

Chichester District Council

THE CABINET

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Chichester Site Allocation Development Plan Document: Proposed Submission

1. Contacts

Report Author:

Tracey Flitcroft, Principal Planning Officer (Local Planning)
Tel: 01243 534683 E-mail: tflitcroft@chichester.gov.uk

Cabinet Member:

Susan Taylor, Cabinet Member for Planning,
Tel: 01243 514034 E-mail: sttaylor@chichester.gov.uk

2. Executive Summary

The purpose of the report is to publish an updated Site Allocation Development Plan Document (DPD) (appendix 1 to this report). Changes have been made to the DPD in response to the comments received through the public consultation on the draft DPD between 7 January and 18 February 2016, the Further Consultation between 28 July and 22 September 2016 and subsequent work.

It is intended that the updated DPD (now called the Proposed Submission) be consulted upon between 1 December 2016 and 26 January 2017, following which, it is anticipated that the DPD and any minor changes would be submitted for independent Examination by the Secretary of State through the Planning Inspectorate.

All changes from the consultation draft DPD are made in **bold** where added or ~~strikethrough~~ where deleted.

3. Recommendation

3.1. That the Cabinet recommends to the Council:

1. That the Site Allocation Development Plan Document: Proposed Submission (as set out in appendix 1) be approved for an eight-week consultation from 1 December 2016 to 26 January 2017, following which Submission to the Secretary of State for examination;
2. That the proposed responses to representations received as set out in appendix 2 are approved; and
3. That authority be delegated to the Head of Planning Services, following consultation with the Cabinet Member for Planning Services to enable minor amendments to be made to the document prior to, and following, public consultation.

4. Background

- 4.1. The Chichester Local Plan: Key Policies 2014-2029 was adopted in July 2015. It sets out the planning strategy guiding the location and level of development over the next 15 years. It provides the context for the site specific proposals contained within the Site Allocation Development Plan Document (DPD) and any other subsequent planning policy documents.
- 4.2. The Site Allocation Preferred Approach DPD was the first formal stage in the preparation of this document. The Council agreed the draft DPD for consultation and associated documents were made available for consultation during 7 January and 18 February 2016 and 96 comments were received.
- 4.3. Following a further decision the Further Consultation DPD and associated documents were made available for consultation between 28 July and 22 September 2016 and 103 comments were received. The further consultation included new sites at Bosham, Lynchmere and the identification of a village centre at East Wittering.
- 4.4. Each of these comments has now been considered and officers have responded to the key issues raised, which are referenced as Appendix 2 and are available online.
- 4.5. Following the consultations, the key areas of work and updating of the DPD have included the following:
 - A review of the DPD's draft policies including the sites considered within the further consultation. Sites which have subsequently been granted planning permission have been retained as a site allocation with a supporting policy to guide any future development or planning applications should the current permission not be implemented;
 - In parishes where the neighbourhood plan has progressed to pre submission stage, the sites and policy has been deleted/removed from the Proposed Submission DPD;
 - A review of the DPD site policies to take account of comments received and new information from statutory consultees;
 - A review of all supporting text;
 - A reconsideration of the DPD through the Sustainability Appraisal (SA/SEA) processes to re-evaluate the social, environmental and economic effects of the DPD;
 - A reconsideration of the DPD through the Habitats Regulations Assessment (HRA) process; and
 - A review of the DPD format and layout to recognise that this will be the version that is submitted for Examination.
- 4.6. Additional sites have been suggested as part of the consultations. These were assessed as part of the Site Assessment Methodology.
- 4.7. The Development Plan and Infrastructure Panel (DPIP) considered this report at its meeting on 20 October 2016. As that meeting coincided with the publication date for the Cabinet agenda it has not been possible to include a summary of the DPIP's deliberations in this report. Accordingly these will be either circulated in an agenda supplement or reported orally to the Cabinet.

5. Outcomes to be Achieved

- 5.1. The Site Allocation DPD will assist in delivering the housing and other uses identified in the Chichester Local Plan: Key Policies 2014-2029.

6. Proposal

- 6.1. The purpose of this report is to update members on the consultation process which has taken place in the preparation of the Proposed Submission document and to seek approval to move to the next stage in the document's production. It is intended that the updated DPD (now called the Proposed Submission) is consulted upon between 1 December 2016 and 26 January 2017, following which, it is anticipated that the DPD and any minor changes would be submitted for independent Examination by the Secretary of State through the Planning Inspectorate.
- 6.2. The main issues raised during the consultation are outlined below:
- 6.3. **Land to the Rear of Sturt Avenue Lynchmere:** As part of the Site Allocation: Preferred Approach DPD consultation it was proposed to remove the housing requirement (10 units) from the parish of Lynchmere as a suitable site could not be found. However, through the consultation process additional information was provided by the landowner for land to the rear of Sturt Avenue, on access and flooding. Officers consulted the highways authorities of West Sussex County Council and Surrey County Council. Neither raised an objection in principle to the development of the site.
- 6.4. The site to the rear of Sturt Avenue was consulted on as part of the Further Consultation Site Allocation: Preferred Approach DPD. A total of 47 representations were received (including the two local members), objecting to the proposal. The main concerns relate to environmental constraints, flooding, drainage, traffic and access concerns.
- 6.5. The landowner has provided additional information to support the allocation of the site, including traffic analysis and suggesting access is achieved via a bridge. Hydraulic Modelling has taken place which concurs with the Environment Agency's (EA's) comments that the flood mapping is incorrect. Model outputs show the vast majority of the development site to be at low risk of fluvial flooding (flood zone 1) with just a very narrow area in the north east corner and along the river to be flood zone 2/3). The site owners have stated that "a residential scheme can be designed to ensure that no actual buildings are sited in this area". A Flood Risk Assessment has also been carried out. Full details of the comments are listed under Comment FCSAD98 and are available to read online. It should be noted that policy 42 of the Local Plan, relating to flood risk and water management, would be applied to the consideration of any future application for planning permission for residential development notwithstanding the proposed allocation in the DPD.
- 6.6. There have been no objections from the statutory consultees, including WSCC and Surrey CC relating to highways, Thames Water regarding access and Natural England regarding the biodiversity of the site.
- 6.7. Although not a formal objection, the EA has commented that part of the site is presently shown to be within Flood Zones 2 and 3. However, it has indicated that their modelling is incorrect, in that the flood zone does not appear to follow the line of the river, and will be updated in due course. The EA have subsequently indicated that because there are only 10 units proposed on the

site “there should be plenty of room for the sequential approach to be taken on the site”. They therefore acknowledge that development can take place within Flood Zone 1.

- 6.8. It is therefore proposed to retain the site as an allocation in the Proposed Submission DPD.
- 6.9. **Land at Highgrove Farm Bosham:** The Bosham Parish Neighbourhood Plan has been examined and will be subject to a referendum on 16 November. The Examiner of the Bosham Parish Neighbourhood Plan recommended that the housing sites in the Bosham Parish Neighbourhood Plan should be removed in order for the plan to move forward to referendum. Bosham Parish Council has accepted this recommendation.
- 6.10. The Council undertook an appraisal of all the sites considered by the neighbourhood plan and any further sites that were promoted to the Council, in line with the methodology for site selection. The site at Land at Highgrove Farm, Bosham was consulted on as part of the Further Consultation Site Allocation: Preferred Approach DPD. A total of 51 comments were received, including from statutory consultees.
- 6.11. The main objections to the site are: the potential coalescence of Bosham and Fishbourne (loss of gap); contradicts the residents’ preferred sites (within the AONB as part of the neighbourhood plan); the site is too small for the number of units; increased traffic and associated problems; impact on waste water and sewage; flooding; loss of greenfield land; loss of wildlife; and impact on Brent Geese feeding area.
- 6.12. Concern has been raised by the Parish Council on the selection of land at Highgrove Farm. The parish has favoured the development of multiple, smaller sites and Highgrove Farm was the least preferred. The Parish Council has also queried the site selection process of some sites. Concern has also been raised about the impact of the Hospice development on infrastructure. Full details of the comments are under Comment FCSAD56 and available to read online.
- 6.13. There have been no objections from the statutory consultees, including WSCC, the EA, Historic England or Natural England.
- 6.14. **Plaistow and Ifold** A site at land north of Little Springfield Farm, Ifold was identified in the Site Allocation: Preferred Approach DPD consultation. Twelve comments have been received, the majority of which object to the inclusion of the site. Comments mainly relate to traffic issues, including the high speed of traffic with a blind bend, no pedestrian access; sewage and surface water issues; greenfield site; unsustainable location i.e. no shops etc.
- 6.15. A number of comments support alternative sites within the Parish including Springfield Farm (which has recently had an appeal for housing on site dismissed), Shortlands Copse and sites in Plaistow. Suggested sites have been assessed and further details can be seen in the Methodology and Assessment Document. Land opposite the Green and land west of Todhurst have been assessed and discounted in favour of the proposed allocation at Springfield Farm.
- 6.16. There was no objection from WSCC. Although not an objection the EA has stated that part of the site along the northern boundary is within Flood Zones 2 and 3, however, the area at risk of flooding is situated to the northern boundary of Little Springfield Farm and not within the site that the Council is proposing to

allocate. Natural England has confirmed that the development of the site may have potential to impact on The Mens and Ebernoe Common SACs, and has indicated potential mitigation measures.

6.17. The Parish Council is preparing a Neighbourhood Plan and has raised objections to the proposed allocation. However, the Neighbourhood Plan has not reached pre-submission stage, which is the stage the Council expects neighbourhood plans to have reached to enable sites within the Council's Site Allocations document to be deleted. If the neighbourhood plan completes pre-submission by the end of January 2017, the site may be removed from the DPD through the proposed modification process. It is at this stage proposed to retain the site as an allocation in the Proposed Submission DPD.

6.18. **41 Terminus Road Chichester:** Following consultation it has been confirmed that the site has a restrictive covenant which does not allow residential development. It is proposed that the student accommodation element is removed from the allocation, the housing numbers are provided on allocated sites elsewhere in the city. The allocation has therefore been amended to solely employment.

6.19. As a result of the consultation, changes to the DPD fall into four the main categories:

1) Removal of Allocations

6.20. As indicated in paragraph 1.43 of the Proposed Submission DPD, the Council is not making allocations for parishes which are at pre-submission stage (or later) of their neighbourhood plan preparation. Therefore the Proposed Submission DPD does not include site allocations at Westbourne.

6.21. Removal of the allocation of the site at East Wittering due to the recent planning permission granted on appeal for 110 houses at Land South of Clappers Lane.

2) Sites with Planning Permission

6.22. Sites in the DPD which now have planning permission are to remain as housing and employment allocations with appropriate policies. This is due to the sites being an important part of the housing and employment land supply and therefore should the current permission not be implemented the allocation and supporting policy will guide future development.

3) Settlement Boundaries

6.23. Amendment to settlement boundaries to reflect the allocation of sites:

- **Boxgrove** although the parish is working on a neighbourhood plan it is not yet at pre-submission stage. The Council's preferred site at 'land west of The Street' has recently been granted permission on appeal. The Settlement Boundary will be amended to include the allocation, as outlined in paragraph 6.22
- **Bosham** refer to paragraph 6.9 – 6.13 above.
- **Lynchmere** it is proposed to amend the Settlement Boundary to follow the Chichester District boundary (the existing Settlement Boundary extends beyond the District boundary) and include the allocation in the Proposed Submission Site Allocation DPD.

4) Statutory Consultees

- 6.24. Changes to site requirements have been made in response to statutory consultees. These include, but are not limited to, WSCC, EA, English Heritage, Natural England, Southern Water and Arun District Council. They relate to issues of highways, flooding and surface water, sewerage infrastructure, biodiversity, heritage and presentation of the document.
- 6.25. **Next Steps** It is recommended that consultation on the Proposed Submission DPD: takes place during 1 December 2016 – 26 January 2017.
- 6.26. Timetable for the next steps in the production of the Proposed Submission DPD is set out below:

Key Milestones	Dates:
Approval of Statutory Public Consultation DPD for consultation (Proposed Submission)	Cabinet – 1 November 2016 Council - 22 November 2016
Statutory Public Consultation document (Reg 19) (Proposed Submission) – prior to submission to the Secretary of State for examination	Consultation 1 December 2016 – 26 January 2017 8 weeks due to consultation over the Christmas period
Submission to the Secretary of State	7 March 2017 (Council) this will go to DPIP on 16 th Feb, will require a Special Cabinet between these dates
Examination	July 2017
Adoption	December 2017

If there are any major changes proposed to the Site Allocation Development Plan Document: Proposed Submission following consultation and prior to Submission these will need to be considered and approved by the Council before Submission to the Secretary of State for examination. It is proposed to give delegated authority to the Head of Planning Services, following consultation with the Cabinet Member for Planning, to make any minor changes.

7. Alternatives Considered

- 7.1. The alternative is not to proceed with the DPD. However, this would be likely to have implications for delivery of the Local Plan strategy.

8. Resource and Legal Implications

- 8.1. The Site Allocation DPD follows on from the adoption of the Chichester Local Plan: Key Policies. It is part of the Planning Policy Team work programme and the costs of preparation of the Site Allocation DPD are already programmed in the existing budgets.
- 8.2. The process being followed meets the statutory requirements of the plan making process.

9. Consultation

- 9.1. Once approved, the Proposed Submission DPD will be made available for consultation. It is proposed that the document is made widely available for stakeholders and members of the public to provide comments. Consultation will be undertaken for a period of 8 weeks between 1 December 2016 and 26 January 2017.
- 9.2. It is also necessary to comply with the other statutory regulations, such as the placing of notices in the local press and consultation on the Sustainability Appraisal accompanying the Plan. A statement of all previous stages of consultation will also be made available.
- 9.3. In terms of responding to the consultation, given that this is a statutory stage in the process of consulting on the Local Plan, it is necessary for those providing comments to do so in line with questions around whether they feel it:
 - a) has been prepared in accordance with the duty to cooperate, legal and procedural requirements; and
 - b) is 'sound'.
- 9.4. Following the public consultation the Proposed Submission DPD will be formally submitted for examination where an Inspector appointed by the Secretary of State will consider issues related to the soundness of the plan and potentially recommend modifications to be made to the Site Allocation DPD prior to adoption. Any proposed major modifications will also need to be subject to public consultation.

10. Community Impact and Corporate Risks

- 10.1. Once approved the Site Allocation DPD will provide certainty for small scale residential development in areas not progressing a neighbourhood plan as well as identifying land for employment uses. The identification of the sites and the local centre may have an impact on local residents; however, the consultation process will enable any issues raised to be considered by the Inspector conducting the Examination.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		✓
Climate Change		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
Other		✓

12. Appendices

- 12.1. Appendix 1 – Site Allocation: Proposed Submission Development Plan Document
- 12.2. Appendix 2 - Proposed responses to representations received (due to the size of this document it will not be reproduced as a hard copy within these agenda papers and is available to view electronically only).

13. Background Papers

None