



Chichester Local Plan Review 2035 Regulation 18 Consultation

Representations prepared on behalf of the William Lacey Group

February 2019

Client:
William Lacey Group
Our Reference
207103

6 February 2019

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Executive Summary

1. These representations have been prepared by Strutt and Parker on behalf of the William Lacey Group.
2. Our client is promoting land on the north western edge of Fishbourne, known as the Land at Blackboy Lane and Clay Lane. As such this response primarily focuses on the issues affecting the site both in the consultation draft local plan documents and its supporting evidence base documents.
3. The Council's approach of seeking to deliver sufficient homes to meet the OAN in full is broadly supported, as is the requirement of approximately 250 homes to be delivered at Fishbourne through sites allocated in a review of the Neighbourhood Plan. It is recommended however that the policy wording in relation to Fishbourne is amended to make clear that the neighbourhood plan can, and should, consider the allocation of a mix of small and medium sites in order to meet the assigned housing requirement.
4. The Land at Blackboy Lane and Clay Lane is suitable for development, being in a sustainable edge of settlement location, not subject to any significant constraints, and would represent a logical extension to the settlement area. The site can deliver a number of much needed homes as well as public open space, while retaining important trees within the site.
5. Following on from this consultation we look forward to engaging with the Parish Council to discuss the site and understand their aspirations for development around Fishbourne, and the potential for the allocation of this site through the Fishbourne Neighbourhood Plan Review.

1. Introduction

- 1.1. These representations have been prepared by Strutt and Parker on behalf of the William Lacey Group in response to the Chichester Local Plan Review Regulation 18 Consultation December 2018 (the Plan).
- 1.2. Our client is promoting land to the north west of Fishbourne, known as Land at Blackboy Lane and Clay Lane, Fishbourne (see Site Location Plan at **Appendix 1**). As such this response focuses on the issues affecting Land at Blackboy Lane and Clay Lane – both in the consultation draft local plan documents and its supporting evidence base documents. The site has previously been submitted for consideration in the Council’s Housing and Economic Land Availability Assessment process (HFB0021).
- 1.3. The William Lacey Groups’ proposals for the site would deliver:
 - Upwards of 9 dwellings
 - Public open space
 - Biodiversity gains
- 1.4. This submission is supported by an initial concept layout to illustrate how development might be achieved on the site. We are in the process of undertaking additional technical work which moving forward will help refine options for this site. There include:
 - Development of a concept plan
 - A Phase 1 Ecological Survey Assessment
 - A site access and transport assessment
- 1.5. Following on from this consultation, we will seek to engage with the local community through the Parish Council in the first instance, to facilitate consideration of the site for allocation through a review of the Fishbourne Neighbourhood Plan.

2. Local Plan Review Strategy

- 2.1. The Chichester Local Plan was adopted in 2015 with an aim to deliver 7,282 dwellings between 2014 and 2029. When the Chichester Local Plan was produced and examined it was acknowledged that while the plan would result in an increase in housing provision, it would not meet the established Objectively Assessed Need at that time, and the plan would need to be reviewed within five years.

Policy S4: Meeting Housing Needs & Policy S5 Parish Housing Requirements 2016-2035

- 2.2. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF 2018 states that:

- a) *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 2.3. The draft Local Plan Review document sets out the Plan seeks to meet a stated housing need of 12,350 dwellings (650 dpa) over a plan period of 2016-2035. This requirement includes an adjustment to take account of an element of the unmet need from the South Downs National Park (SDNP). It is noted the assessment of housing need is set out in the Housing and Economic Development Needs Assessment (HEDNA) Jan 2018, and is based on the then draft standard method. We support the Council's commitment to meeting its identified needs in full, including some of the unmet need from the SDNP.

- 2.4. Notwithstanding, from the information published at this stage, it is not clear what consultation has taken place with the District's neighbouring authorities, in particular with Arun and Havant. Paragraph 35 of the NPPF establishes that evidence of joint-working on cross-boundary issues is important for plans to be considered sound. Moving forward

it is therefore important that the Council provides evidence of its engagement with all neighbouring authorities in order to demonstrate that any unmet need in the area is: firstly, understood, and thereafter consideration can be given whether any shortfall (adjustment for) from the adjoining authorities could or should be planned for delivery within Chichester too.

- 2.5. The draft Local Plan Review document sets out the housing requirement will be met through a mixture of strategic urban extensions and smaller sites allocated through Neighbourhood Plans. The Sustainability Appraisal which accompanies the consultation Draft Plan Review sets out a number of options which were considered in order to meet the housing requirement. Option 1A has been selected as the preferred approach which seeks to concentrate development on the settlement hubs, and the East/West corridor, in which Fishbourne is located. This strategy is broadly supported as it seeks to focus development on the most sustainable locations and away from the most constrained areas, including allowing for moderate levels of growth in and around villages. This represents a suitable strategy and is supported. This will enable all parties to be able to provide comments on the Plan's effectiveness.
- 2.6. It is noted the Plan is placing significant reliance on neighbourhood plans to deliver housing, with approximately 3,050 dwellings to be delivered on sites specifically identified through neighbourhood plans. As a consequence, if these plans either progress slowly or not at all, this would have a significant impact on the deliverability of the plan. As such we welcome the commitment and flexibility built-in to the wording of draft Policy S5 to allocate sites through a subsequent Development Plan Document where neighbourhood plans do not achieve timely progression.
- 2.7. We note the housing requirement for several Parishes is not shown in Policy S5 but only listed within the relevant 'AL' strategic allocation policy. It is considered the way this information is presented is rather unhelpful and misleading, particularly as many of the strategic allocation policies do not specifically allocate sites. For example, Fishbourne Parish is shown to have an allocation of 0 new homes in Policy S5 whereas draft Policy AL9 sets out the allocation of 250 new homes. In accordance with Paragraph 16 (d) of the NPPF it is important policies are worded in a way which is clearly written and unambiguous. We therefore recommend the housing requirement for each Parish is listed within Policy S5 unless the proposed specific site allocations themselves have been identified within the Plan. This will make clear whether sites are being allocated through the Local Plan or it will be for a site(s) to be allocated through neighbourhood plans.

- 2.8. It is also noted that the draft strategic allocation policies (Policies AL) do not set out the Council's approach if the relevant neighbourhood plans do not progress. Listing all the Parish housing requirements to be delivered through Neighbourhood Plans within Policy S5 would provide greater certainty over the deliverability of the Plan, by making clear the Council's approach if neighbourhood plans do not progress in those parishes with a strategic allocation policy.

3. Local Plan Policies

AL9: Fishbourne Parish

3.1. Draft Local Plan Review Policy AL9 sets out 250 dwellings will be delivered on sites allocated through a review of the Fishbourne Neighbourhood Plan. Fishbourne contains a variety of services including a school, is located close to Chichester, with access to the A27 and is served by a railway station. It is a sustainable location for growth. The allocation of 250 dwellings for the Parish is therefore welcomed and supported. However, the current wording of draft Policy AL9 refers to development being delivered through a masterplanned sustainable urban extension(s).

3.2. Paragraphs 68 and 69 of the NPPF 2018 state:

68. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

69. Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.

3.3. Particularly in the context of a Local Plan which is seeking to address an existing undersupply of housing, and that the allocation of sites through neighbourhood plans has the potential to delay delivery, it is important that full consideration is given to the allocation of small and medium sized sites to speed up delivery and provide sufficient flexibility to

meet the District housing needs. We therefore recommended the wording of draft Policy AL9 is amended to make clear the Neighbourhood Plan review should consider meeting the strategic requirement through the allocation of a mix of small to large sites rather than the current wording which seems to exclude small sites.

- 3.4. The Land at Clay Land and Blackboy Lane can be developed in compliance with the other requirements of draft Policy AL9 including contributing to the provision of a range of housing types, on-site public open space and the provision or enhancement of green infrastructure.

Policy S6: Affordable Housing

- 3.5. One way in which the NPPF 2018 seeks to increase the rate of deliver is by encouraging viability to be carefully considered at the plan making stage, and not on a site-by-site basis. One implication of this is that it is important that policies which are likely to have an impact on viability, principally in relation to affordable housing, are based on appropriate and up-to-date evidence to ensure they are realistic. Paragraph 57 of the NPPF is clear that local plan viability assessments should be carried out in accordance with national guidance and made publically available. The Council does not appear to have published any viability evidence at this stage and it is important it does so in order to justify and set its affordable housing threshold.

Policy S24: Countryside

- 3.6. Draft Policy S24 sets out that outside of defined settlement boundaries development will only be permitted where it meets three criteria, including requiring a countryside location or an essential local need. As such the current wording of this policy is highly restrictive.
- 3.7. While paragraph 170 of the NPPF 2018 sets out that policies and decisions should recognise the intrinsic character and beauty of the countryside this does not justify ruling out most forms of development in the countryside. Paragraph 78 sets out that housing should be located where it can enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive. Paragraph 83 states that policies and decisions should support the sustainable growth of all types of businesses in rural areas. Draft Policy S24 is therefore not consistent with national policy as it does not support the delivery of sustainable development, including where this would fall outside of defined settlement boundaries.
- 3.8. It is noted that draft Policy DM22 allows for other forms of development in rural areas, and more closely aligns with national policy. As such it is recommended these two policies are

merged, to remove ambiguity over how applications will be assessed and to ensure compliance with national policy.

Policy DM2: Housing Mix

- 3.9. Draft Policy DM2 sets out developments should provide a range of housing to meet identified needs and support mixed and balanced communities and specifies a housing mix which development should be broadly in accordance with. The policy only allows for an alternative mix where this is robustly justified. The wording of the policy lacks flexibility as required by national policy and does not account for the demand for different homes between different locations and types of sites. For example, the demand for small units is likely to be focused on town centre sites whereas demand for family housing is likely to be higher in suburban locations. It is recommended the policy is amended to state housing mix will be agreed on a site by site basis having regard to latest evidence.
- 3.10. It is noted the final point of this policy requires all housing to meet the Nationally Described Space Standards (NDSS). The PPG is clear that the adoption of the NDSS needs to be justified by way of evidence on need, viability, and timing. This justification does not appear within the Plan's accompanying published evidence base. Unless the Council can provide justification to the contrary, it is recommended the policy is amended to state developments should provide an appropriate standard of accommodation having regard to the NDSS.

Policy DM8: Transport, Accessibility and Parking

- 3.11. Draft Policy DM8 sets out that all development should include adequate parking provision, with the supporting text setting out that this will be assessed on a site-by-site basis and with reference to the West Sussex parking standards.
- 3.12. Paragraphs 105-106 of the NPPF set out that policies on local parking standards should be evidenced based and any maximum standards clearly justified. While we welcome the Council taking a flexible approach, any expectations with regard to parking standards should be clearly set out within the Plan and supported by appropriate evidence. As parking provision has implications for viability and design it is important any requirements are considered through the local plan process.

Policy DM16: Sustainable Design and Construction

- 3.13. Draft Policy DM16 seeks to ensure all new development is built in a sustainable way, including through a requirement that all new dwellings achieve an improvement of at least 19% on the energy standard within the 2013 building regulations requirement, and that all

development will meet the Building for Life Standards or meet 4 stars under the BRE Home Quality Mark. It also requires 10% of energy from all sites be from renewable sources. While we support the broad aims of this policy there may be good reasons why development is unable to comply with these requirements. For example, where compliance conflicts with other design considerations or affects the viability of a development. The Council does not appear to have evidenced the viability implications of these policy requirements within the Plan's published evidence base. It is recommended the wording of this policy be amended to state that compliance with these standards will be sought as a minimum unless it is otherwise demonstrated as being unfeasible.

Policy DM28: Natural Environment

- 3.14. Draft Policy DM28 seeks to protect the landscape character of the District, with the final point of the policy (part 5) seeking to protect the *actual and perceived individual identity of settlements*. While it is agreed that reinforcing local distinctiveness is an important component of good design, the perceived identity of a settlement is a wholly subjective consideration. As such it is not clear how an applicant will be able to consistently demonstrate compliance and how the Council's Planning Officers will be able to demonstrate consistency in the application and assessment of development proposals against this policy requirement. In accordance with paragraph 16 of the NPPF it is recommended this element of the draft policy is removed.

4. The Land at Blackboy Lane and Clay Lane, Fishbourne

The Land at Blackboy Lane and Clay Lane

- 4.1. A location plan of the site is included at **Appendix 1**. The site is a small paddock situated at the north west end of Fishbourne comprising an area of approximately 0.7ha. The site is largely contained by development on three sides. Development of this site represents an ideal opportunity to provide a modest development which would be a logical extension to the settlement area.
- 4.2. The site is sustainably located, within walking distance of a range of services in the village including bus stops, a railway station, and primary school.
- 4.3. There is potential for safe access to be provided from Blackboy Lane, Clay Lane, and/or Godwin Way.
- 4.4. A concept plan has produced and is included at **Appendix 2**. This illustrates how development might be achieved on the site including the provision of:
 - Upwards of 9 dwellings
 - Public open space
 - The retention of or provision of important trees, hedgerows and other green infrastructure
 - Landscaping designed to provide a natural transition between the settlement and the wider open countryside.
- 4.5. The concept plan is illustrative at this stage and we will be inviting discussion with the Parish Council about how they consider this site should be developed.

Site Specific Evidence Base

- 4.6. The January 2018 Housing and Economic Land Availability Assessment (HELAA) identifies the site as 'Land north of Godwin Way' and assigns it an ID of HFB0021. The HELAA identifies that the site is suitable as it is adjacent to a settlement, is available and that development is achievable.
- 4.7. The HELAA estimates a yield of 19 dwellings on the site, to be delivered within 5 years. While the yield in the HELAA is higher than shown on the concept site plan submitted with these representations, this is just one illustration of how the site can be developed. Our

client's development proposals will therefore be further discussed with the Parish Council toward determining a shared consensus on the appropriate number of new homes that it will deliver.

- 4.8. We fully support the Council's assessment of the site through the HELAA and can confirm that the site remains available, is deliverable and is suitable for allocation through a review of the Fishbourne Neighbourhood Plan.
- 4.9. Whilst not currently a matter for consideration by Officers at Chichester District Council we can advise our client is in the process of undertaking site specific technical work, which will be shared with the Parish Council in due course, including:
 - A Phase 1 Ecological Survey Assessment
 - A site access and transport assessment

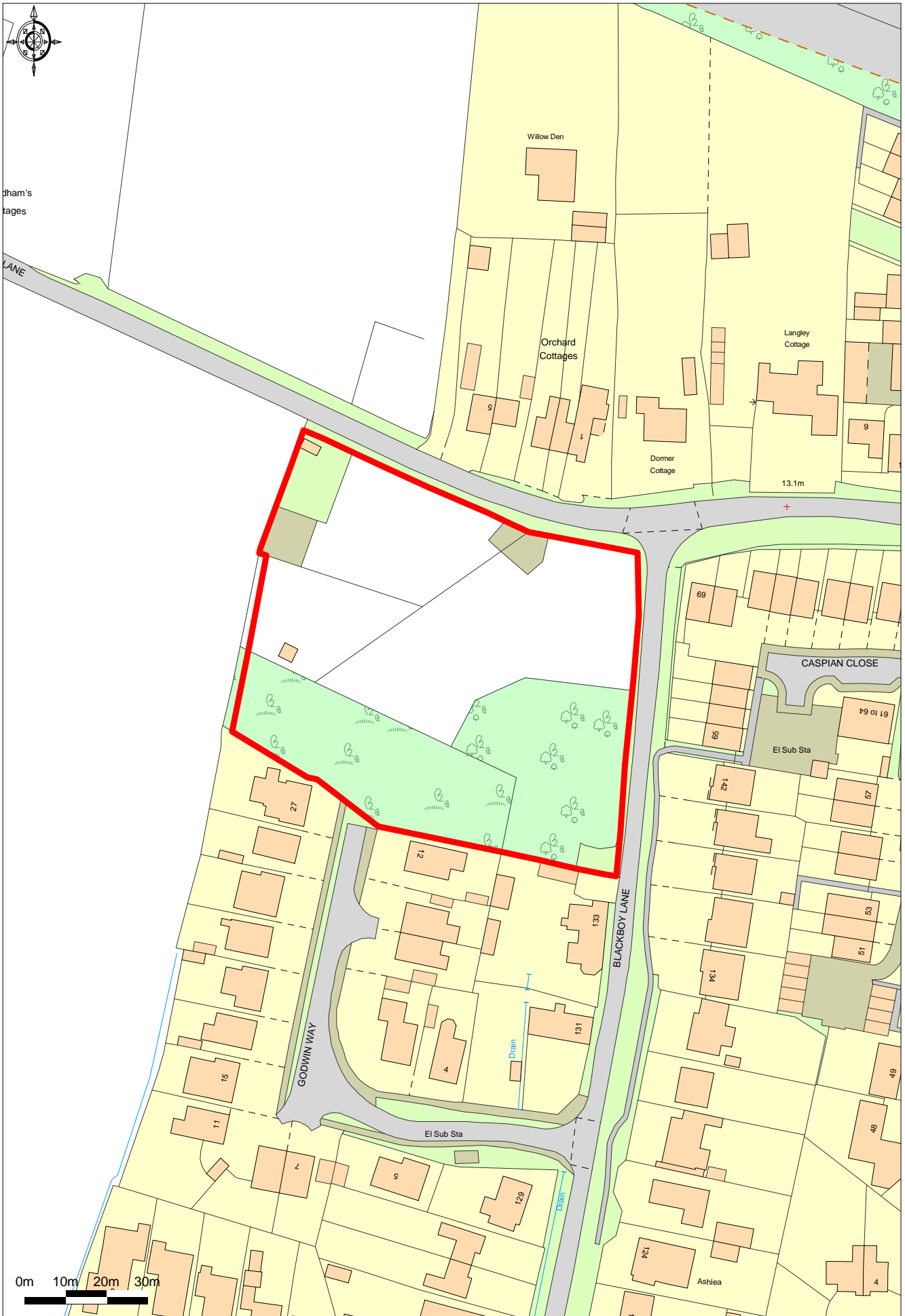
5. Conclusions

- 5.1. As present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF. We therefore suggest the recommendations made in these representations are taken into consideration and the Council ensures that it has a robust evidence base with regard to viability and the duty-to-cooperate prior to the publication of the Proposed Submission Plan.
- 5.2. Notwithstanding our stated concerns with elements of the Plan, the allocation of land at Blackboy Lane and Clay Lane, through a review of the Fishbourne Neighbourhood Plan, should be appropriately enabled by the emerging Chichester Local Plan and its strategic policies.
- 5.3. The site is capable of making a positive contribution to meeting the District's housing needs. It is a deliverable site and can deliver a sustainable development of:
 - Upwards of 9 dwellings
 - Provision of public open space
 - The retention of existing important trees, hedgerows and other green infrastructure
 - Landscaping designed to provide a natural transition between the settlement and the wider countryside
- 5.4. Following on from this consultation, William Lacey Group will be seeking to engage with the Parish Council to further discuss the site and its merits as a future residential development allocation site within a review of the Fishbourne Neighbourhood Plan.

Appendices

Appendix 1

Land at Blackboy Lane and Clay Lane, Fishbourne
Chichester Local Plan Review 2034 – Issues and Options Consultation



Appendix 2



Notes

1. This drawing is the copyright of MH Architects Ltd
2. Do not scale this drawing except for Local Authority planning purposes
3. All dimensions must be checked on site by the contractor prior to commencement of the works.

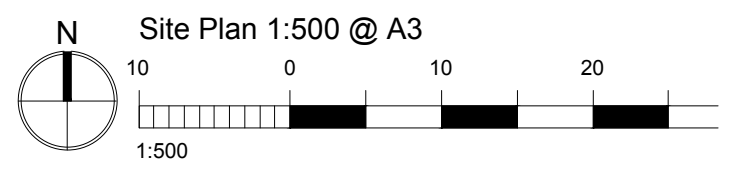


Client Approval

X	A - Approved				
X	B - Approved with comments				
X	C - Do not use				
Rev.	Revision Note/Purpose of Issue	Drw By	Date	Chk By	Date

SCHEDULE OF ACCOMMODATION

1	4 bed 6 person House	107 sq.m.
2	4 bed 6 person House	129 sq.m.
3	4 bed 6 person House	130 sq.m.
4	4 bed 7 person House	181 sq.m.
5	4 bed 6 person House	107 sq.m.
6	4 bed 6 person House	107 sq.m.
7	4 bed 6 person House	107 sq.m.
8	4 bed 7 person House	181 sq.m.
9	4 bed 7 person House	181 sq.m.
Total		1,230 sq.m.
Site Area		0.789 Ha.
Site Density (9 / 0.789)		11.4 units / Ha.



William Lacey Group
 Land at Blackboy Lane,
 Fishbourne,
 West Sussex

Drawing title: **Proposed Site Layout (Extended Site)**

Drawn	Date	Checked	Date	Scale at A3				
CJP	Nov 17	PMH	Nov 17	1:500				
Job No.	Pro.	Org.	Zone	Level	Type	Role	No.	Rev.
17-137	BBL	MHA	00	XX	DR	A	SK02	P01
Purpose of Issue: SKETCH FOR DISCUSSION								

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