

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 11 November 2015 at 9.30 am**

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

### 21      **Agenda Update Sheet** (pages 1 to 10)

This agenda update sheet provides supplementary information in respect of agenda items 5, 6, 7, 8, 10, 11, 13, 14 and 17.



**Planning Committee**

**Wednesday 11 November 2015**

**Agenda Update Sheet**

**ITEM 5**

**APPLICATION NO**            **BO/15/01507/FUL**

**AMENDMENTS TO REPORT**

Paragraph 8.58 should read ‘...it is concluded that the recommendation to refuse is justified and proportionate’.

**ADDITIONAL COMMENTS/INFORMATION**

Request received by Secretary of State to call-in the planning application

An email has been received from the National Planning Case Unit (NPCU) at DCLG confirming that the SoS has received a request to call in the application for his own determination. It has been requested that in the event of the Council being minded to approve the application the decision not be issued until consideration of the call-in request is concluded. The NPCU has subsequently confirmed that it expects to conclude its assessment no later than 21 days following receipt of confirmation of the resolution to permit the application and an explanation for the reason or reasons for that resolution.

In view of this request, in the event of any Member wishing to make a proposal to permit the application, officers would advise the following recommendation:

*Recommendation – Defer for referral to Secretary of State and, in the event of no call-in, permit.*

Southern Water - additional comments relating to sewage disposal

Following consideration of the Parish Council’s latest comments Southern Water (SW) clarifies that it has consistently maintained a position that the existing system does not have sufficient capacity to accommodate additional flows. This is why SW has stated that additional off-site sewers or improvements to the existing sewer would be required in order to provide sufficient capacity to service the development.

It should be noted that as well the hydraulic solution provided, there has also been some rehabilitation work undertaken within the existing foul network at Ratham Lane and in the area of Bosham Quay, which has removed a component of surface water infiltration that

was entering the sewerage network. The rehabilitation works will have reduced the flows arriving at Main Road wastewater pumping station and Taylors Lane wastewater pumping station which in turn will reduce the level of flooding within the catchment. The hydraulic model indicates that there will be no additional spills at the CSO or increase in flooding at Station Road and along North and South Delling Lane.

We have investigated the advised discharge on the 8th October 2015, which was reported to be an operational issue (not hydraulic overload) which was resolved on the day. On this note regarding the reporting of combined sewer overflow discharges at Stumps Lane (known as Taylors Road Waste water pumping station), these are recorded on Southern Water systems and this is information that is available to the Environment Agency. Southern Water does share this information in the public domain as confirmed in the meeting of the 7th October.

Southern Water is working with the developer to deliver the hydraulic scheme to ensure that no additional flooding is caused as a direct result of the proposed development flows connecting into the network.

#### *Officer Comment*

*Southern Water is the statutory undertaker for sewage disposal in the locality of the site and has confirmed that the solution it has investigated and agreed with the applicant will result in there being no net worsening of the existing capacity issues which have been experienced in Bosham in recent years. Whilst the continuing concerns of the Parish Council are acknowledged, Southern Water retains its position that the proposed technical solution is acceptable and has committed to continue its work to improve the wider system's capacity and resilience to flooding. It is a fundamental principle of the planning system that applicants should not be required to address pre-existing infrastructure problems and, accordingly, it would not be appropriate to refuse permission on this ground.*

#### Additional supporting information from applicant (summarised)

Traffic impact – Whilst 500 daily vehicle trips are estimated, this equates to only 20 trips per hour in any 24hr period, and only one movement per minute is expected in the morning and evening rush hours. As the hospice would be located only 90m to the south of Walton Lane's junction with the A259 there will be little impact on the remainder of Walton Lane.

Car parking – the proposed site would provide 30 more spaces than are at the existing Donnington premises. Of the 79 day-time members of staff, 31 are likely to be field-based and, accordingly, the level of car parking is more than adequate.

Foul water – Foul water discharge arrangements have been agreed with Southern Water. It is the sole responsibility of Southern Water to address existing flooding problems in the network, and it is not the applicant's responsibility to mitigate existing issues. The foul water rates used to inform the design of the foul water disposal solution are based on industry standard's following an approach that is universally endorsed by local and water authorities and the Environment Agency.

Site ownership – the site's owner has written to confirm that despite previously being contacted by housing developers he did not know of the allocation of his site in the

Neighbourhood Plan until it was drafted - he had not been contacted by the Parish Council. By the time he was aware of the inclusion of the site in the draft Plan he had already entered into a contract with the applicant which allows St Wilfrids time to secure a planning permission for a hospice use, even if this requires an appeal. The owner feels strongly that the hospice use is the best use of the land.

In view of the above circumstances, the applicant's planning agent considers that the site is not available for housing at the current time and, accordingly, that any conflict with the Neighbourhood Plan is academic.

#### *Officer comment*

*The majority of the issues raised by the applicant's agent are addressed either in the main body of the agenda report or in the comments set out above.*

*With regard to the private contract which is said to have been made between the applicant and site owner, it is the case that potential constraints on the ability of individual housing sites to come forward for development should be assessed as part of the Neighbourhood-Plan-making process. The Bosham Parish Neighbourhood Plan is now nearing the end of that process and it is important that this application does not pre-empt the consideration of such matters as part of the Examination of the Plan which has now commenced.*

*That said, whilst in this particular case the fact that the owner says he is bound by some form of private agreement which allows the applicant sufficient time to secure planning permission should be acknowledged, it does not necessarily follow that this results in a situation where the site will not be developed for housing. In this respect, it is noted that the site has consistently been promoted as a housing site in recent years (as part of the Strategic Housing Land Availability Assessment process) and that, whilst the owner has confirmed a preference for the site to be developed as a hospice, he has not categorically ruled out his land being developed for housing should circumstances change.*

*Consequently, whilst the existence of this private agreement is noted, there remains a reasonable prospect of the site being available for housing in the timeframe envisaged by the Neighbourhood Plan. Accordingly, the fundamental concerns regarding conflict with the emerging Neighbourhood Plan set out in the main body of the report stand.*

#### Further representations from third parties

- 4 additional third party support - raising the same matters as other contributors
- 1 additional third party other - querying the death rates at the applicant's existing premises
- Information circulated to Members - It is understood that the applicant has circulated a letter of support to all Members of the Committee. Whilst it is not appropriate to reproduce the letter here, officers will endeavour to answer any Members' questions relating to its contents should that prove necessary.

## **ITEM 6**

**APPLICATION NO            D/15/01583/OUT**

### **AMENDMENTS TO APPLICATION**

#### Amended Plan

An amended detailed Access Arrangement drawing has been submitted which now indicates the safeguarded route of the potential footpath diversion.

### **AMENDMENTS TO REPORT**

#### Clarification in respect of access road width

It is noted that there are some inconsistencies in the report and supporting information regarding the width of the 50m long section of access road which links the main part of the site with Grosvenor Road. For the avoidance of doubt it is confirmed that whilst the width of this section varies along its length, the existing road is approximately 4.4m wide, and that this is flanked on one side by a raised footpath that is approximately 1.1m wide and on the other by a narrow, raised cobbled strip. The shared surface that is proposed to serve the development will, therefore, be between 5.4m and 5.8m wide.

### **AMENDMENTS TO RECOMMENDATION**

#### Amendment to condition 14

14 The development hereby permitted shall not be brought into use unless and until the car parking provision, including any garaging, shown on the submitted plans has been provided on site. For the avoidance of doubt any garaging shall have minimum internal dimensions of 6.0m by 3.0m. Once provided the parking provision shall be kept available for that use in perpetuity.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways.

#### Additional conditions

No development comprising the construction of the superstructure of any dwelling hereby permitted shall take place unless and until details of the points of connection from the site to the existing public footpath along its north-eastern boundary have been submitted to approved by the Local Planning Authority. No dwelling shall be occupied unless and until the agreed works have been carried out in their entirety.

Reason: In the interests of amenity.

No development comprising the construction of the superstructure of any dwelling hereby permitted shall take place unless and until details of a scheme detailing the means of illuminating the development's access road and external areas have been submitted to approved by the Local Planning Authority. No dwelling shall be occupied unless and until the agreed works have been carried out in their entirety.

Reason: In the interests of amenity.

**AGENDA ITEM**                      **7**

**APPLICATION NO**                **15/02463/FUL**

**AMENDMENTS TO REPORT/RECCOMENDATION**

Amend paragraph 8.18 as follows:

The proposed development would result in the creation of a new residential dwelling outside of the Settlement Boundary in an area designated as countryside where National and Local Plan policies seek to protect the countryside for the sake of its intrinsic character and beauty from inappropriate development. The new dwelling would be located in the small village of Halnaker where there are a very limited range of facilities and services. The proposal would, therefore, result in development of an unsustainable nature, being outside of the recognised settlement boundaries to which development should be directed in order to provide access to a range of facilities and services easily accessible by all modes of transport. It is also considered that there are no compelling circumstances that outweigh the harm of the development and justify a departure from the National and Local Plan policies. The proposal development would, therefore, be contrary to the paragraphs 14 and 17 of the NPPF and policies 1, 2 and 33 of the Chichester Local Plan: Key Policies 2014-2029.

Amend reason for refusal to reflect the paragraph set out above.

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**AGENDA ITEM**                      **8**

**APPLICATION NO**                **14/03681/REG3**

**FURTHER CONSULTATION RESPONSES**

WSCC Local Development Division (3 October)

Previously two site layout options were under consideration. However, this has now been revised to consider just the larger of the two which has a floor area of 2117sqm floor space.

For comments on trip generation and access, refer to the previous response dated July 2015.

The requirements of 1 space per 40sqm for B2 use are met, with 53 spaces provided (inc LWB Transit spaces). Appropriate levels of cycle parking have been shown, with 7 Sheffield stands equating to 14 spaces. Tracking diagrams have been provided for the scheme. This shows appropriate tracking for a refuse vehicle and a delivery vehicle, acceptable on the basis that a 16.5m articulated vehicle are unlikely to service the smaller units proposed in the scheme.

WSCC wish to raise no objection to the planning application, subject to conditions as noted in paragraph 6.18.

*Officer comments: These comments are erroneously omitted from the consultations section of the report but were taken into account during the assessment.*

## **AMENDMENTS TO RECOMMENDATION**

### Amendments to conditions 4, 6, 10 and 12

Minor changes to proposed conditions, including control over demolition in addition to construction, the requirement for a surface water maintenance and management plan including securing its retention post development and the retention of cycle spaces in perpetuity.

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**AGENDA ITEM**                      **10**

**APPLICATION NO**                **CH/15/02332/FUL**

## **AMENDMENTS TO APPLICATION**

Amended plans have been submitted to demonstrate that the proposed flow from the surface water drainage storage tanks would be directed to a new headwall adjacent to the parking and turning area at the northern edge of the site. This is in line with the comments of the Council's drainage engineer as set out in paragraph 8.18 of the Committee Report. In addition a 3m easement with a gated access would be provided within the garden of plot 6 at the northern edge of the development.

## **FURTHER SUPPORTING INFORMATION (APPLICANT)**

The applicant has confirmed that he would be willing to facilitate and assist in off-site maintenance (silt removal from ditches and other such works) where this is reasonable and feasible. As this process would not be required in order to make the development acceptable and would relate to third party land, this would occur outside of the planning process. It may require the Local Authority to achieve access during the initial stages of the development through discussions with relevant landowners or under the powers granted by the Land Drainage Act.

The applicant has made the requested contribution to mitigate the impact of the proposal upon the Chichester and Langstone Harbours Special Protection Area and a draft unilateral undertaking has been submitted, which will be completed shortly

## **AMENDMENTS TO RECOMMENDATION**

The additional information addresses the comments of the Council's drainage engineer and the recommendation remains to Defer for S106 and then Permit to allow for final completion of the unilateral undertaking. Condition 5 is proposed to be amended as follows:

An easement 3m in width shall be maintained on the southern side of the drainage ditch that runs along the northern edge of the application site. The easement shall be kept free of any buildings or structures at all times and the gated access within plot 6 shall at no times be locked, blocked or otherwise obstructed in perpetuity.

Reason: To ensure access to the watercourse in the interests of managing surface water and prevention of flooding.

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**AGENDA ITEM** 11

**APPLICATION NO** 15/02310/OUT

### **AMENDMENTS TO REPORT**

The comments reported as those of the Parish Council on pages 84 & 85 of the agenda should instead be attributed to a 3<sup>rd</sup> party.

#### **6.0 Representations and Consultations**

##### **6.1 Parish Council - Object for the following material reasons.**

The proposal, by virtue of its density, constitutes an overdevelopment of the site, at variance to the existing character of the area and to the detriment of the amenities of adjoining residents. Local Plan Policy 33 (6) In addition, the existing dwelling has heritage value, being an ex-RAF Officers dwelling, which it is desirable to retain. Local Plan Policy 47 The Tangmere Neighbourhood Plan did not identify this site as having the potential for development, and considering the scale of the development proposed for Tangmere there is no strategic requirement for this site to be developed. Taking this into consideration, the Council will object to applications that have the effect of increasing (by in-filling) the density of the existing Settlement Policy Area where such development has a detrimental impact on the setting of the Conservation Area

### **ADDITIONAL CONSULTATIONS/INFORMATION**

Environment Agency - With regard to the use of the remaining capacity at Tangmere the EA would expect the Local Authority and Southern Water to agree on how that is used. As per our response to this application a contingency arrangement through a s106 would seem like a good way to manage any risk that a mains connection is not possible.

Applicant's supporting information – The applicant has submitted a plan which shows the retention of the existing garage wall along the northern boundary of the site to demonstrate that the works would not affect the neighbouring property to the north.

### **FURTHER ASSESSMENT (ADDED TO SECTION 8.0)**

#### Impact on heritage assets

The application site lies within an area residential in character, approximately 75m from the northern edge of the Tangmere Conservation Area, separated by built form. The development of the application site in the form proposed would be commensurate with the context and setting of residential development in which it is located and would not detract from the setting of the Tangmere Conservation Area, from which it would not be readily visible or apparent. The application property is an ex-RAF dwelling, the building is not listed, does not lie within a Conservation Area and as such could be demolished without planning permission (subject to prior approval in respect of method of demolition and proposed restoration of the site). The property is has also been significantly extended in the past and its loss would not significantly affect the understanding of the involvement of the Royal Air Force in the history of Tangmere.



## Housing Land Supply

The proposed development is not of a size that would normally be allocated for development within either a Neighbourhood Plan or the Council's Site Allocation Development Plan Document, and instead amounts to a small scale windfall site. Sites such as this are taken into consideration by the small sites windfall allowance in the Local Plan. Applications for windfall sites should be determined in accordance with the policies within the Development Plan, and in this instance the proposed development meets the requirements of these policies as set out within the agenda.

## Waste Water Disposal

Following the publication of the committee report discussions have been ongoing with the Environment Agency (EA) in respect of the proposed method of foul drainage. The EA has advised that the Local Planning Authority (in consultation with Southern Water) should be responsible for determining how the remaining capacity at the Tangmere Wastewater Treatment Works (TWwT) is allocated to new developments.

Capacity within the existing network for 500 dwellings has been safeguarded for development at Shopwyke Lakes. It is known that the TWwT is to be upgraded by December 2017. Construction of dwellings at Shopwyke Lakes is expected to commence from April 2016 with an anticipated 40 dwellings being built in the first year with a phased delivery thereafter to 2021 (78 dwellings proposed 2017-18, 108 in 2018-19, 113 in 2019-20, 95 in 2020-21, 66 in 2021). On the basis of this build out rate it is considered that there would be sufficient capacity to meet the demands of the proposed development, and an on-site foul drainage facility would not be required.

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**AGENDA ITEM                      13**

**APPLICATION NO                15/02020/FUL**

### **AMENDMENTS TO REPORT**

Amend paragraph 3.1 as follows:

.....an area of grass verge between the boundary fence and the footpath approximately 1.5 metres in width would be maintained.

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**AGENDA ITEM                      14**

**APPLICATION NO                15/02066/FUL**

### **AMENDMENTS TO RECOMMENDATION**

Having regard to the objection raised by Sport England, any resolution to grant planning permission contrary to their advice will require referral to the Secretary of State for a period of 21 days prior to the issue of planning permission. The recommendation on page 113 of the agenda is therefore amended to read;

**AGENDA ITEM 17**

**SCHEDULE OF PLANNING APPEALS, COURT AND POLICY MATTERS**

**6 Court and other Matters**

**Page 146 – Land at Birdham Road**

5 October 2015 – case adjourned as defendants did not attend the court

2 November 2015 - Crown Court hearing. Once again the defendants did not appear. The Council made two applications (i) to hear the matter in the absence of the defendant, and (ii) to have the trial about whether the defendant had committed a contempt of court.

(i) Hearing in absence

The court noted the efforts of the Council to contact the defendant, the judge made his judgement that the avoidance of the matter was deliberate, that good service attempts had been made and that it was in the interests of the public that the matter should be heard in absence.

(ii) Trial for Contempt

Officers of the Council gave evidence. The judge confirmed that this proved development had taken place in contempt of the undertaking previously given.

A court order will be sent out and the Council will then serve the decision upon the defendant so that he can be brought to a sentencing hearing.

Further action

The Council is preparing seven further prosecutions against individuals for failing to comply with temporary stop notices. A court date for early December will be requested. The injunction is listed for trial in February 2016.

Changes in ownership of the land, requires an amendment to be made. This necessitates the matter returning to Court which may be as late as January 2016 due to limited court availability.

**Page 146 Land at Scant Road East**

An application to use the land as a Gypsy Site was refused permission on 6 November. There is an appeal against the enforcement notice issued in respect of the hard-surfacing of the land. These matters will be dealt before the Council considers making an application to the Court for an order.

## Prosecutions

### **Page 147 The Barnyard**

A review of the situation has concluded that a further prosecution should proceed. Papers will now be prepared.