

Public Document Pack

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A meeting of the **Cabinet** will be held in Committee Room 2 at East Pallant House Chichester on **Tuesday 5 December 2017 at 09:30**

MEMBERS: Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr J Connor, Mrs P Hardwick, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

SECOND AGENDA SUPPLEMENT

This second agenda supplement contains the minutes of the Cabinet's meeting on Tuesday 7 November 2017, which will be considered for approval at agenda item 2 at this meeting.

2 **Approval of Minutes** (pages 1 to 22)



Minutes of the meeting of the **Cabinet** held in Committee Room 2 at East Pallant House Chichester on Tuesday 7 November 2017 at 09:30

Members Present Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr J Connor, Mrs P Hardwick, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

Members Absent Mr R Barrow

Officers Present Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr S Carvell (Executive Director), Mrs J Dodsworth (Head of Business Improvement Services), Mr R Davidson (Principal Planning Officer (Strategic Planning)), Mr A Frost (Head of Planning Services), Miss C Jardine (Senior Notice Processor), Mr P Jobson (Taxation Manager), Mrs T Murphy (Parking Services Manager), Mr P E Over (Executive Director), Mrs M Rogers (Benefits Manager), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

425 **Chairman's Announcements**

Mr Dignum welcomed the members of the public, the press representative and Chichester District Council (CDC) members and officers who were present for this meeting. He summarised the emergency evacuation procedure.

There was one apology for absence, namely Mr Barrow.

All other members of the Cabinet were present.

There were no late items for consideration at this meeting. Although agenda item 15 (Careline), which was a Part II matter, had been published in the third agenda supplement separately from the agenda and the first agenda supplement (appendices to the agenda), this had taken place within the requisite statutory period for public access to information.

[**Note** Hereinafter in these minutes CDC denotes Chichester District Council]

426 **Approval of Minutes**

The Cabinet received the minutes of its meeting on Tuesday 3 October 2017, which had been circulated with the agenda (copy attached to the official minutes).

There were no proposed changes to the minutes.

Decision

The Cabinet voted unanimously on a show of hands to approve the minutes without making any amendments.

RESOLVED

That the minutes of the Cabinet's meeting on Tuesday 3 October 2017 be approved without amendment.

427 **Declarations of Interests**

There were no declarations of interests made by members of the Cabinet.

Mrs T Tull, CDC ward member for Sidlesham, was present as an observer and, with the prior permission of Mr Dignum, addressed the Cabinet during agenda 9 (Parking Proposals and Off-street Parking Charges). At the start of her remarks she declared a personal interest as a trustee of Chichester Festival Theatre.

428 **Public Question Time**

Two public questions had been received for this meeting, details of which appear below.

In addition, a question had been received from Mrs C M M Apel, who was one of the two CDC Chichester West ward members and also the chairman of the Overview and Scrutiny Committee. Mr Dignum decided that Mrs Apel's question should be asked at this stage rather than during agenda item 7 (Southern Gateway Masterplan - Adoption) to which it related. As this was not a public question it was not subject to the rules of the public question time scheme.

The text of the two aforementioned public questions had been circulated to members, the public and the press immediately prior to the start of this meeting. Mr Dignum invited each person in turn to come to the designated microphone in order to read out his question before an oral response was given by Mrs Taylor (Cabinet Member for Planning Services).

The text of the question by Mrs Apel was not circulated in advance and the oral response was supplied by Mr Frost (Head of Planning Services).

The questions (with the date of submission shown with [] at the end of the text) and the answers given by the relevant Cabinet member were as follows.

Public Question (1) by Mr Richard Hutchinson

'The level crossings and resulting congestion has been a huge barrier for car drivers, cyclists and pedestrians wanting to enter the City from the south for decades.

The Council's masterplan is predicated on the basis that the crossings remain, because a brief early study carried out by their consultants showed that a crossing solution was not possible on Stockbridge road or Basin road. The consultants were told to not look at third party land, so other options could not be investigated. The whole masterplan was then built from that flawed premise, and the argument constructed that the resulting congestion from making all vehicles go through one crossing would assist in reducing the amount of traffic entering the city.

This is a completely flawed plan. There will undoubtedly be more frequent train services in the future, and the number of vehicles requiring access to the City will also increase. Not to constructively plan for the eventuality is an abdication of responsibility by the Council. They are responsible for looking at infrastructure improvements where required, no other body can do this, and an improvement is desperately required here. Not to investigate all possible options for removing the crossings is neglecting their responsibilities and letting down Chichester. We all want a City centre that is pleasant for cyclists and pedestrians to use, but to try and achieve it by turning a blind eye to a situation that exasperates thousands of local residents is not the way to achieve it

Network Rail has stated that they want to remove all level crossings for safety reasons. There is not only the potential for train related accidents, but also the poor air quality caused by queuing vehicles is a serious issue to the health of the people waiting as well as to adjacent properties. We have estimated that about 20,000 working days are wasted every year by people queuing at the crossings, with a resulting effect on the local economy. The Manhood peninsular contributes hugely to the City's economy and by freeing up access this could be dramatically increased.

Freeflow provides a potential solution to remove the level crossings and the resultant congestion and pollution by providing a new road bridge. This was presented to the Council planners and masterplan consultant team. They have responded that Freeflow would have a negative impact on the viability of the masterplan scheme by using up potential development land, and by the cost of the bridge structure.

We have looked again in more detail at the proposals, and believe that we can achieve 450 homes, a 70 room hotel, 100,000ft² of retail and offices and a 100,000ft² conference and exhibition centre, which could yield a developable value well in excess of £250m. This can cover the investment of a new road and bridge such as that proposed by Freeflow and create a truly vibrant and attractive new quarter to the City that development partners will want to invest in.

Given all of this, why would we want to proceed with a masterplan that we all know is fundamentally flawed? Whether you think Freeflow is the right solution or not, we should reject the masterplan, and carry out a fresh study with a new brief directed to

looking at how the crossings can be removed and create a true accessible southern gateway. This is far too important to not get it right, and this is the last chance to do something about it. Chichester deserves better.'

[3 November 2017]

Response (1) by the Cabinet Member for Planning Services

'Thank you for your e-mail of 3 November which raises concerns about the draft Southern Gateway masterplan and puts forward an alternative (and now revised) 'Freeflow' plan involving closure of the level crossings, provision of a bridge and new residential and commercial development.

I think it is important to make the point that the draft Southern Gateway masterplan is the culmination of 18 months' work following the appointment of masterplanning and transport consultants in 2016. Its production has been guided by a member/officer steering group, including representatives of this Council, WSCC, the Homes and Communities Agency and Network Rail. The draft masterplan has therefore been prepared thoroughly and is supported by considerable technical transport, viability and feasibility evidence.

We are of course acutely aware of the problems caused by congestion during operation of the two level crossings. However, we were made aware by Network Rail early on in the masterplan preparation process that the crossings are not identified as a significant safety concern and so Network Rail has not identified them as a priority for closure. Feasibility work also identified that the cost of a bridge over the level crossings would be significant (at least £10m); that there would be a substantial land-take either side of the railway line to accommodate a bridge and that there would be a likely significant adverse impact on the character of the area and conservation area and the many heritage assets nearby, including views towards the cathedral. Other options such as tunneling were considered and ruled out on the basis that they would be prohibitively expensive.

The draft masterplan is not based on a flawed premise as suggested but is a considered response to objectives in the Chichester Vision which include creating a more accessible and attractive City Centre; calming and reducing traffic flows and reversing the priority from vehicles to pedestrians.

A total of 11 different options for changing the road network in the Southern Gateway area have been considered, ranging from small scale improvement schemes to more fundamental changes to the existing gyratory. The proposed option to restrict general traffic from using the Stockbridge Road level crossing and the rerouting of Basin Road will provide opportunities to bring suitable development forward and to achieve significant improvements to the public realm, especially in the area around the railway station, leading up to South Street and the main shopping area. Importantly, our consultant's analysis shows that these proposals will result in a proportion of the existing traffic through the area using either the A27 or northern part of the inner ring road as alternative routes and that overall there would be no significant difference in impact on the wider highway network.

We have looked in detail at the feasibility and viability of the Freeflow proposal as originally put forward and our consultants have prepared a review paper which is attached as Appendix 4 to agenda item 7 on the Cabinet agenda. We believe (as summarised in the covering report) that the Freeflow proposal fails to meet many of the masterplan objectives due to its focus on motorised transport via a bridge into the area, which in turn is likely to have an adverse impact on the townscape character and setting of the many heritage assets nearby.

As a responsible authority, we should adopt a masterplan which is both technically feasible and likely to be deliverable. Our consultants advise that the Freeflow scheme fails these important requirements. Whilst it appears that the *revised* Freeflow plan includes a higher number of dwellings and greater commercial floorspace, the resulting density and scale of development appears contrary to the townscape guidance in the Council's draft masterplan and is unlikely to be acceptable. Moreover, the revised Freeflow is not accompanied by any market evidence to support some of the key land uses or an assessment of cost and deliverability. Fundamentally, it appears that the Freeflow concept remains much as originally proposed and remains contrary therefore to the objectives for regeneration of this sensitive area.'

On being asked, Mr Hutchinson said that he did not have a supplementary question.

Public Question (2) by Mr Martin Winch

'In the unlikely event a fresh start for Southern Gateway is pursued, the consultation process must be far more rigorous. The one carried out for the current masterplan has not had the breadth or depth to be classified as "meaningful public engagement". A definition which should help promote and include measured, tangible community involvement.

Indeed all current planning policy encourages plans to be drawn up with community involvement. This allows a shared vision and strategy of how an area should develop to achieve more sustainable patterns of development.

However, as far as we know, there was no public meeting held or a presentation by consultants or officers on the preferred masterplan option (unlike Freeflow). There were no community workshops held where local people could get involved. In brief there was little or no grass roots community consultation.

Without which, key issues could not be identified or addressed. And, as we all now know following the poll carried out by the Chichester Observer, the overwhelming majority want just one key issue resolved. The closure of the level crossings.

Considering the cost and time taken to get to this point, are all councillors comfortable with the consultation process carried out for such an important gateway to our City? If not, a fresh start may be the only option available.'

[3 November 2017]

Response (2) by the Cabinet Member for Planning Services

‘Thank you for your e-mail of 3 November which asks whether councillors are comfortable with the consultation process carried out for such an important gateway to our City.

Public consultation on the draft masterplan was carried out for a 6 week period between 29 June and 10 August. In order to promote public engagement in the consultation process, the Council provided two alternative means of responding to the consultation, firstly via an on-line questionnaire which asked residents a range of questions about different aspects of the masterplan proposals and secondly, the opportunity to make detailed comments on the specific text of the masterplan via the Council’s usual planning policy consultation IT system. There were also three public events to increase awareness of the masterplan with Council staff available to answer questions and the consultation was also widely promoted via local media and the Council’s social media channels.

A total of 350 responses were received to the on-line questionnaire and there were also a further 327 responses from statutory and other consultees as well as from members of the public to the detailed content of the masterplan. Comments received covered a wide range of matters including the proposed development opportunities and public realm proposals as well as the transport options and level crossings, amongst others.

I think it is evident from the ‘Public Consultation Analysis Report’ attached as Appendix 5 to Agenda Item 7 in the cabinet agenda and the level of interest in the consultation undertaken, that local people were able to get involved in the process and make their views and comments on the draft masterplan known and I believe therefore, that the consultation was effective, wide reaching and meaningful. I would also like to emphasise that the comments received have all been carefully considered and have informed the final masterplan.’

On being asked, Mr Winch said that he did not have a supplementary question.

Member Question by Mrs Clare Apel

‘The Southern Gateway is probably one of the most important possible developments in the city of Chichester for many many years. Amongst our papers was a document online of about 540 pages. Would it not have been possible to have a *précis* of this document? I defy anyone to be able to read 540 pages online.’

[6 November 2017]

Response by the Head of Planning Services

‘The 541 pages that you refer to are all *background documents* that provide evidence to the draft masterplan. We do not normally print background papers as a matter of course due to the cost in doing so and as the officer covering report and

other documents printed as appendices are intended to provide the necessary summary of the key issues for members.

The vast majority of the background papers comprise technical environmental and traffic data and modelling information and I would suggest that you do not need to read them. However, if you do wish to look through them, can I suggest you read the short Non-Technical Summary of the Environmental Report on page 5 of the on-line second agenda supplement and the Non -Technical Summary of the Transport Appraisal on page 47.'

On being asked, Mrs Apel said that she did not have a supplementary question.

This marked the end of public question time.

[**Note** Minute paras 429 to 439 below summarises the consideration of and conclusion to agenda items 5 to 15 (item 15 being a confidential Part II matter) inclusive but for full details please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=998&Ver=4>]

429 **Determination of the Council Tax Reduction Scheme 2018-2019**

The Cabinet received and considered the agenda report and its three appendices in the first agenda supplement.

The report was presented by Mrs Hardwick.

Mrs Rogers was in attendance for this item.

Mrs Hardwick said that Council Tax Reduction (CTR) had been localised for working age people in 2013 and the Council Tax Reduction Scheme (CTRS) applied to them but not to pensioners, who continued to receive support via national rules. Although the CTRS was initially funded out of the central government grant (albeit reduced by 10%), since 2014-2015 government support for CDC's local scheme had been subsumed into the overall government revenue support. Unlike many other local authorities, CDC had protected its CTRS recipients from that funding cut and instead broadly maintained the same level of support to its communities (Mid Sussex District Council (MSDC) had done likewise). Universal Credit (UC) was due to be rolled out for CDC's working age residents as from April 2018. In the obligatory CTRS annual consultation (approved by the Cabinet in July 2017) in August and September 2017, CDC consulted on some possible changes to the 2018-2019 CTRS, namely (a) introducing a new category (class F) for claimants in receipt of UC and (b) continuing to support lowest earners (including via discretionary hardship assistance) while ensuring the administration would (i) be as simple and cost effective as possible, (ii) well targeted, (iii) minimise disincentives to work, (iv) provide the best value for money and (v) be as straightforward for the claimants as possible. There continued to be important protections for war widows, widower pensions and war disablement pensions as well as maintaining work incentives in the form of earned income disregards and a taper for removing support. The full

details were in the appendices. Although to date the cost of administering the CTRS local scheme had been funded by the Department for Communities and Local Government, as pointed out in para 6.3 of the report, that funding for administration had fallen by 4.6% to £115,000 for 2017-2018 and the trajectory was likely to continue. It was incumbent on CDC to react to welfare reforms in a way that mitigated the effects of increased costs. Save for the element of administration, the cost of the CTRS benefit paid to recipients was shared by all precepting authorities (CDC's share was around 9%). In 2017-2018 the CTRS benefit cost around £6.9m overall. It had remained fairly constant since 2013 but economic downturns and widespread welfare reform might raise the demand for the CTRS. There were 71 consultation responses and opinion was broadly in favour of the new banded scheme for Class F and the continuation of the discretionary hardship fund. The report proposed to base the CTRS 2018-2019 on the appended draft. The CTRS needed to be approved by the Council before 31 January 2018, which it was hoped would happen when the Council met on 21 November 2017. This would in turn assist in setting the tax base in December 2017.

Mrs Rogers did not wish to add to Mrs Hardwick's introduction.

Mrs Taylor asked whether housing associations had been involved in the consultation, since their tenants were likely to be recipients of the CTRS. Mrs Rogers undertook to make enquiries and inform members after this meeting.

[**Note** Members were informed the following day by Democratic Services that Mrs Rogers had ascertained that the housing associations had on this occasion not been consulted directly to advise them of the online consultation, which had been promoted via social media. (As respondents were not required to identify themselves, if a housing association had commented it was unlikely to be evident.)] In closing Mr Dignum emphasised how unlike all other West Sussex local authorities save for MSDC, CDC had consistently protected its most vulnerable council tax payers. The principles of the CTRS remained unchanged notwithstanding the technical change due to UC.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the recommendation set out below.

RECOMMENDED TO THE COUNCIL

That the proposed Council Tax Reduction Scheme for 2018-2019 be approved.

430 **New Non-Domestic Rates Discretionary Scheme**

The Cabinet received and considered the agenda report with its appendix.

The report was presented by Mrs Lintill.

Mr Jobson was in attendance for this item.

Mrs Lintill summarised section 3 of the report, which set out the background details of the national discretionary fund of £300m over four years which had been established by the government in March 2017 to provide assistance to businesses facing non domestic rates (NDR) increases as a result of the 2017 revaluation. CDC's total allocation for the four years 2017-2018 to 2020-2021 was £786,000. The details of how the scheme would operate to benefit eligible businesses over the four-year period and the conditions for remaining entitled were set out in section 3. Any surplus from 2017-2018 would have to be returned to the government. This local scheme would complement the national scheme by reducing further the increase limits set by the government. The consultation details were set out in section 8 of the report. Immense gratitude was due to Mr Jobson for his hard work in the challenge he faced in devising this scheme.

Mr Jobson commented on the complexity of the scheme he had to create and how Chichester District had been particularly affected by the increases in business rates. Over 1,200 customers would be assisted by the scheme.

Mr Dignum remarked that the scheme would help to sustain and promote the growth of CDC's local businesses.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the recommendation set out below.

RECOMMENDED TO THE COUNCIL

That the Non-Domestic Rate Discretionary Scheme for 2017-2021 as set out in the appendix to the agenda report be approved.

431 **Southern Gateway Masterplan – Adoption**

The Cabinet received and considered the agenda report and its five appendices in the first agenda supplement.

The report was presented by Mr Dignum.

Mr Allgrove and Mr Frost were in attendance for this item.

Mr Dignum commented as follows.

The Cabinet had approved the draft Southern Gateway Masterplan (SGM) for public consultation in June 2017. The responses to the public consultation had been analysed and various changes to the draft document had been made as a result. The SGM had been prepared within the context of the *Chichester Local Plan* (CLP) and the *Chichester Vision* (adopted in July 2017). The SGM had been endorsed by West Sussex County Council (WSSCC) and it featured in a Memorandum of Understanding with the Homes and Communities Agency and WSSCC. The SGM enabled the councils to (a) identify the opportunities for development; (b) plan for new homes, jobs, retail and leisure facilities; (c) recognise key constraints such as

listed buildings and conservation area restrictions; (d) co-ordinate the development of a number of different sites; (e) co-ordinate proposals which were the subject of different bids for funding to facilitate development; and (f) give clear guidance to assist in the preparation and assessment of planning applications.

The SGM proposals were designed to deliver six key objectives: (1) making sure first impressions count; (2) reinforcing a mix of city uses; (3) conserving and enhancing the historic environment; (4) contributing towards a sustainable movement strategy; (5) providing a flexible framework; and (6) achieving design quality.

The SGM proposed a range of different land uses and provided design guidance for development sites within the Southern Gateway area. It set out proposals for (a) significant changes to the highway network around the existing one-way gyratory; (b) the restriction of the Stockbridge Road level crossing to pedestrians, cyclists and buses; (c) the re-routing of Basin Road to the rear of the Royal Mail sorting office site; (d) providing opportunities to bring development forward and to co-ordinate that development; and (e) improving the public realm, not least in the area around the railway station, leading up to South Street and the main city centre shopping.

Officers had given the Freeflow proposal careful consideration but were unable to recommend that it be pursued because from a detailed assessment carried out by the masterplan and transport consultants it (i) appeared to be neither technically feasible nor financially viable and (ii) would have a significant negative impact on the historic environment and conflict with the aims of the *Chichester Vision* and the objectives of the SGM. The updated version of Freeflow shared many of the same weaknesses as the original one: (a) cost: at least doubling the funding needed to prepare the site (from £10m to at least £20m); (b) loss of development value; (c) adverse amenity impact: the bridge with four-storey buildings over much of the site and bi-section of site; (d) additional car traffic brought into centre; (e) loss of north-south bus access; and (f) development delays dealing with Network Rail.

Budgetary provision of £50,000 was originally agreed by the Cabinet in June 2016 to fund the cost of preparation of the SGM and this was subsequently increased through a virement of £46,000 from the now adopted CLP budget. With additional costs arising due to the need to commission a transport study, consultants' attendance at meetings that were not part of their original quotations, the consultation and the further work to analyse the Freeflow representations, the total cost for the entire project was now £177,000. WSCC had contributed £30,000 towards the transport study. The outstanding cost of £65,000 (erroneously stated to be £51,000 in paras 3.2 and 8.1 of the agenda report) could be met from the CLP residual budget. The following agenda item would address the resource and legal implications for the SGM's implementation.

The main themes raised in the representations were: (a) insufficient consultation process; (b) lack of detail on what was being proposed; and (c) the retention of the level crossings.

In response thereto it must be said that (i) the consultation received good publicity and a large number of comments were made and questionnaires completed; (ii) the amount of detail was appropriate for a masterplan, proposals would be developed in

line with the SGM and there would be further opportunities to comment on the detail through publicity and consultation at the planning application stage; (iii) there was a significant amount of residential development within the SGM and this would help to generate land value to contribute to the provision of some of the non-residential uses and also potentially to access other public funding streams; and (d) bus interchange facilities would be re-provided in Stockbridge Road; the SGM had been developed partly in response to the decision to close the courts; the Royal Mail sorting office did not need to be in a prime location overlooking the canal basin and other facilities for posting letters and collecting parcels were available.

The main proposed amendments to the SGM for adoption were: (a) selection of Option A for changes to the Basin Road/Southgate gyratory; (b) further explanation of the approach to the provision of open space in relation to new development; (c) additional references to waste water treatment issues; (d) removal of the building to the north of Avenue de Chartres from development opportunity site 6; and (e) detailed changes to the text as requested by Historic England, Highways England, Sport England and WSCC.

Mr Allgrove and Mr Frost did not seek to add to Mr Dignum's introduction.

Prior to the start of the discussion, Mr Plowman (a CDC Chichester West ward member) addressed the Cabinet having in advance secured Mr Dignum's permission to do so.

Mr Plowman said that this was an once-in-a-lifetime decision. If CDC erred, the impact on the city could be serious and its residents would be badly served. He advocated the undertaking of further independent studies to be sure that the proposal before the Cabinet was indeed the best one for Chichester in order to deliver the *Vision* and do no harm. He supported the *Vision* and the principle of the holistic approach to developing the Southern Gateway. As he had previously said in a Council meeting, he and many others had waited for more than a generation to achieve the single objective of securing the removal of the level crossings and this should be assiduously pursued. The Cabinet had already heard from the public questions posed by two residents, each of whom were experts in their own professional fields, the suggestion of an alternative concept, Freeflow and now Freeflow 2, which could achieve this objective and produce a more exciting prospect for the Southern Gateway. They appeared to have overcome most of the issues of initial Freeflow (para 7.4 of the agenda report: (a) and (b) were dubious and (c), (d), (e), (g), (i), (j) and (k) were no longer valid, and the conclusions in para 7.5 were out of date). Freeflow 2 would have a better impact on the historic environment by retaining the local listed bus depot. Officers and David Lock Associates had not done the detailed factual studies needed to indicate that it was not feasible; a proper independent evaluation was required. Even without Freeflow, the current SGM did not deliver a traffic solution to the level crossing. In fact it gave rise to three major concerns on the grounds of (a) traffic (the aim to deflect traffic to use the Fishbourne roundabout rather than Stockbridge Road to enter the city would be circumvented by many drivers as the roundabout was viewed as dangerous and even if used would result in congestion), (b) air quality/pollution (caused by traffic queues at the Basin Road level crossing by drivers avoiding Fishbourne roundabout), and (c) economic impact (Southern Gateway was not part of the city centre and it could be in

competition with the four main retail and commercial streets and thereby seriously affect the *Vision* - no economic assessment had been undertaken to address that prospect). The consultation had been considered poor but there was a firm endorsement of the concept of Freeflow and a great deal of criticism of the SGM for being unimaginative and not offering anything new to Chichester in line with (a) the *Vision's* objectives with regard to welcoming more people to Chichester, ensuring the city was open for business or (b) the SGM objectives of making sure first impressions count, reinforcing (not merely duplicating) a mix of city uses, conserving and enhancing the historic environment by losing some locally listed buildings, and contributing to a sustainable movement strategy. Further work was required and there was time for this as the relocation of the Royal Mail sorting office and bus depot would take longer than predicted and the future of the A27 Chichester bypass was far from being resolved, an issue which could have a profound effect on traffic flow for the Southern Gateway.

Mr Dignum and Mr Frost responded to Mr Plowman's statement.

Mr Dignum acknowledged that the bridge was the key dividing line in the debate, in which there was a difference of approach as to traffic and cost. High cost options and outcomes should not be countenanced. The objective was to have a city where traffic was no longer dominant, yet the proposed bridge would encourage more traffic to enter the city and result in greater congestion and it was designed to keep out buses.

Mr Frost said that there needed to be a very good reason for CDC to question its own consultants' work, which had been undertaken very thoroughly over a long period. Insofar as the transport appraisal was concerned, Peter Brett Associates were professional consultants in their field of expertise and had collaborated closely with WSCC to assess the transport/traffic effects of developing the Southern Gateway area and had concluded that the development would not have a severe impact, which was the relevant test. With regard to economic impact, the SGM did not promote a significant retail use which would compete with the city centre's main retail area but instead a mixed use development, which should be very welcome.

The consensus during the short discussion was in favour of making the recommendation to the Council. Whilst the argument in favour of a bridge had been recognised at an earlier stage and there was sympathy for the case advocated by Mr Plowman and those who had asked public questions earlier, the detailed work undertaken by the consultants had clearly demonstrated that it was not a viable aspiration and would militate against the objective of freeing the city centre from the predominance of traffic (it should be remembered that the houses to be built would increase the traffic and so it was vital to minimise the number of other vehicles as much as possible). The ability to achieve modal shift should not be seen as fanciful. Deliverability and cost had to be borne in mind. The resultant need for four-storey buildings and the impact on views of the Cathedral if a bridge were to be built were adverse outcomes which must not be ignored.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the recommendation and the resolution (which included the amendment to the figure in para 3.2 of the agenda report from £51,000 to £65,000) set out below.

RECOMMENDED TO THE COUNCIL

That the Council:

- (a) Approves the recommended responses to the representations made as part of the public consultation on the draft masterplan (set out in appendix 1 to the agenda report).
- (b) Adopts the Southern Gateway Masterplan (set out in appendix 2 to the agenda report) as a Supplementary Planning Document, thereby replacing the existing Southern Gateway Planning Framework Supplementary Planning Guidance 2001.
- (c) Delegates authority to the Head of Planning Services, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the document prior to publication.

RESOLVED

That the use of part of the residual budget from the now adopted Local Plan to meet the remaining cost (£65,000) of the Southern Gateway Masterplan project be approved.

432 Southern Gateway Chichester Masterplan Implementation

The Cabinet received and considered the agenda report and its two appendices in the first agenda supplement.

The report was presented by Mr Dignum.

Mr Over was available to comment and answer questions on this item.

Mr Dignum referred to the report and the PID in appendix 1 in the first agenda supplement. He said that the Southern Gateway was the largest regeneration project in the city within living memory. The site had long been recognised as presenting an opportunity to make better use of the southern approach to the city, which would now include the Chichester magistrates court, crown court and county court and the Kingsham First and Middle School, following the announcement of their closure. The area included the Bus Station and Depot, the Basin Road car park, the Police Station and the Royal Mail depot. Among the many project outputs and outcomes were (a) a successful Local Growth Fund bid and other funding which would secure an estimated £83m private sector investment; (b) some 1,454 new jobs; (c) the protection of existing jobs (Stagecoach and Royal Mail); (d) new homes and student accommodation; (e) two hectares of business/retail and leisure floor

spaces; (f) potential new community health facility; (g) return on CDC investments; and (h) improvements to the public realm, the transport system and the appearance of the townscape and buildings in the area. The PID contained a timetable of key milestone dates, at the end of which the best way to implement should have been identified.

Mr Over pointed out that implementation was entirely subject to the adoption by the Council meeting later in the month of the Southern Gateway Masterplan. It was difficult to be precise at this time as to which parts of the site would be delivered at particular times but any further CDC funding opportunities or commitments beyond those identified in the PID would be notified to the Cabinet as they arose. In the meantime CDC was working closely with the two key businesses which would need to be relocated in readiness to proceed expeditiously once, if approved by the Council, the SGM was adopted. Stage reports would be periodically presented to the Cabinet. Key milestones were set out in the PID project plan timetable (section 11). This was an exciting time and venture for CDC with the prospect of considerable benefits being delivered. Many of the concepts in the *Southern Gateway Framework 2001* had been implemented by the private sector. It was now time for the remaining parts of the development (including the major relocations required) to be delivered with public sector financial support.

Mr Dignum drew attention to the proposed Growth Deal agreement which CDC hoped to conclude with West Sussex County Council in due course.

Mr Over responded to questions by Mrs Hardwick, Mr Wilding and Mrs Taylor with regard to (a) managing effectively corporate risks (sections 7.2 and 9 of the agenda report and section 13 of the PID); (b) achieving the challenge of an 80% public satisfaction target in outcome measures (section 4.3 of the PID); (c) the conditions which would be used in a conditional sale (Options Summary section 8 of the PID); and (d) approaches already being received from interested developers and being made by CDC, to include soft market testing (stage 6b in the Project Plan section 10 of the PID).

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

That subject to the Southern Gateway Masterplan being adopted by the Council the Project Initiation Document attached at appendix 1 to the agenda report be approved.

433 Parking Proposals and Off-street Parking Charges

The Cabinet considered the agenda report and its four appendices in the first agenda supplement.

The report was presented by Mr Dignum, Mrs Murphy and Miss Jardine.

Mrs Murphy and Miss Jardine were in attendance also to answer members' questions and comments on points of detail.

Mr Dignum summarised in particular section 4 (paras 4.1 to 4.4) of the report with regard to the background and the proposals for the proposed car park charges to come into force with effect from 1 April 2018 subject to the outcome of the required consultation. He informed the Cabinet that he sought its agreement to make two amendments to the charges proposed by officers namely: (a) the Sylvia Beaufoy car park in Petworth should remain entirely free of charge instead of introducing the charges set out in the table on page 258 of the first agenda supplement and (b) charges in the city's long-stay car parks on Sundays should remain as they were currently and not be increased in line with section 3 in appendix 1 on page 257 of the first agenda supplement ie he advocated the alternative option in the last para of that section.

Mrs Murphy said that the parking proposals had been considered by CDC's Chichester District Parking Forum which was comprised of representatives of all the relevant groups and interests. The aim was that CDC's off-street charges complemented West Sussex County Council's (WSCC) on-street charges. The charges agreed by the Cabinet at this meeting would be made the subject of a public consultation.

Mrs Lintill welcomed Mr Dignum's proposal to retain the current no-charging regime at the Sylvia Beaufoy car park. She said that Mrs J Duncton, the other CDC Petworth ward member, agreed with her.

Mrs Kilby said that she fully supported Florence Road car park being brought into the parking order in view of the current commuter use being made of it.

Mrs Murphy summarised the proposal in respect of the Florence Road car park in paras 4.10 and 4.11 of the report including the need to consult WSCC despite the fact that the car park belonged to CDC. The more efficient and effective enforcement option was for a free ticket for a maximum stay of three hours to be issued by a machine rather than rely on monitoring by patrol officers.

Miss Jardine summarised and explained the proposal to introduce the service of penalty charge notices pursuant to regulation 10 of the *Civil Enforcement of Parking Contraventions (England) General Directions 2007*. If implemented, full training would be given to CDC staff and the new procedure would be given appropriate publicity.

Members supported the regulation 10 proposal.

Mrs Hardwick referred to the first two paras on page 259 of the first agenda supplement which justified the introduction of charges in the Sylvia Beaufoy car park and questioned the impact on turnover of Mr Dignum's proposal to retain free car parking.

Mr Dignum explained that due account had been taken of the views of the two Petworth ward members, the fact that currently the proposed skatepark project and

the other developments in the Pound Street car park were not expected to be implemented in the foreseeable future and there were no controlled parking zones in Petworth, and so the introduction of charges was not considered necessary at the current time.

Mrs Murphy set out the officers' case for introducing charges, namely that the skatepark project was work in progress and there were concerns about how the Sylvia Beaufoy car park was currently being inappropriately used but this could not at the moment be controlled by the parking restrictions or the issue of penalty charge notices. Officers sought *inter alia* by the introduction of charges to maximise the use of all of CDC's car park spaces in conjunction with projects in the *Petworth Vision* document.

In her capacity as a trustee of Chichester Festival Theatre (CFT), in respect of which she declared a personal interest at this point in the meeting (minute 427 above refers), Mrs Tull addressed the meeting with the permission of Mr Dignum. She welcomed the long overdue proposal to allow customers to park for the period for which they had in fact paid. In her opinion the introduction of evening charges up to 20:00 in the Northgate and New Park car parks was counter-intuitive to the city's night-time economy. In the case of the CFT, she referred to the adverse impact on bar takings and the young, low-paid staff who now had to pay the Northgate charges. She pointed out that there was a perception that CDC had introduced the charges in order to make money. She alluded to the minutes of the Budget Task and Finish Group's meeting on 15 December 2016 in which it was recorded that the £300,000 variance in car parks income was caused by an increase in the 2016-2017 budget which reflected projected demand which was not sustained. She said that car parks were notoriously vulnerable to the state of the economy and that there was no need for the unpopular evening charges.

In reply Mr Dignum pointed out that the CFT representatives had not claimed at the meeting of the Chichester District Parking Forum on 6 September 2017 that its ticket sales had been adversely affected by the evening car park charges in Northgate. It was recognised that no car park charges were popular but CDC was entitled to augment its income in this way and thereby protect other vital services from cuts. This was, in his view, a fair cost for parking in a two-hour evening period. In his judgment the impact on the night-time economy was not as severe as Mrs Tull feared.

Mrs Murphy said that the introduction of charges had been very carefully examined and CDC had worked closely with the CFT and the New Park Centre to take into account their customer requirements and alternative payment methods such as by phone and contactless. The number of complaints received about evening charges had been low and the tariffs were comparable with those used by other local authorities, some of which charged up to 22:00. The situation would continue to be monitored and due account taken of the consultation feedback.

Mrs Taylor supported the proposals in their amended form and drew attention to the evening charges income figures to date in the fourth para of section 6 of appendix 1 (page 262 of the first agenda supplement).

Mr Dignum and Mr Connor commented that the decreased bar takings could be explained at least in part by the fact that the CFT drinks prices had recently been increased.

Mr Connor suggested that in the same way as was being proposed for the Florence Road car park, machines could also be installed in the Sylvia Beaufoy car park issuing tickets for up to three hours which could assist in improving the turnover capacity in that car park. Mr Dignum said that was a good idea and worthy of consideration.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below, which included the two amendments proposed by Mr Dignum relating to the Sylvia Beaufoy car park and Sunday tariffs in the city's long-stay car parks.

RESOLVED

- (1) That the charges set out within appendix 1 of the agenda report which, subject to consultation responses are to be implemented from 1 April 2018, be approved subject to the following amendments: (a) the parking charge as at present for long-stay car parks on Sundays be retained and (b) that parking in the Sylvia Beaufoy car park continues to remain free as at present.
- (2) That the Head of Commercial Services be authorised to give appropriate notice of any revised charges or changes as set out within this report pursuant to the Off-street Parking Places (Consolidation) Order 2015 and the Road Traffic Act 1984.
- (3) That the use of Regulation 10 Penalty Charge Notices within Chichester District from 1 April 2018 be approved.
- (4) That the inclusion of Florence Road car park (subject to agreement from West Sussex County Council as the Highway Authority) in the Parking Order for Chichester District and implements a maximum stay as indicated in section 4.11 of the agenda report be approved.

[**Note** At the end of this item there was a short adjournment between 11:27 and 11:39]

434 Consultation on South Downs Local Plan Pre-Submission

The Cabinet considered the agenda report with its two appendices.

Mrs Taylor introduced the report.

Mr Davidson and Mr Allgrove were in attendance for this item.

Mrs Taylor explained that the report was to agree CDC's formal response to the Pre-Submission consultation of the South Downs National Park Authority's (SDNPA) draft Local Plan (LP) which had been subject to consultation for an eight-week period which was due to end on 21 November 2017. The focus of the current consultation was whether the LP was sound and whether it met legal and procedural requirements. At present the SDNPA was subject to all the saved Local Plan policies within the SDNP including those of the *Chichester District Local Plan 1999*. Work had been in progress on the LP for a number of years and officers had responded to two previous consultations in 2014 and 2015. Many of those recommendations had been accepted and incorporated into the current draft LP, which set out the planning framework for the SDNP for 2014-2033.

Unlike the *Chichester Local Plan* which was development-led, the SDNPA LP was landscape-led. Officers had not identified any major concerns relating to the draft LP's soundness and so did not propose making any formal representations to the SDNPA. However, a number of minor issues had been identified and modifications suggested, which were set out in appendix 1. Inaccuracies in the housing figures, for example, had been discussed with the SDNPA, which had informally amended the housing figures in appendix 2. The projected delivery in that appendix equated to an average housing delivery of 84 net dwellings per year for Chichester District over the LP period, which exceeded the target of 70 homes per year that had been previously assumed for the SDNP within Chichester District. In accordance with *The National Parks Vision and Circular (2010)*, there was a strong focus on the delivery of affordable housing. No target was set for affordable housing but on sites of 11 or more homes there would have to be a minimum of 50% affordable housing with a minimum 75% affordable rent, whereas on sites of three to ten homes a sliding scale would apply. There could be practical difficulties with very small sites and a modification from four to ten had been suggested. SD 27 was a new policy which specified a broad mix of housing for both affordable and private dwellings. Further clarification of this policy had been requested. It had been agreed that, as contended by officers in their response to the previous Preferred Options consultation, (a) potential loss of employment land to residential use should only be after evidence had been provided that there was no market demand for that employment land and (b) there should be a marketing period of at least 12 months or, in the case of key employment land, 18 months. Officers had suggested that the 18-month marketing period should apply to tourist accommodation. After the end of the consultation, the formal examination would be the next stage.

Mr Davidson and Mr Allgrove did not wish to add to Mrs Taylor's presentation.

This item was not the subject of a debate by the Cabinet.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

That the South Downs National Park Authority be advised:

- (1) That the South Downs Local Plan Pre-Submission is broadly supported.
- (2) That Chichester District Council does not intend to make any formal representations in response to the Pre-Submission consultation.
- (3) That the comments in appendix 1 to the agenda report will be forwarded for its consideration with regard to possible modifications to the Pre-Submission Local Plan.

435 Chichester Road Space Audit

The Cabinet considered the agenda report and its appendix in the first agenda supplement.

The report was presented by Mr Dignum.

Mrs Murphy was in attendance for this item.

Mr Dignum explained that the Road Space Audit (RSA) was a West Sussex County Council (WSCC) undertaking, the purpose of which was set out in para 4.1 of the report. The RSA had four key themes and these were addressed in para 4.2 of the report. Insofar as the officers' recommended CDC feedback to the RSA was concerned, Mr Dignum proposed certain revisions to the comments set out in section 6 of the report. He had circulated that section with certain suggested amendments in bold. For ease of reference para 6.1 with Mr Dignum's revisions up to and including sub-para 6.1.7 is replicated as follows (the remaining sub-para were unaffected and so are not set out below) :

- 6.1 The Audit has been considered by relevant officers of Chichester District Council. Officers recommend that the Council provides the following feedback to WSCC:
- 6.1.1 The findings of the report are consistent with the objectives within the approved Vision for Chichester.
 - 6.1.2 The report suggests potential closure of some of the key car parks within the city. **Any closure is for the district council to determine if appropriate and the district council wish to make it totally clear that there are no current plans for closure of car parks in the city (with the exception of Basin Road car park which is being considered as a result of the Southern Gateway Project).**
 - 6.1.3 **Off Street** car park income is **the** revenue source for assisting with covering costs of car park provision and any surplus is used to support other **Council** services. Should there be a reduction in the number of off-street parking places there **would** be a **significant** reduction in the income generated which would not be acceptable in the foreseeable future.
 - 6.1.4 **The continuation of a phased extension to the Controlled Parking Zone could be welcomed, subject to sufficient resources and**

significant consultation and consideration of the impact on the public.

- 6.1.5 The impact of performance pricing in on-street bays and how this relates to off-street car parks has not been fully considered and will require a full assessment to understand demand, capacity and effect on income.
- 6.1.6 There may be concerns from residents regarding the increase of commuter parking in residential streets. It is clear that access for residents and deliveries must be preserved and this must be carefully communicated to those affected.
- 6.1.7 The full impact of the proposals on the retail sector has not been considered at this stage and this will require careful assessment to understand the potential loss of any retailers as a result which could be significant on footfall. **If any of the proposals were accepted a full consultation with the retail sector should be undertaken.**

.....]'

Mrs Murphy said that although the RSA consultation had closed the previous week, WSCC had agreed that CDC's feedback could be submitted after this meeting of the Cabinet. A careful consideration of documents such as the RSA was important to help CDC to plan its off-street and car parks strategy and other documents in future years.

The Cabinet did not debate this item.

Members supported Mr Dignum's proposed changes shown in bold above to the officers' feedback.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

That the feedback to the Road Space Audit consultation document as amended aforesaid in section 6.1 of the agenda report be provided.

436 **Provision of a Parking Enforcement Service**

The Cabinet considered the agenda report.

At Mr Dignum's invitation, the report was introduced by Mrs Murphy, who also answered members' questions on points of detail.

Mrs Murphy summarised sections 3, 4 and 5 of the report.

In reply to questions, Mrs Murphy explained (a) the nature and extent of CDC's on-street and back-office functions under the agency agreement, with CDC able to contribute to the manuals and guidance documents produced and to meet regularly

with WSCC to discuss issues (WSCC set the charges), (b) the appeal process, (c) blue badge holders and (d) the exercise of discretion by enforcement officers as to whether or not to issue a ticket.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

- (1) That the continuation of the Agency Agreement for on-street parking enforcement plus the additional duties set out in para 3.2 of the agenda report with West Sussex County Council for a further six years commencing on 1 April 2018 be approved.
- (2) That delegated authority be granted to the Head of Commercial Services to agree on the final terms of the Agency Agreement.

437 Late Items

There were no late items for consideration at this meeting, although agenda item 15 (Careline), which was a Part II matter, had been published in the third agenda supplement separately from the agenda and the first agenda supplement (appendices to the agenda). The later publication was nevertheless within the statutory period for the public access to information.

438 Exclusion of the Press and Public

Decision

It was proposed, seconded and unanimously supported that the following resolution should be passed to exclude the press and the public from the meeting during the consideration of agenda item 15 (Careline), which was Part II matter exempt from the public domain.

RESOLVED

That the public and press be excluded from the consideration of the confidential Part II report and its appendix for agenda item 15 (Careline) circulated to members and relevant officers only in the third agenda supplement on the grounds that it is likely that there would be in respect of that item a disclosure to the public of 'exempt information' of the description specified in Paragraphs 1 (information relating to any individual) and 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the *Local Government Act 1972* and because in all the circumstances of the case the public interest in maintaining the exemption of that information outweighs the public interest in disclosing that information.

439 **Careline**

The Cabinet considered the confidential Part II agenda report and its appendix which were circulated to members and relevant officers only in the third agenda supplement.

The report was presented by Mrs Lintill.

Mrs Dodsworth was in attendance for this item.

After Mrs Lintill's introduction, Mrs Dodsworth made brief comments.

During the discussion Mrs Dodsworth and Mr Dignum responded to members' questions and comments on points of detail.

Decision

The Cabinet voted unanimously on a show of hands in favour of making the resolution set out below.

RESOLVED

- (1) That the Head of Community Services be authorised to proceed in accordance with the proposal contained within section 5.1 of the agenda report.
- (2) That a report be brought by officers to a future meeting of the Cabinet once a provisional position has been reached.

[Note The meeting ended at 12:23]

CHAIRMAN

DATE