



Chichester City Council

PLANNING AND CONSERVATION COMMITTEE

Minutes

Date 2 March 2023

Time 2.00pm – 4.08pm

Location The Council Chamber - The Council House • North Street • CHICHESTER • West Sussex • PO19 1LQ

PRESENT: Councillor Quail (Chairman), Councillor Gershater (Vice-Chairman), Councillor Corfield, Councillor Gaskin

EX-OFFICIO: The Deputy Mayor (Councillor Plowman) and Councillors Apel and Sciclunna

ALSO IN ATTENDANCE: Planning Adviser, Member Services Support Officer, West Sussex County Councillor Simon Oakley, Mrs Jane Langford – RADAR – Residents Around the Duke and Rye (for planning application CC/22/03201/LBC) and 19 members of the public

IN ATTENDANCE VIA ZOOM: Alan Lewis (Associate Director, PJA Traffic Consultants), a member of the public

129. APOLOGIES FOR ABSENCE

RESOLVED to accept and approve apologies and reasons for absence from the meeting from the Mayor (Councillor Joy).

130. DECLARATIONS OF INTEREST BY MEMBERS OF THE COMMITTEE IN MATTERS ON THE AGENDA FOR THIS MEETING

Councillor Quail declared a prejudicial interest as Chairman of Westgate Residents Association.

The Deputy Mayor and Councillor Apel declared an interest as Members of Chichester District Council.

The Deputy Mayor and Councillor Scicluna declared an interest as members of the Chichester Conservation Area Advisory Committee.

131. MINUTES OF THE PLANNING AND CONSERVATION COMMITTEE MEETING HELD ON 2 FEBRUARY 2023

Councillor Gershater asked that it be noted that he had submitted apologies for the meeting held on 2 February 2023.

RESOLVED that the minutes of the Planning and Conservation Committee meeting held on 2 February 2023, having been circulated, be approved and signed as a correct record further to the correction noted by Councillor Gershater.

132. **WHITEHOUSE FARM AND THE SOUTHERN ACCESS ROUTE (SAR)**

The Chairman, Councillor Quail, recused herself from the discussion due to her declared prejudicial interest as Chairman of the Westgate Residents Association.

The Vice-Chairman, Councillor Gershater, took the chair for this item only.

Alan Lewis of PJA presented his second report for the City Council in relation to the Southern Access Route (SAR) proposed under application 22/01485/OUTEIA.

Members were reminded that the first report had been submitted to Chichester District Council in December 2022 as a representation on the application and that the report had raised concerns over the quality of the applicant's base traffic data, which was from 2014.

Members were further reminded that the applicants had used a survey based around Westgate to provide an indication of how traffic flows had changed in recent years.

Mr Lewis advised that PJA had looked at this and other surveys and, whilst it had been shown that flows had changed very little, it was the opinion of PJA that forecasts based on this survey alone would be unreliable as there was a network capacity constraint nearby.

He also advised that if the capacity constraints were the A27 Fishbourne Roundabout or A259/Cathedral Way (College) Roundabout, this may be mitigated by the UK Government's Road Investment Strategy, RIS2, or Local Plan improvements resulting in a change in conditions.

Members were informed that two versions of the new report had been produced, providing further commentary on the applicant's data, including that submitted to the District Council by the applicant since PJA's last report had been completed.

They were also informed that Version B of the report included assessment of the Paul Wreyford option, as requested by Members for their information; this option having been discounted by the applicant and therefore not under consideration at present.

Mr Lewis reported that PJA had concluded that this option did not represent a significant improvement over the proposed SAR junction option and that it may also have capacity issues. He confirmed that Version A of the report had been provided in case Members wished to submit it to the District Council as a more focussed representation, omitting the Paul Wreyford option which would be irrelevant to them.

The Committee were advised that the new report concluded that traffic growth locally had remained fairly flat over the last decade and that, post-pandemic, traffic was likely to have reduced.

They were further advised that, although doubt had been cast over the applicant's 2014 baseline, any new traffic surveys, should the applicant carry them out, would be unlikely to show any significant increase compared to the applicant's current baseline traffic assumptions.

Mr Lewis also noted that, as the network had been operating at or above capacity a reduction in traffic flows would be likely to lead to a contraction of peak spreading (less traffic travelling before/after the peak hours).

Members were informed that the applicant's forecast traffic levels remained questionable since they had been based on the assumption of a successful reduction in car use through the uptake of alternative transport (public transport, cycling,

walking), or active travel. They were also informed that, as Westgate was a mixed traffic route, and the proposed development and SAR would increase traffic on that route, the number/proportion of people walking/cycling would be more likely to go down, casting more doubt over the traffic forecasts.

Mr Lewis noted that the applicant's reports acknowledged that the existing highway network was at or approaching capacity in a number of places and that PJA had highlighted that this had contributed to "peak spreading", where the rush hour traffic was distributed over a wider period, and therefore the junction assessments did not consider the build-up of queues and congestion before the peak hours such that the applicant's traffic forecasts and assessments could be seen to be optimistic and prove to be inaccurate.

Members were advised that the applicant's consultants had adopted the 'Decide & Provide' approach to forecast traffic flows. Mr Lewis explained that to do this properly a range of forecast scenarios should have been presented, identifying possible interventions to reflect the certainty of different things being delivered.

He also explained that, as there was considerable uncertainty related to the improvements to A27/Fishbourne Roundabout (RIS2) and A259/Cathedral Way (College) Roundabout (as identified in the Local Plan evidence) the PJA report presented two options that should accommodate the proposed SAR to support active travel whilst delivering adequate capacity (shown as Fig 15 in version A/ Fig 16 in version B).

The Committee were informed that, once updated surveys and new forecasts had been completed, these arrangements should be considered by the applicants, the District Council and the relevant Highway Authorities.

They were also informed that, as active travel was critical to the success of the developer's traffic forecasts, the introduction of modal filters on Westgate, identified in West Sussex County Council's Local Cycling and Walking Infrastructure Plan (LCWIP), was inexorably linked to any traffic forecasts and junction improvement plans.

Members were further advised that such an arrangement would be reliant on a Traffic Regulation Order which itself had to be consulted upon and would affect forecast traffic flows adding more uncertainty.

Mr Lewis explained that National Highways had indicated that they would be unlikely to object to the scheme and that they would be satisfied with the proposal on a "monitor and manage" basis. He also explained that this would mean that the developer would be expected to set aside funds to an agreed ceiling as a proportionate contribution towards improvements to the A27 as well as a contribution to deliver works to Westgate, inclusive of the SAR junction.

Members were advised that the National Planning Policy Framework (NPPF) remained clear that developments should only be refused if proposals were unsafe or the residual traffic effects were severe (paragraph 111 of [NPPF](#)).

Members were further advised that the District Council would be unlikely to refuse the current proposal on highways grounds unless they were supported in doing so by National Highways or the County Council. Mr Lewis noted that refusing the application on highways grounds without such support would be likely to result in an inspector allowing the development on appeal and potentially awarding making an award of costs to the applicant for the District Council's unreasonable behaviour during the decision making process.

He further noted that there did not appear to be such support from either National Highways or West Sussex County Council at the present time and, although PJA's report questioned the applicant's data and conclusions, there was currently insufficient evidence to demonstrate conditions would be severe.

Members were further advised, however, that the applicant would likely be making similar judgements regarding appeal success, meaning that the City Council would have an opportunity to persuade the applicants and the planning and highway authorities to engage in further negotiation and improvement of the proposal, including consulting on options for a modal filter (Traffic Regulation Order) on Westgate.

Members were asked if they wished to submit either Version A or Version B of the report to the District Council as a further planning representation on the application.

After further debate it was AGREED that the decision should be deferred to a future meeting pending additional engagement with members of the public on the subject.

133. APPLICATIONS FOR PLANNING PERMISSION

a) **CC/22/03201/LBC**

Case Officer: Rebecca Perris

Duke And Rye, St Peters Market, West Street, Chichester

Replacement of broken/missing glass within leaded light windows; proposed DOFF cleaning technique for external stonework; replacement of external stonework and partial replacement of timber dance floor.

The Committee heard from Mrs Jane Langford, representing RADAR (Residents Around the Duke and Rye), who asked that the City Council raise an objection to the works outlined in the Listed Building Consent application being discussed.

No objection in principle to the repairs, subject to the comments of the conservation officer on the details of the proposed repairs, including the materials and finishes.

It is noted that residents have raised concerns over the use of the building, including possible breaches of licensing and planning control in respect of the noise and hours of use which is causing disturbance to residents, the use of the dance floor and the concern that an unauthorised material change of use from a pub to a nightclub may have occurred. It is requested that these concerns be passed to the planning enforcement team, the licensing team and the environmental health team to investigate.

It is also requested that the conservation officer be asked to provide detailed advice to the applicant about whether and how the use of the building may have an ongoing impact on the fabric of the listed building, and how to avoid or minimise any risks of damage. For example, whether vibrations from the sound system and/or the dance floor are likely to loosen glass in the leaded light windows, and what the technical solution would be if this is the case. Engineered sound and vibration mitigation systems have been designed for other buildings with similar noise & vibration issues, perhaps a similar solution for the Duke and Rye could be investigated.

b) **CC/22/03028/FUL**

Case officer: Rebecca Perris

Xavier House, Old Broyle Road, Lavant West Sussex

Demolition of existing two storey dwelling and replacement with a new detached dwelling, with detached covered hydrotherapy pool and equipment storage.

No objection in principle, however, it is requested that materials and finishes be negotiated to ensure a high quality appearance in keeping with the character of the surrounding development. It is noted that whilst grey timber cladding and slate roof tiling are proposed, the surrounding dwellings predominantly feature red brick and clay tiles. Some reference to the attractive arts and craft character of the existing building, the loss of which is unfortunate, would have been of benefit to the new design.

134. **20MPH DEFAULT SPEED LIMIT WORKING GROUP**

Cllr Corfield advised that the deadline for submission of the application to WSCC would be the end of July 2023 which, if the submission was successful, would result in funding and implementation in 2024/25 or 2025/26. She further advised that if the deadline was missed, the project would be delayed by a full year.

Members were reminded that, following approval by Full Council on 22 February 2023, a working group would be set up soon which would aim to progress quickly with educating and consulting with the public on the proposals and the benefits of the scheme.

It was noted that, due to staff vacancies, availability of administrative support would likely be challenging which could have a knock on effect on the progress of the project.

Following comments from Councillor Gershater, Members discussed the implications of the project for the new administration that would come in before the submission of the application and whether they would continue with the project or decide on a change of direction.

135. **LOCAL PLAN UPDATE**

The Deputy Mayor advised that a number of comments had already been received by Chichester District Council on the Regulation 19 consultation regarding the Local Plan. He reminded Members that the consultation would be running until 17 March 2023.

He further advised that many of the comments had been made about the policies within the Local Plan, a matter covered by the previous "Regulation 18" consultation, rather than the substantive matters of soundness and legal conformity, which form the purpose of the current Regulation 19 consultation.

The Deputy Mayor also expressed the opinion this was likely a result of the length of time that had elapsed between the two consultations.

In response to comments by Councillor Apel about perceived gaps in the policy coverage, the Deputy Mayor highlighted concerns with proposals regarding Chichester Harbour and also waste management in the District.

136. **NEIGHBOURHOOD PLAN UPDATE**

The Chairman summarised an update report from the Chairman of the Neighbourhood Plan Working Group, Ash Pal, and highlighted three requests that had been made:

1. Due to the complexity of the Chichester Neighbourhood Plan work, a deeper discussion is required on how the Chichester Neighbourhood Plan will integrate to the City Council strategy work, other major strategic topics such as the Chichester Local Plan and the City Council's role in providing input on housing numbers, and to revisit the project plan and budget.

2. The City Council has been asked to write to Chichester District Council about the Chichester Neighbourhood Plan and the role it can play alongside the Chichester Local Plan. Approval is sought to do this and to delegate authority to officers and the Chichester Neighbourhood Plan steering group to prepare and send this communication to District Council on behalf of the City Council.
3. The deadline for Chichester Local Plan consultation feedback is 17th March. We seek approval from the City Council to delegate authority to officers and the Chichester Neighbourhood Plan steering group to prepare consultation comment focused on the potential role of the Chichester Neighbourhood Plan within the local plan and to send this communication to the District Council.

The Chairman suggested that it was likely that a Special Meeting of the Planning and Conservation Committee, with a single item agenda would be called later in the month to discuss the requests that had been received.

In response to a question from Councillor Corfield about the link between the Local Plan and the Neighbourhood Plan, the Deputy Mayor advised that it was necessary for the latter to be guided by the Local Plan, particularly in respect of housing numbers.

Councillor Apel commented on the length of time it had taken for the previous Local Plan to be assessed and approved.

Councillor Gershater informed Members that he had been asked to join the Chichester Neighbourhood Plan Working Group, partly because of his background in handling data.

He expressed his concerns about the number of issues that were all occurring at the same time, including the Local Plan consultation, the development of the Neighbourhood Plan, the City Council Business Plan and the imminent changeover to a new Town Clerk; and agreed with the Chairman that a Special Meeting would help identify the current status of the Neighbourhood Plan work and requirements.

The Planning Adviser reminded Members that the deadline for the Local Plan consultation was the 17 March 2023 and that it was likely that the Special Meeting could not be called before that date. Consequently, request 3 (above) would be challenging, and may not be appropriate given the specific nature of a Regulation 19 consultation.

The Deputy Mayor reminded Members about the narrow focus of the Regulation 19 consultation.

After a short further debate, the following were agreed:

- i. In respect of request 1, it was RESOLVED that this matter would be discussed at the proposed Special Meeting of the Planning and Conservation Committee.
- ii. In respect of request 2, it was RESOLVED the Chichester Neighbourhood Plan Working Group be authorised to write to Chichester District Council with the following caveats:
 - a. that it is made clear that they represent the views of the Steering Group (rather than the City Council as a whole – although our views should be aligned, as they are part of our organisation).
 - b. that it is made clear that the Neighbourhood plan is at an early stage and that the current views of the Steering Group are subject to change as more consultation, evidence gathering and policy development takes place; and

- c. that the response focuses on Neighbourhood Plan and directly related matters only.
 - d. that the letter be sent to Planning Committee Members and approved by the Planning Chairman prior to being sent to Chichester District Council.
- iii. In respect of request 3, it was RESOLVED to defer a decision further to a request for more information regarding the nature of their proposed response given the specific nature of a regulation 19 consultation.

137. CITY CENTRE TASK FORCE UPDATE

The Deputy Mayor gave the Committee a brief update and advised Members that positive progress was being made with the task force and the area audits the volunteer groups were undertaking.

138. WESTGATE AUTOMATIC NUMBER PLATE RECOGNITION (ANPR)

The Chairman noted the link that had been given in the meeting agenda and advised Members that West Sussex County Council were applying for highway enforcement powers usually carried out by the police.

Councillor Gaskin asked about the use of ANPR in tandem with Low Traffic Networks and noted the difference of opinions that had been expressed where ANPR had been implemented in places such as Winchester and Oxford. She expressed the opinion that this should be taken in to account if such schemes were proposed for Chichester.

Councillor Corfield confirmed the Chairman's comments about the application by West Sussex County Council being for the transfer of powers from the police for the enforcement of traffic regulations. She also expressed her support for this transfer.

In response to a question from Councillor Corfield about why Westgate had been chosen as opposed to the whole of the city, the Chairman clarified that it had been suggested due to the particular problem of traffic using that road as a cut through.

She also noted that, despite the Via Ravenna being constructed to relieve the traffic numbers on Westgate, many drivers still chose to use Westgate as the shortest available route.

Councillor Corfield agreed that ANPR implementation could be useful in areas with particular issues but expressed the concern that it would be implemented in a piecemeal fashion rather than as a joined up roll out across the city.

Councillor Apel expressed the opinion that the ANPR issue had been raised further to concern about increased traffic volumes along Westgate, particularly in light of the Southern Access Route discussions and anticipated increased traffic from the Minerva Heights/Whitehouse Farm development.

The Member Services Support Officer clarified that the Westgate ANPR scheme had previously been discussed at Committee and that, separate to that, the link had been provided regarding the County Council's application for additional highway powers to highlight that they were seeking to implement such schemes.

In response to a question from the Deputy Mayor, West Sussex County Councillor Simon Oakley confirmed that the application by the County Council, if successful, would mean decisions about ANPR schemes could be made locally rather than having to apply to the Secretary of State.

The Planning Adviser, reading from the link that had been provided, confirmed that the application was seeking to authorise the County Council to enforce moving traffic penalties for offences such as: driving through a no entry sign, turning at a junction when instructed not to do so, entering yellow box junctions when the exit is not clear and entering areas where the vehicles were prohibited such as bus lanes.

Councillor Gershater expressed support for the ANPR schemes and for consideration of them to be included in the plans for the city going forward.

Councillor Gaskin raised concerns about the possibility that ANPR enforcement could be requested in areas to filter out drivers who were making legitimate use of the highway but where local opinion felt they should not be. She also queried who would be making the decision about who was and who was not allowed to use particular roads.

Members discussed the issues raised and agreed that there was a distinction between implementing traffic schemes, such as 20MPH and low emission zones, and using ANPR for the enforcement of such schemes and the traffic regulations that had been mentioned.

139. ITEMS TO BE INCLUDED ON THE NEXT AGENDA

- 20MPH Default Speed Limit for Chichester Working Group
- Whitehouse Farm and the Southern Access Route
- Local Plan
- Neighbourhood Plan
- City Centre Task Force
- Outcomes of the Special Meeting of the Planning Committee

140. DATE OF NEXT ORDINARY MEETING

Thursday 30 March 2023 at 2.00pm

The meeting closed at 4.08pm