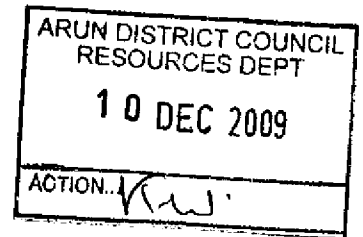


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The Assistant Director Planning
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The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

9 December 2009

ACK

Case Officer: Mr Keith Wheway

Dear Sir

OBJECTION TO PLANNING APPLICATION FP/174/09
Application by Graham Beck on behalf of Barratt David Wilson Homes

I write to object to the above application for the removal of conditions 56, 57, 58 & 59 of planning approval FP/92/04.

1. Introduction and Background

As Mr Graham Beck of Luken Beck has based his Planning Application for Barratt David Wilson Homes on the full report prepared by MJA Consulting for Planning Application BE/101/09, it seems appropriate to adopt the same approach.

I have studied the documents on Arun District Council website relating to the Development at Site 6 Felpham & Bertsed, Bognor Regis dated October 2009 prepared by MJA Consulting and the accompanying documents to support both Planning Applications BE/101/09 and FP/174/09.

2. Reasons for Objecting to Outline Planning Application FP/174/09

A principal requirement of the development of Site 6 was that it should be accompanied by a significant amount of highway improvements. The document prepared by MJA Consulting dated April 2009, included in the papers supporting the planning application, identified these as:

- Improvements to junctions on the A27 Trunk Road around Chichester.
- Improvements to the A259 corridor through Bognor Regis.
- Construction of the Bognor Northern Relief Road.

Whilst Planning Applications BE/101/09 and FP/174/09 are clearly concerned with bullet point one it is important to consider the impact on the other two points. If it is approved a powerful and irresistible precedent will have been set for the removal of further conditions from Planning Approval BE/45/04 and FP/92/04.

3 Improvements to junctions on the A27 Trunk Road around Chichester

My overriding reason for objecting is that Planning Applications BE/101/09 and FP/174/09 will not meet the original objective of producing a significant amount of highway improvements before more vehicles are released on to the feeder roads leading to the four junctions with the A27 mentioned in Mr Beck's letter dated 6 November 2009, namely; A27/B2233 Crockerhill Junction; A27/B2144 Oving Road Junction; A27/A29 Fontwell Roundabout Junction and A27/A259 Vinnetrov Road/Bognor Road Roundabout.

Whilst all the information on projected traffic flows is impressive it does not appear to address the issue that there has been no significant change to the development programme that should justify removing Conditions 56, 57, 58 & 59. It is relevant to mention that Mr Keith Wheway told the development control committee earlier this year that it was unrealistic to expect that the original timetable of 200 homes to be built by 2011 will be met, but this should not be regarded as a justification for removing Conditions 56, 57, 58 & 59 as it would not have any impact on that point in the timetable for completing Site 6 when additional occupied dwellings will result in more vehicles on the highway.

The letter from Bell Cornwell dated 6 November 2009 highlights three factors to support the Planning Application, namely:

- the downturn in the economy,
- the evolution of the Bognor Regis Eco Quarter (BREQ),
- a re-appraisal of the need for some of the specified works,

None of these can be regarded as a justification for approving Planning Applications BE/101/09 and FP/174/09 under Section 73 subsection (2)(a) to remove Conditions 56, 57, 58 & 59.

3.1 The downturn in the economy

The downturn in the economy should not affect the order in which new dwellings will be built and occupied only the completion date which is the determining factor for releasing cars more vehicles on to the feeder roads leading to the four junctions with the A27.

3.2 The evolution of the Bognor Regis Eco Quarter (BREQ)

This is not an acceptable reason to submit as a justification for Planning Application BE/101/09 as it indicates that the approval of Planning Application BE/72/09 is a *fait accompli*.

This would pre-empt the decision on the on the Arun Core Strategy which is not due for discussion by committee until February 2010 and does not take into account other options such as proposed developments at Barnham, Eastergate and Westergate which would also have an impact on junctions with the A27.

Furthermore in view of the significant opposition to the Eco Quarter, which has the backing of our local MP, Nick Gibb, it seems likely that if BE/72/09 were to be approved it would undoubtedly go to appeal and delay any improvement of the traffic flow on the A259 or where the A259 joins the A27.

Therefore the evolution of the Bognor Regis Eco Quarter must be disregarded in considering these Planning Applications under Section 73 subsection (2)(a) as being irrelevant.

3.2 A re-appraisal of the needs for some of the specified works

This seems to be covered in the letter from Bell Cornwell dated 6 November 2009 enclosing the Planning Application for BE/101/09 which has been adopted for Planning Application FP/174/09.

It states that it has been *agreed* with West Sussex County Council and the Highways Agency that it is more appropriate for the development companies to make a suitable financial contribution toward off-site highway works and revised dwelling occupation "triggers". As these financial contributions and revised triggers will be achieved via a Deed of Variation to the current S.106 Agreement with West Sussex County Council (dated 11 August 2005) one assumes that it will affect the A259 as well as the A27 Junction Works. It is of concern to read that this Deed of Variation is being currently being prepared and will be completed prior to the determination of this Planning Application under S.73 of the Town & Country Planning Act, 1990.

This means that the general public are not aware of the apparent trade-off of a suitable financial contribution in place of revised dwelling occupation "triggers" Therefore it is not possible to comment on whether this trade-off as an element of Planning Applications BE/101/09 and FP/174/09 would meet the original objective of producing a significant amount of highways improvement and traffic flow. This seems to be most unsatisfactory.

Does it mean that BE/101/09 and FP/174/09 are, in effect, outline planning applications?

It would seem more appropriate to examine the reasons behind why the developers are desirous to obtain the removal of Conditions 56, 57, 58 & 59. Is there a good and valid reason related to producing a significant amount of highway improvement and traffic flow or is it to remove a perceived encumbrance?

The letter from the Highways Agency dated 10 September 2009 suggests the latter.

Whilst Bell Cornwall claim that the parties have agreed that all parties (undefined) have agreed that conditions 56-59 are now inappropriate it is incumbent on Arun District Council to examine this in greater detail to ensure that it is not just to remove a perceived encumbrance.

It seems it would be more appropriate to revisit all the commendable work carried out by all parties to support the Appeal Procedure and ask what has really changed since November 2006 which makes it necessary to remove Conditions 56, 57, 58 & 59. In particular had the Secretary of State's appeal decision in November 2006 been made today would the Appeal Inspector had include Conditions 56, 57, 58 & 59 in the terms of the S.106 agreement?

I would have no objections to revised proposals from the Highways Agency to their current design features and road layout to improve the traffic flow at junctions on the A27 Trunk Road around Chichester provided it did not:

- remove Conditions 56, 57, 58 and 59 relating to the number of dwelling that may be occupied.
- significantly extend the timing of the road construction work in relation to the development of Site 6.

As you will be aware at the date of this letter the Highways Agency are carrying out extensive improvement work at Oving Crossroads which involves traffic from Chichester turning left to Portfield Roundabout and traffic from Oving turning left to Bognor Road Roundabout. This is causing increased congestion at Bognor Road Roundabout on all five access roads. The main concern is the congestion on the A259 as traffic which used to turn right at Drayton Lane Roundabout to use the B2144 to travel to Chichester and Portfield Retail Park to avoid Bognor Road Roundabout are no longer able to do this. This demonstrates that the S.106 obligations relating to Site 6 are urgent and must be completed by the Highways Agency before the dwellings mentioned in Planning Approvals BE/45/04 and FP/92/04 can be occupied and thus release more vehicles on the A259.

It also demonstrates that the proposal to defer expenditure on A27 Junctions Works as mentioned in 3.2 above to include the needs for Application BE/72/09 is not acceptable as it will not meet the time requirement of Site 6.

Clearly Conditions 56, 57, 58 & 59 need to be retained until such time as the A27 Junction Works are completed.

4. Improvements to A259

Clearly there is a concern that the removal of Conditions 56, 57, 58 and 59 might also have an impact on other S.106 obligations on the developers of Site 6 relating to the A259 which need to be considered when considering BE/101/09 and FP/174/09 to ensure that they are not watered down.

As mentioned in 3.2 above it also appears that the developers of Site 6 are already working on the basis that BE/72/09 will be approved and this will be seen as an opportunity to share the cost of off-site highway works on both developments. It is important that these developments are kept separate as this will not meet the time scale for developing Site 6.

It is already evident that that A259 is highly congested during peak periods and improvements to the highway cannot be delayed until a decision is reached on Planning Application BE/72/09.

5. Construction of the Bognor Northern Relief Road

I am concerned about the Bognor Northern Relief Road (BNRR) which may also have conditions on how many dwellings can be occupied before the BNRR is constructed. Planning Applications BE/101/09 and FP/174/09 could prove to be the thin edge of the wedge and we may see further requests from the developers relating to the construction of the BNRR to remove such conditions as exist which may or may not be covered by a formal planning application.

7. Conclusion

In the light of studying the documents provided to support the application there is no valid justification for the removal of Conditions 56, 57, 58 & 59 as it would not support the time scale related to producing a significant amount of highway improvement and traffic flow in respect of Site 6.

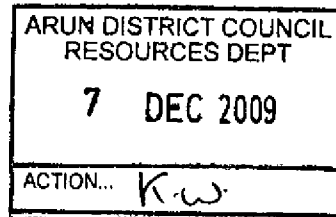
Furthermore the application does not provide any details of the revised financial contribution toward off-site highway works and revised dwelling occupation "triggers" which will be incorporated in a Deed of Variation to the current S.106 Agreement dated 11 August 2005, so it is not possible to comment on this fundamental change by the closing date for observations of 17 December 2009.

Therefore I submit Arun District Council should refuse Planning Application FP/174/09 and decide that planning permission granted under FP/92/04 shall stand as provided under S.73 (2)(b) of the Town & Country Planning Act, 1990. In other words, Arun District Council should refuse Planning Application FP/174/09 for the removal of Conditions 56, 57, 58 and 59.

Yours faithfully



T.E.Jones



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04 December 2009

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It also seems to be in conflict with a recent communication from Chris Meeus of West Sussex County Council who assured me that West Sussex County Council position continues to be that the necessary infrastructure must be in place to support any development. It is unlikely that "revised triggers" which remove Conditions 56, 57, 58 & 59 will meet that requirement.

As mentioned in 3.2 above it also appears that the developers of Site 6 are already working on the basis that BE/72/09 will be approved and this will be seen as an opportunity to share the cost of off-site highway works on both developments. It is important that these developments are kept separate as this will not meet the time scale for developing Site 6.

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Yours faithful

R D Fairchild

