

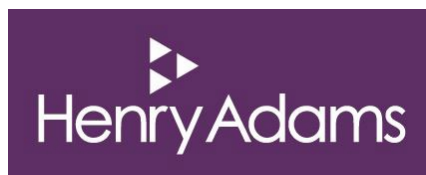
Chichester District Council

Regulation 19 Local Plan Consultation

Representations on behalf of Dandara Southern
Limited

Land at Flat Farm, Hambrook, PO18 8FT

March 2023



1 Introduction

- 1.1 This representation provides a response to the Regulation 19: Local Plan Consultation in relation to the land at Flat Farm, Hambrook, PO18 8FT, as shown on the attached plan HA Appendix 1: Site Location Plan, and hereon referred to as the site.
- 1.2 This representation will provide a written responses in relation the questions in the Regulation 19 Local Plan Consultation which directly relate to the promotion of our client's land for future development.

2 Comments on Specific Questions/Tests

- 2.1 In response to the national planning legislation, this Regulation 19 Local Plan Consultation invites comments on three specific questions, and is the final consultation phase, before the Regulation 19 version of the Local Plan is submitted for examination.
- 2.2 This representation will respond on these specific questions, and then highlight how our client's site could help fulfil the full housing requirement for the District through an appropriate allocation within the Council's Local Plan, or through an allocation of numbers to the Hambrook Parish as set out in policy A12 of the Draft Local Plan, who in turn would select sites through a Neighbourhood Plan allocation.

Is the plan 'sound'?

- 2.3 Paragraph 35 of the National Planning Policy Framework defines the tests for soundness which requires the plan to be positively prepared, justified, effective and consistent with National Policy. These matters will now be considered in further detail in relation to the current consultation on the Regulation 19 version of the Local Plan.

Is the plan positively prepared and justified?

- 2.4 Policy S1 of the Draft Local Plan sets out the spatial development strategy for the District and how the Council will achieve sustainable growth over the plan period and Policy H1 sets out the housing target in response to the strategy. Both policies have been informed by the Sustainability Appraisal (SA) dated January 2023 and the Plan objectives, which are set out at paragraph 2.5.2 of the SA and the Council's HEDNA (April 2022).
- 2.5 The SA then goes on to discuss the potential growth scenarios and confirms two points:
 - Standard method housing figure for Chichester (excluding SDNP) is 638 dwellings per annum, or 11,484 in total over the Plan period
 - The above figure is capped at 40% above the baseline need and that the uncapped figure is significantly higher than this at 884 dwellings per annum (dpa)
- 2.6 Of particular note is that point ii. above seeks to cap the overall housing increase by no more than 40% above the previously adopted LP housing figure of 435 dpa. The Local Plan then goes on to constrain housing numbers due to an alleged capacity concern along the A27 strategic road network. The Council therefore result in a constrained housing figure by virtue of the standard method 'steps' and also due to infrastructure capacity. It should be noted

that the 435 dpa figure within the 2015 Local Plan was similarly constrained and an early review was the only basis for accepting this reduced housing figure. This early review did not take place.

- 2.7 In terms of the influence of the A27, this is the key matter that constrains growth within the southern part of the District. This is based on the evidence base documents that state that the road network cannot accommodate an annual housing figure of more than 535 dpa. This is a fundamental point and one that we do not agree and believe there is capacity to accommodate at least the local housing need within the highway network, alongside potential improvements identified for the following reason.
- 2.8 The Transport Study (January 2023) is the key document on which the Council rely upon to constrain their housing figure to 535 dpa. On review of this document, it is clear that the Council's consultants undertook a sensitivity analysis as to whether the core scenario that supports the 535 dpa position in the local plan could accommodate a higher level of growth. The conclusion in paragraph 5.6.5 and 11.2.3 of the Transport Study appears to be that 700 dpa could be accommodated (in the southern plan area) by the mitigation proposed for the 535 dpa core test, with some additional, and as yet undesigned and not costed, mitigation works beyond those highlighted for the Bognor and Fishbourne roundabouts.
- 2.9 Accordingly, the Council's own evidence base has undertaken the assessment and concluded that a higher growth figure could be accommodated on the A27, subject to appropriate improvement works. Given the testing of the higher growth figure, which appears to accommodate the higher growth figure, the exceptional circumstances to constrain growth, as set out at paragraph 60 on the NPPF do not exist and the Plan could be considered unsound on this point alone.
- 2.10 As a result of the above, the SA does not consider a scenario where the Council would meet its local housing need, nor a scenario where it exceeds its local housing need, which is of relevance given scale of development expected for adjoining authorities, including the highly constrained SDNP.
- 2.11 It should also be noted that the draft Plan does not therefore address any need in relation to unmet need of neighbouring authorities and it does not contain evidence to suggest that these matters have been discussed with the adjoining Authorities. Notably, Arun District Council have confirmed that they will be objecting to the Plan and currently proposed on the basis that they have a significant housing need themselves. This is likely to be further influenced by unmet need from Chichester, who again are seeking to constrain housing requirements, which was the case in 2015 and the subsequent knock on from that was for Arun to address some of that need in their 2018 Local Plan.
- 2.12 Given that we do not accept that the A27 capacity matters present a ceiling in terms of housing delivery (based on the Council's Transport Study comments and that of its own consultants), it is not accepted that the Plan and associated SA demonstrates reasonable alternatives have been considered and it is not therefore positively prepared, nor is their approach to housing figures justified.

Effective?

- 2.13 On the basis of the 535 dpa figure, it is considered that the selected areas for growth and figures are deliverable over the Plan period, however, as set out above, the plan area could accommodate a greater level of growth.
- 2.14 It should also be noted that the plan does rely on the delivery of Neighbourhood Plan and / or small site allocations DPD. This is set out under Policy H3 in the draft document. This states the following in terms of delivery:

If draft neighbourhood plans making provision for at least the minimum housing numbers of the relevant area have not made demonstrable progress the council will allocate sites for development within a development plan document in order to meet the requirements of this Local Plan.

- 2.15 The above is not precise and does not provide any clear timetable for delivery within the Plan period. Whilst my comments are noted above that the Plan could be effective, the Local Plan needs to give a clear timescale for completion of the supplementary Development Plan documents in order to give a clear timescale for this to be completed.

Is the plan consistent with National Policy?

- 2.16 On the basis of the comments above, the approach to selected sites for allocation based on the 535 dpa figure is considered to be consistent, however, due to the lack of evidence to demonstrate that the 535 dpa figure should be capped due to the A27 capacity points raised, the draft Plan does not appear to meet the exceptional circumstances allowed for at paragraph 61 of the NPPF to justify their alternative approach. The Plan as proposed is therefore inconsistent with NPPF when read as a whole.

3 Development in Chidham, Hambrook & Nutbourne

- 3.1 Our client's site is located within the village of Nutbourne and comprises an area of land of 1.3 hectares adjacent to the existing residential development along Broad Road. The site is currently located outside, but directly to the east of the settlement boundary of Nutbourne.
- 3.2 The Local Plan provides for a moderate level of growth within the parishes of Fishbourne, Chidham & Hambrook and Bosham, known as service villages, where it is acknowledged that there is good / excellent potential to bring forward development with opportunities to support and expand existing facilities and for increased use of public transport options.
- 3.3 Policy A12 relates to the strategic Chidham and Hambrook allocation and confirms that land will be allocated for development in the revised Chidham and Hambrook Neighbourhood Plan for a minimum of 300 dwellings and supporting facilities and infrastructure.
- 3.4 The Parish of Nutbourne and Hambrook is a logical position for the strategic expansion of 300 dwellings, given its sustainable transportation links and lack of constraints in comparison to other locations within the southern area of the District. The evidence documents which have informed the Plan also support the quantum of development put forward in the policy allocation.

- 3.5 As our client's land could deliver up to 40 dwellings, it would be an appropriately sized site, adjacent to the existing settlement boundary of Nutbourne, which would not compromise the spatial development of Nutbourne or Hambrook to the north. We will therefore be looking to promote our client's site with Chidham & Hambrook Parish Council through a Neighbourhood Plan allocation, and will be recommending to the Parish they allocate a number of small to medium sites to meet the Local Plan policy requirement of 300 dwellings. This development strategy will ensure the integrity and current linear spatial pattern of the service villages are maintained.
- 3.6 Our client's land is ideally situated adjacent to existing residential development which surrounds the site to the north, south and west. This includes the recent development at Hambrook Place and the linear form of dwellings along Broad Road to the west, Hambrook Holiday & Caravan Park to the north and further residential development accessed from Broad Road to the south. The site would not extend further to the east than the built form of development located to the north and south and would not therefore encroach on the wider field pattern to the east. The impact on the wider rural landscape to the east would therefore be limited and the views looking towards the South Downs from the A259 would not be harmed.
- 3.7 The site sits outside and to the south of the Green Corridor shown in the Interim Version of the Chidham & Hambrook Neighbourhood Plan Strategy published October 2021. The development of this site would not therefore impact on the integrity of the Green Corridor or the gap between the settlement boundaries of Hambrook and Nutbourne as shown in the Neighbourhood Plan Strategy.

The Current Appeal

- 3.8 In addition to the promotion of the site for allocation within the next iteration of the Neighbourhood Plan, the Council will be aware that this site is also currently subject to a pending appeal relating to planning application 20/03378/OUT. This application seeks outline planning permission for thirty dwellings with access, associated works, including the provision of swales.
- 3.9 The pending planning appeal follows a previous outline application, 20/00412/OUT for an entry level housing scheme of thirty-five affordable dwellings which was dismissed at appeal on 14 January 2022. The main reason for dismissing this appeal was the proposed development was considered to give rise to adverse effects on the integrity of the local Habitats sites. Whilst the Inspector considered adequate mitigation measures in respect of nutrient neutrality had been provided by the Appellant, an appropriate mechanism for securing these measures for the duration of the development had not been provided with any adequate degree of certainty. It should be noted that no other concerns were raised by the Inspector in relation to the suitability of this site for the development.
- 3.10 The Council have raised two concerns in relation to the current pending appeal for thirty dwellings on the site. The Council raise concern with future occupiers of the discounted market housing (DMS) not being able to obtain mortgages due to properties proximity to electricity pylons which would lead to properties being occupied on a social rented basis. In this scenario, the Council consider in combination with the adjacent social rented scheme, this would result in an unacceptably high concentration of mono tenure properties.

- 3.11 The Chidham & Hambrook Neighbourhood Plan Strategy also notes the presence of pylons and overhead power lines along the northern edge of Nutbourne and the limitations this might cause to development in relation to the guidance published by National Grid (Design Guidelines for Development near Pylons and High Voltage Overhead Power Lines).
- 3.12 Taking into account the Inspector's comments on this point in relation to the previous appeal for 35 no. affordable residential dwellings, it should be noted that the Inspector previously considered that the Appellant's evidence demonstrated that there were lenders willing to offer mortgages for DMS properties.
- 3.13 It should also be noted that as this forms an outline planning application with all matters reserved except for access, the layout of affordable housing is not a matter to be considered under this outline appeal scheme. Nine affordable units would also not lead to an intensive cluster of affordable housing as they have frontages onto different roads.
- 3.14 The second issue raised by the Council in relation to the appeal could be overcome through the provision of a s106 agreement to provide an appropriate mechanism to secure the mitigation measures relating to nutrient neutrality.
- 3.15 As the Council have raised no concerns in relation to the principle of residential development on the site with regard to the current planning appeal, the use of the site for residential development is generally considered to be acceptable. This could be delivered through a successful outcome on the current appeal, through a future allocation within the Neighbourhood Plan or via an SPD prepared by the Council.

Appendix 1: Site Location Plan

