

Chichester District Council



Chichester District Council Local Planning Authority

Chidham & Hambrook 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 Chidham & Hambrook Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

2. Background

- 2.1 The Chidham & Hambrook Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 4 December 2012. This area is coterminous with the Chidham & Hambrook Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the Chidham & Hambrook Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 12 February 2015.
- 2.3 Ms Janet Cheesley was appointed by Chichester District Council, with the consent of Chidham & Hambrook Parish Council, to undertake the examination of the Chidham & Hambrook Neighbourhood Development 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 Chidham & Hambrook Parish Council, has decided to accept the modifications to the draft plan. 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 with Chidham & Hambrook Parish Council

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
All text	Modification to the text throughout the Plan, where necessary, to reflect the current development plan situation.	For precision and to meet the Basic Conditions.
Policy LP1	Deletion of the last sentences in paragraphs 39 and 94; Modification to Map 2 identifying the recent residential development at Lion Park; and modification to Policy LP1 to read as follows: Development of the following will be supported: Affordable units on rural exception sites where this can be demonstrated to meet local needs. Development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time the development proposal is made in accordance with development plan policies.	For clarity and enforceability, to meet the Basic Conditions.
Policy EM1	Modification to Policy EM1 to read as follows:	To meet the Basic Conditions.

If required in accordance with the NPPF, new housing development will need to demonstrate it has a site-specific flood risk Assessment, which shows that the risk of flooding from all sources both on and off the site is minimised and managed effectively. All new housing development will be required to ensure that, as a minimum, there is no net increase in surface water run-off. Priority should be given to incorporating Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it is proven that SuDS are not appropriate.

Unless any of the measures below can be demonstrated to be unnecessary, applicants should show how their proposals:

a) Are supported, where required, by a sequential, risk-based approach to the location of the development, in order to avoid possible flood risk to people and property; as well as setting out measures to manage any residual future risk.

b) Incorporate reduced vulnerability to the impacts of climate change.

c) Incorporate proportionate and appropriate pollution control measures to prevent adverse impacts on the water environments.

d) Are in line with Environment Agency Practice Note GP3 'Groundwater Protection: Principles and Practice'; include SuDS as the first method of surface water disposal.

e) Connection to the surface water sewer should only be used as a last option.

Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance. Where either SuDS are not feasible / appropriate or if the development will exacerbate existing drainage issues elsewhere within the Plan Area, financial contributions or mitigation may be required from development on sites where measures to address flood risk or to improve the environmental quality of watercourses have been identified, such as appropriate off-site drainage and water run-off management.

<p>Policy EM2</p>	<p>Modification to the title to read: Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value;</p> <p>Modification to paragraph 51 to refer to ‘natural conservation designated areas’ rather than ‘conservation areas’;</p> <p>Deletion of the second sentence in paragraph 52;</p> <p>and</p> <p>Modification to Policy EM2 to read as follows:</p> <p>All new housing developments in the Parish will potentially have impacts on the Special Protection Areas of Chichester Harbour and should conform to the Chichester Local Plan: Key Policy 50, in respect of recreational disturbance and the Solent Recreation Mitigation Project. New housing development within the Plan Area will be refused unless it can be demonstrated that any proposal will conserve and enhance the designated or candidate special protection areas, designated or candidate Special Areas of Conservation, Sites of Special Scientific Interest (SSSI) and other areas of ecology and biodiversity in accordance with Chichester Local Plan: Key Policy 49.</p>	<p>To meet the Basic Conditions</p>
<p>Policy EM3</p>	<p>Modification to Policy EM3 to read as follows:</p> <p>Any new housing development proposal must show that it will conserve and enhance the landscape and natural environment of the Plan area. In particular it should conserve the landscape and scenic beauty of the AONB, conserve trees/woods/orchards, green corridors, natural streams and ponds and any areas of habitat supporting a high level of biodiversity.</p> <p>Any proposal for the development of new habitat to mitigate the proposed loss of existing mature habitat must show how the mitigation, and a net environmental gain within an appropriate and acceptable timeframe, will be achieved.</p> <p>Applicants should show how they will provide wildlife habitat resources and green spaces within any new housing development.</p>	<p>To meet the Basic Conditions and correct grammatical errors.</p>

<p>Policy CDP1</p>	<p>Modification to paragraph 100 to explain the proposed deliverability of identified projects and prioritise the projects;</p> <p>and</p> <p>Modification to Policy CDP 1 to read as follows:</p> <p>Planning applications for new developments within the Plan Area must demonstrate that they can contribute towards the delivery of community development. This may be through contributions via a Section 106 agreement or through payment of any future Community Infrastructure Levy (CIL), where applicable, subject to the guidance set out in the National Planning Policy Framework, including the ability for development to be delivered viably.</p> <p>Contributions secured as a result of new development within the Plan Area shall be prioritised towards the delivery of community objectives in the priority list of aspirations in paragraph [xx] of this document, wherever possible.</p>	<p>To meet the Basic Conditions.</p>
<p>Policy CDP2</p>	<p>Modification of the last sentence of paragraph 58 to read as follows:</p> <p>The recent Lion Park development has provision for a number of small commercial units and planning permission was granted for the development taking this into account.</p> <p>Modification to the first bullet point in Policy CDP 2 to read as follows:</p> <p>The scale of the development should be in keeping with the scale of development in the rest of the village and other businesses elsewhere within the Plan Area.</p>	<p>In the interests of clarity, to meet the Basic Conditions.</p>
<p>Policy H1</p>	<p>Modification to paragraph 60 to read as follows:</p> <p>Any affordable housing will be provided for individuals in need with preferably a local connection and in perpetuity as agreed with the Parish Council.</p> <p>Modification to Policy H1 to read as follows:</p> <p>In the event of applications for new housing within the Plan Area (including affordable housing), the needs and access of local people to a range of housing will be reinforced wherever</p>	<p>To meet the Basic Conditions.</p>

	appropriate through the inclusion of a local occupancy clause for any affordable housing.	
Policy H2	<p>Modification to Policy H2 to read as follows:</p> <p>Where appropriate, proposals for new residential development should seek to demonstrate that the types of dwellings proposed respond to local requirements in terms of type and size. As such, any new proposed residential development will be expected to comprise of an appropriate variety of dwelling sizes and types in accordance with the Strategic Housing Market Assessment. The emphasis will be on dwellings to include adequate private external amenity space.</p>	To meet the Basic Conditions.
Policy H3	Recommend the deletion of Policy H3.	To meet the Basic Conditions, in the interest of precision and enforceability,
Policy DS1 and Policy DS2	<p>Recommend modification to Policies DS1 and DS2 to read as follows in one new Policy DS1:</p> <p>Where appropriate, proposals for new development will be assessed against the following criteria. (Note, criteria 1-8 do not apply to extensions or modifications to existing buildings):</p> <ol style="list-style-type: none"> 1) the development scheme must demonstrate how it will integrate in to the existing surroundings; 2) It must ensure adequate provision of infrastructure; 3) Access to public transport will need to be clearly identified within the scheme; 4) The scheme will need to demonstrate it meets the requirements of all the policies of this plan and takes account of the character and appearance of the rural area and historical environment of the area; 5) Establishes a strong sense of place 6) Creates a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; 	To meet the Basic Conditions.

	<p>7) The development design should demonstrate a good street layout with adequate parking and low vehicle speed and good access for emergency vehicles and refuse collection;</p> <p>8) The development should have well defined public and private spaces and maintain the local rural character and appearance of the area with trees and hedges rather than fences;</p> <p>9) responding to the semi-rural nature of the parish, and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</p> <p>10) using good quality materials that complement the existing palette of materials used within the parish (see also design guidance in AONB Design Guidelines for New Dwellings and Extensions on the Chichester Harbour Conservancy web site www.conservancy.co.uk for material recommendations within the Chidham Peninsula);</p> <p>11) being visually attractive through good architecture and appropriate landscaping;</p> <p>12) making provision for adequate external amenity space including refuse and recycling storage and car and bicycle parking to ensure a well-managed and high quality streetscape;</p> <p>13) restricting houses to 2 storeys unless there is a strong justification; and</p> <p>14) avoiding apparent excessive bulk of houses by careful design of roof elevations.</p>	
<p>Policy DS3</p>	<p>Recommend modification to Policy DS3 to read as follows:</p> <p>All new housing developments are expected, unless it can be demonstrated otherwise, to include parking provisions in accordance with the West Sussex guidelines for Car Parking in Residential Developments and the Car Parking Demand Calculator. Wherever possible, development proposals should include provision for adequate off-road vehicle parking spaces to facilitate unimpeded road access for other road users, including motor vehicles and pedestrians. Proposals that do not demonstrate adequate off-road parking will not be supported in instances where the Local Planning Authority identifies that additional on-street parking will be detrimental to</p>	<p>To meet the Basic Conditions.</p>

	<p>highways safety or impede access for public transport, emergency vehicles or any other service vehicles. This policy applies to all proposals within the Settlement Boundaries as well as the wider Plan area.</p>	
Policy DS4	<p>Recommend deletion of Policy DS4 and accompanying text.</p>	To meet the Basic Conditions.
Policy DS5	<p>Minor modification to Policy DS5, removing the comma after 'landscaping'.</p> <p>Recommend deletion of paragraph 79 and replacement with a paragraph explaining the purpose of Policy DS5 is to safeguard existing trees.</p>	In the interests of clarity, to meet the Basic Conditions.
Policy R1	<p>The deletion of paragraph 81 and replacement with an explanation of the purpose of the Local Green Space designations;</p> <p>replacement of Map 4 with a detailed map identifying the boundaries of Maybush Copse and The Dell; and</p> <p>modification to Policy R1 to read as follows:</p> <p>(See Map 4 Green Spaces) Subject to the provisions for Local Green Spaces contained within the NPPF paragraphs 76 and 77, the following land has been identified and will be designated as 'Local Green Space' for the use of the community: R1a: Maybush Copse. R1b: The Dell.</p>	To meet the Basic Conditions.
Policy R2	<p>Minor grammatical errors in paragraph 84.</p>	In the interests of precision.
Policy R3	<p>Recommend modification to Policy R3 to read as follows:</p> <p>The Plan supports the provision of suitable sites for allotments and/or community gardens. Such sites should be located close to the main body of the community and provide easy access by a variety of means of travel.</p>	To meet the Basic Conditions.
Policy AP1	<p>Recommend the last sentence in Policy AP1 is included in paragraph 87 and refers to 22 listed buildings; and</p> <p>Modification to Policy AP1 to read as follows:</p> <p>The significance of designated Heritage Assets</p>	To meet the Basic Conditions.

	within the Parish must be recognised and given the requisite level of protection.	
Policy AP2	The Index and paragraph 89 refer to Policy AP3. Assume that policy was in a previous draft of the Plan. The reference should be deleted from the index. This is a minor editorial matter.	In the interests of precision.
Policy AP2	As this is not a land use policy, I recommend the deletion of Policy AP2 and accompanying text from the Land Use Policies Section. If the Parish Council wishes to indicate that the properties listed in paragraph 90 will be nominated for inclusion in the CDC Register of Assets of Community Value, this can be referred to in the Monitoring and Delivery Section of the Plan.	To meet the Basic Conditions.

4. Conclusion

- 4.1 The Authority (Chichester District Council) confirms that the Chidham & Hambrook Parish Neighbourhood Development 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 Chidham & Hambrook Parish Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Chidham & Hambrook Parish Neighbourhood Development Plan 2014-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 3 December 2013.
- 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.