



From: David Innes [REDACTED]
Sent: 13 December 2022 15:49
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Fwd: Objection to FP/274/21/OUT - Bognor Golf Course

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Hi,

Can you please upload the emails and objection letter attached on to the portal. Thanks

David Innes

[REDACTED]

Begin forwarded message:

From: Karl Roberts <Karl.Roberts@arun.gov.uk>
Date: 13 December 2022 at 08:28:26 GMT
To: "David Innes, Blueprint Planning" [REDACTED]
Subject: FW: Objection to FP/274/21/OUT - Bognor Golf Course

Hi, please action.

Regards
Karl

From: Nigel Jarvis [REDACTED]
Sent: 12 December 2022 17:21
To: David Easton <David.Easton@arun.gov.uk>
Cc: Karl Roberts <Karl.Roberts@arun.gov.uk>
Subject: RE: Objection to FP/274/21/OUT - Bognor Golf Course

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Hi David,

I write further to the below. While not unusual not to have a bespoke reply (nor was I expecting one) but as I also didn't receive any reply from Arun (which seems to be the norm from the planning file) it prompted me to check you saw this come in? (reattached for ease). I also couldn't see the attached on the online portal when I looked.

If could you let me know please, and in doing so if you could let me know any expectation on likely planning committee (11th January?) and/or there's been any developments that might allay concerns in our objection I'd be very grateful.

Kind regards,
Nigel

Nigel Jarvis MRTPI



Director

[REDACTED]

LUKEN

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From: Nigel Jarvis [REDACTED]
Date: Wednesday, 9 November 2022 at 15:16
To: david.easton@arun.gov.uk <david.easton@arun.gov.uk>
Cc: Karl Roberts <Karl.Roberts@arun.gov.uk>
Subject: Objection to FP/274/21/OUT - Bognor Golf Course

Dear David

Please find attached representations on behalf of our client to the Bognor Golf Course application which we have monitored closely since submission.

Please note that in the attached we raise objections. These are not 'in principle' and nor is objection raised lightly. We are very concerned with the likely development plan conflicts, particularly

adverse effects on the delivery of the adjacent allocated employment site, that would arise if the application (as it presently is) were to be approved and planning permission granted.

It would seem to me that these are important for the reasons we set out, and the approach to addressing these is straightforward. Our client considers these must be resolved prior to any favourable decision being reached by the Council.

I would welcome the chance to discuss these matters with you further should you find it helpful.

Kind regards,

Nigel Jarvis MRTPI 
Director



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DX 57406 Littlehampton

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Mr D Easton

Arun District Council

By email

8th November 2022

By cc. Mr Karl Roberts (Director of Place)

Our Ref:

Your Ref: FP/274/21/OUT

Dear Mr Easton,

Outline planning application with all matters reserved (except access) for the erection of up to 480 new homes (C3), formation 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).

I write on behalf of our client in respect to the above Bognor Golf Course (BGC) planning application setting out our concerns and objections. Our client has a majority interest in the adjacent allocated employment site (EMP SP3 site 4), which, along with other development plan objectives may be undermined by these proposals if not properly determined. Our clients are committed to bringing forwards this allocation in the near future and consider that it remain an attractive and deliverable site.

Context

We do not object to the principle of redevelopment of the BGC this is an unplanned for, and very large scale site for a windfall development. It has the potential scale to cause wider ramifications to the realisation of the development plan, however. While we also have no comment on its intended replacement by residential development, or the Golf Course's relocation we do raise very strong concerns that the development may prejudice the delivery of Local Plan employment site 'EMP SP3'.

The Local Plan sets out the vitally important objective to any spatial strategy of achieving sustainable growth through balanced development. Such a balance is pivotal to ensure jobs,

services and facilities, and other infrastructure matches pace with and provides for the needs of housing driven population growth within the district. To that end the Local Plan allocates an array of large strategic employment sites to provide the right jobs in the locality of, in this case, Bognor Regis.

'EMP SP3' Site 4

The 2018 Arun Local Plan confirms that EMP SP3 site 4 is allocated to provide 9,500sqm of 'B1 use'. This use in particular offers the highest employment densities, and can be expected to provide upwards of 800 FTE jobs if its full capacity can be realised. It is therefore a highly important part of realising the spatial strategy's goals. The site is bounded to the west by a railway line limiting options in respect of the scale and capacity of access solutions. Both the local plan and latest Arun District Council HELAA note realising the total development potential of the 'EMP SP3 site 4' may be dependent on highway improvements via a 'Link Enterprise Bognor Regis Link Road'. The alignment for this is safeguarded alignment by another local plan policy, T SP3[f]. Like other such improvement schemes, it is 'subject to design, consultation and approval'. The Local Plan does not require 'EMP SP3 site 4' to deliver the link road (which is entirely sensible in tested viability terms). Funding for the route remains unclear.

Areas of Concern

The BGC application has been subject to detailed consultation earlier in the year and again over the summer with WSCC as LHA. Our client has noted the concerns initially raised by West Sussex County Council in their consultation response (6th April) appear to have now been overcome such that WSCC has removed its objections on highway matters. However we note that the amendments secured are not sufficient to properly address the development plan requirement for a future link road. There has been no further information submitted to resolve this.

With the benefit of expert advice taken from their own transport consultants, our client has particular concerns to ensure;

- (i) these windfall proposals do not result in an obstacle to the effective realisation of EMP S3 having regard to the local transport network
- (ii) that the location and extent of the reserved land on the BGC masterplan and parameter plans to allow for the future link road is sufficient, and
- (iii) that it is properly secured by any planning permission granted for BGC

These are addressed as follows;

(i) Impacts to the local transport network

In respect of EMP SP3 site 4 (LEC Airfield and adjoining land) our client's are progressing their access strategy for the site.

The Local Plan confirms that our allocated site will have 9,500sqm of BI use and from TRICS this equates to around 100 vehicle movements in each of the AM and PM peak hours and around 1,000 vehicle movements daily. As you know, the golf course site is not allocated in the Local Plan for development, and we consider it important that our committed site is fully taken account of in Hallam's capacity assessment of the Felpham Way junctions, including the Downview Road junction.

Locations identified for access are via the leisure centre roundabout on Felpham Way (B2259) and via a new link road and junction with the A259 (Felpham Way Relief Road), although given the different land ownerships along the A259 frontage, an access onto this road appears unlikely at this time. Therefore, the strategy our clients are working to is that the entire EMP SP3 site 4 is accessed from Felpham Way via the leisure centre roundabout to the South and connects to the A259 to the north

The LPA should work closely and diligently with WSCC to avoid a situation where permission is granted for the BGC application despite it not having properly allowed for the committed development traffic from our site when assessing their proposals for the unallocated golf course site. The consequences of such may be that;

- The owners of EMP SP3 site 4 may be expected to provide or fund further mitigation missed at this stage and at significant cost to their later employment scheme; or
- Find that Hallam proposals for their unallocated site has used up all the available capacity, including particularly some of the Felpham Way junctions (such that our allocated site can only be accessed site via a new junction on the A259); or
- Effective use of the employment allocation (and realisation of 9,500 sqm of BI) cannot be delivered.

Given the above, the LPA must satisfy itself that the BGC application has ensured that implications for EMP S3 Site 4 have properly considered and in doing so, that:

- TRICS to determine the development traffic for 9500sqm of BI use on EMP SP3 site 4
- That all this committed development traffic is accessed via the Felpham Way/ Leisure Centre roundabout and then distributed accordingly
- As this traffic forms part of the committed development element, traffic from Hallam's 480 dwellings should only then be added in for assessment

The purpose of this would be to demonstrate, reasonably, whether the unallocated BGC application proposals would preclude highway network capacity for the allocated employment site without a link road and if that were the case it would be entirely reasonable for ADC to consider how the BGC application will bring forwards the link secured by policy T SP3 [f] and secure appropriate planning obligations to do so (having regard also to the tests in CIL Regulation 122). Conversely, if the BGC application did identify such an impact and not mitigate it, it would be a material planning consideration for ADC to consider what additional cost burden would be placed on EMP SP3 site 4, and the implications to the allocation and spatial strategy as a whole.

ii) The BGC application would conflict with development plan policies (including T SP3[f] and EMP SP3 [site 4]) and not be in accordance with the plan as a whole.

In order to avoid direct conflict with policy T SP3[f] the BGC application already proposes to reserve land (through proposed public open space) to allow for a future link road to pass through the site.

It would be important in principle that such reserved land would remain available for the implementation of a relief road. We noted that the masterplanning and underlying assessment for the scheme provides no technical assessment or feasibility study to support the indicative location and extent of reserved land in the masterplan (and parameters) to accommodate a future link road. Nevertheless, our client's consultants have considered the proposed location/extent of land in more detail and note that it does not seem to necessarily prejudice its provision in future, though it is wholly unclear how the application will make that land available or what contribution (in financial terms) the proposal will make towards ensuring its delivery. We deal with the former point below, but on the second matter we consider it is entirely proportionate and reasonable that the BGC application make a financial contribution to fund construction of at least the section of link road within/through their site and to provide the land at nil consideration at the appropriate time. Such a requirement would capably meet the tests in CIL Regulation 122 and, as provision is not included within ADC's CIL IFS, such a planning obligation would not represent 'double counting'.

The LPA should negotiate sufficient information and planning obligations to demonstrate that there will be no prejudice to the delivery of this important plan objective and no indirect impacts to the EMP SP3 site 4 allocation, from an unplanned site and also ensure it helps to facilitate the delivery of planned for projects.

iii) How reserved land would be secured within the BGC application site

Without the new 'link' route, options for accessing the EMP SP3 site 4 are limited by physical and spatial constraints. Its capacity may be limited as identified by the Council's own assessments therefore it would be important that the BGC application secure the following through the s106 Agreement and/or (as per) an appropriate form of dedication agreement under the Highways Act 1980.

It is important, based on the current law, that this is done via planning obligation rather than conditions as (for example) it has been found that an LPA cannot require the dedication of a highway for a link road via a planning condition.

Matters that a s106 agreement would need to effectively secure (on the assumption that Hallam will not retain the site and be building the link road as part of their scheme):

1. Identification of a sufficient corridor of land on the plan to a minimum width of 30 metres with no control strips on either side.
2. The setting aside and safeguarding of that land for an appropriate period of time to allow for the possibility of it being required for the road. This to be made available a reasonable time after the grant of any planning permission for the GBC application.
3. Obligations which effectively secure its dedication as highway and/or transfer to the Council or County Council (or their nominee) for a nominal sum with an obligation on them to dedicate as highway either if called for within the safeguarding period and/or by an identified longstop trigger. Having such transfer/dedication by an identified trigger (but with the land to be transferred back if not used) is robust from an enforceability perspective. Such transfer would need to include (or dedication to be subject to) any requisite rights of drainage and utilities over adjacent land.
4. The ability for the County Council or a nominee to go onto the safeguarded corridor and adjoining land pending any transfer/dedication in order to carry out design work, investigations, feasibility studies subject to reasonable notice and making good any damage.
5. A right for the owner of our allocation to enforce the obligations regarding the safeguarded corridor in the s106.

Conclusions

Whatever the merits of the BGC applications prejudicing the delivery of the present employment allocation (which the local plan envisages delivery of in 2023/2024) would represent poor planning.

Per paragraph 15 of the NPPF, the planning system should be “genuinely plan-led” and ADC’s plan is less than 5 years old. Redevelopment of the Golf Course without safeguards to allow some connectivity with and through (as well as to and from on wider sustainability grounds) the BGC application would lead to direct and indirect conflicts with the development plan. Under paragraph 81 the NPPF places significant weight on the need to support economic growth “taking into account...wider opportunities for development”¹.

While the Council has a difficult position in respect of housing land supply, such that some spatial policies are “out-of-date”, the answer is not to allow unplanned housing sites that are themselves unsustainable including because they prejudice the wider development plan and undermine other policies (i.e. EMP SP1 and aforementioned policies) that are not out of date. To do so would not represent sustainable development (contrary to ALP policy SD SP1) and would in any event further undermine the sustainability of such (windfall) sites, as well as those already actually planned for.

The BGC application comprises a very large windfall site. While the Framework identifies that “the supply of new homes can often best be achieved through planning for larger scale development” [paragraph 73] those should meet needs in a sustainable way and *inter alia* consider the opportunities presented by existing or planned investment in infrastructure, and ensure that their size and location support a sustainable community with sufficient access to services and employment opportunities. These are policies in the Framework itself, and accordingly should also plainly be balanced against the housing delivery merits of the BGC application in applying the tilted balance under paragraph 11. If the matters in this letter cannot be addressed accordingly that objection would not, in our view, be overcome as the site would conflict with employment opportunities and infrastructure provision already planned for. To that end the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when viewed in the wider planning context.

Until more is known it is important to safeguard adequate opportunities for access to EMP SP3 site ‘4’ including from and to avoid unintended sterilising effects on adjacent land to the

¹ NPPF, 2021 - para. 81, 82

employment site. My client is reluctant to object to the BGC application, and does not do so in principle, but unless substantial commitments were to be proposed by the applicant, or be imposed by the LPA (and secured in any planning permission) my client will remain forced to do so. At the present time it is clear that such commitments would include both safeguarding necessary land and providing a substantial financial contribution to help ensure the delivery of the link road safeguarded by policy T SP3[f] and, proportionately also directly fund some of its provision

It would be sensible and good planning, in the interests of delivering sustainable development and meeting plan-led objectives, to address the above concerns in full before considering determining, much less supporting, the present application.

Yours sincerely,



Nigel Jarvis MRTPI

Director

