

**Chichester Local Plan Review 2035
Preferred Approach
December 2018**

**Representations on behalf of West Sussex County Council
5 February 2019**

Our client owns the former Tannery site on Westgate. The site is approximately 0.66 hectares and contains a former office of 14,000sq ft converted in the early 1970's from a closed tannery business together with five former dwellings constructed during the Edwardian period presumably as part of the tannery operation. These buildings front Westgate which is the public highway.

In preparing plans Paragraph 16 of the NPPF (2018) states that plans should:

- a) *'be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *be prepared positively, in a way that is aspirational but deliverable;*
- c) *be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) *contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) *be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) *serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).'*

In order to be sound, paragraph 35 states that plans should be:

- a) *'Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) *Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) *Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.'*

We are concerned that as drafted the Local Plan is unsound for the reasons set out below.

Policies S4 and S5

Policy S4 sets a target for delivery of 12,350 homes in the District over the plan period. Site AL5 (Southern Gateway) on the southern side of Chichester City (includes bus station and depot, public car park, former law courts and Chichester Railway station) is allocated in the draft plan for regeneration including a minimum of 350 homes. In addition Policy S5 sets a target for the delivery of a further 50 units in Chichester City. We are concerned that 50 units is very low and contrary to NPPF that states that policies must be justified and represent an appropriate strategy. The policy does not encourage development of appropriate previously developed sites conflicting with Government objectives in the NPPF.

The main strategy for delivering housing within the district appears to be urban extensions on greenfield sites on the edge of settlements. The first priority should be to make best use of appropriate brownfield sites. The former Tannery site is the largest opportunity for residential development (apart from AL5, which has complex issues due to the different parcels of land) in the central area of Chichester City and could deliver in the region of 25-30 units. The site has been vacant for several years and marketing as employment use has been carried out over the past 36 months which has found there to be no commercial interest. A full report would be submitted as part of any application.

Furthermore the site was identified by Chichester District Council in Appendix 3 of the HELAA 2018 as having potential for the delivery of 30 units (HCC0035) in years 1-5 of the plan period. The form concludes that *'There is a reasonable prospect that development would be achievable during the Plan period.'* Whilst we appreciate that compared to the other sites being allocated this site is of a smaller scale, it is the largest housing site (apart from AL5) in Chichester City and would make an important contribution to the housing supply in the central area. It is therefore a strategic site for Chichester City. To ensure that there is no ambiguity moving forward, in accordance with Paragraph 16 d) of the NPPF, the plan should identify the site for the delivery of approximately 30 units.

Paragraph 4.92 of the draft plan states that:

'there are a number of sites with potential for redevelopment to the south of the city centre in the area known as the 'Southern Gateway', including the Basin Road Royal Mail Delivery site and Bus Depot. Within this area, there is potential to provide an enhanced rail/bus interchange; new office and commercial floorspace; some new residential development; enhancements to the townscape, streetscape and public space; and improved road layouts providing better cycling and pedestrian access to the city centre from the south'

In order to be effective and justified the plan must also acknowledge the role of the former Tannery site in delivering housing in Chichester City.

Policies S8, DM9 and Appendix C

We are concerned that these policies as drafted are overly rigorous and could prevent appropriate development from coming forward.

Policies S8 and DM9 contain a general presumption that employment sites will be retained. For the reasons set out above the Tannery is no longer suitable for employment and has been marketed unsuccessfully for a number of years. The plan needs to reflect this and the conclusions in the HELAA and the site should therefore be referred to in the plan as having potential for the delivery of approximately 30 units.

Paragraph 7.54 refers to regular reviewing of the suitability of existing employment sites. This is important, however, we are concerned as to how and when this occurs. As far as we are aware the suitability of this site for employment use was not assessed under either the Employment Land Review 2009 or the Update in 2013. It is also not referred to in the Economic Development and Employment Background Paper January 2019.

Due to the location of the site in the City, this is not the preferred location for offices and as such the site has remained vacant despite being actively marketed for over 36 months to seek a commercial user. If this site was to be reviewed now, then we believe that it would be sensibly concluded that it is no longer suitable for employment use and should be released for housing. The policies as worded are ambiguous and not clear as to how a decision maker should react to proposals, in conflict with paragraph 16 of the NPPF. The HELAA 2018 does not appear to have informed these policies. There is no evidence for retention of this site for employment use and the policies are therefore not justified.

Furthermore, the site has previously obtained Prior Approval for 15 residential units under office to residential permitted development rights. The same circumstances apply and this could be applied for again.

The Local Plan as drafted is already out of date and is not justified or effective, contrary to the NPPF.