

DECISION NOTICE

Application Ref: FP/274/21/OUT

1 To Addressee

LRM Planning Ltd
22 Cathedral Road
Cardiff
CF119LJ

2 Site Address

Bognor Regis Golf Club
Downview Road
Felpham
PO22 8JD

3 Description of Development

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.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 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 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.
- 5 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.
- 6 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.
- 7 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.
- 8 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.

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.



Neil Crowther
Group Head of Planning

Case Officer: Jonathan Lee

Decision Issued: **15th February 2024**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).