
LUKEN BECK

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Mr. Keith Wheway,
Arun District Council,
Arun Civic Centre,
Maltravers Road,
Littlehampton,
West Sussex BN17 5LF

Date: 6th November 2009

Our Ref: GB/ADC/06132
Your Ref: FP/92/04

Dear Mr Wheway,

Land at Felpham, Bognor Regis, West Sussex

Application to remove conditions 56-59 inclusive on outline planning permission

LPA Ref: FP/92/04

Planning Portal Ref: PP-00868205

The Secretary of State granted approval of an outline planning permission dated 21st November 2006 (LPA Ref: FP/92/04) subject to a variety of conditions. In particular conditions 56 to 59 were applied to the permission following representations made by the Highways Agency at the public inquiry;

- Condition 56 requires that no dwellings shall be occupied until the works to the A27/B2233 Crockerhill Junction have been completed and open to traffic;
- Condition 57 states that no more than 49 dwellings shall be occupied until works to the A27/B2144 Oving Road junction have been completed and open to traffic;
- Condition 58 is similar to the previous condition insofar as no more than 49 dwellings shall be occupied until the works to the A27/A29 Fontwell Roundabout have been completed and open to traffic, and
- Condition 59 restricts the number of houses occupied to 142 until the works undertaken at the A27/A259 Vinnetrow Road/ Bognor Road Roundabout have been completed and open to traffic.

In an attempt to fully understand the rationale for the imposition of the conditions some work was undertaken to test the effect of any increase in capacity at these junctions based on development arising from Felpham the results of which indicated the triggers were not based on traffic capacity. A full report prepared by MJA Consulting Engineering is attached to this application. A lengthy dialogue has subsequently taken place with the Highways Agency and officers of the HA have questioned the continuing requirement for the said junction improvements and their timing because future works to the A27 will soon supersede any short term works required by the Felpham development. In essence, it would be a waste of resources to undertake short term improvements to the A27 when they are not necessary until a substantial number of dwellings have been built and



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mediation of space - making of place

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occupied by which time longer term works to the A27 road are likely to be under construction if not completed.

Our clients, Barratt DWH, have continued to work alongside Berkeley Homes and Persimmon and together decided to apply for a relaxation of the said four conditions to pay a commuted sum in lieu of compliance whereby payments would be paid in accordance with a trigger mechanism based upon occupation of dwellings. This solution not only makes better use of limited resources but it enables the Highways Agency to obtain financial contributions towards the medium to longer term highway safety work required on the A27.

The mechanism for securing the payments can be achieved either by agreeing a S106 Agreement under the auspices of the Town and Country Planning Act 1990, as amended, or by way of a Unilateral Agreement. In this regard I would appreciate the opportunity of a short discussion so that our clients can instruct their solicitors accordingly.

A red line drawing has been resubmitted prepared by Allen Pyke ref: 1683LA/7/E illustrating the entire site along with the original master plan drawings approved by the Secretary of State namely, 1683 SK30E and SK47B.

The planning fee for this application has been agreed with the LPA beforehand at £170 (cheque attached with CD)

Should you require clarification of any of the above, please do not hesitate to call me.

Yours sincerely,

Graham Beck

Director

Email grahambeck@lukenbeck.com

Copy to James Dunne, Barratt David Wilson Homes

Encl.