

Chichester District Council



Chichester District Council Local Planning Authority

Wisborough Green Neighbourhood Plan 2014-2029

DECISION STATEMENT

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft Wisborough Green Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

2. Background

- 2.1 The Wisborough Green Neighbourhood Plan relates to the area that was designated by Chichester District Council as a neighbourhood plan area on 6 November 2012. This area is coterminous with the Wisborough Green Parish Council boundary that lies almost entirely within the Chichester District Council local planning authority area. A small part of the neighbourhood plan area lies within the South Downs National Park Authority (SDNPA) area.
- 2.2 Following the submission of the Wisborough Green Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 11 June 2015.
- 2.3 Mr Paul McCreery was appointed by Chichester District Council, with the consent of Wisborough Green Parish Council, to undertake the examination of the Wisborough Green Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that, subject to making modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.

2.5 Having considered each of the recommendations made in the examiner's report, and the reasons for them, the Parish Council has decided to make the modifications to the draft plan referred to in Section 3 below, to ensure that the draft plan meets the basic conditions as set out in the legislation.

3. Decision

3.1 The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Chichester District Council in consent with Wisborough Green Parish Council, has decided to accept the modifications to the draft plan. The SDNPA has been informed and agrees. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38 A of the Act) in response to each of the examiner's recommendations and the justification for them.

Table 1: Recommendations by the Examiner agreed by Chichester District Council in consent Wisborough Green Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
After the Submission Version of the Plan was prepared in April 2015 the Chichester Local Plan: Key Policies 2014-2029 was adopted by Chichester District Council on 14 th July 2015 and now forms part of the Development Plan.	Recommend that the Plan should be updated throughout to reflect this change.	For clarity and updating.
All text	An up to date Local Plan is now in place. Where it is recommended that all or part of a Neighbourhood Plan policy is deleted it is because that subject matter is covered by a Local Plan policy which will apply in any event. Recommend that to accommodate the changes in the Policies of the Plan, it will be necessary to make consequential changes to the supporting text.	For completeness.

References to English Heritage	References to English Heritage should be amended to Historic England (see page 12, paragraph 12, for example).	For updating.
Figure 5, page 21.	In the Submission Version, one of the numbers is missing from Figure 5, page 21.	For completeness.
Policy OA4: Windfall Sites	<p>Recommend that Policy OA4 be redrafted as follows:-</p> <p>Policy OA4: Windfall Sites <i>Small Scale Housing Sites</i></p> <p>The Wisborough Green Neighbourhood Plan will support proposals for 'windfall' <i>small scale housing</i> development, defined as schemes of 5 or fewer dwellings, within the settlement boundary, provided that,</p> <p>a. The total of dwellings and site coverage do not cause overdevelopment of the plot in comparison with the characteristics of neighbouring plots.</p> <p>b. The scheme will not adversely affect any heritage assets.</p> <p>c. The scheme will not result in the lost-loss of valuable trees, hedges or other natural features that form part of the character of the Parish and the biodiversity is maintained or enhanced.</p> <p>d. The development is well integrated within the existing village and maintains the residential amenity of neighbours.</p>	To meet the Basic Conditions.
Figure 8	Recommend that Figure 8 be redrawn to show more clearly the settlement boundary, the local gaps and the site allocations. In redrafting, care should be taken to make sure the local gap adjacent to Winterfold, Durbans Road does not encroach into the area allocated for the housing.	For clarity.
Policy EN2: Landscape Character and Open Views	<p>Recommend policy EN2 be redrafted as follows:-</p> <p>Policy EN2: Landscape Character and Open Views</p>	To meet the Basic Conditions.

	<p>Any development should maintain the local character of the landscape and should not cause any <i>unacceptable</i> loss or diminution of significant views that currently provide open field aspects or views from the village centre or other open spaces.</p> <p>Where development has an a <i>harmful</i> impact on landscape character or open views, the development will not be permitted unless the proposal can demonstrate that mitigation can be achieved <i>on land</i> within the applicant's control and will reduce any harm impact to low or negligible <i>to an acceptable level</i>.</p> <p>Particular views identified in this policy are: south from the Church, east from Harsfold Lane, north from the village Green through 'The Park' and views as identified in Figure 10.</p>	
Policy EN4: Conserving and Enhancing the Heritage Environment	Policy EN4 contains (at point 1, second bullet point) a reference to buildings of local importance, including locally listed and positive buildings. If that reference is to remain in the policy, recommend that the Plan should contain guidance as to where the details of such buildings can be found.	For clarity.
Policy EN6: Local Open Spaces	Recommend that areas LOS4, LOS5 and LOS6 be deleted from the list of Local Open Spaces designated through Policy EN6.	To meet the Basic Conditions.
Policy CD1: Use of Section 106 and Community Infrastructure Levy	Recommend that Policy CD1 be deleted in its entirety.	To meet the Basic Conditions.
Policy HO1: Local Occupancy Conditions	Recommend that Policy HO1 be deleted in its entirety.	To meet the Basic Conditions.
Policy HO2: Housing Need	Examiner recommend that Policy HO2 be redrafted, with the agreement of Chichester District Council. In the agreed redrafting of Policy HO2 reference should be	To meet the Basic Conditions.

	<p>made to the housing mix proposed within site allocations SS1, SS3 and SS4.</p> <p>Redrafted Policy:</p> <p>In order to achieve a balanced community and maintain a choice of dwellings in the Parish, new housing development should favour smaller dwellings to help address the current imbalance of a high proportion of larger dwellings. The housing mix should be based on information contained in the current or most up to date Strategic Housing Market Assessment (SHMA) information for the area.</p> <p>For market housing, the SHMA Update (November 2012) recommends a housing mix of 35% of dwellings to be 1 and 2 bed, 50% 3 bed and 15% 4 bed. For affordable housing the mix should be determined using the SHMA recommendations, housing register figures and the existing housing stock and turnover figures.</p> <p>This policy will apply to all new developments unless a robust justification can demonstrate why an alternative mix will achieve a more appropriate balance in the Parish.</p>	
Policy HO3: Agricultural Occupancy	Recommend that the last paragraph of Policy HO3 be deleted in its entirety.	To meet the Basic Conditions.
Policy DS4: Provision of Off-Road Parking for New Developments	Recommend that Policy DS4 be deleted in its entirety.	To meet the Basic Conditions.
Policy IN1: Surface Water Management	Recommend that Policy IN1 be deleted in its entirety.	To meet the Basic Conditions.
Page 64, paragraph 12	Paragraph 12 contains an error in that Figure 14 is on page 65.	For accuracy
Policy SS1: Land South of Meadowbank, Petworth Road	Recommend Policy SS1 be amended to read as follows:-	To meet the Basic Conditions.

	<p>Policy SS1: Land South of Meadowbank is allocated for 25 dwellings for the period 2015-2020 in accordance with outline planning consent 14/00748/OUT. (agreed in principle but not issued). Proposals for the site shall include:</p> <p>Dwellings mix in accordance with outline sent as follows: 2 x 1 bed, 8 x 2 bed, 10 x 3 bed, 5 x 4 bed. Affordable dwellings shall comprise 7 affordable rent and 3 shared ownership.</p> <p>Notwithstanding condition 3 of outline consent 14/00748/OUT the The layout shall <i>should</i> be designed to accord with the pattern of development within the village and in particular must avoid an over suburbanised aesthetic. Dwellings proposed along the existing Petworth Road Frontage shall face the road and must respect the scale and rhythm of the existing street pattern.</p> <p>Access to the site was secured through outline planning consent 14/00748/OUT and is <i>should be</i> from a single point on the Petworth Road. A footway of 1.8 m width will <i>should be</i> provided along the northern boundary. Visibility splays of 2.4m by 70m are required.</p> <p>The site will <i>should</i> be developed with sensitively designed properties, no more than two storeys, with pitched roofs. The design and style of dwellings will <i>should</i> take into account the proximity to the Conservation Area, and the Village Design Guide, which provides advice on detailing and appropriate materials.</p> <p>A number of pre-commencement conditions require significant further work before development can commence. Including the following: details of materials and finishes, access details are required in line with the stage 1 safety audit</p>	
--	--	--

	<p>for the site, details of a surface water drainage scheme, management and maintenance of SUD's, details of foul sewage disposal and protection of public sewers in the vicinity of the site, site level details, follow up badger survey, details of external lighting, details of screen walls, fences and planting, details of bin and cycle storage facilities to be provided, details of a construction method statement.</p> <p>An archaeological investigation is to <i>should</i> be carried out in advance of any building works.</p> <p>A scheme of mitigation plan for reptiles (slow worms) on the site for trapping and relocation and enhancement of existing habitat and buffer strips <i>should be put in place in advance of any building works.</i></p> <p>10% of the energy used in the dwellings must be from on-site renewable sources to comply with condition 26. The dwellings will comply with Code 4 of the Code for Sustainable Homes as a minimum to comply with condition 27.</p> <p>A play space will <i>should</i> be provided on site.</p> <p>The existing tree belt along the western boundary will <i>should</i> be retained and the proposal shall include details of enhancement to biodiversity adjacent to the retained tree belt include details of bird boxes to be installed.</p> <p>Section 106 payments as agreed with Chichester District Council.</p> <p><i>Affordable housing should be provided in accordance with the District Council's policy.</i></p>	
Policy SS3: Clarke's Yard Billingshurst Road	Recommend that the Issues section (page 70) be redrafted as follows:-	To meet the Basic Conditions and to allow the site to be

	<p>Issues</p> <ul style="list-style-type: none"> • Access is narrow and may limit size of development • Mitigation available from adjacent land to widen • Potential loss of employment; mitigation by alternative local site 	delivered.
Policy SS3: Clarke's Yard Billingshurst Road	Recommend that Policy SS3 be retained as drafted in the Plan but with the deletion of the second to last paragraph.	To meet the Basic Conditions.
Policy SS4: Winterfold, Durbans Road	Recommend the deletion of the words "period 2025-29" and insertion of the words "period 2015-20" in Policy SS4.	To meet the Basic Conditions
Policy SS4: Winterfold, Durbans Road	Recommend the deletion of the second to last paragraph.	To meet the Basic Conditions.
Policy SS4: Winterfold, Durbans Road	<p>Recommend the following additional paragraphs be added at the end of Policy SS4:</p> <p>Before planning permission is granted a scheme shall be prepared in consultation with the Parish Council (the Scheme), showing how the public open space is to be laid out. The Scheme shall include:-</p> <ol style="list-style-type: none"> i. Provision for access and parking (to County Council standards); ii. Provision for active uses (located so as not to give excessive noise or disturbance to new or existing residents); iii. An area for biodiversity (including provision for the protection of protected species). <p>The area of public open space that will comprise the Scheme shall be not less than the area shown hatched pink and green in Figure 14 and described as a new green area for recreational space.</p>	To meet the Basic Conditions

	<p>Any planning permission for residential development shall ensure that provision is made to secure:-</p> <ul style="list-style-type: none"> i. The implementation of the Scheme in full by the development; ii. The transfer of all the land comprising the Scheme to an appropriate public body (which may be the Parish Council) to secure its provision as public open space in perpetuity; and iii. The payment of an appropriate commuted sum to secure the long term maintenance of the Scheme. 	
--	--	--

4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Wisborough Green Neighbourhood Plan 2014-2029, as revised, meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Wisborough Green Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Wisborough Green Neighbourhood Plan 2014-2029 should proceed to referendum based on the neighbourhood plan area defined by Chichester District Council 6 November 2012.
- 4.3 This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Development Plan.