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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 11 October 2017 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, 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, Mrs P Tull and Mr D Wakeham

SUPPLEMENT TO AGENDA

Agenda Update Sheet (Pages 1 - 11)



Agenda Update Sheet

Planning Committee
Wednesday 11 October 2017

ITEM: 5

APPLICATION NO: KD/15/03367/FUL

AMENDMENT TO CONDITIONS

Amendment to condition 3

No development shall commence unless and until a Phasing Scheme which sets out the sequence in which the proposed buildings, car parking, internal vehicular and pedestrian access routes (including links to and beyond the site boundary), SUDS infrastructure, landscaping, overhead cable re-routing and public and other open space will be provided or carried out has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Scheme shall be based on a five year development programme comprising two phases with a minimum period of 28 months between phases. The development shall thereafter not be carried out other than in accordance with the approved Scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the terms of the application and to ensure consideration is given to the development as a whole in the interests of ensuring the timely delivery of an appropriate mix of housing, other uses and open space during the construction of the development.

ITEM: 6

APPLICATION NO: CC/98/02043/OUT

AMENDMENT TO RECOMMENDATION

The recommendation on the application is amended to read;
Defer for section 106 then permit. If section 106 not complete within 6 months of resolution then delegate to officers.

The amendment to the wording omits the words '...TO REFUSE' from the end of the sentence and thereby allows for a degree of flexibility in the event that at the end of the 6 month period the legal agreement has not been completed.

Officers have reached agreement with the applicant on the heads of terms detailed in the Committee report and there is no reason to suggest that the agreement will not be finalised within the 6 month period. In the event that the agreement has not been completed, the proposed amendment to the recommendation would enable officers to either refuse the application, because of the applicant's failure to provide the necessary accompanying infrastructure, or to agree a further short extension of time in which to complete the agreement.

ITEM: 7

APPLICATION NO: WR/16/02096/REM

FURTHER CONSULTATION COMMENTS

Parish Council Comments

You will see that I have copied you into the email sent to Jones Homes which confirms that, following the presentation at our Planning Committee meeting and Jones Homes addressing some of the Council's concerns in the substitute plans, the Parish Council has withdrawn its objection to this application.

I know you mentioned that some of the Parish Council's wishes could not be imposed through planning conditions, but where conditions can be included to address matters raised at the meeting, we would ask that this is done. Lighting is a particular concern and I believe a condition in this regard can be included; there is a Street Lighting policy within our Neighbourhood Plan. I attached to the last email a copy of the meeting minutes so you can understand the Parish Council and community wishes.

You will see that Jones Homes has agreed to provide 4-5 more parking spaces, which would include moving some garages back to create further on drive parking; the Parish Council would support this.

FURTHER OFFICER CONSIDERATION

The layout plan has been amended, following the applicant's meeting with the Parish Council, to show two additional car parking spaces (one additional parking space on plot 4 and one additional car parking space on plot 11).

AMENDMENTS TO CONDITIONS

Amendment to condition 1 (Plans condition)

The development hereby permitted shall be carried out in accordance with the approved plans in the Drawing Issue Sheet (OSP Architecture 16040) dated 19th September 2017: S101, S102, C101C, C102A, PL101G, PL102A, PL103C, PL104C, PL105C, PL106B, PL107D, PL108A, PL109B, PL110C, PL111D, PL112B, PL113C, PL114A, PL115B, PL116C, PL117D, PL118B, PL119D, PL120B, PL121D, PL122C, PL123A, PL124C, PL125A, PL126B, PL127A, PL128B, PL201, PL202B, PL203C, STD091, SDL49, 33972 121/A, 20661 03A, 20061 11B.

Reason: For the avoidance of doubt and in the interests of proper planning.

ITEM: 8

APPLICATION NO: EWB/17/01259/FUL

FURTHER CONSULTATION COMMENTS

Parish Council - Comments on revised plans

OBJECTION COMMENT: The Parish Council is deeply concerned about the disabled access to the south of the site to access the disabled toilets and Billy's. Has an equalities assessment been carried out at the site? The realignment of the access road could impact on health and Safety of the site, particularly on the catering unit. The Parish Council is also concerned that the realignment of this access road could inhibit the required use by tractors and trailers using the slipway and Foreshore Office. With this in mind the Parish Council would like to draw CDC's attention to Iain Grant's letter of 12/7/17 which, as a far more experienced boat user, indicates the hazards and restrictions that this proposal will impose on other users. Mr Grant is an experienced diver and seaman and a local expert on these matters.

As part of the neighbourhood plan we would seek to encourage all uses of our Foreshore, with water sports as a priority and would not want to inhibit or exclude any of these activities by restricting access or allowing over development.

Foreshore Officer - Comments on revised Plans

Health and safety

The amended plans have resolved most of the health and safety concerns raised however: The queuing space for the catering trailer has been reduced further. The amended plans create greater conflict with cars towing boats from the car park through the gate and pedestrians queuing.

As the access gate has moved several meters towards the beach we will be un-hitching boat trailers on a slope. There is a risk the trailers will run down the slope and cause an accident.

Accessibility

The amended plans resolve most of the pedestrian accessibility concerns assuming:

- That the "dropped kerb" for the pedestrian crossing includes any necessary re-profiling of
- the concrete apron for restricted mobility access.
- The path around the front of Billy's is at least 1.2m wide.
- The access to the ladies and disabled toilets is no narrower than at present.
- The path around the front of Billy's is kept clear

It would also be beneficial to the public to include an additional drop kerb West of the gate particularly if the residual step to the apron is quite high.

Foreshore Operations

The exact location of the kerbs still needs to be proved with a swept path analysis of a tractor towing a trailer with a 6.5m boat to prove any aspect of vehicle manoeuvring. Dimensions then need to be added to the plans.

The current bucket storage needs to be relocated as a result of the proposal in order to give suitable manoeuvring room. As per previous comment a swept path analysis needs to be carried out.

When the gate is opened against the retaining post it will restrict access for vehicles and pedestrians. This needs to be addressed as the exact position of the gate may affect the location of the pedestrian crossing and dropped kerbs. It may also effect the size / shape of the step in front of Billys in order to maintain a 1.2m path.

A surface water drain for the car park and road and an inspection chamber are located within the proposed development. The plans do not make it clear what effect the proposed development will have on surface water drainage.

The infrastructure changes required to make the scheme viable should be borne by the developer and these changes should be made prior to the development commencing and during the winter months so that there is no detrimental effect to either the operation of the foreshores service or the amenity and safety of the general public.

CDC Estates Manager - Additional Comments

Please can you ensure it is clear that, should planning permission be granted, the applicants cannot carry out any of the works until such time as they have applied for and been granted Landlord's consent. Some of the proposed works are outside of their current demised area and that will require a separate request to extend that leased area.

I appreciate I've sent these comments previously in response to the planning application but I'm keen that this point is stressed to the applicant to avoid any misunderstanding on their part that planning permission is separate to landlord's permission, even when the two are both CDC.

AMENDMENT TO DESCRIPTION

It is proposed to amend the description of development to ensure that the proposed works are explicitly set out in any decision notice. The description of development is therefore amended to;

Proposed extension, change of use of land and repositioning of access road.

AMENDMENT TO CONDITIONS

Amendment to Condition 5

Notwithstanding the details as provided with the application **No development shall commence** until details of the proposed overall surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. The extension shall not be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

Amendment to Condition 8

The A3 use of the extension hereby permitted shall not be used by customers outside the hours of:

- 0800 and 22.00 Mondays to Sundays

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

ITEM: 9

APPLICATION NO: CC/17/02284/DOM

ADDITIONAL AND SUBSTITUTE PLANS

A parking plan has been submitted demonstrating that there is adequate space to the front of the site for the parking of two cars free of the pavement. An amended site plan has also been received as the scale for the original submitted was incorrect.

AMENDMENT TO CONDITIONS

Proposed amendment to Conditions 2 and 3 in accordance with the submitted parking plan.

FURTHER OFFICER CONSIDERATION

WSCC Highways are aware of the proposed parking arrangement which they considered acceptable provided the pavement is not obstructed. The parking plan clearly demonstrates that the pavement would not be obstructed.

ITEM: 10

APPLICATION NO: CC/17/01712/FUL

FURTHER CONSULTATION COMMENTS

During the course of the planning application comments were received from the 'Contracts and Performance Team' that form part of the Children, Adults, Families Health and Education department of West Sussex County Council (WSSCC). The comments expressed concerns about the closure of the care home. These are summarised as Third Party Objections in the agenda. In light of the status of the body providing the comments it is considered that the full comments of WSSCC should be considered, and therefore the comments are provided below.

WSSCC Contracts and Performance Comments

Section 4 of the Care Act 2014 placed a duty on local authorities to establish and maintain information and advice services relating to care and support for all people in its area I therefore write on behalf of West Sussex County Council to provide and signpost information to the planning committee of Chichester District Council in relation to determining the above planning application.

Whyke lodge is a well-established care provider in the Chichester area, the home is rated by the care quality commission as 'good' (link to report <http://www.cqc.org.uk/location/1-117326245>) and provides an important service to the local community offering 23 beds for people with cognitive impairments, dementia and Alzheimer's. There are 33 care homes and care homes with nursing in the Chichester area at this time, only 12 of which provide specialist dementia services (see West Sussex Care Guide 2017).

<https://www.westsussex.gov.uk/social-care-and-health/housing-options-and-care-homes/care-guide/>.

The predicted increase in local population of older people 65 and over indicates that any loss of services for older people in West Sussex may negatively impact on the future ability to provide future care and support for older people and individuals with complex care needs such as those with dementia. This is supported by the office for national statistics data (2012) which made principal and relevant population projections for older people in England; 'the numbers of people aged 65 or over will rise from 9.7 million in 2015 to 14.5 million in 2035, an increase of 49%. The numbers of those aged 85 or more are projected to rise faster during this period, by over 122%, from 1.3 million in 2015 to 2.9 million in 2035.'

NHS England issued guidance in 2015 which recognised and supported local authorities' key lead responsibilities for care markets, provider failure and service interruptions under the Care Act 2014. They directed that, 'Providers should do all they can to prevent care homes closing where possible, particularly where remaining open is in the best interests of the residents and where issues effecting the operation of the home can be overcome.

Where remaining open is both in the best interests of the residents and it is possible to overcome issues, partners should do all they can to prevent care homes closing where possible.' <http://www.nhs.uk/NHSEngland/keogh-review/Documents/quick-guides/1577QuickGulde-CareHomes9.pdf> . It is widely accepted that the closure of any home will always be a time of significant stress for residents and their relatives and will also put strain on those responsible for their care, both directly and indirectly and will negatively affect the wider care market.

We respectfully request that the planning committee in addition to examining their planning policies and guidance consider their wider responsibilities and impact this proposed change of use would have on the community and the local plan when making any determination on the application ref: 17/01712/FUL.

FURTHER OFFICER CONSIDERATION

The objections of WSCC have been taken in to consideration in the formation of the recommendation to Committee. It is recognised that the proposed redevelopment of the site would affect the daily lives of residents who rely on the care provided within the care home. In addition, it is noted that Paragraph 7 of the National Planning Policy Framework seeks to ensure that planning decisions take into consideration providing a supply of housing required to meet the needs of present and future generations. Paragraph 50 requires decisions ensure sustainable and well planned residential development.

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.*

Officers have had regard to this in the assessment of the application and to the comments provided by WSCC Contracts and Performance.

However, the Chichester Local Plan (CLP) is an up-to-date plan which forms the Development Plan for Chichester and is the basis on which decisions on planning applications should be made. Policies within the plan are permissive of sustainable residential development and do not include a requirement for the retention of existing care homes. Therefore notwithstanding the comments received from WSCC the officer recommendation remains to permit with S106 in line with relevant policies of the CLP

ITEM: 12

APPLICATION NO: SDNP/17/02188/FUL & SDNP/17/02189/LIS

FURTHER CONSULTATION COMMENTS

Parish Council Comments

Fernhurst Parish Council considered again the above planning application at a meeting on the 29 August 2017.

I have been instructed to write to you expressing the disquiet and concerns raised by councillors.

1) Your decision of the 26 July to recommend the application appears to have been taken without any independent input on its viability. The parish council has advocated a different approach which has been misrepresented as "wholesale loss of historic fabric and replacement with new work."

2) The council still awaits the courtesy of a response to its e-mail of the 15 August.

3) You forwarded the Tree Officer's report (dated the 10 August) to the applicant's agent on the 14 August inviting their comments. No such courtesy was extended to this council. When the applicant's agent failed to respond you reminded them again on the 21 August.

4) The Tree Officer's report was finally uploaded to the SDNPA Planning website on the 22 August, simultaneously with the agent's invited comments.

5) Further invited comments from the applicant's agent were posted on the 23 August.

6) The Tree Officer's report consists of two highly qualified sentences: "From what I observed" -

"Given the damage I could see" render it superficial and inconsequential. The trees are on the inside of the wall, why was no inspection carried out from that side? The species of the trees is not identified, the girth of the trees was not measured, their age not estimated, nor was the likely rate of any future growth, a key factor when assessing the optimum solution to this issue. The condition of the wall and the cause(s) of its present condition cannot be established without a thorough inspection which has yet to take place.

7) On multiple occasions the SDNPA has sought the opinion of the applicant's agent and no other.

8) Has the SDNPA ever sought independent engineering advice on this application?

9) The points raised by John Wittebolle appear to have been completely ignored.

10) The parish council notes the unattributed response from the Conservation and Design Team dated the 24 July. Was this advice after a site visit?

The parish council remains committed to a long-term solution that preserves the character and appearance of the conservation area using the existing materials. The present poor overall condition of the wall and its perilous angle of lean is not something to be preserved. The tree(s) and the wall cannot both inhabit the same space and there will be only one winner in that competition: while the steel patress plates, tie rods and anchor blocks will survive, they will ensure the destruction of the weakest link: the wall itself.

Arboricultural Officer Comments

A short Arboricultural Method Statement should be provided explaining how the works are to be undertaken without causing damage in the rooting zone of the trees adjacent to the wall ie hand excavation rather than mechanical and control of storage and mixing of materials which must not be in proximity to the trees to avoid contamination.

AMENDMENT TO RECOMENDATION

The committee report informs the recommendation on two applications, that for planning permission and listed building consent. Accordingly the item should make to recommendations to the Planning Committee (as set out below), to be resolved separately.

It is recommended that the applications be Approved for the reasons and subject to the conditions set out below.

SDNP/17/02189/LIS

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3. No development shall commence on site until an arborticultural method statement explaining how the works are to be undertaken without causing damage in the rooting zone of the trees adjacent to the wall has been submitted to and been approved in writing by the Local Planning Authority. Such a statement must be based upon the terms of this planning permission which involves the repair of the wall to be done by hand only, without the use of mechanical tools. Once approved the works shall only be carried out in strict accordance with the approved details.

Reason: In the interests of the amenity and to safeguard the health and wellbeing of the tree(s).

4. Agreement of materials

No development shall commence until details of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Any facing materials required to make up any shortfall, mortar mix and finish and patress plates. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application.

SDNP/17/02188/FUL

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended). / To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3. No development shall commence on site until an arborticultural method statement explaining how the works are to be undertaken without causing damage in the rooting zone of the trees adjacent to the wall has been submitted to and been approved in writing by the Local Planning Authority. Such a statement must be based upon the terms of this planning permission which involves the repair of the wall to be done by hand only, without the use of mechanical tools. Once approved the works shall only be carried out in strict accordance with the approved details.

Reason: In the interests of the amenity and to safeguard the health and wellbeing of the tree(s).

4. Agreement of materials

No development shall commence until details of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Any facing materials required to make up any shortfall, mortar mix and finish and patress plates. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application

ITEM: 15

SCHEDULE OF PLANNING APPEALS, COURT AND POLICY MATTERS

CORRECTIONS

The decision for three appeals is missing in the agenda and are as follows;

CC/16/03216/ADV (page 185) – Decision: Allowed

E/17/00237/FUL (page 186) – Decision: Dismissed

EWB/16/03920/FUL (page 187) – Decision: Dismissed