ago, as unsafe.

They also state that a crossing approximately 300m west of these lights is going to be changed to mimic the current arrangement at the Downview crossing of unfettered access all the way across the road on the grounds of enhanced safety. It would appear that WSCC Highways department are prioritising motorists, when the new Highway code and various statements from central government have a hierarchy of pedestrians and cyclists first.

It is the view of Felpham Parish Council, that because a developer does not have access to the prime traffic solution simply because it is not owned by that site, does not mean that a less than optimal and potentially more dangerous access arrangement should be simply signed off.

They conclude that the site is not suitable for housing.

Bognor Regis Town Council - Serious concerns about off-site capacity requirements and whether the transport effects of the development on the local highway network can be satisfactorily mitigated. Allowing up to 480 homes would result in an intensification of use that adversely affects the area and would result in the generation of excessive demands on the local highway network.

Sussex Ramblers Association - Object to the application because it will adversely impact the walking

environment by building across views of the golf course green space presently enjoyed from public rights of way in what is an important gap associated with Lidsey Rife between built-up areas of South Bersted and Felpham.

West Sussex Wildlife Protection - Object, the proposals include for balancing ponds which dry out in summer and are not good for wildlife year round. In winter they attract wildfowl but there will be huge numbers of dogs with new development so any winter benefit is destroyed.

Flansham Park Health Centre - The surgery would be obliged to provide medical services for the residents of the development and without significant further increase in funding and staffing would be unable to care for the current patients. They are not optimistic that they would receive the appropriate resources.

830 Letters representation, mostly objections (approximately 60 in support). Multiple objections submitted under one address count as one comment. The main points of concern raised include:

- The site is not allocated for development in the local plan.
 - The site is in a flood plain and regularly floods and should not be built on.
 - Schools dentists and doctors surgeries are over subscribed and will not cope with more houses.
 - Parking and traffic problems are already apparent in Goodwood Avenue, South Road, Wroxham Way and Downview Road especially since the development of Site 6 in peak times / during school runs.
 - Downview Road is not at all suitable as an access and is frequently gridlocked and used by children and cyclists going to school.
 - A far better access would be via the A259 to the north. Lack of land ownership does not preclude the application including this land for an access.
 - Access from the A259 would be in the best interests of the public.
 - Although Downview is subject to a 20mph speed limit the Traffic Assessment acknowledges that 15% of the speeds are in excess of the 85th percentile speed (which is 29.2 mph max). Therefore 15% of speeds are well in excess of 20mph.
 - Access should be via Charles Purley Way as per Site 6 or via the A259.
 - Drygrounds Lane is already sometimes impossible to exit.
 - The A259 junctions are already at capacity.
 - Increase in sewage and water infrastructure that already cannot cope.
 - The golf course is home to a large number of wildlife species and trees that will be lost.
 - The golf course is regularly used by locals for recreation and good for their health.
 - There are already enough houses and insufficient infrastructure to cope with more.
 - The houses will block light and views to houses that already adjoin it.
 - The golf course is a designated green space between built up areas and a valuable wildlife corridor.
 - Protected species such as badgers are on site.
 - The development would destroy the character of Felpham.
 - Increase in noise levels and pollution from the additional vehicles.
 - Application refers to fill material and banking, where will the material come from and how many lorry loads will it equate to.
 - The offer of the existing club house for the community would be a liability as it is already described as not fit for purpose.
 - The maps used in the application are inaccurate.
 - The site is an important area for wild birds, new householders with cats will have a devastating effect on these.
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- Points in support include the need for more affordable houses here as most houses are upwards of £500,000
 - The golf course club house is past its life span and the development would add essential housing.

- The development will provide much needed housing plus a community facility in Lidsey Green.
- The relocation of the golf club will secure the long term future of it and provide much needed housing.
- The golf course has poor drainage and needs to be relocated.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council and third party comments are noted and will be addressed in the Conclusions section, where they relate to material planning matters.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Lead Local Flood Authority.

- Object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Strategy relating to:
 - The application is not in accordance with National Planning Policy Framework paragraph 159, 162, or 167 of the National Planning Policy Framework, its accompanying Practice Guide or policies DM2 'Flood Risk' of the Arun Local Plan.
 - To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the suburban drainage system proposed operates as designed for the lifetime of the development. The Site fails to adequately address the sequential test in relation to Surface Water Flood Risk. The National Planning Policy Framework Practice guide states in paragraph 028 'These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
 - The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

Environment Agency

- Updated comments are awaited from the Environment Agency (EA). However, it has been verbally advised by the EA that they would raise an objection to the proposed development as the extent of the flooding was significantly larger than what was shown by the modelling and as such they no longer have the same level of confidence on the conclusions of the model. Therefore, the model is not an accurate reflection of what is happening within the cell based on the flood event from November 2023.

Arun Engineers (Drainage)

Following newly submitted information and the recent flooding event in November 2023 we can confirm that we support the Lead Local Flood Authority in Objecting to this application.

West Sussex County Council Highways

- Based on the revised information now submitted, the County Highway Authority (CHA) is now satisfied with the proposal from a highways point of view. As such, should the local planning authority be minded to approve the planning application, the CHA recommends that it only does so subject to the following: S106 Agreement (to secure):
 1. Site access, Downview Road/Golf Links Road.
 2. Emergency access.
 3. Off-site highways works at B2259 Downview traffic signals and timing of implementation.
 4. Off-site Highways works at junction of B2259 Felpham Way with B2132 Middleton Road roundabout junction and timing of implementation.

5. Off-site highways works at junction of A259 with B2259 (Felpham Relief Road) and timing of implementation.
6. Travel Plan.
7. Travel Plan monitoring fee.
8. Bus waiting area improvements including real-time passenger information displays, including timing and method of implementation.
9. Financial contribution towards upgrading of public right of way (Public Footpaths) 153 and 154.
10. Safeguarding of land and provision of costs to deliver part of link road for Bognor Regis Enterprise Zone within that land.
11. Provision of Downview Road speed and PIA monitoring data plus triggers for provision of both plus, if required, submission of measures such as (but not limited to) tactile and corduroy paving, speed tables/humps, crossing points and other measures as might be agreed, should issues be shown to have arisen post-part of the development being constructed and in use, if demonstrated by the speed and AIP data collected.

Also required will be the imposition of planning conditions as set out in their response.

West Sussex County Council Highways - Public Rights of Way

- No objection based on the application which proposes to upgrade public right of way FP153 to permit cycle use and provision of permissive footpaths on site.

West Sussex County Council - Education Services.

- The proposed development should be expected to contribute towards the new secondary school in order to mitigate its impacts for secondary education, as identified in the Local Plan, because the local existing secondary schools are not able to accommodate the new pupils. The existing secondary school provision is unable to expand, and the lack of an allocated or secured site for a new secondary school, means that this new education facility cannot be relied on in the short term.
- Until such time that a new secondary school to meet Arun requirements in accordance with the Council's commitments is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District, who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. West Sussex County Council will seek a contribution from proposed developments towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy. This contribution seeks to cover the cost of providing new or additional transport, based upon a calculation of the number of pupils generated by the development that require secondary school places before a new secondary school in Arun is delivered. The costs will be calculated on a case-by-case basis but will be based on occupancy rates for secondary school aged children moving into the development. These may involve journeys to schools outside the District.
- Consequently, the County Council as lead education authority, objects to the planning application listed above for the reasons set out above.

Place Services (providing ecological advice on behalf of Arun Council).

- No objection subject to securing biodiversity mitigation and enhancement measures.

Council's Arboriculturalist.

- No objection to the outline proposals on arboricultural grounds but cautions against approving any parameter plan or tree retention plan until they have concluded their own amenity assessment of trees across the site. Note - subsequent to these comments being made a Tree Preservation Order was made on a large number of trees within the golf course.

Arun District Council Leisure and Greenspace

- No objection subject to continued consultation through the development proposals. A landscape led development in this location is advised to blend the proposals into the character of this local area.

West Sussex County Council Waste and Minerals

- The application does not meet the criteria for consultation and therefore no comments are made.

National Highways

No objection subject to the development making a financial contribution toward A27 works in accordance with the adopted Arun Local Plan.

Southern Water

- No objection subject to the imposition of conditions relating to details of the means of foul and surface water disposal and phasing to ensure that development aligns with the delivery by Southern Water of any sewerage network reinforcement that is required.

Sussex Police

- No comments to make from a crime prevention perspective.

Arun Council Economic Regeneration

- No objection on the basis that the facilities are being re-provided elsewhere and also that it assists access to further employment land. Request that an Employment and Skills Plan is developed and implemented and local supply chains are used wherever possible.

Sport England

- The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.
- The application proposes the relocation of the golf course to facilitate development and is related to another planning application for the laying out of a new golf course on land south of Grevatts Lane ref: M/16/22/PL. Having consulted with England Golf, Sport England is satisfied that subject to that application being granted, and the new golf course being delivered prior to the loss of the existing course, that paragraph 99 of the NPPF would be met. Sport England would recommend that this phasing should be secured by condition or through a S.106 obligation.

Archaeological Advisor

- No objection subject to the imposition of a suitably worded standard condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

West Sussex Fire and Rescue

- No objection subject to the imposition of planning condition to secure the provision of additional fire hydrants.

Natural England

- The proposal will not have significant adverse effects on statutory protected nature conservation sites or landscapes therefore no objection is raised.

Environmental Health

- No objection subject to the applicant following the Air Quality & Emissions Mitigation Guidance for Sussex, provision of electric charging points, imposition of planning conditions to ensure that a phase 1 preliminary risk assessment scheme is carried out, internal and external noise levels are demonstrated, details of external lighting and a construction method statement is provided.

Housing Strategy and Enabling Manager

- No objection to the affordable housing mix as set out in the Design and Access Statement. Note that a number of the 2 bed dwellings are proposed as maisonettes and would caution against this figure being overly high. The overwhelming need is for 2 bed houses. Anticipate that an Affordable Housing Plan setting out the precise number, size, type and location of affordable dwellings be included for agreement with the reserved matters application. All of the necessary affordable housing requirements would need to be included in a S106 planning obligation not secured by planning condition.

Chichester District Council Ecology

- No objection in principle subject to continuing ongoing surveys being submitted, retention of hedgerows and woodlands, protection of the Lindsey Rife, restrictions on lighting and biodiversity enhancement.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
 Outside Built-up Area Boundary
 Countryside
 Designated gap between settlement
 Flood Zone 3 (western and northern parts of the site)
 Risk of flooding from the sea (majority of site)

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ECCSP1	ECC SP1 Adapting to Climate Change
HWBSP1	HWB SP1 Health and Wellbeing
HERSP1	HER SP1 The Historic Environment
GISP1	GI SP1 Green Infrastructure and Development
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
OSRSP1	OSR SP1 Allotments
TDM1	T DM1 Sustainable Travel and Public Rights of Way

TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Felpham Neighbourhood Plan 2019-31 Policy ESD1	Quality of Design
Felpham Neighbourhood Plan 2019-31 Policy ESD5	Surface Water Management
Felpham Neighbourhood Plan 2019-31 Policy ESD9	Protection and Enhancement of Wildlife or Ecological Networks.
Felpham Neighbourhood Plan 2019-31 Policy GA1	Promoting Sustainable Movement
Felpham Neighbourhood Plan 2019-31 Policy GA4	Parking in New Residential Development
Felpham Neighbourhood Plan 2019-31 Policy CLW2	Leisure Facilities
Yapton Neighbourhood Development Plan 2011-2031 Policy E3	Protection of natural habitats
Yapton Neighbourhood Development Plan 2011-2031 Policy E4	Minimising the environmental impact of development
Yapton Neighbourhood Development Plan 2011-2031 Policy E5	Retention and enhancement of biodiversity
Yapton Neighbourhood Development Plan 2011-2031 Policy E6	Green infrastructure and development
Yapton Neighbourhood Development Plan 2011-2031 Policy E11	Minimising the impact of flooding from development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPS1	Delivering Sustainable Development
PPS25	Development and Flood Risk

SUPPLEMENTARY POLICY GUIDANCE:

SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with relevant Development Plan policies in that the proposals are for residential development within an area at risk of flooding, outside the built up boundary, within the open countryside, within a strategic gap between settlements and on an area used for outdoor sport and recreation. This conflict cannot be outweighed by the benefits that are proposed by the scheme in the form of housing, which includes affordable housing.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

Material considerations include the benefits from providing housing set against the current shortfall. Reference is also made in the application to the provision of publicly accessible areas of informal open space and habitat creation and the relocation of the existing golf course as being significant benefits of the proposed development.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 (ALP), the Felpham Neighbourhood Development Plan 2 was made in 2021 (FNDP2), the Yapton Neighbourhood Development Plan 2 made in November 2023 (YNDP2) and the West Sussex Waste and Minerals Plans.

Having regard to Policy SD SP2 of the adopted Arun Local Plan, the site is located outside of the Built-up Boundary (within which development should be focused) and is defined as being in the countryside under the provisions of Policy C SP1 of the Arun Local Plan, where development will only be permitted for a defined list of countryside uses. The site is also located within an identified Settlement Gap with the Lindsey Rife falling within the site which is designated as a Biodiversity Opportunity Area and a Local Green Space.

The majority of the southern part of the site lies within the Felpham Neighbourhood Plan Area. Policy CW2 states that existing recreational space, including school playing fields and land used for outdoor sport and recreation should not be built on, except for buildings which would enhance sporting or recreational activities on the land.

Policy CLW2 of the Felpham Neighbourhood Development Plan (FNDP) relates to Leisure Facilities and states that existing recreational space, including school playing fields and land used for outdoor sport and recreation should not be built on, except for buildings which would enhance sporting or recreational activities on the land.

The northern portion of the site lies within the Parish of Yapton and as such falls within the Yapton Neighbourhood Plan Area. The parameter plans which accompany the application show a parcel of residential development within the area of the site which falls within Yapton. Therefore, the proposals by virtue of their location would fall outside of the built up area boundary as defined by policy BB1 of the Yapton Neighbourhood Development Plan (YNDP).

The provisions of Policy SD SP2, Policy C SP1 of the Arun Local Plan, Policy CLW2 of the FNDP and Policy BB1 of the YNDP preclude residential development on the site. Therefore, the principle of development is contrary to the development plan.

In January 2024, the Council published its Authority Monitoring Report (AMR) which identified a 5 year housing land supply of 4.16 years. Paragraphs 10 and 11 of the National Planning Policy Framework (NPPF) confirm that at the heart of the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to-date development plan without delay.

Alternatively, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In December 2023 the NPPF was revised and footnote 8 to Paragraph 11 was amended to state that for applications involving the provision of housing, this would include situations where:

- (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or
- (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

Footnote 7 states that the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

The application site is located within Flood Zone 3 and as such is an area at risk of flooding and part of the site (the Lindsey Rife) is a designated Green Space. Therefore, for the reasons set out below, there are harmful impacts which would significantly and demonstrably outweigh any benefits associated with the proposal.

SUSTAINABLE DEVELOPMENT:

Policy SD SP1 of the Arun Local Plan (ALP) states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy GA1 of the Felpham Neighbourhood Development Plan (FNDP) seeks to ensure that development proposals which increase travel demand will be expected, amongst other things, to be located in places accessible to public and community transport or can improve the accessibility of the site to public and community transport by contributing to

the provision of enhanced services.

The location of the site and the red line area dictate that vehicular access is only available to Golf Links Avenue. Access to the north, east and south is constrained by the A259, the railway line and the school respectively. The site is effectively landlocked for vehicles but for the proposed access via Golf Links Avenue. Existing Public Rights of way would enable pedestrian access to the north under the A259 and to the south west and north west over the railway. However, none of these footpaths allow any reasonable access to any local shops or services, the nearest of which by public footpath is some distance away (for example Sainsbury to the south on Shripney Road).

There are bus stops in Wroxham Way (270 metres from the site) and Felpham Way (some 400 metres from the proposed access point), residents at the centre of the new development would have to walk 400 metres to the main entrance and then a further 300 metres to reach the nearest bus stop, a distance of some 700 metres.

The nearest local shop is Wood Hill Way Post Office and Convenience Store (1.2km) and the nearest Tesco Express located 1.7km from the site. Other facilities are further away. It is not realistic to expect that residents would walk or cycle such distances on a regular basis to access shops and services. The design and access statement considers that all dwellings within the scheme will sit within a 20 minute round walking distance from key facilities and thus comply with the concept of a 20-minute neighbourhood. But as noted above, the nearest Tesco express at Felpham Way is a 40 minute round trip by foot.

Taking the above factors into account it is highly likely that residents of the proposed estate would be heavily reliant on private motor vehicles for trips out of the development to access local shops and services. Therefore, despite the proximity of the development to the built up boundary, the site is not considered to be in a sustainable location contrary to the objectives set out in paragraph 8 of the National Planning policy Framework and contrary to policy SD SP1 of the Arun Local Plan and policy GA1 of the Felpham Neighbourhood Development Plan.

LOSS OF THE GOLF COURSE

The existing Golf course is an existing outdoor recreational facility. Policy OSR DM1 of the Arun Local Plan seeks to protect these facilities and states that they should not be built on or redeveloped for other uses unless:

- a. a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements; or
 - b. the loss resulting from the proposed development would be replaced by equivalent or better provision of open space, outdoor and indoor sport, community arts and cultural facilities, which will be assessed in terms of quantity and quality and suitability of location;
- or
- c. the development is for alternative open space, sports, community, arts or cultural provision, the needs for which clearly outweigh the loss.

No assessment has been undertaken to demonstrate that the facilities are surplus to requirement. However, the proposed redevelopment of the current club is linked to the planning application for a replacement a golf course which is the subject of planning application M/16/22/PL on land south of Grevatts Lane / A259. This application remains non-determined and would need to be considered alongside this application.

A position statement included within the application for residential development on the existing golf course states that the current site limitations and facilities of the golf course are restricting golf to the

more traditional forms (four / five hour round) and the facilities are dated. Other limitations are stated as being drainage issues, health and safety with golf balls hitting houses, the existing building being old and outdated and other improvements that are required to modernise the clubhouse heating and irrigation systems. No details are given as to whether these issues could in fact be resolved at the current course, instead the report states that a new course would solve them.

In the absence of an alternative golf facility, or a formal mechanism to deliver one on an acceptable alternative site, the loss of the existing course would be contrary to Policy OSR DM1 of the Arun Local Plan.

ACCESS, TRAFFIC, ROAD SAFETY & PARKING:

The application is in outline form with all matters reserved except access. The main proposed vehicular access is shown as utilising the existing eastern golf club access with a new table top ramp provided at the junction. The access shows a 6 metre carriageway with a 3 metre shared footway / cycleway on the eastern side and a 2 metre footway on the western side. A second, emergency, site access is proposed to use the current western car park access to the golf club and this would also provide for pedestrians and cyclists. Both access points are some 27 metres apart.

It is identified within the submission that parking will be based on the Arun Parking Standards 2020 and will include for 20% of visitor parking. All properties will have an EV charge point and non residential uses will include for 50% electric vehicle charging points.

The application also refers to the strategic employment site 4 - LEC airfield and the requirement under policy EMP DM2 (m) for Site 4 that states any proposals relating to the airfield and adjoining land must ensure that measures for the delivery of a link road between the A259 Felpham Way and the Bognor Regis Relief Road are addressed. Land is identified within the submission as being safeguarded in order to facilitate the delivery of this link in the future.

The applicant identifies that should permission be granted a Section 106 Agreement would include obligations to make this land available and finance the construction of the part of the road located within the application site. For clarity, the applicant states that it will be the responsibility of other parties to secure planning permission for the road.

Arun Local Plan policy T SP1 seeks to ensure development provides safe access to the highway network and contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; and (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities, and contribute towards provision of a joined-up cycle network and Public Rights of Way network. Para 114 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users".

National Highways have been consulted and raised no objection subject to the development making a financial contribution towards A27 junction enhancements identified through the Arun Local Plan.

WSCC Highways sought additional information from the applicant during the course of the application based on the traffic data provided, in particular, for the Downview Road signalised junction; the B2259/Flansham Lane/Hoe Lane junction; and the B2259/Middleton Road junction. The County Highway

Authority had raised concerns with the impact that the additional development traffic would have on these junctions. Following these comments the applicant provided additional information to address these concerns.

Nearly all of the objections received from the public raised strong concerns over the proposed access and in particular the current levels of traffic congestion at this location due to the school and the potential for increased conflict with school pedestrians, cyclists and parents dropping children due to the additional vehicles associated with the construction phase and post development phase. Residents also questioned why the development could not be served by the A259 to the north.

In view of the concerns raised by residents over highway matters, GTA Civils and Transport was appointed by Arun District Council to undertake an independent review of the transport impacts associated with the development. This review concluded that there were no in principle reasons why site access should be from the Relief Road alone. In particular:

- The proposed means of access, as finally agreed with WSCC, would provide sufficient capacity and be safe for all road users.
- WSCC should not have concluded that the existing mixed provision on Downview Road is acceptable without further analysis of the expected traffic flows with the development in place and the volume and type of cycle movements to be provided for within the context of the requirements of LTN 1/20.
- Whilst having significant reservations about the capacity modelling carried out for the Downview signals junction, it was agreed that adequate measures have been put forward by the Applicant to mitigate the impacts of its development on the operation of the wider highway network.
- WSCC should require the Applicant to prepare a draft Construction Management Plan containing sufficient information for WSCC to come to an informed view of the impacts on Golf Links Road of heavy vehicles during site construction and their acceptability.

The GTA Civils and Transport independent review was provided to WSCC and the applicant and further information was provided to address the issues identified. It was identified by the applicant that the development would connect with and make financial contributions towards the new footway/cycleway being proposed along PRow 153. This would ensure a complete north-south connection between the A259 and the B2259.

Following further consideration of these matters by WSCC Highways it has been confirmed that no objection is raised to the proposed development. However, WSCC have stated that should the LPA be minded to approve the application, the following measures should be secured through the Section 106 agreement:

1. Site access, Downview Road/Golf Links Road.
2. Emergency access.
3. Off-site highways works at B2259 Downview traffic signals.
4. Off-site Highways works at junction of B2259 Felpham Way with B2132 Middleton Road roundabout junction.
5. Off-site highways works at junction of A259 with B2259 (Felpham Relief Road).
6. Travel Plan.
7. Travel Plan monitoring fee.
8. Bus waiting area improvements including real-time passenger information displays.
9. Financial contribution towards upgrading of PRow (Public Footpaths) 153 and 154.
10. Safeguarding of land and provision of costs to deliver part of link road for Bognor Regis Enterprise Zone within that land.
11. Provision of Downview Road speed and PIA monitoring data plus triggers for provision of both plus, if required, submission of measures such as (but not limited to) tactile and corduroy paving, speed

tables/humps, crossing points and other measures as might be agreed, should issues be shown to have arisen post-part of the development being constructed and in use, if demonstrated by the speed and AIP data collected.

Footpath 153 runs north to south and runs through the centre of the existing golf course. Heading south from the site footpath 153 passes to the east of Downsview Primary School and Felpham Community College and terminates at Drygrounds Lane to the south. Onward pedestrian connectivity is available to the B2259 Felpham Way where an existing pedestrian crossing provides connection to footpath 3047 which provides connectivity with Felpham. Therefore, pedestrian connectivity towards the schools to the south and Felpham are good. Footpath 153 heading north meets the Lindsey Rife where it connects with footpath 152 before heading north over the A259 to Flansham.

Footpath 152 heading north crosses the A259 before connecting with Sack Lane in Shripney. Footpath 152 heading south runs to the east of the Lindsey Rife and the LEC Airfield before crossing the railway line and connecting with the Southern Cross Industrial Estate. Footpath 152 is unmade and as such would not be appropriate all year round or for those with accessibility issues especially given the railway crossing.

The travel plan submitted in support of the application notes that there are proposals currently underway by WSCC to widen footpath 153 to provide a shared footway / cycleway route (between Felpham Way and Wroxham Way) which would provide the added benefit of moving cyclists off Downsview Road. These WSCC proposals include the upgrade of the existing pelican crossing on Felpham Way to a Toucan Crossing to accommodate cyclists alongside pedestrians.

The application would secure the upgrade of footpath 153 within the site to a shared footway / cycleway which would enable occupants of the site to access the A259 to the north and the existing cycle route. Details of these enhancements have not been provided as part of this application but could be secured through the Section 106 legal agreement.

Therefore, as confirmed by WSCC the contributions towards cycle provision and connectivity are acceptable and the existing and future provision would provide strong links to the north and south of the site with the A259 and down into Felpham.

FLOOD RISK:

Policy W SP1 is relevant to flood risk and states that the Council will support development that:

- a - is appropriately located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures into new development, particularly Sustainable Drainage Systems that reduces the creation and flow of surface water and improves water quality;
- b. reduces the risk to homes and places of work from flooding whilst increasing biodiversity; and
- c. delivers a range of community benefits including enhancing the quality of life and providing greater resistance to the impact of climate change.

Policy WDM2 of the Arun Local Plan requires development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment to only be permitted where a sequential test in accordance with the National Planning Policy Guidance has been met and a site specific flood risk assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.

A flood risk assessment (dated February 2022) was provided with the application when it was submitted. The assessment identified the proposed use as more vulnerable under the flood risk vulnerability classification within the National Planning Policy Framework. The National Planning Policy Framework

states in paragraph 167 that all plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by applying the sequential test and then, if necessary, the exception test

As the site is located in Flood Zone 3a a sequential test was required to be undertaken. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

A sequential and exception test was undertaken at the submission stage (December 2021) to look at any alternative sites for residential development as well as the new golf course the subject of a separate planning application. The sequential test therefore, looked for alternative sites that were capable of taking the proposed development which was stated as being the residential development and the proposed new golf course. It is important to note however, that the application in front of members now is for residential development only. The sequential assessment concluded that there were no sites within the district that were capable of providing land suitable for the new residential development and the new golf course. However, the approach is flawed as will be explained in more detail below.

The applicant considered that the sequential test had been passed as no reasonable alternative sites had been identified to accommodate this residential development alongside a new golf course they moved on to the exception test. The proposed residential development is classed as 'More Vulnerable' development within Flood Zone 3a. In order to pass the exception test it must be demonstrated that:

- The development provides wider sustainability benefits to the community that outweigh the flood risk as informed by a strategic flood risk assessment; and
- A site specific flood risk assessment has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, will where possible, reduce flood risk elsewhere.

The flood risk assessment for the site was considered to pass each element of the exception test. Identified in Part A of the flood risk assessment (para 4.3.3) the development was stated to provide wider sustainability benefits such as delivering a wide range of open market and affordable housing, monetary contributions to local infrastructure and services, open space, biodiversity net gain, economic benefits during construction etc. In Part B the flood risk assessment it was concluded that the development will be safe for its lifetime taking into account the vulnerability of the users and would not increase flood risk elsewhere. This was on the basis that the site specific hydraulic modelling showed that buildings were situated outside of the floodplain i.e. equivalent to Flood Zone 1 where the development would be considered water compatible. It is important to note that this approach was based on the conclusions of the flood modelling undertaken by the developer.

The submission concludes that flood risk (tidal, fluvial, surface water, groundwater) was low for the site, with historic flooding having been considered but the report noted that the entire site was not affected (para 5.2.1). The post development hydraulic modelling scenario was based on the inclusion of development platforms, road networks, surface water channels, flood berm and suburban drainage strategy and concluded that the development could be safe for its lifetime, had safe access and egress during times of flooding and would not increase the risk to the surrounding areas.

The Environment Agency (EA) objected to the application in March 2020 based on the fact that the submitted flood risk assessment was supported by modelling and outputs that the Environment Agency had not reviewed or approved, nor had drawings of ground levels for post development been provided. A further objection was made by the EA in August 2022 based on a lack of drawings showing the ground

levels post development as well as baseline and post development model outputs had not been provided in geographical information system format.

The applicant provided a response to the Environment Agency comments regarding flood risk on 1 November 2022. This model refined the flood risk and responded to the questions raised by the Environment Agency.

On 15 November 2022 the Environment Agency stated that the development would meet the requirements for flood risk if finished floor levels were set no lower than 300mm above ground level and evidence be provided that the post development ground levels match those included in the post development modelling.

In December 2022 the applicant provided a sequential and exception test addendum for the residential site. This document reflected updates that the Government made in August 2022 to the Flood Risk and Coastal Change national guidance. This document stated that:

"As set out in the December 2021 Test at paragraph 1.5, Site A is the only suitable site for the proposed development as it enables the relocation of the golf course. The requirement to undertake a District wide search is not appropriate for this scheme, as the only location the scheme could be located is on Site A. The December 2021 Test did assess other sites, however a wider search away from the existing golf course would be unreasonable and would not allow these two sites to be closely interlinked into one overall project."

In December 2023 the West Sussex County Council Lead Local Flood Authority stated that they had recently become aware that the site had been severely impacted by flooding. Following a review of the information they objected on the basis that the application is not in accordance with paragraphs 159, 162 or 167 of the National Planning Policy Framework, its accompanying Practice Guides or Policy DM2 'Flood Risk' of the Arun Local Plan. In addition the site had failed to adequately address the sequential test. The National Planning Policy Framework Practice Guide states in paragraph 028 that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such sites do not need to be owned by the applicant to be considered reasonable.

The methodology adopted by the applicant in relation to the sequential test is considered to be flawed, the sequential test for the residential application should not have been linked to a separate application for a golf course. The applicant has focused on the need to relocate the golf course but the residential element does not need to be located in an area of high risk of flooding to support and finance the relocation of a water compatible use such as the golf course. The sequential test should have been carried out so as to assess if there were reasonably available sites appropriate for the proposed residential development in areas with a lower risk of flooding, but no such assessment was undertaken.

Therefore, the proposal fails to accord with Policy W DM2 of the Arun Local Plan relating to flood risk and Policy ESD5 of the Felpham Neighbourhood Plan.

LAND RAISING:

The flood risk assessment refers to the need to undertake land raising to ensure residential development is, where necessary, situated on platforms to prevent flooding. Having reviewed the topographical plans for the site and the light imaging and radar (LiDAR) plans, this shows the site slopes from approximately 1m above ordnance datum (AOD) in the north to an approximate elevation of 3m AOD by the southeast boundary adjacent to Downview Road. Localised depressions exist in the site which range from 0m AOD to 1m AOD.

Within the planning statement reference is made to the site being raised for development purposes. Reference is also made to a berm being created separating the north and south of the site to ensure that the fluvial and surface water flood risk storage is maximised in the southern part of the site. The berm is stated as ranging in height from between 1.84m AOD to 1.9m AOD. The proposal also makes reference to platforms being 'raised' above the surrounding ground levels above the predicted flood level of 1.5m AOD. These raised platforms are stated as being at their lowest of 1.4m AOD with a ridge along the centre raised a further 300mm to allow for drainage. Reference is made in the flood risk assessment to finished floor levels to properties being raised a further 300mm above platform levels (para 7.1.1) which would result in the finished floor levels of the proposed dwellings being at between 1.7m and 2m above AOD in order to be above the 1 in 100 year flood event plus climate change.

It is not clear exactly how much land raising will be required, and the amount of fill that will be required (or if cut and raise is proposed), where fill for land raising will come from, how many HGV's that would equate to and where they will enter the site from and the likely impact of this on residents. Nor is it known the impact that the proposed land raising would have upon flooding impacts off site given the extent of the recent flood event on site.

ILLUSTRATIVE LAYOUT

As the application is in outline form with only access reserved the layout is illustrative. Development is proposed to be broadly located in the north eastern corner of the site with the southern and far western boundaries kept free of development. The remaining undeveloped areas are shown to include landscape buffers, public open space, natural play areas traditional play areas, planting, pedestrian/cycle links and SuDS, a large portion of the site will remain undeveloped running north to south along the western boundary.

The impact of the development on the surrounding area has been considered by the applicant who has sought to demonstrate that viewpoints will be created through the development and with assessment of the likely impact of development and views of the site from outside the boundaries. These viewpoint plans show that the impact of the development will largely be low / with minor adverse impact. However, it is unclear what was assessed through this document with a number of the plans referring to the development as being a 'future care home'.

An indicative density plan shows development situated predominantly in the north east of the site with a core of higher density in the middle of this approximately 160 metres north west of the existing club house. The highest densities are shown as being 90 dwellings per hectare (dph) and up to 3 storey in height. The buildings will radiate out from here to lower densities of 45-50dph (maximum 2.5 storey), then 40-44dph with development on the edge of the development between 35-39dph with heights of 2 - 2.5 storeys. A large area north west of the site will remain undeveloped as will areas along the western boundary adjacent to the rife and airfield.

Despite the size of the site, the development is on the edge of the existing settlement and would be expected to act as a transition between the existing built up area and the countryside. The proposed densities are significant and would more closely reflect the density of development expected within a town or village centre rather than in the countryside.

Of the 39.6 total site area 27.7 hectares will be retained for green and blue space with the remaining 11.9 hectares identified for development, giving an average density of 40dph. By way of comparison Felpham has densities which range from 25 to 42dph with densities to the east and south of the application site being on the lower end of this scale with single storey and low density detached properties being characteristic in this locality. The number of dwellings proposed and the densities identified are excessive and an inappropriate response for a site situated on the edge of the built up area boundary within a settlement gap.

The proposed development by virtue of its density and number of units proposed would result in significant harm to the established character of the locality and would fail to provide an appropriate transition between the existing built up area and the countryside whilst encroaching within and eroding the settlement gap.

Therefore, the proposed development could not be accommodated on site without significantly adverse harm to the established character of the site and wider locality to relevant policies contained within the development plan.

CONSERVATION AND HERITAGE

The Conservation Area is located approximately 750 metres from the site as are several listed buildings. Because of the combination of topography, dense vegetation, and trees around the application site as well as the distance and the built-up nature of the area within which they are located, none of them are considered sensitive to change by the proposed development. Therefore, the proposed development would not give rise to any harm to any designated heritage assets.

A heritage desk-based assessment and Geoarchaeological desk-based assessment were provided as part of the environmental statement. These conclude that there may be undesignated archaeological assets within the site and propose a staged programme of archaeological works to be secured by condition. This approach would enable the identification of any assets and a suitable mitigation strategy to be developed and is supported by the Council's archaeological advisor.

Therefore, the proposals subject to the imposition of appropriately worded conditions would be in accordance with relevant policies within the development plan.

AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan requires developments of over 11 units to provide a minimum provision of 30% affordable housing on site. The applicant has confirmed that 30% of the total development will be provided as affordable homes. These are indicatively shown as being split between:

- 1 Bedroom 24%
- 2 bedroom 47%
- 3 bedroom 22%
- 4+ bedroom 7%

The proposals deviate from the indicative mix in Policy AH AP2 which requires 1 bedroom 35 - 40%, 2 bedroom 35 - 40%, 3 bedroom 15 - 20% and 4+ bedroom 5 - 10%. As the application is in outline form no objection is raised at this stage as the policy requirement of 30% is met and the precise mix of houses could be dealt with at reserved matters stage. The affordable housing requirements would need to be secured through a Section 106 agreement.

ECOLOGY

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.

Where possible it shall also promote the creation of new areas for habitats and species. The current golf course is a man made and managed landscape but does contain grass snake, lizards, slow worms, water voles, bats, breeding birds and many other species. A preliminary ecological appraisal concluded that the proposals would result in a net gain of 10.29% for habitats, 17.43% for hedgerows and 46.9% for rivers meeting the Environment Act's 10% biodiversity net gain requirements.

The applicant has provided a significant number of documents, reports and plans relating to the likely impacts of the development on designated sites, protected species, and priority species and habitats, including the identification of appropriate mitigation measures. Natural England considers that the development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes. Arun's ecological advisor has concluded that there is no objection to be raised to the application subject to securing biodiversity mitigation and enhancement measures.

Therefore, subject to the imposition of appropriately worded conditions the ecological impacts would be acceptable.

PUBLIC OPEN SPACE & PLAY

Arun Local Plan policy OSR DM1 requires housing developments to provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's Supplementary Planning Document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 33,792 sqm of Public Open Space, and 5,808 sqm of Play Space for a development of this size. The indicative Land Use Parameter Plan illustrates that the site will include landscape buffers, public open space, natural play areas, traditional play areas, pedestrian and cycle lanes and SUDS such as swales and rain gardens, Growing areas are also identified on other plans.

A large proportion of the site will not be developed and as such sufficient space is available to deliver an appropriate quantum of open space. However, the Open Space SPD identifies that SUDS features or areas of the site which experience flooding cannot be considered as open space. Therefore, given the extent of recent flooding it would appear that the majority of the areas on the site set aside for open space would be unusable in a flood event bring into question the usability of the open space during the winter months.

Therefore, at this time it has not been adequately demonstrated that an appropriate amount of usable open space could be delivered onsite as required by policy OSR DM1 of the Arun Local Plan.

TREES

Policy ENV DM4 of the Arun Local Plan and Policy ESD9 of the Felpham Neighbourhood Development Plan state that development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows and/or priority habitat will not be supported unless the need for, and the benefits of the development in that location clearly outweigh the loss.

The illustrative tree removal plan provided with the application shows that 1 Category A tree would be lost, and that the total loss of category B and C trees would be 22 groups and 13 specimens equating to a loss of 2.4 hectares. Proposed new tree planting on the site would equate to 4.4 hectares and 125 new singular trees. The trees to be lost are mostly located in the area identified for the residential development. There are other trees and hedges around the site not protected by a Tree Preservation Order that are also important to the character and visual amenity of the area.

Since the application was submitted a Tree Preservation Order (TPO) has been made which covers approximately 80 trees across the site. It is unclear how many of the trees to be removed would be covered by the Tree Preservation Order because the submitted plans pre-date the TPO.

The development proposes land raising to ensure that the residential elements are placed above flood risk. No precise details of the location of the residential elements are proposed (just a broad indicative area) and no details of the precise areas of land raising are given or the likely amount of land raising required. It is clear however, that the development as proposed will result in a loss of trees within the area proposed for residential development and this in turn could be because of the land raising required

and the likely negative impact this would have on those existing trees.

As this application is only in outline with layout not agreed, it is unclear from the submission how the proposed land raising would impact upon the health and vitality of any trees intended to be retained including those that are currently protected via a Tree Preservation Order.

SUPPORTING INFRASTRUCTURE

Arun Local Plan Policy INF SP1 requires that development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contributions must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The application would be liable for community infrastructure levy (CIL) of which 25% would be provided to the Parish Council to spend on their own projects. The remainder of the payments would go towards providing the infrastructure that the district needs to support existing and future development.

The affordable housing provision, WSCC Education transport contributions and Highway contributions/mitigation would need to be secured through the completion of a Section 106 agreement planning obligation. Therefore, subject to completion of a Section 106 agreement the proposals would accord with policy INF SP1 of the Arun Local Plan.

SUMMARY & PLANNING BALANCE

The National Planning Policy Framework is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year Housing Land Supply (currently 4.16-years), paragraph 11(d) of the National Planning Policy Framework and the application of the 'presumption' for sustainable development would normally be triggered.

However, Paragraph 11(d) of the NPPF states that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year Housing Land Supply cannot be demonstrated), planning permission should be granted unless the application policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

The application site falls within Flood Zone 3 and as such is at risk of flooding. Given the significant flooding event which occurred in November 2023 the Local Planning Authority are not satisfied with the conclusions of the modelling work and are concerned that the proposed ground raising would result in the displacement of water which would increase in flood risk elsewhere. Therefore, the policies contained within the NPPF would provide a clear reason for refusing the development proposed.

In addition to the above Paragraph 14 of the NPPF identifies that where the presumption under Paragraph 11(d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Provided that the neighbourhood plan became part of the development plan five years or less before the date of the decision; and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. In this case the site falls within the Neighbourhood Plan Areas for both Felpham and Yapton both of which were made less than five years ago in accordance with Paragraph 14(a).

Whilst the FNDP2 includes policies intended to meet their identified housing need in the absence of allocations the FNDP2 would not meet the requirements of Paragraph 14(b) of the NPPF. As the YNDP2 incorporates both policies and allocations and as such meets the requirements of Paragraph 14(b) of the

NPPF.

In accordance with Paragraph 14 the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. As identified above the proposed residential development is sited outside of the built-up area as defined by policy BB1 of the YNDP2 at a density and scale which would result in substantial harm to the established character of the locality.

Given the strength of this policy conflicts and the weight given to those conflicts which relate to the YNDP2 (given the effect of para 14 of the NPPF) then this report concludes that the adverse impacts would clearly and demonstrably outweigh the benefits and so a refusal would be justified.

It is therefore recommended that the application be refused for the following reasons.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

1 The site is not allocated within the Arun Local Plan and falls in an area identified as at risk of

flooding (Flood Zone 3a). The application fails to adequately address the sequential test in relation to Surface Water Flood Risk and in the absence of a satisfactory sequential test, it has not been demonstrated that the proposed development is appropriate in this area contrary to policy W DM2 of the Arun Local Plan, policy ESD5 of the Felpham Neighbourhood Plan, policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework.

- 2 The extent of recent onsite flooding was significantly larger than that which was shown by the modelling and as such confidence in the conclusions of the model are diminished. Therefore, as the modelling is not an accurate representation of what is happening within the cell, and given the extent of land raising proposed, it has not been satisfactorily demonstrated that the proposed development would not increase flood risk elsewhere contrary to policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.
- 3 The site is located outside of the built up area boundary, within the countryside, in an area identified as a Strategic Gap and identified as part of the Green Infrastructure Network. These areas seek to steer development to within the existing built up area to protect and enhance the countryside and existing Green Infrastructure assets and the connections between them which are recognised for their intrinsic character and beauty, and where applicable allow for appropriate, small scale development, which is in keeping with the rural nature of the gaps. The development proposed would not be appropriate small scale development and would be likely to alter the character of the countryside area to an unacceptable degree and as such is contrary to policies SD SP1, SD SP2, SD SP3, C SP1 and GI SP1 and of the Arun Local Plan and Policies BB1 and E6 of the Yapton Neighbourhood Plan.
- 4 The proposed development by virtue of the limited means of access and distance from nearby shops and services, would be likely to result in residents using private vehicles for the majority of day to day trips and is therefore considered to be unsustainable by reason of its location, it would therefore be contrary to policy SD SP1 of the Arun Local Plan, policy GA1 of the Felpham Neighbourhood Plan and the National Planning Policy Framework.
- 5 The proposal would result in the loss of the existing golf course with no alternative equivalent or better facility being provided elsewhere. Therefore, the release of the land currently used for outdoor sport and recreation would be in conflict with, and prejudicial to, the land use policies upon which the Local Plan is based contrary to policy OSR DM1 of the Arun Local Plan and policy CLW2 of the Felpham Neighbourhood Plan. This reason for refusal would fall away were M/16/22/PL to be approved or allowed at appeal.
- 6 The development as proposed would result in the loss of trees including those protected by a Tree Preservation Order (TPO) which are of high amenity value. There are no overriding benefits for the proposed development which would justify the loss of trees contrary to Policy ENV DM4 of the Arun Local Plan, Policy ESD9 of the Felpham Neighbourhood Development Plan or E4 of the Yapton Neighbourhood Development Plan.
- 7 In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.
- 8 In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to policy INF SP1 and the NPPF.
- 9 In the absence of a signed Section 106 agreement, the development will not provide;
 - A travel plan necessary to ensure the promotion of alternative travel options;
 - Off-site highways works at B2259 Downview traffic signals and timing of implementation;
 - Off-site Highways works at junction of B2259 Felpham Way with B2132 Middleton Road roundabout junction and timing of implementation;

- Off-site highways works at junction of A259 with B2259 (Felpham Relief Road) and timing of implementation;
- Bus waiting area improvements including real-time passenger information displays, including timing and method of implementation.
- Financial contribution towards upgrading of PRow (Public Footpaths) 153 and 154;
- Safeguarding of land and provision of costs to deliver part of link road for Bognor Regis Enterprise Zone within that land; and
- Provision of Downview Road speed and PIA monitoring data plus triggers for provision of both plus, if required.

The development is thereby contrary to Arun Local Plan policies T SP1, T DM1 and EMP DM1 as well as the NPPF.

- 10 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 reason(s) for the refusal, approval has not been possible.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FP/274/21/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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