



Minutes of the Extraordinary Meeting of Clapham Parish Council
held at Clapham and Patching Village Hall, Long Furlong, Clapham, BN13 3UT
On Thursday 24th August 2023, commenced 7.30 p.m.

Present: Councillors: Terry Gale, Mike Monger, Jaci England, David England and Sheila Holmes.

In attendance: Sarah Linfield BSc (Hons), CiLCA (Parish Clerk/RFO/Proper Officer)
Seven members of the public.

40. Declarations of Interest and Dispensation Requests

Councillors Monger, Gale, J England and D England declared a personal and prejudicial interest in agenda item 4 (minute 43 refers) as residents of Clapham Common and each had made a written request for a dispensation to discuss and vote on the matter, which was approved by the Clerk. The dispensation was approved on the basis that their interest in this matter is common to them and a significant proportion of the general public, and to allow this business to be transacted which is in the interests of persons living in the parish.

41. Public Participation

None, at this stage but the Chair later exercised discretion regarding subsequent participation in finalising its response, specifically with regards the Gravel Pit Planning Appeal.

42. Apologies for Absence from Members

None

43. Planning Matters

Appeal

- i. SDNP/23/00033/REF Appeal by Mr Barry Boxall APP/Y9507/W/23/3322382 against refusal of planning application by the South Down National Park Authority for the relocation of Lansdowne Nursery from Ferring including the erection of glasshouses and agricultural workers dwelling | Gravel Pit Long Furlong Clapham West Sussex
It was **Resolved** – to submit its representation (objection) to the Appeals Inspector (Annex A).

New

- i. SDNP/23/03089/HOUS | Alterations to rear extension and roof, internal remodel and loft conversion within existing roof. | 2 The Street Clapham West Sussex BN13 3UY

It was **Resolved** – to raise no objection, but highlight the requirement for blackout blinds for the roof windows to meet the South Downs National Park Authority’s Dark Skies Policy.

- ii. SDNP/23/03007/FUL | Erection of a single dwelling and creation of new access (Re-submission following allowed Planning Appeal Decision APP/Y9507/W/19/3232116). | Gosling Croft Business Centre Long Furlong Clapham West Sussex BN13 3UT

It was **Resolved** – to object to the application (Annex B).

Ratify/Respond

- i. Angmering Parish Council’s objection to APP/C3810/W/23/33239 Appeal by Mr Barry Boxall against refusal of planning application FG/124/22/PL by Arun District Council Site Address: The Barn, Lansdowne Nursery Littlehampton Road, Ferring, WORTHING, BN12 6PB

It was **Resolved** – to endorse the representation (for dismissal) made by Angmering Parish Council on behalf of itself and other local councils (Clapham, Rustington, East Preston, Kingston) and also submit its own representation to the Appeals Inspector (Annex C).

44. Date of the Next Council Meeting

To take place on Thursday 31st August 2023, 7.30 p.m. at the Clapham and Patching Village Hall.

The meeting ended at 8.35 p.m.

Signed as a true record of the meeting

Dated

Annex A

APP/Y9507/W/23/3322382

Appeal against refusal - The relocation of Lansdowne Nursery from Ferring including the erection of glasshouses and agricultural workers dwelling | Gravel Pit Long Furlong Clapham West Sussex (SDNP/22/03525/FUL)

Clapham Parish Council objects to the appeal for the original application, which is contrary to the National Planning Policy Framework, a number of the South Downs Local Plans, its own Neighbourhood Plan and recently adopted Parish Design Statement. In-person representations (objections) were made to the South Downs National Park Authority's Planning Committee, 8th December 2022, as the Parish Council had not been quorate to provide its consultee response to the original application.

The assertion that the *"proposal would provide a rural business in a rural area that is compatible in this countryside location and would not adversely impact the rural character"* is a sweeping generalisation which is not supported by the facts.

There are a number of assertions within the Appeal which are felt to be misinformed and/or mis-leading.

Clapham Parish Council opposes the appeal on the following grounds –

- Any development of this area would result in the loss of open land, which makes a positive contribution both in terms of its intrinsic characteristics and at the edge of the rural settlement, as a border with and providing some protection from the busy A27.
- The land lies outside of the 'village envelope', as identified in the adopted Clapham Neighbourhood Development Plan. It would further be contrary to Policy SD25 of the SDNPA Local Plan which states that land outside of settlement boundaries is treated as open countryside.
- Both the chosen location and the design of the development are considered totally unsuitable, the application appearing driven by the desire to re-locate to somewhere local to the existing nursery and with insufficient regard to whether the area is actually suitable, of considerations to its impacts and lacking appropriate mitigations.
- The design does not adopt a landscape-led approach to conserve and enhance the landscape character of the area, which is one of historical significance and would destroy an area which is demonstrably special to the local community as an open green space. An application has been submitted to the South Downs National Park Authority under its Local Plan Review, Call for Sites in 2022, to register it as a Local Green Space. The assertion that *"the land is not a valued open piece of countryside"* is unfounded and untrue.
- The buildings including the 2-bedroom property and layout do not integrate with or sympathetically complement landscape character or contribute to local distinctiveness, but create an urban area, one of car parks, pavements, concrete and lighting, alien to Clapham's distinctive local characteristics.
- The development would require significant highway works to allow access from the A280, with implications for this already congested area and detrimental to highways safety. Public transport links are very limited – one bus, just twice a week - and car-sharing by employees seems highly improbable as does travel by bike or on foot. Approach from any direction is only really possible

using a private vehicle with such roads notoriously difficult to navigate. The assertion that “*Access is an existing access off Longfurlong (sic) Road*” is mis-leading. It appears that the application is dependent on acquiring an unregistered piece of land, which if unsuccessful would require a different access design as part of a revised planning application.

- The proposals would not have a positive impact on ecosystem services nor the trees and woodland areas as it would not conserve and enhance trees and hedgerows, with concerns over the impact on the important network of hedgerows, oaks and of smaller woodlands to the north. The root protection areas meet only the minimum requirements and has the potential to also damage existing trees over time. Proposed mitigations are insufficient and fail to make a positive contribution to the distinctive qualities of the area. The Statement of Case reports that “*we concede that the relevant surveys have not been completed and this will be carried out in the ecology season*” and that “*this will be submitted to the Inspector prior to consideration of the appeal by the Inspector*”. This would appear to reflect the lack of importance placed on biodiversity. It is also noted that some of the biodiversity reports will be unable to be undertaken until next year due to seasonal or breeding patterns.
- The design does not make any provision for users of the various rights of ways/paths to enhance or even maintain their enjoyment of the National Park.
- The special qualities of the National Park, in particular relative tranquillity will be compromised, with concerns regarding light pollution.
- Glazing, to such extent, would be alien to the area and would be facing open countryside, including public rights of way, being visible from the (adjacent) South Downs. The use of glazing in this form and extent would detract from the local distinctiveness and be detrimental to views and landscape character during the day.
- There are concerns as to whether flood risks will be effectively managed through the proposed drainage systems. Management of water surface flooding must be evident through sustainable drainage systems, and, further, not rely on an automatic use of existing sewers and drains without demonstrating, beyond doubt, that they have the appropriate capacity in the future to meet more frequent and heavier rainfall predicted through climate change. Significant levels of increased hardstanding may in particular result in increased water run-off with such intense rainfall overwhelming existing drains.
- The revised plans to which the appeal refers, the Statement of Case and other documentation submitted as part of the appeals process do not overcome the objections raised to the Planning Committee by the Parish Council, on behalf of the community it serves. It is noted that the appeal does also not appear to deal with the original and specific objections to the agricultural worker’s dwelling.
- The application is damaging to an area of particular local importance and the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against planning framework and policies.
- The assertion that “Clapham’s Design Statement supports the proposed development” is a misinterpretation of the content. It was produced by a working party of dedicated local residents, **identifying the particular characteristics that establish Clapham’s local identity and sense of place and to protect against unsuitable development of this type.**

- The Parish Council rejects the assertion that the application meets the Policy for Sustainable Development, as a justification for building in this location. The relocation will not deliver economic, social and environmental gains which outweigh its adverse effects. There is no realistic prospect of benefiting the parish economically and will instead destroy an important piece of open land to the detriment of the environment and adversely impact Clapham Parish in terms of its social well-being.

Annex B

SDNP/23/03007/FUL | Erection of a single dwelling and creation of new access (Re-submission following allowed Planning Appeal Decision APP/Y9507/W/19/3232116). | Gosling Croft Business Centre Long Furlong Clapham West Sussex BN13 3UT

The original application was agreed on appeal with thirteen conditions implemented by the Inspector. The Parish Council is concerned that the applicant is now further seeking to vary the entrance and to satisfy previous conditions without complying in full with their requirements.

The Parish Council previously objected to the application and made representations to the Inspector. Those objections remain unchanged and the conditions set out by the Inspector at Appeal remain relevant and should be complied with.

Creation of a New Access

Varying the site access will create another access/egress point on to the slip road and, contrary to the assertion that all trees and existing shrubs along the boundary will be retained, this would no longer be the case if a new driveway is permitted. The block paving proposed is also out of keeping with surroundings.

The entrance to Gosling Croft has already been moved from its original position between bungalows Glenelg and Bona Vista creating an additional driveway. Another entrance to service the bungalow requires the removal of the existing hedge - which is shown to be retained in the Tree Protection Plan. There is insufficient room in the car parking area to put another entrance in and still afford the protection of the trees as per the plan.

Concerns raised over the stated boundary – with close boarded fence along the northern boundary – as taking in the grass verge and the pond is felt to be incorrect.

Condition 9 should be complied with.

Condition 3

There are concerns regarding the variation sought in the use of cedar board to the prominent west facing elevation - a fibre cement cladding - to replace cedar cladding. The conditions specify that “the development shall be carried out only in accordance with the approved materials” and there is no justification for substituting the very suitable cedar with its favoured appearance as a natural timber that will weather with age to blend with the surroundings.

Conditions 4, 5 and 6

It notes that these have not been satisfied with regards landscaping, biodiversity and tree protection, lacking detail and assurances on methods and mitigations.

The concerns raised by the Ecology Team are shared, not addressed as part of this revised application but for which sign off is sought. There is no evidence of tree protections, notwithstanding that work to slab level has started.

Condition 10

Whilst noting its approval by the SDNPA, the Parish Council is advised that the undertaking to advise the start date for works or that “Letters will be sent to neighbours in the surrounding area to confirm the start

date and provide telephone numbers of the Project Manager, Architect and the Builder” has not been complied with.

Condition 12

The specific details imposed by condition 12 have not been addressed, which must be signed off prior to occupation of the dwelling.

Flooding

Contrary to the applicant’s statement, flooding is considered a problem in the area, specifically as follows, including previous incidents of -

Spate runoff into and through the valley to the east of ‘Shutters’, flooding their lawns, the house being saved from flooding by some last-minute ditch clearance.

Spate runoff from ‘Shutters’ flowing under and over the A280 and thereafter, as a consequence of onward drainage systems having failed to perform as intended, into Seth Evans’ Joinery.

The pond is an attenuation pond, with important role in storing runoff and reducing peak flows.

Plans

There is further concern with regards the accuracy of the plans – drawing no 5 July 2023, shows the height of the slate roof at 17.65m and the highest point of the gable at 15.875m.

Annex C

APP/C3810/W/23/33239 Appeal by Mr Barry Boxall against refusal of planning application FG/124/22/PL by Arun District Council Site Address: The Barn, Lansdowne Nursery Littlehampton Road, Ferring, WORTHING, BN12 6PB

Clapham Parish Council supports Angmering Parish Council’s representations, in respect of both its objection to the original application and dismissal of the subsequent appeal.

Reference the decision by Arun District Council to refuse this application for the reasons set out in its decision notice. Development of this site was opposed by local Parish Councils, the councillors representing the area at district level and our Member of Parliament. That opposition was based on proper planning grounds which are equally relevant to the determination of this appeal.

The Inspector will note from the application documents that a number of important statutory consultees objected to the application. These included the South Downs National Park Authority which raised serious concerns regarding the impact on the setting of the National Park. Objections were also raised by the National Trust and by West Sussex County Council as education authority.

It should also be pointed out that the reason for refusal related to the loss of the business remains intact. The South Downs National Park Authority has refused permission for the nursery to be relocated to its proposed site within the National Park. That decision has been appealed but the reasons for refusal are strong and we believe it is unlikely to succeed. Even if it were to do so, there is no guarantee that any relocation will ever take place. The effect of allowing this appeal would be to facilitate the closure of a business so that the site can be put to an alternative use. No evidence has been presented that the business is not viable in this location only that the site is worth more as residential land than as a nursery – a very different consideration. The appellant seeks to present the application as the redevelopment of a (soon to be) redundant site which ‘needs’ an alternative use – but it is in fact nothing of the sort.

We will not reiterate the detailed concerns raised in the submissions to Arun District Council all of which the Inspector has access to. These are reflected in the reasons for refusal and will no doubt form part of the Council's Statement of Case.

We do note the appeal decisions to which the appellant draws your attention but we respectfully remind you that every case has different facts. Although the 'tilted balance' will apply to the determination of this application we believe the objections in this case are more than sufficient to demonstrate that the harm caused by development would 'significantly and demonstrably' outweigh the benefits. The importance of giving correct weight to the impact of development on the setting of the National Park (and not just, as the appellant suggests in their Statement of Case, the fact that it needs to be done) was an important consideration in the quashing of the appeal decision at Goring-by-Sea (and the subsequent confirmation of that decision in the Court of Appeal on 30th June 2023).

The site of Lansdowne Nursery bounds immediately on the National Park and is an important part of the setting of Highdown. Views of Highdown and from Highdown would be compromised by this proposal as the Inspector will be able to see themself when making their site visit.

The site would be an isolated form of development and divided from the village of Ferring by a busy, unlit dual carriageway, thus isolating the site from access to any community facilities such as schools, shops, medical facilities, community centres and public transport links. Such a placing of dwellings would not be commensurate with encouraging walking, cycling or the use of public transport, leaving residents reliant on cars.

Clapham Parish Council seeks for this appeal to be dismissed.