

# Public Document Pack

## **JOHN WARD**

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Thursday 20 October 2016 at 2.00 pm**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mr M Cullen, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

## SUPPLEMENT TO AGENDA

- 2 Approval of Minutes** (Pages 1 - 8)  
The minutes relate to the meeting of the Special Planning Committee on 8 September 2016.



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Thursday 8 September 2016 at 9.30 am

**Members Present:** Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mr M Cullen, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman and Mrs J Tassell

**Members not present:** Mrs P Tull

**In attendance by invitation:** Mr R O'Callaghan, Environment Manager, Environment Agency  
Mr D Smith, County Highways Manager, West Sussex County Council

**Officers present all items:** Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor) and Miss J Bell (Development Manager (Majors and Business))

## 60 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure which was displayed on the screens. He introduced the officers present.

## 61 **Urgent Items**

The Chairman advised that there were no urgent items.

## 62 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of planning application CC/14/04301/OUT as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in respect of planning application CC/14/04301/OUT as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in respect of planning application CC/14/04301/OUT as a West Sussex County Council appointed member of the South Downs National Park Authority.

Mr Dunn declared a personal interest in respect of planning application CC/14/04301/OUT as a Chichester District Council appointed member of the South Downs National Park Authority.

Mrs Kilby declared a personal interest in respect of planning application CC/14/04301/OUT as a member of Chichester City Council.

Mr McAra declared a personal interest in respect of planning application CC/14/04301/OUT as a member of West Sussex County Council.

Mr Oakley declared a personal interest in respect of planning application CC/14/04301/OUT as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of planning application CC/14/04301/OUT as a member of Chichester City Council.

63 **CC/14/04301/OUT - Land West Of Centurion Way And West Of Old Broyle Road Chichester West Sussex PO19 3PH**

Miss Bell introduced the application for outline planning permission with all matters reserved (except for access) for the first Phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on-site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works and summarised her report.

She referred to the additional information reported on the agenda update sheet relating to the correction of the applicant's name on page 3, further information regarding the proposed allotments on paragraph 8.19 on page 72, additional comments received from the Chichester District Council Environmental Strategy Officer following the submission of tree surveys, 21 further third party representations raising a number of concerns, one third party representation supporting the proposal, and additional clarification and information from the applicant regarding access for cycles on site, planning performance agreement – Phase 2 development area and clarification to Section 106 contributions (paragraph 8.106, points 6c and 13). She also provided details of further information received since the production of the agenda update sheet, which included eight further third party representations and one further letter supporting the proposal.

With regard to the proposal, the site subject to this outline planning application for the first Phase of development for up to 750 homes with all matters reserved except access, was in a strategic location. The principle of development had been established by Policy 15 of the Council's Local Plan, which set out the West of Chichester Strategic Development Location (WCSDL) and comprised a housing allocation of 1,600 homes. A requirement of this Policy was for the production of a Masterplan for the WCSDL, which described and mapped the overall vision and concept. A Masterplan had been received with the planning application and endorsed by the Committee at its meeting held on 27 April 2016. She explained that the applicant had submitted two sets of parameter plans in support of the application, one set covering the application site (Phase 1) and one set covering the whole WCSDL allocation.

During Miss Bell's introduction, Mr Smith, County Highways Manager, West Sussex County Council, provided details of the off-site highways schemes that would be required if the application was approved. He advised that the applicant would be required to enter into a Section 106 agreement which would require amongst other things, a Steering Group to be set up, with membership to include local residents, which would help shape the detail of the highways works. The applicant would also be required to submit a construction management plan for approval.

Miss Bell reported that West Sussex County Highways raised no objection to the means of access to the site from the north as extensive highways work had demonstrated that traffic could be satisfactorily accommodated by the northern access route and there was no evidence that a southern access was necessary to serve Phase 1 subject to provision of the proposed highway improvements. With regard to foul sewage disposal this would be dealt with by either an on-site sewerage treatment works or connection to Tangmere waste water treatment works (with on-site pumping station). She explained that the proposed upgrade works to Tangmere waste water treatment works would be completed by December 2017 and the pipeline would fit in with the timeline for the proposed development. She explained that a Community Infrastructure Levy (CIL) payment would be required and S106 Agreement Obligations would be required for both on-site and off-site infrastructure works. There would be a requirement for the provision of affordable housing, community facilities, sports provision, primary and nursery school provision, medical facility provision, employment provision within the local centre, retail provision within the local centre, children's equipped play space, allotments, Chichester Harbour SPA mitigation, SANGS land/country park, A27 contributions and site specific off-site highway improvements.

The following members of the public addressed the Committee:

Mrs L Goldsmith – West Sussex County Council Member;  
Mr J Hunt – West Sussex County Council Member;  
Mr J Davies – Objector;  
Mrs B Harper – Objector;  
Mr R Childs – Objector;  
Mr D Renton-Rose – Objector;  
Mr A Pal – Objector;  
Mrs S Sharp – Objector;  
Prof T Rooth – Objector;  
Mr P Budge – CDC Member; and  
Mrs C Apel – CDC Member.

Mr Plowman, one of the two members for the Chichester West Ward, began the discussion. He drew attention to the impact that the development of the site would have on the residents in the West of Chichester, which would have 1,600 houses when all Phases were completed. He said that the residents had accepted there would be houses at this location which was included in the Local Plan and the importance of having such a Plan in place. He was concerned about the relationship between the application and Local Plan Policy 15 (West of Chichester Strategic Development Location) and Phase 2. He raised concern about the severe impact of

Phase 1 and the lack of benefits to nearby residents during the development of Phase 1; in his view any improvements such as employment and traffic relief would not happen until Phase 2. This would result in severe traffic congestion in an area that had very congested roads already and he expressed concern that there was no guarantee that Phase 2 would take place. He commented that computer modelling although useful was not the reality. With regard to the proposed single access he advised that other councils' best practice would not allow a development of this size to go ahead with only a single point of access. He also referred to the risks to cyclists and was of the view that there were currently no safe cycle routes near to the proposed development and, therefore, the site was unsustainable for cyclists and also for walkers. He advised that many of the objections to the development were on the grounds that a southern access would not be provided during Phase 1 and said that these objections would be solved with the provision of this second access before the first house was built. He was concerned about the construction traffic that would travel along Orchard Street, which was already a very congested road with high pollution levels and schools.

Officers answered members' questions, comments and concerns raised during the course of the debate.

Mr Frost advised that Phase 1 would in fact provide a number of benefits and the requirement for the completion of a Section 106 agreement with an extensive set of requirements and a significant CIL contribution. These benefits were the provision of affordable housing, employment and retail provision, medical centre, large areas of open space and a significant contribution towards the A27 improvements. With regard to the question of a guarantee that Phase 2 would go ahead, the applicant had confirmed, as reported on the agenda update sheet, that they would be willing to enter into a Planning Performance Agreement for the Phase 2 development area and the Committee should take the applicants stated position into account that Phase 2 will go ahead. It was confirmed that this was not a legal agreement but was a commitment by the applicant to deliver the scheme as a whole.

Mr Smith provided details of the off-site highways improvements. The cycle routes identified at Parklands and St Pauls would be delivered by West Sussex County Council with funds from Section 106 contributions received from the applicant and details were provided of the current segregated cycle routes in the City. With regard to both Sherborne Road and Westgate roundabouts, mitigation is proposed to enhance pedestrian and cycle connectivity as well as operating capacity; as part of Phase 2, severance of the Sherborne mini will be explored. He confirmed that with regard to emergency access, fire and rescue vehicles would be able to reach their destination in a reasonable amount of time. He confirmed that the County Council no longer had a policy to restrict the maximum number of dwellings that could be served by a single point of access. Details were provided of the expected additional peak hour traffic movements for Brandy Hole Copse and Hunters Race. The County Council required a Construction Management Plan to be in place, which would prohibit vehicles passing school areas during school times. The County Council are also proposing to set up a Steering Group to include residents and other interested parties, which will take forward the off-site highway works preliminary designs to detailed design and delivery. With regard to mixing commercial and residential traffic, the majority of the commercial space would not be provided until Phase 2.

He confirmed that with regard to the construction traffic route, the County Council's focus was on safety. The majority of the cycle and pedestrian traffic routes are located to the south providing access to major trip attractors i.e. Terminus Way, the train station and the City centre. He confirmed that an accident review had been undertaken to establish whether the additional traffic would be likely to exacerbate any accident trends, and this review had highlighted the cause of most accidents as being driver error rather than any highway defects. All the junction works required by the Phase 1 scheme would be the subject of a road safety auditing process. With regard to the Sherborne Road and Westgate roundabouts he explained that the traffic increase would be on the northern, eastern and southern arm only. He confirmed that he was aware of the capacity issues at the Northgate Gyratory junction and explained that a contribution would be sought from CIL to progress the Improvements Scheme, which would go beyond mitigating the impact of the development and would also mitigate the wider Local Plan and the cumulative impact of other strategic development sites.

Mr O'Callaghan explained the sewerage proposals. With regard to foul water from the sewerage discharge pipe, the treated discharged water would drain to the local network of streams which would lead into a tributary stream at Fishbourne. He advised that not all of the material that entered the sewerage treatment works would exit it via this pipe. A requirement would be in place to physically remove the more solid material. Details of the resulting vehicle movements were provided. The planning assumptions were of 2.5 people per household, which was the standard water companies used across the country and there was no reason that these assumptions should be changed for this development. The permit that the Environment Agency has granted is sufficient for the 1,600 dwellings planned and the commercial buildings. Miss Bell provided details of the Construction Traffic Management Plan and confirmed that the construction route would be enforced. There would be a number of conditions in place including proposed conditions 5 (Construction and Environmental Management Plan) and 6 (Construction and Servicing - Clay Lane). Condition 5 dealt with the Construction and Environment Management Plan and included nineteen separate requirements, such as the routing of vehicles during construction to be signed off by the Planning Authority in consultation with Network Rail and WSCC highways before any the commencement of any development work. In addition there was a requirement for a Construction and Servicing Management Plan for Clay Lane to be in place before the commencement of any building works, which will apply not just during the construction Phase but will continue to apply while the sewerage servicing vehicles continue to use the Clay Lane access.

Mr Frost advised that with regard to the proposed access arrangements, Local Plan Policy 15 made it clear that access for the strategic site as a whole should be provided from Old Broyle Road and Westgate but that the Plan envisaged Phase 1 being served from Old Broyle Road. The Masterplan had shown the provision of the southern vehicle access at Westgate before the commencement of works for the 751<sup>st</sup> dwelling. The Committee when it had endorsed the Masterplan had accepted this. With regard to the five year housing land supply, the development would meet the Council's requirements and allow the Council to plan positively. Any significant delay to this development could put the Council's housing land supply at risk. The Government would view the Council's current Local Plan as being out of date if the

Council could not demonstrate a five year housing land supply, it could result in development taking place within inappropriate locations outside of settlement policy areas and on greenfield sites.

Mr O'Callaghan explained that if the option for an on-site wastewater treatment works was chosen by the applicant instead of connection to the Tangmere Waste Water Treatment works. The on-site works required a permit to be issued under the Environmental Permitting Regulations to Albion Water who had submitted an application for consideration. This permit has now been issued. The remit of the Environment Agency was to assess the application to ensure that there would be no detrimental effect expected from nitrogen discharge to Chichester Harbour. With regard to concerns raised about the provider Albion Water and the scale of plant proposed for the on-site wastewater treatment works, he confirmed that he was not aware that the company had undertaken a scheme as large as this before. However the same technology proposed had been used elsewhere in the world and had achieved the required standards set.

Mr Smith answered questions concerning Centurion Way including the land ownership and the status of the path which is now considered to be a permanent cycle route. He provided details of the local lorry route networks along the A259 and A286 that construction traffic would be required to use. The construction plan is an enforceable document and if lorries do not adhere to it residents could report any issues to the County Council for action. He confirmed that the St Pauls cycle route was not being sought by the developer but was part of the Infrastructure Development Plan and would be a West Sussex County Council led scheme. With regard to the highways works that would be carried out it is important that coordination takes place with utility companies to minimise disruption. He provided details of the bus contributions that would be required as part of the Section 106 agreement to support the infrastructure and to make the service self-sufficient.

Miss Bell explained that with regard to the Quantum Development parameter plans, the proposed density for Phase 1 broadly showed an appropriate layout to accommodate the 750 dwellings proposed, the details of which would be assessed further when the Reserved Matters application details comes forward. Open space (SANGs land) is required by Natural England to mitigate against recreational disturbance on the Chichester Harbour. This would provide an additional 8 hectares over and above the open space required. The open space provision (excluding the SANGs land) exceeds that required by the Supplementary Planning Guidance and the Open Space calculator. She explained the West Sussex County Council education requirement included the developer providing either a nursery school and a 2 form entry Primary school on site or providing the land and a financial contribution to the County Council for WSCC to provide the nursery school and primary school on site. Following the comments received from the Environment Agency a number of conditions would be required, to include odour controls. A 40m buffer will be provided around the on-site treatment plant or pumping station. The details for the on-site sewage treatment works or the pumping station will be considered at the reserved matters stage.

With regard to concerns raised about the issue of increased traffic and the results of a recent study into the effects of particulates in the air, Miss Bell advised that the

issue of air quality had been closely looked into by officers. However, she was unable to confirm if the study had been taken into account in the consideration of the application by the relevant consultees due to its results only recently being released.

Mr Frost reiterated that a clear indication had been given by the developer that the provision of a southern access would be delivered as soon as possible and no later than the delivery of the 751<sup>st</sup> dwelling.

Mr Smith confirmed that the proposed highway improvements had been modelled at Westgate and the works identified that were required to accommodate the impact of additional traffic that would result from the development. The Construction Management Plan would be produced prior to commencement once constructors have been appointed. Processes would be put in place to ensure there was no conflict with other developments with regard to construction traffic.

A proposal was made and seconded to defer the application for further negotiations with the applicant to view that there should be an earlier provision of the southern access route (if not for resident use for use by construction traffic at the very least) as well as further investigation of the foul drainage options.

Mr Frost provided advice in relation to whether there were any grounds for refusal without the provision of a southern access to serve Phase 1. He advised that there were not as West Sussex County Council had not raised any objections on technical or safety highway grounds.

An adjournment took place from 1.10pm until 1.30pm to enable discussions to take place between the officers and the applicant before the proposal to defer the application for negotiations was voted on.

When the meeting resumed officers responded to the remaining questions from members asked before the adjournment.

Mr Smith confirmed that the traffic routing requirements would be best located within the Section 106 agreement.

Mr O'Callaghan explained what would happen if the on-site sewerage treatment works option went ahead and the system failed. The permit issued by the Environment Agency would ensure it met the required standards. If it did not perform to the required standards he confirmed a robust system was in place to deal with any breaches. If it was found that the on-site sewerage treatment works provided was not fit for purpose then alternative options would be looked into very carefully, which might include investigation into a pipeline to Tangmere Waste Treatment Works or ensuring the necessary improvements took place to the on-site sewerage treatment works.

Miss Bell reported that during the discussion with the applicant during the adjournment a way forward that might avoid deferring the application for negotiations had not been found.



**Deferred** for officers to undertake further negotiations with the applicant regarding (a) the Committee's concerns about the timing of delivery of the southern access to enable it to serve this scheme (Phase 1) and (b) further investigation of the foul drainage options.

The meeting ended at 1.35 pm

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CHAIRMAN

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Date: