

# Chichester District Council

## Draft Interim Policy Statement for Housing Development

June 2020

### 1 Background

- 1.1 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014-2029 (CLPKP) on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019.
- 1.2 The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council anticipates that the LPR will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2021, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. Once adopted, the LPR will supersede the CLPKP and provide up to date planning policies to guide future development proposals. The LPR will provide for housing needs in accordance with paragraph 11 of the NPPF and ensure that the Council will identify deliverable sites sufficient to provide a minimum of five years' worth of housing in accordance with paragraph 73 of the NPPF.
- 1.3 The CLPKP will continue to form part of the statutory development plan until the LPR is adopted, however Planning Practice Guidance<sup>1</sup> makes clear that where local plans have been adopted more than 5 years ago, the housing target against which the housing supply and delivery will be assessed should be derived from the Government's standard methodology for assessing housing need. From the 15 July 2020 (five years from the date of adoption of the CLPKP), the Council's housing supply and housing delivery will be assessed against the figure of 628 dwellings per annum, rather than the previously adopted housing target of 435 dwellings per annum. The housing supply position will be reviewed at that time, but there is a risk that the Council will not be able to continue to demonstrate a robust five year supply of housing land as required in national policy, and the presumption in favour of sustainable development set out in the NPPF will apply. The position is different in parishes which have a made neighbourhood plan which allocates land for housing. In that case, the Council will need to be able to demonstrate a three year supply of housing, but this only applies if the neighbourhood plan was made within the past two years.

### 2 Approach to boosting housing supply

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<sup>1</sup> Paragraph: 005 Reference ID: 68-005-20190722

- 2.1 The Council is required to significantly boost its housing supply<sup>2</sup>, and is working proactively to achieve a five year supply at the earliest possible date.
- 2.2 Until the LPR is adopted, the Council must continue to judge planning applications on their own individual merits with reference to the adopted Development Plan and national planning policy including the NPPF.
- 2.3 This statement aims to provide interim guidance which will apply until the Council considers it has a five year supply of housing in line with Government guidance. The intention is for the Council to be able to guide development to appropriate and sustainable locations using this document to assist in the consideration of planning applications. It will help to ensure that housing proposals that may be submitted in advance of the Local Plan Review are assessed in a consistent manner against national and local planning policies, with the aim of ensuring that the most appropriate development comes forward in the most suitable locations.
- 2.4 The Council intends for this Interim Statement to form one part of the Council's proactive approach to the delivery of housing whilst the LPR progresses towards adoption. Other approaches being taken to boost housing supply and delivery include:
1. Prioritising progress on delivery of known sites, including West of Chichester, progressing the Tangmere Compulsory Purchase Order, and testing more long term sites, such as Southern Gateway; and
  2. Inviting developers to intensify and speed up development, on sites already underway.
- 2.5 By taking these actions, the Council intends to demonstrate how it is taking a proactive approach to reducing the shortfall and re-establishing a five year supply.

### **3 Planning Policy Context**

- 3.1 The National Planning Policy Framework (NPPF) (February 2019) is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking (paragraph 11) this means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
  - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

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<sup>2</sup> Planning Practice Guidance – Housing Land Supply <https://www.gov.uk/guidance/housing-supply-and-delivery#year-housing-land-supply>

- 3.2 Consideration should be given to footnotes 6 and 7 of the NPPF, as well as other relevant paragraphs of the NPPF.
- 3.3 Planning law requires that applications for planning permission must be in accordance with the development plan unless material considerations indicate otherwise. In this context, the Development Plan comprises the adopted Chichester Local Plan: Key Policies 2014-2029 (CLPKP), the Site Allocations Development Plan Document and the 'made' Neighbourhood Plans for parishes in the Local Plan Area.
- 3.4 From the 15 July 2020, the relevant housing policies contained within the adopted Local Plan will be deemed to be 'out of date', however the CLPKP will remain part of the statutory development plan (until the LPR is adopted) and will continue to provide the basis for the consideration of planning applications for development within the Plan area.
- 3.5 The Council is currently reviewing its adopted Local Plan, and consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. At this stage of plan preparation, only very limited weight can be given to the draft policies of the LPR. In accordance with paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater weight that they may be given).
- 3.6 As preparation of the LPR continues, and in line with the criteria above, consideration will be given (at the time of the application) to the weight of the draft policies in the LPR. Planning applications received in advance of the adoption of the LPR are expected to demonstrate how they will not undermine the plan-making process in accordance with paragraph 49 of the NPPF.

#### **4 Local Context**

- 4.1 The approach put forward in this document is based on identifying relevant criteria from national and local planning policies, including the adopted and emerging plans. It is by no means the case that all applications will be appropriate, and on this basis, this Interim Statement has been prepared in order to facilitate delivery of housing sites by giving guidance as to which sites may be appropriate for development in the short term.

*Deliverable*

- 4.2 Given that the Council is concerned about the potential shortfall in housing supply, sites put forward under this approach should be “deliverable” at the time that the site is put forward for planning permission. They should not be, for example, dependent upon delivery of significant off-site infrastructure; and should be fully in the applicant’s control.
- 4.3 Applicants will also be expected to show that they intend to develop sites promptly so that dwellings will begin to be delivered within a short period [up to a maximum of 2 years]. The Council will condition any planning permission to commence within 2 years to maximise the likelihood of delivery of housing within the Local Plan Area. Demonstration of deliverability<sup>3</sup> and the intention to develop (for example, through the requirement to submit a phasing plan) will be required to support planning applications and to help enable the Council to resist applications for less suitable sites.
- 4.4 Planning applications for outline permission can be made, however the Local Planning Authority would expect relevant information to demonstrate how the criteria in this Interim Policy Statement can be complied with. It is also expected that an indicative layout is submitted with an application in order to judge the potential housing mix and layout.

#### *Locational Sustainability*

- 4.5 Sites should be sustainably located in relation to existing settlements, with access to the facilities and services that are generally likely to be required by new residents. Policy 2 of the CLPKP, and emerging policy S2 of the LPR, sets out the settlement hierarchy which will inform consideration of any proposed site.
- 4.6 Sites should be of a scale and density appropriate to the adjoining settlement. Smaller scale sites, that provide for the gradual growth of settlements, are more likely to be suitable than sites that would significantly change the character of a place. Developments adjoining smaller settlements will be expected to be smaller in scale than those that might be suitable for the extension of Chichester or the Settlement Hubs, with their larger sizes and range of facilities. The Council may support higher density development in settlements with greater facilities and accessibility<sup>4</sup>.
- 4.7 Sites should also be acceptable in all other respects, e.g. highways access, flood risk, contribute to affordable housing and open space requirements, and should reflect the needs of local communities, in relation to the amount, size, type and mix of housing tenures proposed. It is important that any proposed development also complies with environmental standards as identified in Policy 40 of the CLPKP.

#### *Relevant evidence*

- 4.8 This Interim Statement does not set out in full the range of relevant national and local planning policy and practice which will be applied when considering planning

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<sup>3</sup> NPPF definition of deliverable

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<sup>4</sup> As set out in paragraphs 123 and 137 of the NPPF

applications for residential development. It has been prepared to provide further guidance for applicants but should be read alongside other relevant national and local policy.

- 4.9 Applicants are also directed to evidence base studies available on the Council's planning policy webpages that may be used to inform, steer and help determine proposals, including but not limited to: the Housing and Economic Land Availability Assessment (HELAA), the Strategic Flood Risk Assessment, the Water Quality Study and the Infrastructure Delivery Plan.

## **5 Purpose of this document**

- 5.1 This Interim Policy Statement does not seek to alter the statutory and/or non-statutory planning policy framework for decision-making. The Statement sets out how the Council is taking a proactive approach in seeking to boost its supply of housing, and reflects adopted and emerging plan work, in order to provide a mechanism for the Council to provide clarity and confidence in relation to how planning applications should be determined in the interim period until the Local Plan Review is adopted.
- 5.2 The acceptability of planning proposals will ultimately need to be assessed by the decision-maker on a case by case basis, in relation to the economic, social and environmental dimensions of sustainable development, leading to a conclusion about the overall sustainability of the proposals, whilst having regard to all elements of the proposal, up to date development plan policies, the NPPF, and other material considerations.
- 5.3 This Statement does not apply to land within the South Downs National Park.

## **6 Interim Housing Policy Statement**

- 6.1 **The Council recognises the presumption in favour of sustainable development as set out in the National Planning Policy Framework and its application where the Council is unable to demonstrate a five year housing land supply. While the presumption applies, the Council will seek to ensure that planning applications for good quality housing developments of an appropriate scale and in accessible locations are supported.**
- 6.2 **To provide clarity for applicants and other parties, the following criteria set out what the Council considers good quality development in the Chichester Local Plan area, with reference to adopted and emerging Local Plan policy and evidence.**
1. The site boundary in whole or in part is contiguous with an identified settlement boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it)

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- CLPKP Policy 45 Development in the Countryside
- LPR Policy 2 Settlement Hierarchy

- LPR Policy S4 Countryside

Relevant evidence includes:

- Local Plan Policies Map
- HELAA

2. The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy.

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- LPR Policy S2 Settlement Hierarchy

Relevant evidence includes:

- Settlement Hierarchy Background Paper
- Settlement Capacity Profiles

3. The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

Relevant policies include:

- CLPKP Policy 47 Heritage and Design
- CLPKP Policy 48 Natural Environment
- LPR Policy S24 Countryside
- LPR Policy S26 Natural Environment
- LPR Policy DM28 Natural Environment

Relevant evidence includes:

- Landscape Capacity Study
- Landscape Gap Assessment

4. Development proposals make best and most efficient use of the land<sup>5</sup>, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- CLPKP Policy 33 New Residential Development
- CLPKP Policy 47 Heritage and Design
- LPR Policy S2 Settlement Hierarchy

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<sup>5</sup> As set out in paragraphs 123 and 137 of the NPPF

- LPR Policy DM3 Housing Density

Relevant evidence includes:

- Settlement Hierarchy Background Paper

5. Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

Relevant policies include:

- CLPKP Policy 43 Chichester Harbour Area of Outstanding Natural Beauty
- CLPKP Policy 47 Heritage and Design
- CLPKP Policy 48 Natural Environment
- LPR Policy S24 Countryside
- LPR Policy S26 Natural Environment
- LPR Policy DM19 Chichester Harbour Area of Outstanding Natural Beauty
- LPR Policy DM27 Historic Environment
- LPR Policy DM28 Natural Environment

Relevant evidence includes:

- Landscape Capacity Study

6. Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.

Relevant policies include:

- LPR S30 Strategic Wildlife Corridors

Relevant evidence:

- Strategic Wildlife Corridors Background Paper

7. Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

Relevant policies include:

- CLPKP Policy 9 Development and Infrastructure Provision
- CLPKP Policy 12 Water Management in the Apuldram Wastewater Treatment Catchment
- CLPKP Policy 34 Affordable Housing
- CLPKP Policy 54 Open Space, Sport and Recreation
- LPR Policy S6 Affordable Housing
- LPR Policy S12 Infrastructure Provision

- LPR Policy S31 Wastewater Management and Water Quality

Relevant evidence includes:

- Infrastructure Delivery Plan
- Open Space, Sport Facilities, Recreation Study and Playing Pitch Strategy

8. Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.

Relevant policies include:

- CLPKP Policy 40 Sustainable Design and Construction
- LPR Policy DM16 Sustainable Design and Construction

Relevant evidence includes:

- West Sussex County Council Car Parking Standards Guidance
- West Sussex Cycling Design Guide

9. Development proposals shall be of high quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

Relevant policies include:

- CLPKP Policy 33 New Residential Development
- CLPKP Policy 47 Heritage and Design
- LPR Policy S20 Design
- LPR Policy S22 Historic Environment
- LPR Policy S32 Design Strategies for Strategic and Major Development Sites
- LPR Policy DM27 Historic Environment



Relevant evidence includes:

- National Design Guide

10. Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

Relevant policies include:

- CLPKP Policy 8 Transport and Accessibility
- CLPKP Policy 39 Transport, Accessibility and Parking
- LPR Policy S23 Transport and Accessibility
- LPR Policy DM8 Transport, Accessibility and Parking

Relevant evidence includes:

- Local Plan Policies Map
- Settlement Hierarchy Background Paper

11. Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

Relevant policies include:

- CLPKP Policy 42 Flood Risk and Water Management
- LPR Policy S27 Flood Risk Management
- LPR Policy DM18 Flood Risk and Water Management

Relevant evidence includes:

- Strategic Flood Risk Assessment Level 1
- Chichester Surface Water and Foul Drainage SPD

12. Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

Relevant evidence includes:

- *Advice on achieving nutrient neutrality for new development in the Solent Region*, Natural England March 2020

