



Minutes of the meeting of the **Cabinet** held in Committee Room 1 - East Pallant House, Chichester on Wednesday, 11 February 2015 at 10.30 am

Members Present: Mrs H P Caird (Chairman), Mrs E P Lintill (Vice-Chairman), Mr M A Cullen, Mr J C P Connor, Mr A P Dignum, Mrs L C Purnell and Mr J J L T Ransley

Members not present:

In attendance by invitation:

Officers present all items: Mrs D Shepherd (Chief Executive), Mr S Carvell (Executive Director), Mr P E Over (Executive Director), Mr J Ward (Head of Finance and Governance Services), Mr D Stewart (Deputy Monitoring Officer) and Mr P Coleman (Member Services Manager)

722 Minutes

RESOLVED

That the minutes of the meeting of the Cabinet held on 3 February 2015 be signed as a correct record.

723 Urgent Items

There were no urgent items for consideration at this meeting.

724 Declarations of Interests

No interests were declared at this meeting.

725 Public Question Time

Mrs Lynne Friel, Chairman, Westhampnett Road and Church Road Residents' Association asked the following question:

"Given that CDC's own Planning Committee effectively threw out the existing Portfield planning application last month, how can the Cabinet morally and responsibly do anything other than set the old application aside and submit a new one?"

Mr Ransley (Cabinet Member for Support Services) replied to Mrs Friel's question.

The full texts of Mrs Friel's question and supporting statement and Mr Ransley's reply are appended to these minutes.

Mrs Friel thanked Mr Ransley for his response and asked, as a supplementary question, whether the Cabinet considered that obtaining best value for land meant getting the maximum amount of money for it and investing that for the public benefit, whereas the report before them stated that best value was not just about the money.

The Chairman replied that this would be addressed in the debate on the next item.

726 **Land at Church Road, Chichester**

The Cabinet considered the report and appendices circulated with the agenda (copies, except Appendix 3, attached to the official minutes). The Chairman explained that the Cabinet would be considering this matter from the standpoint of landowner and would not discuss the planning merits of the proposals. She added that Appendix 3 – Financial Information was not for publication because it included information which was considered to be exempt under Paragraph 3 of Schedule 12A of the Local Government Act 1972. However, she expected that the Cabinet would debate the item in the presence of the press and public, who would be excluded only if the Cabinet felt it necessary to discuss in detail the information in Appendix 3.

Mr Ransley introduced the report, explaining that the land at Church Road, commonly known as the former Portfield Football ground, consisted of about 1.5 hectares of freehold land owned by the Council, designated for residential development and benefiting from an outline planning consent for 80 housing units, 40 in number or 50% of which were to be affordable dwellings.

Other areas of the site were set aside for an extension of the Portfield cemetery (0.4 hectares), and the proposals included dealing with access issues in Church Road and provision of a new roundabout on Westhampnett Road. The development of the site would, therefore, deliver a number of beneficial objectives of the Council and potentially return to reserves £2m funding already expended by the Council in building a new clubhouse and other facilities for Chichester City United Football Club at Oaklands Park. In consideration of these matters the site had been scheduled for disposal by the Executive Board in November 2003.

Outline permission had been granted in July 2010 for the residential development and, as this expires in July 2015, either an extension of that consent was required or other options need to be decided upon. An application to extend the existing consent in January had been withdrawn.

Given the above and that the Council had authorised the site for disposal, had included a value in its capital reserves, and was required to achieve best value, as well as support the delivery of much needed affordable and market housing, a number of options were set out in the report to determine a way forward as well as approve associated funding together with a recommendation.

Having reviewed the options and the consented scheme in detail and sought officers' advice, it appeared to him that, whilst the current consent complied with all applicable past and current policy, WSCC Highways had changed the basis of calculating parking provision on residential sites since 2010. Whilst the current

parking provision in the consented scheme did comply, some might consider it appropriate to increase such provision, if possible, without having to submit a completely new application.

If the Cabinet felt that to be appropriate, a further option would be to submit an application for an extension of time of the consented scheme, together with an optional layout plan indicating an increased number of car parking spaces. The Planning Committee could then approve or reject the application for an extension or permit an extension conditional on the additional car parking being provided as detailed on the optional layout plan. Mr Ransley stated that he understood that it was normal planning procedure in renewal or extension applications to update the approved information in accordance with any relevant change of circumstance and, with officers' support, he proposed such option as an addendum to the proposals in the report for the Cabinet's consideration.

He referred also to option d) in paragraph 6.1 of the report, that a new application be prepared and submitted with a lower density and higher parking standards. In his view, a scheme with a reduction in density and higher parking standards would not be compliant with the Council's processes and would open the Council to criticism. He, therefore, asked the Cabinet to set aside the reference to lower density and higher parking standards. Nevertheless, he felt that the option of a fresh application did have some merit as it would allow for a new scheme reflecting current design criteria of market housing to be considered together with a review of the percentage and type of affordable units to be included. The costs for a fresh application would be similar to option b), albeit that it might result in some delay in marketing the site.

Mr Legood (Valuation and Estates Manager) confirmed that Mr Ransley had explained the issues clearly. The Estates Team had been seeking to sell the site for a long time, and regarded obtaining planning permission as part of the process for selling. A developer was unlikely to follow any planning permission obtained by the Council, but it was important to have a planning permission in order to reduce the risk to the developer and to establish a value for the site.

In debate, Cabinet members emphasised the need for affordable housing in Chichester, that the existing planning permission provided for 50% affordable housing, which was considerably higher than the norm on land allocated for housing, and that the site was in the built-up area of Chichester, rather than greenfield land. They also pointed out that the Council had anticipated the capital receipt from this site in spending £2m on providing facilities for the Chichester United Football Club in Oakland Park and in works in Florence Park. Mr Ransley also drew attention to the retention of land for the proposed public benefits of an extension to the Church Road cemetery and addressing parking problems in Church Road.

Mr Dignum proposed, with Mr Ransley's support, that the Cabinet should proceed with options (a) and (c) as set out in paragraph 6.1 of the report, with option (d) to be pursued only if these options failed. Mrs Purnell and Mrs Lintill supported this proposal, coupled with option (e).

At the Chairman's invitation Mr Cox (ward member for Chichester East) addressed the Cabinet. Mr Cox commented that the fact that this was only the second time he had ever asked to address the Cabinet demonstrated the importance he attached to this matter. He acknowledged the need for housing, but pointed out that in recent years around 1,000 new homes had been built or granted planning permission in the east of Chichester and Westhampnett. The population arising from these homes would use Westhampnett Road to travel into Chichester, and all the options in the report implied the provision of a fifth roundabout on the Westhampnett Road route in the space of half a mile. This site contributed only about 5% of the planned affordable housing in the area. Whilst acknowledging that the cost of funding the football facilities in Oaklands Park was a legitimate charge on freeing up the Portfield site, he felt that the restoration of Florence Park following the discovery of contaminated land was a statutory duty of the Council, which should be met from reserves. He suggested that the Cabinet should choose option (d) in paragraph 6.1 of the report and submit a fresh outline application that addressed the concerns of the Planning Committee. However, recognising that this was a strong step, he suggested a possible compromise would be to submit an application for reserved matters (option (b)) and amend the outline permission to meet the objections that had been made. In support of option (d) he suggested it would not be necessary to re-commission full traffic and ecological studies, but he advocated strongly that amelioration of ecological concerns should be by the creation of wildlife corridors on-site or in the immediate vicinity, and not elsewhere in the City.

The Chairman advised Mr Cox that the roundabout on Westhampnett Road was a planning matter for consideration by the local planning and highways authorities, not the Cabinet. Mr Carvell advised that an application for approval of reserved matters would have to be within the terms of the outline permission and could not change the substance of it.

Mr Ransley thanked Mr Cox for the benefit of his local knowledge, and emphasised the need for affordable housing for people employed in the City.

RESOLVED

- (1) That options (a) (Resubmit the Extension of Time application to the Planning Committee) and (c) (Market the site now with the benefit of the remaining life of the outline permission) incorporating (e) (Pursue an off the market disposal), as detailed in paragraph 6.1 of the report, be proceeded with.
- (2) That, in the Cabinet's opinion, the above decision is urgent because any delay would be likely to seriously prejudice the council's and the public's interests, and should not, therefore, be subject to call-in. (The Chairman of the Council's consent had been obtained that the decision is reasonable in all the circumstances and that it should be treated as a matter of urgency).

727 Exclusion of the Press and Public

The press and public were not excluded for any part of the meeting.

APPENDIX

QUESTION TO CABINET, 11 FEBRUARY 2015

Lynne Friel, Chairman, Westhampnett Road and Church Roach Residents' Association

My question is: given that CDC's own Planning Committee effectively threw out the existing Portfield planning application last month, how can the Cabinet morally and responsibly do anything other than set the old application aside and submit a new one?

The outline planning application which has triggered this meeting was originally passed in 2009 on the casting vote of the Chairman. Last month Chichester District Council, as landowners, asked for that permission to be extended and the Planning Committee rejected an extension overwhelmingly by ten votes to two as they considered that "the development would provide inadequate parking... resulting in overspill onto other roads" (to quote from minutes). The minutes don't mention that they were also concerned about traffic, housing density and the environment.

This Council is not like any other landowner. The land you hold is public property, held on behalf of the citizens of Chichester. We rely on you, our district councillors to represent us, and you have a responsibility to the people who elected you to behave in a moral and upright way. You should be setting an example to other landowners - quote Cllr Dunton 'we (ie CDC) could stop being so greedy like any other developer and have fewer houses and more space'. This application is not just about getting the maximum money for the Council but about building homes that our children and grandchildren will be pleased to live in. And they need to be in roads that do not have cars parked all over the pavements – as is happening in developments with similar parking provision to the north of the city. The planning committee effectively asked you to come back with less houses and more parking – as a responsible landowner you should be listening to them.

Planning applications have time limits for very obvious reasons and on this occasion there have been a number of key changes since 2009 which you, as landowner, should be considering. There is already overspill parking in Church Road, largely from John Lewis which did not exist when the application was originally passed. The grass verges near the proposed development are now permanent mud. Any of you attending the Holocaust Memorial Service in Chichester Cemetery will have seen for yourselves the parking pressure on what is effectively the nearest Chichester has to a country lane. The planning committee could not change your application – it was just an extension – so they rejected it by ten to two largely because of the very high density and totally inadequate amount of parking and sent a very clear message back to you, the landowner.

After more than five years since this application was heard it is right that the landowner should listen to the planning authority and that the Portfield scheme should go back to the drawing board. The Officers' Report said that new reports on traffic, ecology and other assessments would have to be done and it would take a little time – and it is right that they should be done. This planning application may

have scraped through in 2009 but it's not good enough for 2015 and you, as landowner, have been told so by the planning committee. As a responsible landowner you should be listening.

If you accept the recommendation of the officers then you will be spending £80,000 of public money to rush to complete a flawed application before the July expiry date – that is morally indefensible. Other landowners might do this but you are not like other landowners and if you go down this route it seems to me that you would be circumventing the democratic process and undermining democracy itself in Chichester.

Of course there is a need for more houses and Portfield will deliver much needed affordable houses. Of course the Council needs more money, especially in these financially difficult times but there is a balance to be struck here. As a landowner you have been sent a message by the planning committee that this application is not acceptable. There may be a legal way of circumventing it, but that does not make it right. We look to our democratic representatives to set a good example to other landowners by seeking to improve, rather than degrade, our local environment.

**ANSWER TO PUBLIC QUESTION FROM MRS FRIEL BY MR RANSLEY,
CABINET MEMBER FOR SUPPORT SERVICES**

Mrs. Friel, I thank you for your question which raises some interesting issues relating to our democratic processes. By clarifying these I believe I will also answer your more preeminent query as to how cabinet can consider all the options relating to this parcel of development land.

Firstly, it is not the role of Cabinet to comment on the applications determined by the members of the planning committee nor their opinions in reaching their conclusion as such actions by Cabinet could be seen as an Executive group seeking to influence the independence of Planning Committee members to act as they see appropriate.

Secondly, this Council has a duty to act in a manner like any other landowner, I believe that is proper and correct and provides for transparency of process as well as assure all stakeholders, including all of the district's residents, that the Council is seeking to deliver best value for the wider benefit of all. Further as a landowner we, like any other landowner, are required to take account of national, regional and importantly local planning policy. A review of the details of the consented scheme of 2009 will confirm that those proposals are still compliant with all relevant policy in 2015.

You express a view that the application was not an appropriate one. You are entitled to such a view. However views as to what are appropriate standards for homes that our children and grandchildren will be pleased to live in are, in my experience, varied and subjective based on social, environmental or financial circumstance. This is one of the reasons why we have a Planning system and other democratic processes to ensure that all views and considerations are fairly represented.

The Council has the democratic means to establish housing standards and other exceptional requirements it applies to its estate for disposal or otherwise, but these again have to be determined by a democratic process of majority consent that balances individual or minority group aspirations or interpretations of moral norms with wider needs and aspirations. In this respect it should be noted that the Council's own housing experts support the scheme.

We are agreed that there is a need for more housing in the city and especially affordable units, which constitute 50% of the units on this site. Whilst this Council, is not as financially stressed as some, it is aiming to recover approximately £2m of reserves already invested in the re-provision of local sporting and leisure facilities (Florence Rd and Oaklands Park), whilst at the same time providing land for an extension of the adjoining Portfield Cemetery. The scheme also addresses some of the road and access issues in Church and Westhampnett Roads and would deliver a considerable improvement to the local environment around the River Lavant. For all these reasons I consider the options before this Cabinet as appropriate.

The Council has therefore resolved to dispose of the majority of the land which comprised the former Portfield Football Ground. In doing it must bear in mind the need to obtain best value in disposing of the land

Best value might not be obtained if the Council were to simply offer the land for sale. A planning permission provides certainty to a purchaser that the land can be developed in a particular way. Without that certainty the Council is unlikely to achieve a contractual commitment from the purchaser or if it does it would be at a significantly reduced value that reflects the risk perceived by the developer.

The planning permission now being sought is part of the sale process. It is most unlikely to be the form of development that is actually built. Most housing developers have their own brand of housing development and are likely to seek a new planning permission to suit their particular brand of development. As part of the planning process the purchaser will seek to maximise the potential of the site and if the Council has not done that the purchaser will make an additional profit by enhancing the planning permission.

With regard to specific points that have been referred to in the question I would also make the following comments.

1. In seeking best value the Council is already doing more than just seeking the highest price for the land in the ways I have described previously. Any receipt received will be used for community benefit as well as the extensive leisure provision already in place that I have also described above.

2. The reports that were identified as requiring updating were those for air quality and environmental matters. Those reports were updated and submitted with the recent extension application.

3. A consultant was appointed to advise the Council in this matter in 1999 and it has already taken 15 years to progress to the point where we would have been in a position to market the land if the planning committee had approved the application in

January. The prospect of going right back through the planning process with a new application and extending this time scale even further is very unattractive to the Council as landowner and vendor. The site has the benefit of a planning permission and any applicant has the ability to formalise that by asking the planning committee to consider the reserved matters.

The Council understands the points you make which will be taken into account in the debate today alongside the likely impact on value.

The meeting ended at 11.12 am

CHAIRMAN

Date: