



Minutes of the meeting of the **Planning Committee** held in virtually on Wednesday 31 March 2021 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present:

In attendance by invitation:

Officers present: Mr M Bleakley (Planning Officer), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mr W Price (Planning Officer), Mr T Whitty (Divisional Manager for Development Management) and Mr J Bushell (Principal Planning Officer)

15 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

16 **Approval of Minutes**

The minutes of 3 March 2021 be approved.

17 **Urgent Items**

There were no urgent items.

18 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of O/20/02471/FUL and BI/20/02899/FUL as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in respect of TG/20/02893/OUT as a Member of Tangmere Parish Council and West Sussex County Council, and O/20/02471/FUL also as a Member of West Sussex County Council.

Mr Potter declared a personal interest in respect of TG/20/02893/OUT as a Member of Boxgrove Parish Council.

Mrs Purnell declared a personal interest in respect of TG/20/02893/OUT and O/20/02471/FUL as a Member of West Sussex County Council.

19 **TG/20/02893/OUT Land Adjacent To A27 Copse Farm, Tangmere Road, Tangmere, West Sussex**

Mr Bleakley presented the item to Members and provided a verbal update, confirming a minor amendment to the application relating to of a small area of land to the west of Saxon Meadows has been excluded from the application.

Information provided in the Agenda Update Sheet:

- Further response from Natural England confirming agreement with the Council's Habitats Regulations Assessment.
- Additional representations from Boxgrove Parish Council, regarding the lack of detail in relation to the off-site junction mitigation measures and the proposals for monitoring traffic movements. The requirement to maintain bus service route 55 serving Boxgrove and Halnaker. That the Construction Management Plan prohibits construction traffic from using The Street, Boxgrove. A requirement to further develop safe walking and cycling routes connecting Tangmere and South Downs National Park.
- Representations from Lavant Parish Council regarding the issues related to additional traffic on minor roads.
- Further information from the applicant providing agreement to fund two cycle improvement studies, relating to the possible widening of the Temple Bar bridge footpath and potential improvements for the existing Westhampnett cycle route, in addition to the £630,000 contribution currently offered.
- Amendment to paragraph 8.59 within the report, deleting 'up to' in the first sentence, to read 'Policy 18 allocates the site for 1,000 new dwellings, but emerging Policy AL14 recognises the potential of the site to satisfactorily accommodate a higher number of dwellings and consequently proposes a minimum of 1,300 dwellings on the site'.
- Additions to the Heads of Terms for a Section 106 Agreement in paragraph 8.214 regarding 'Community Buildings', 'Public Transport', 'Direct Highways Works', and 'Off-site Highway works and contributions'.
- Changes to recommended conditions including, Condition 4 (Design Code), Condition 11 (CEMP) and updates to Condition 35 and 38.

The Committee received the following Speakers:

Andrew Irwin – Tangmere Parish Council
Philip Maber – Objector
Ian Sumnall – Supporter
Ellen Timmins – Agent

Russell Henderson – Agent

Officers responded to Members' comments and questions:

Mr Bleakley confirmed that in relation to the A27 Temple Bar junction, the costs of providing the pedestrian and cycle crossing would not be taken from the £630,000 contribution, which was allocated to cycleway improvements. With regards to the north-east corner of the site and connectivity of the cycleway to the existing network, as the connection was shown on the Parameter Plan which was conditioned, its delivery should be ensured and would be further considered at the reserved matters stage. Mr Bleakley advised that officers do not currently have details regarding access to the allotments or the car park for the allotments, although these could be sought and a condition added, although he did not consider this to be necessary. On the matter of planting or building within three metres of water courses, Mr Bleakley advised that a condition recommended this, but was aware the Parameter Plan appeared to show this as closer than three metres. Mr Bleakley confirmed that the condition would be the over-riding factor. The requirement for keeping land to the west of Mannock Road open and whether a condition was required, would also be considered at the reserved matters stage. Mr Gledhill advised that the footway width on the south-east corner of Tangmere Road was adequate, and could not be increased as this would result in the necessity to narrow the carriageway. On the matter of the crossing at Malcolm Road the applicant had agreed to a condition for this installation.

Mr Bleakley confirmed that planting next to watercourses might be possible and it was important not to be overly prescriptive regarding the Parameter Plan in terms of measurements. They were intended to provide a picture of the development, and further detail would be brought forward at the reserved matters stage. However, further conditions could be added, should the Committee wish to do so. Mr Gledhill confirmed he had not received any other information regarding crossings within the vicinity of Malcolm Road. With regards to the desire line south of Gamecock Terrace, in the south-east corner, of the south-east corner parcel, Mr Gledhill confirmed that there was sufficient flexibility within the condition for the south-east corner access to be moved to accommodate the desire line and the details of which could be further examined once submitted.

On the matter of housing delivery, Mr Bleakley advised that the development consisted of up to 1,300 homes, which would be constructed over a ten to twelve year period, with an average of around 145 homes constructed each year. Realistically, these could probably not be delivered at a higher rate as houses had to be marketed and sold. At the present time, the site was not making a contribution to housing land supply, because the expectation was that completions would not be achieved until after current five year supply period had ended. However, if this application was to be approved, development should commence next year, with first occupations later in 2023. Therefore, some completions would be achieved within the relevant period which would assist the Council's position and the site would continue to make a contribution over a significant period of time. Mr Whitty added that although delivery was important, it was not material for the determination of the application.

With regards to the spine road, Mr Bleakley confirmed that the detail at either end, which was the access onto the A27 at the north and the Tangmere Road to the south was part of the application, but that the other detail within the site was only indicative at this stage of the process. On the matter of concerns in relation to an increase in traffic off-site, Mr Bleakley advised that within the proposed legal agreement there were a variety of measures proposed, including direct highway improvements and the monitoring of off-site traffic to help inform further actions that might be required. Consequently, a commitment to the full details was not being made at the current time. Mr Gledhill further advised that the only matter the Committee could not approve was a Traffic Regulation Order for a 40mph speed limit on the Tangmere, as that would be subject to a separate legal process.

Mr Bleakley confirmed that land to the west of Malcolm Road (as referred to within the Tangmere Neighbourhood Plan Policy) actually lies to the south of the proposed village centre and also outside the application site. It had been a long-standing aspiration of Tangmere Parish Council for this land to be developed. The land was partially owned by the District Council and partially owned by a housing association. Discussions were on-going regarding this area and decisions would be made in the future.

With regards to the current Local Plan revision, due to the likely length of time for the build out of the site and which might require a higher level of affordable housing, Mr Bleakley confirmed that it would follow appropriate policy that applied at that time, with the two relevant matters being the Local Plan and the Neighbourhood Plan. The current mix of housing was in accordance with the approved Tangmere Neighbourhood Plan and there was no scope for this to be changed at a later date. Mr Whitty also confirmed that the housing mix would be established in line with current policy and therefore would be 30%.

With regards to sustainability, Mr Bleakley advised that a study setting-out the approach had been submitted. Mr Bleakley drew Members' attention to a condition which outlined the sustainability measures required for each phase, as they were likely to alter over the period of the development and it would be important to ensure changes were taken into account. On the matter of increasing the widths of the footpaths at the Temple Bar junction, Mr Bleakley confirmed that the applicant had agreed to fund a study in advance of decisions being made regarding the best option for the future cycle link to Chichester. On the matter of existing cycle routes, Mr Bleakley responded that he was aware of the options and that this was the reason for recommending that a decision was not taken at the current time. The delivery of the alternative route along the side of the A27 could not be guaranteed and, therefore, it would not be apposite to agree this as the most appropriate or correct option, at this time. Mr Bleakley advised that agreement should be given to accept the contribution offered by the applicant and a further decision made quickly to help inform the best way forward. On the matter of the speed of the spine road and Malcolm Road, Mr Bleakley explained that he did not currently have the detail, but the expectation was of 20mph and 30mph in various locations. With regards to the occupation of the first 300 houses and whether residents would have access to the cycleway, Mr Bleakley believed this would be the situation. He also drew Members' attention to Condition 7 which was a recommendation for a phasing plan. On the matter of the three metre bund to the north of the site, Mr Bleakley advised

that he did not consider that would have an adverse impact on the water courses, and that it had been specifically designed not to do so. On the suggestion of a 'car club', Mr Bleakley advised that was a detailed matter which was as yet unknown but reminded Members that there was recommendation for a condition for a Travel Plan to be required. Mr Bleakley confirmed that it was likely that some of the development would be carried out by house builders, other than the applicant. With regards to cycleways and the spine road, Mr Bleakley drew Members' attention to the proposed separate segregated cycle and footpath route proposed within the site from the north to the south which would be a footway and cycleway approximately four metres wide. Mr Bleakley added that with regards to the aspiration of an increase in cycling from 4% to 7%, there were a number of sustainable proposals for the site which would encourage the option to cycle.

Mr Oakley proposed a number of amendments to conditions and new conditions:

- A scheme of minor footway improvements were submitted, approved and implemented along the Tangmere Road, from Gamecock Terrace to Meadow Way
- That Condition 36 was added to, with regards eastwards and northwards cycle connectivity immediately adjacent to the east side of the south east crossing
- That an additional condition was included for the allotment car park access
- That the trigger point for Condition 35, the Church Lane footway was amended to include an allotment trigger (if that was first)
- Amendment to the Parameter Plans with regards to the planting and alignment of the foot/cycleway in the area west of Mannock Road and Campbell Road

Mr Whitty advised that it was not possible to amend Parameter Plans as already submitted, but agreed with Mr Oakley that it was not just the access but also the matter of principle which were being established. Parameter Plans provided an indication of where roads were likely to be built only. Mr Whitty suggested that with regards to Mr Oakley's final proposed amendment, that it was made clear through an informative that it was expected that the landscaping would extend further and that the segregated cycle access was aligned appropriately. Mr Whitty further added that it could be stated 'Notwithstanding the Parameter Plans' in relation to these matters.

With regards to reducing the timing for the future implementation of cycling infrastructure, Mr Bleakley confirmed he had recommended what he believed would be achievable but that it may be possible for this to be shorter than five to ten years. Mr Bleakley suggested that as this would form part of the Section 106 agreement, it would be further considered and the outcome could be reported to Mr Oakley and Mrs Sharp.

Mr Whitty responded that on the matter of Highways England being satisfied with the scheme, Mr Bleakley could ensure local Members were updated.

In a vote Members agreed the application.

Recommendation to **Permit** agreed, subject to Highways England withdrawing its holding objection following an agreed approach to the access proposals for the A27 Temple Bar junction, defer for section 106, based on the general Heads of Terms set out in section 8 of this report.

Members took a ten minute break.

20 **O/20/02471/FUL Land at the Corner Of Oving Road, and A27, Chichester, West Sussex**

Mr Bushell presented the item to Members and clarified that the proposal was for an additional 43 dwellings to the 100 currently permitted. Mr Bushell drew Members' attention to the Agenda Update Sheet which included the deletion of the provision of an off-site pedestrian/cycleway link to Oving Road from the anticipated Section 106 agreement Heads of Terms, which would now be secured by condition only. There was also an amendment to Condition 17 to require the developer before the commencement of the development to enter into a Section 278 Agreement with West Sussex County Council to secure the off-site pedestrian/cycleway link to Oving Road.

The Committee received the following Speaker:

Mr Craig Burden – Agent

Officers responded to Members' comments and questions:

With regards to design, Mr Bushell explained that currently there was a permission granted on the site for a hundred dwellings and the design of the additional 43 dwellings would follow the approved scheme. On the matter of the north-west pedestrian/cycleway link, the majority of the three metre wide path would be on Highways England land, but there would also be some adjustments to the surrounding road network, principally associated with the Oving Road traffic light junction, hence the necessity for the involvement of the County Council. Mr Bushell added that at Condition 17 there was a requirement for consultation with Highways England. In relation to the emergency access at Condition 30, Mr Bushell explained that in an earlier iteration of the drawings there had been an acoustic fence shown across the frontage of Oving Road which had now been removed to ensure unobstructed access for emergency vehicles and the condition would be amended to indicate this requirement. With regards to internal roads, they would be built to adoptable standards, with a standard clause in the Section 106 regarding private roads and those for adoption, to ensure County Council had some control. Dog and litter bins would be looked at further, could be included in the landscape condition and would be managed by the estate management company. On the matter of foul drainage, Mr Bushell explained that there was a signed deed of easement between Redrow, Cala Homes, and Hanbury Properties who were the landowners at

Shopwhyke Lakes to allow Redrow to discharge foul water from up to 143 dwellings to the Cala Homes pumping station on the Shopwhyke Lakes site which had sufficient capacity for both developments. This was under the supervision of Southern Water, which would also be responsible as the statutory undertaker for foul water disposal between the Cala Homes pumping station and Tangmere pumping station.

On the matter of the clustering of a line of affordable housing on the eastern side of the site, Mr Bushell confirmed this had previously been approved for the 100 dwellings. This pattern was repeated on the western side, but the line was sufficiently broken with gaps, a mix of affordable and market properties, roads and parking, to ensure it was not a continuous line of affordable housing and it was therefore considered acceptable in terms of the pepper-potting approach.

Mr Bushell confirmed that an agreement was in place with the two major house-builders (Redrow and Cala), the Shopwhyke Lakes land owner (Hanbury Properties) and Southern Water to ensure that the capacity of the Cala Homes pumping station was not exceeded and due to the long lead-in period in terms of occupations of dwellings there was sufficient time for the installation of the necessary foul drainage infrastructure to service the proposed development. Mr Bushell reminded the Committee that it was the responsibility of the statutory undertaker to determine the correct level of infrastructure to dispose of the waste.

With regards to the bus services, Mr Bushell responded that on the Shopwhyke Lakes spine road there was a bus service with associated bus stops which provided a more frequent service than the Compass bus service on Oving Road but it was difficult to establish new services in advance of dwellings being occupied as the bus companies were reluctant to create a provision without an understanding of the demand. The County Council as part of the Section 106 agreement required a contribution for bus stops and real time passenger information. On the matter of landscaping, Mr Bushell confirmed that the applicant's fall-back position was for the hundred permitted dwellings, but as part of this scheme the five metre landscape buffer would be re-imposed including protection of the hedgerow adjacent to the A27. The details of the acoustic fence would be required by condition including planting to soften its appearance and Mr Bushell advised that the Council's Environmental Health officers confirmed that subject to the usual requirements regarding fabric and glazing for buildings within a higher noise level environment, the site provided an acceptable living environment.

With regards to noise from the A27, Mr Bushell confirmed a detailed report had been submitted by the applicant, providing details of the glazing for the windows which would potentially have trickle vents or mechanical ventilation. Mr Bushell added that a balance was required between providing new housing and ensuring suitable amenity and an appropriate living environment, which he considered had been met. In addition to the three storey block of affordable housing flats located on the west boundary there would also be a further block of market flats to the north which was closer to the A27.

On the suggestion of a bund to part screen the acoustic fence, Mr Bushell concurred that the difficulty was utilising the area where the Sustainable Drainage System was located, as there could be an implication for surface water drainage. Mr Bushell

assured the Committee that the details of the acoustic fence would be carefully considered for function and appearance. Mr Bushell confirmed the potential for a bund could be explored with applicant.

Miss Golding explained that discussions had been taking place regarding a revocation order for the hundred dwellings permission, as there was the potential for two planning applications to be in place which would then allow the applicant to adhere to different conditions from each of the permissions, which the Council would wish to avoid. Miss Golding advised therefore it may be necessary to amend the recommendation to defer for a revocation order, and a Section 106 and then permit. Mr Bushell responded that the applicant's wish was to implement the new application should it be permitted rather than the permission for the hundred dwellings. Mr Bushell suggested that this matter could be dealt with by the wording of the Section 106 agreement stating that at the commencement of the 44th dwelling the applicant would need to decide whether to continue with the hundred dwellings scheme or implement the 143 dwelling scheme currently being considered by the Committee, which would avoid an overlap. This could further be discussed outside the Committee meeting. Miss Golding responded that it would be preferable to defer for a revocation order and leave this open by stating 'if appropriate' in the resolution and confirmed that there would be a clause to reflect this in the Section 106 agreement.

With regards to gas contamination, Mr Bushell confirmed that as part of the discharge of the pre-commencement conditions for the hundred dwelling scheme, the applicant had provided information in respect of gas contamination. The Environmental officer had re-imposed the relevant condition for the proposed extra 43 dwellings as a standard safeguard.

Mr Bushell confirmed that with regards to Condition 8, the 'commencement' of development would be defined in the Section 106 with the construction of the 44th dwelling as the trigger point. On the matter of the surface water swales, Mr Bushell responded that he believed they would not be lined which therefore would permit potential planting on the sloping embankment and there may be the possibility of moving the swales slightly to the east to allow for planting a tree line adjacent to the acoustic fence. Mr Bushell further advised that the detail of the acoustic fence was yet to be submitted and it may for example be a green wall. With regards to Condition 17, Redrow were working with Cala Homes on the Section 278 agreement for the north-west link, a consultant had been jointly appointed and a small amendment to the Section 278 drawing to accommodate the link would be submitted to the County Council as the most appropriate authority, with Highways England also having an input as to their requirements. On the matter of the onward movement of foul water from the Cala Homes pumping station, Mr Bushell reiterated that this was the responsibility of Southern Water.

On the matter of the position of the settlement boundary, Mr Bushell confirmed reference to the Local Plan review under draft policy AL3 which showed the settlement boundary for Chichester being revised to include the site. With regards to the bus patterns, Mr Bushell advised that these were more relevant to the Shopwhyke Lakes site as had been agreed. Mr Bushell confirmed that traffic emerging from the site would only be able to travel east towards Tangmere Road or

divert through Shopwhyke Lakes on the spine road and then enter the A27, and only buses would be permitted to use the Oving Road/A27 junction. There would be onward connectivity for pedestrians and cyclists over the new bridge to be constructed over the A27 and the toucan crossing on the A27 would remain.

In a vote Members agreed the application.

Recommendation to **Permit** to defer for a revocation order if appropriate, and a Section 106 agreement, agreed.

Members took a five minute break

21 **BI/20/02899/FUL Houseboat Water Gypsy, Chichester Marina, Birdham, Chichester, West Sussex**

Mr Price presented the item to Members and drew Members' attention to the Agenda Update Sheet, which confirmed the recommendation to 'permit'.

The Committee received the following speakers:

Graham Campbell – Parish Council

Jonathan Hogan – Agent

Officers responded to Members' comment and questions:

With regards to the character of the Area of Outstanding Beauty (AONB) Mr Mew responded that the presentation had shown a number of other examples of houseboats, some more traditional and some more contemporary, and Chichester Harbour Conservancy had not objected. Mr Mew also confirmed that the application was for a replacement houseboat and therefore the requirement for nitrate mitigation did not apply.

In relation to the Birdham Neighbourhood Plan, Mr Mew explained that policy 1 referred to heritage assets and their setting which identified the canal and lock as a heritage asset. The policy referred to support for the continued presence of houseboats, and that any development must conserve or enhance the heritage asset of the parish. Mr Whitty added the photographs exhibited in the presentation showed the range of similar developments, and therefore it would be difficult to make the argument that this development was not in character or in keeping with what was already in existence.

In regards to the utilities, Mr Mew confirmed that a specification document had been submitted with the application which was conditioned, and utilities were accessed via a utilities pole. Mr Mew also confirmed that the plans showed a walkway to the canal side which would be fixed to the boat. On the matter of use of the land adjacent to the houseboat for any structure, this would require a separate planning application.

Mr Mew advised that the dimension of the proposed houseboat was 14 metres in length, by 4.3 metres in width, and 3.77 metres tall. The previous houseboat at this mooring was granted permission in 2013, and was 15 metres in length, and

therefore longer, but more narrow, less tall, and was more traditional in appearance. Mr Mew added that policy 5 of the Neighbourhood Plan in terms of light pollution did carry weight and was in the AONB, but the Chichester Harbour Conservancy had not raised an objection. The rear of the houseboat, at the position of a balcony above water level, had glazing across the width of the boat with an over-hang, which would assist to mitigate light spillage upwards and glazing on the sides of the houseboat was limited. Mr Mew also confirmed that there would be sufficient width across the canal for another boat to pass the proposed development.

Mr Whitty advised that Birdham Neighbourhood Plan was not specific in terms of setting any design code, it just sought to preserve and enhance the AONB. Design was subjective, and there was an existing eclectic mix, it was stated in an AONB that the local authority should not be subjecting personal views on design, and it should be only a matter of whether a development was in character and in keeping.

Mr Barrett proposed that the application was refused on the grounds that it does not enhance the environment within the AONB, contrary to policies 1 and 5 of the Birdham Neighbourhood Plan, which was seconded by Rev Bowden.

In a vote Members agreed the proposal to refuse the application.

Recommendation to **refuse** the application, against officer recommendation.

22 **Exclusion of the Press and Public**

There were no part two items.

23 **Consideration of any late items as follows:**

There were no late items.

The meeting ended at 1.33 am

CHAIRMAN

Date: