

Email from Councillor

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Save the environment - think before you print.

From: Neil Crowther <Neil.Crowther@arun.gov.uk>
Sent: 24 June 2020 14:08
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: BE/109/19/OUT

From: Cllr. Hugh Coster [REDACTED]
Sent: 23 June 2020 19:19
To: Neil Crowther <Neil.Crowther@arun.gov.uk>; Caroline Perry <Caroline.Perry@arun.gov.uk>; Nigel Lynn <Nigel.Lynn@arun.gov.uk>; Councillors - Development Control Committee <DevelopmentControlCommittee@arun.gov.uk>
Cc: sean Hannaby [REDACTED]
Subject: BE/109/19/OUT

Dear Neil,

In connection with BE/109/19/OUT, I am concerned that all members of DCC have received from yourself and now also Caroline Perry, a copy of a recent letter by a representative of the applicants, and I am even more concerned that what you have sent contains misleading information.

Is it a normal practice for officers to do this on behalf of the applicant and, if so, do you do the same thing for objectors to a scheme? If so, I have never seen it, and if we are not even-handed with this sort of thing I would anticipate that the public might not consider it acceptable. Surely that applicants' letter should have simply gone on the website, maybe with yourself then drawing our attention to it.

But, even worse, that letter, forwarded by yourself, is wholly misleading in connection with available public transport and, for all I know, possibly in connection with the flooding issues as well, and I note that you have not made any comments in connection with the truth or otherwise of the letter's contents.

I attach herewith screenshots of the bus timetable for the services 66a and 66c which serve that road and you will note that, contrary to the letter's claims that services are provided "from 8am into Bognor High Street", the first service to Bognor is not until 9.12, which is useless for school or work, hence car use will be essential. Plus there are no services on Sunday (when people also work and shop), and further examination of the timetables will show that the service is very limited and most definitely NOT "high quality" at all.

Whilst writing I must also mention that I am concerned to discover that, contrary to what we were told in committee, a past Inspector's decision in respect of an appeal re residential use in Sack Lane (AL/120/15/PL) did NOT claim that the location was sustainable in respect of access to shops/employment etc. In fact quite the opposite, in paragraph 10 he said: "I therefore find that the appeal site is not particularly well located to promote methods of travel other than by private motor car". And this, of course, is a site served by exactly the same bus service. It is perhaps disappointing that this observation was not used by ourselves in defence of the appeal re "the Cottage" (BE/69/19/OUT).

On the matter of "The Cottage" appeal which you have also brought to our attention in this context, I am a little surprised that you have not given us any form of view as to the value of a decision which, at the very least has to be somewhat questionable. In view of that, I have attached herewith a critique of the Inspector's report, upon which you may or may not wish to comment. I am not at all happy to place any reliance on that report as being a valid assessment of that site's virtues/shortcomings, nor of allowing it to influence future decisions.

Lastly, our agenda report counsels against using SO DM1 (soils) as a ground for refusal because it was not referred to by any member. You already know that I wished to refer to it but was prevented by the arbitrary 5 minute rule, but I would also mention that the policy and the specific issue in relation to it was mentioned in our agenda report and also in the Officer update document. I have frequently seen Inspectors refer to items mentioned in agenda reports in justification of their remarks, and I therefore do not see why we should not also be permitted to direct the applicants' (and possibly the Inspector's) attention to the same comments that were in front of us at the time of making our decision. Anything else would be an unfair distinction.

Sorry to go on so long, but the matter is complicated and I hope to make myself clear by covering all necessary points.

Regards,
Hugh Coster
Representing Aldwick East Ward
Arun District Council

The Cottage, Shripney Road, Bognor Regis.

APPEAL DECISION REPORT

Appeal Ref: W/4000456

Re Application Ref: BE/69/19/OUT

This is a seriously flawed report by J. Ayres, Solicitor and Inspector, which demonstrates insufficient attention to and knowledge of the local area and the conditions pertaining thereto by the Inspector. This has not been helped by Arun District Council's failure to provide adequate reasons for refusal and then robustly defend them in full detail.

Faulty application of ALP Policies.

In paragraph 10, the Inspector refers to compliance with Policy D SP1, which is entirely irrelevant to the subject under discussion in that paragraph. D SP1 is solely about design which is a reserved matter which is not being considered under this application. This is an extraordinary error which inevitably raises questions as to the level of competence displayed in this decision.

In paragraph 13, Policy T SP1 is mentioned, stating that the proposal would comply. This is incorrect because it breaches three aspects of T SP1 (a) and also breaches T SP1(f)(iii). This is slapdash and ill-considered. The inspector also claims it promotes sustainable transport when it clearly does not because it encourages use of the car due to its location and the lack of high quality public transport. In a 2016 Appeal Decision relating to Sack Lane which has the same bus services an Inspector says: "I therefore find that the appeal site is not particularly well located to promote methods of travel other than by private motor car" and concludes that it would not comply with Policy T DM1 of the then emerging Local Plan.

In paragraph 22, Policies D SP1 and D DM1 are mentioned, yet both these policies apply to design which relates to reserved matters which are not being considered under this application. This is another extraordinary error which again raises questions as to the level of competence displayed in this decision.

Sustainability.

In paragraph 9 the Inspector observed that there are bus stops close by but fails to examine or recognise that the bus services are minimal and will not provide satisfactory access to schools, work or shopping. This is NOT "high quality public transport" as required by ALP Policy T SP1(f), or NPPF para 110(a). He also refers to "some food and retail offers available on foot" which is patently wrong because the only retail establishment in Shripney is the Robin Hood pub. Other shops are more than 20 minutes walk away and not conveniently reached by the minimal bus services. He claims this would encourage alternative forms of transport to the private vehicle which is plainly wrong, as nearly everybody would use their car to go to shops at this distance. He also claims that the development would provide economic stimuli for the local economy when there is no local economy apart from the pub, and the stimulus to that would be minimal. To claim that "local economy" means Bognor Regis supermarkets is false because these are national establishments whose profits do not support the local economy. Nor would support of these mean more local jobs. These establishments already exist and are staffed, and the additional business from a portion of this proposal would make no difference to this. These are errors which he claims would be a benefit provided by the scheme, when they are not benefits at all.

In paragraph 10 he claims the above errors are benefits that would outweigh the conflict with the policies in the local plan and neighbourhood plan. Because they are errors they do nothing to outweigh the conflict, and he destroys his own argument.

In paragraph 28 he states that the proposal “would conflict in principle with regards to its location.” Presumably he means that it would conflict with policies in the local plan, but he is depressingly and unsatisfactorily imprecise. He also states that there are material considerations that would outweigh this conflict but he does not state what they are. If he is referring to the numerous errors he has made in paragraph 9, then these are not satisfactory material considerations of any value at all and they will not outweigh the conflict with local plan policies – and his decision is therefore faulty.

In paragraph 11 The Inspector refers to “a new footway within the central reservation between Shripney Road and the service road” and presumably regards this as a benefit. In fact it will be no benefit at all because it is no more than a footpath in the opposite verge (NOT a “central reservation”) and will do nothing to assist people to cross the busy Shripney road at a very dangerous point just after a blind bend. No controlled crossing is proposed, so pedestrians will be just as much in danger whether this work is carried out or not. If the inspector regards this as a benefit or a material consideration in favour of the proposal he is very considerably at fault. This demonstrates callous and unthinking disregard for the safety of the public.

In eight paragraphs (5(iii), 14, 15, 17(twice), 18, 19, 20, 21) the inspector strays into reserved matters issues, some of them on which he has no knowledge at all because there had been no reserved matters application or plans submitted. These are all irrelevant to this application (outline and access) and should not have been referred to at all. In some cases he is making entirely unfounded assumptions on which he has no evidence. Yet again, these are extraordinary errors which again raise questions as to the level of competence displayed in this decision.

In paragraphs 12 and 17 the Inspector refers to the increase in number of homes from 20 to 31 as being acceptable, when this represents a 55% increase and is plainly excessive. This represents an increase in density from 23dph to 34dph, when the housing adjacent and opposite is no more than 11.3dph. This is excessive and does not take into account the nature of the local surroundings and the village. This demonstrates a lack of proper attention to the matter in hand.

Conclusion.

It will be seen from the above that in this report the Inspector has entirely failed to recognise, understand and establish that there are almost no material considerations which outweigh the potential harm that this proposal will do to the village of Shripney, and its conflict with Arun Local Plan Policies. Local people, being councillors on the Development Control Committee fully understand the challenges of the locality and as decision makers have decided that the benefits of this proposal do not outweigh the potential harm, nor do they outweigh the conflict with Local Plan Policies.

If the Inspector, as a stranger to the district, wishes to undermine this view it is incumbent upon him to take the trouble to properly establish the facts that support the sustainability of this proposal. In this case he has not done so, and his report contains a considerable number of errors demonstrating that he has not considered the matter as carefully as he should. Unfortunately, Arun District Council has compounded this by failing to properly defend the Appeal and bring appropriate matters and evidence to the Inspector’s attention.

Because this decision and report is demonstrably faulty, it is entirely unsafe to base any future decisions on its results. It should be regarded for what it is, which is a seriously faulty and ill-considered decision.

Screenshot taken 20/06/2020 from:

<https://bustimes.org/services/66c-bognor-regis-yapton-bognor-regis>

66C - Bognor Regis - Yapton - Bognor Regis

A bus service operated by Compass Travel

Map

Monday 22 June 2020 ▼

☐ Show all stops

Bognor Regis High Street (Stop A)	08:15	12:35	16:35
Bognor Regis Station (Stop J)	08:18	12:38	16:38
S Bersted, adj Tesco	08:22	12:42	16:41
Shripney, opp The Robin Hood	08:26	12:46	16:44
Westergate, adj Barnett Close	08:34	12:53	16:51
Barnham, opp Railway Station	08:38	12:57	16:56
Walberton, o/s Post Office	08:43	13:02	17:01
Yapton Canal Road (SW-bound)	08:50	13:09	17:07
Yapton Sparks Corner (N-bound)	08:53	13:12	17:09
Barnham, adj Railway Station	08:59	13:17	17:14
Westergate, adj School	09:04	13:22	17:19
Shripney, adj The Robin Hood	09:12	13:30	17:26
S Bersted, opp Tesco	09:16	13:34	17:29
Bognor Regis Station (Stop K)	09:19	13:37	17:32
Bognor Regis High Street (Stop C)	09:22	13:40	
Bognor Regis High Street (Stop A)			17:35

Note Shripney times

Note Shripney times

Timetable data from the Traveline National Dataset

NO SERVICE ON SUNDAY

NOTE: 8.26 at Shripney, Barnham 8.38, too late for train to get to work by 9.

9.12 at Shripney too late for work or school in Bognor. If shopping can't get back until 12.46. Next and last is 13.30, not back until 16.44.

Last service from Barnham 17.14. Last service from Bognor 16.35

NONE OF THESE ARE WORKABLE OR CONVENIENT. THIS IS NOT A HIGH QUALITY SERVICE

Screenshot taken 20/06/2020 from:

<https://bustimes.org/services/66a-bognor-regis-yapton-bognor-regis>

66A - Bognor Regis - Yapton - Bognor Regis

A bus service operated by Compass Travel

Map

Monday 22 June 2020 ▼

☐ Show all stops

Bognor Regis High Street (Stop A)	10:15	14:40	17:40
Bognor Regis Station (Stop J)	10:18	14:43	17:43
S Bersted, adj Tesco	10:22	14:47	17:46
Shripney, opp The Robin Hood	10:26	14:50	17:49
Westergate, adj Barnett Close	10:34	14:57	17:56
Barnham, opp Railway Station	10:38	15:05	18:01
Yapton Canal Road (SW-bound)	10:42	15:08	18:06
Yapton Sparks Corner (N-bound)	10:45	15:12	18:08
Walberton, o/s Old Vicarage	10:51	15:19	18:14
Walberton The Green (W-bound)	10:53	15:20	18:15
Barnham, adj Railway Station	10:59	15:26	
Westergate, adj School	11:04	15:30	
Shripney, adj The Robin Hood	11:12	15:37	
S Bersted, opp Tesco	11:16	15:41	
Bognor Regis Station (Stop K)	11:19	15:44	
Bognor Regis High Street (Stop C)	11:22	15:47	

Note Shripney times

Note Shripney times

Timetable data from the Traveline National Dataset

NO SERVICE ON SUNDAY

NOTE: Service does not start until 10.15. Useless for getting to work or school.

Shopping to Bognor or Tesco first bus 11.12. No return to Shripney until 14.50. Next and last is 15.37, return 17.49.

Last service to Shripney from Barnham 15.26. Last service from Bognor 17.40.

THIS IS NOT CONVENIENT OR WORKABLE FOR WORK OR SCHOOL TRANSPORT. NOT A HIGH QUALITY SERVICE.