

Planning and Development,
Chichester District Council,
1 E Pallant,
Chichester,
PO19 1TY

07 March 2023
Ref: MS/Let/P1857i

F.A.O Strategic Planning Policy,

Land South West of Willetts Way, Loxwood (HLX0006)

This letter has been produced by ECE Planning on behalf of **Loxwood (Mellow) Ltd**, in response to consultation on 'Chichester District Local Plan Review Regulation 19 Consultation' (referred to hereon in as the 'Draft Local Plan') and in support of the promotion of Land South West of Willetts Way, Loxwood ('The Site').

Before setting out our views on the Draft Local Plan and the merits of the Loxwood site, we would like to express our general concern regarding the 'soundness' of the Plan as currently drafted. On this basis, we do not consider that the Draft Plan has been 'positively prepared', and is not 'justified', 'effective' or 'consistent with national policy'. The Draft Local Plan therefore currently conflicts with Paragraph 35 of the National Planning Policy Framework.

In summary, while the Draft Local Plan is positively attempting to address housing need within the District, the proposed housing target is too low and should meet OAHN. We also disagree with the proposed approach to delegate to Parish Councils and Neighbourhood Plans to allocate specific sites. We argue that to prepare a 'justified', 'effective' and 'consistent' Local Plan, the District needs to carry out the specific allocation of sites.

The Site, subject of these representations, has previously been promoted through the HELAA under site ID: HLX0006 and is considered **suitable, available and achievable** for up to 10 units, but remains outside the Neighbourhood Plan settlement boundary which should be revised to include the site and also properties on the High Street that are integral to the village.

In providing these representations, Loxwood (Mellow) wish to work proactively with the Council to help deliver on the Local Plan objectives and to address the pressing development needs of the area in the most sustainable manner possible.

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The Site

The Site is situated to the southern side of Loxwood Village, immediately adjacent to the existing settlement boundary which runs along Willetts Way. This is shown in Figure 1, outlined in red.

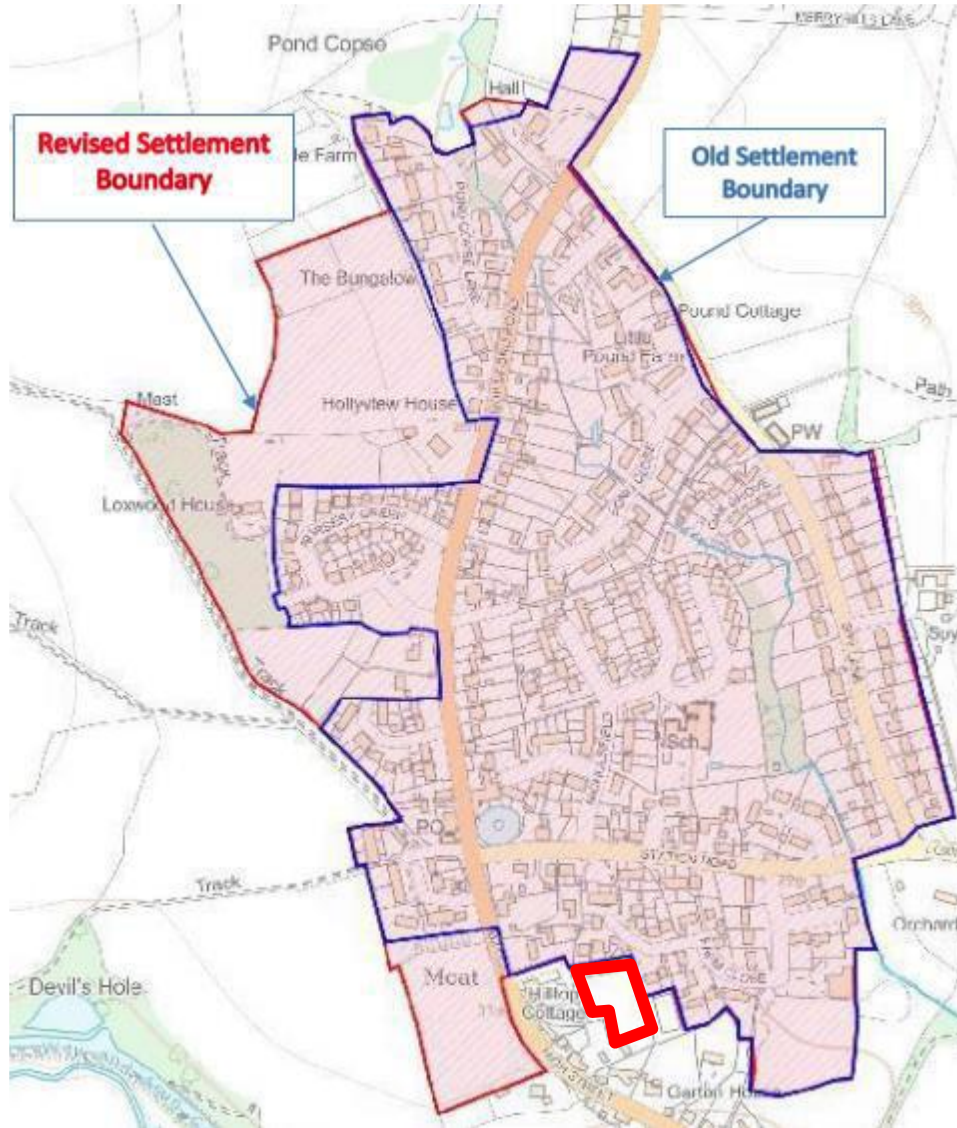


Figure 1 - Settlement Boundary (Loxwood Neighbourhood Plan Reg 15)

The site is a paddock situated to the north eastern side of a property known as Mellow which fronts the High Street/Guildford Road. The paddock is approximately 0.4 ha in size and is an open field area with barns and outbuildings situated to the south of the site.

The site is bounded by residential development to the north and east on Willetts Way, within the settlement boundary and to the south and west by properties fronting the High Street (B2133), located outside of the settlement boundary. New vehicular access is available via Willetts Way to the north east of the site.

The site is considered highly sustainable in which local amenities are easily accessible and include Loxwood Primary School, The Onslow Arms, and Loxwood Post Office and Store.

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The site falls within Flood Zone 1 therefore has a low probability of flood risk. The site does not contain Tree Preservation Orders (TPOs) or other relevant landscape designations.

There is an existing planning application for development on part of this site (21/02849/FUL) that has not yet been determined. The site is also subject of a Non-Determination Appeal which is currently with PINS. The proposed application (21/02849/FUL) seeks:

“Full Planning Application for the provision of 5no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping”.

The determination of this application has been significantly delayed, as such Loxwood Mellow (Ltd) has lodged a Non-Determination Planning Appeal (APP/L3815/W/22/3313480) which is currently under consideration with PINS.

Both the planning application and appeal submission outline that the site is highly sustainable within the context of Loxwood and is surrounded by existing built up development with easily accessible local services and facilities.

The representations subject of this letter, seek to promote the site for the development of up to 10 units, given its sufficient size, location and lack of constraining factors. It is noted that Loxwood Mellow do not have ownership over the entirety of the site promoted, just the northern half subject of this application. The land under ownership of Loxwood Mellow is considered too small for Local Plan allocation, and would be classed as windfall, as such the wider promoted land under HELAA reference: HLX0006 is the site promoted within these representations.

Settlement Boundary

The Revised Loxwood Neighbourhood Plan 2019 to 2037 is currently at early stage with adoption running alongside the Draft Local Plan. The Draft NP details allocated sites for housing, and includes an enlargement of the built-up area settlement boundary for the Village of Loxwood (Shown in Figure 1).

It is considered that the Site at (Land South West of Willetts Way) should sit within the revised Settlement Boundary of Loxwood alongside nearby houses along the High Street which clearly should be within the settlement boundary. The site (shown in Figure 2) has been promoted within the Housing Economic Land Availability Assessment (HELAA) found to be **suitable, available and achievable** for a up to 10 units.

It has also been recognised by the Council that the site is in a sustainable location, close to services, facilities, school, GP surgery and is well served by public transport (21/02849/FUL) and it is therefore deemed illogical that it continues to be excluded from the settlement boundary.



Figure 2 - Aerial Image of Site

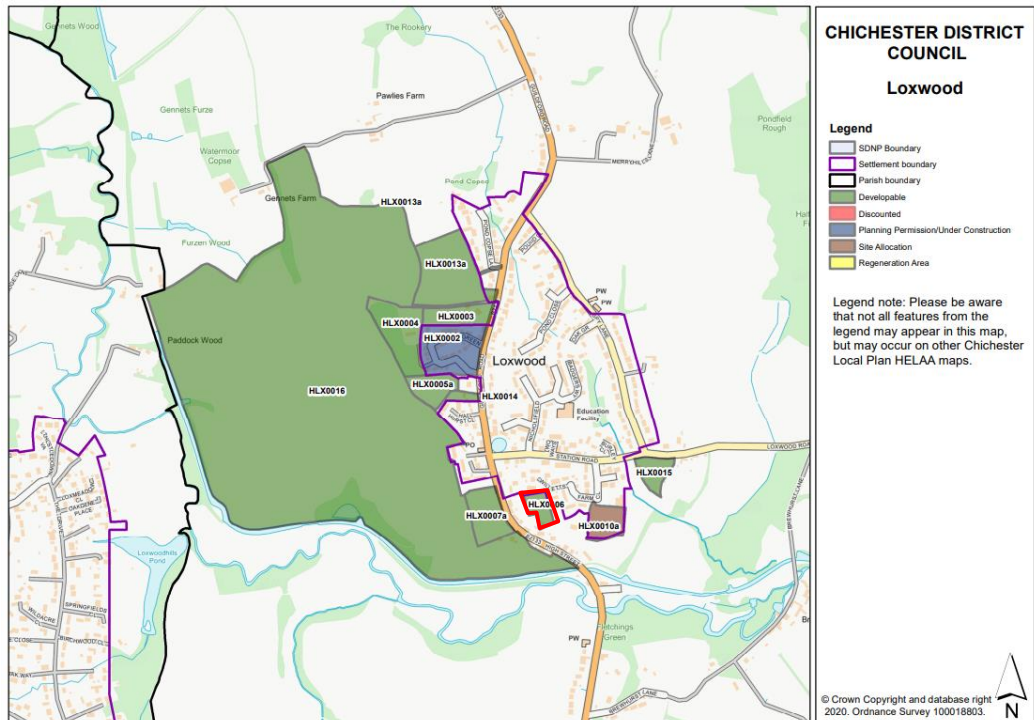


Figure 3 - CDC Sustainability Appraisal HELAA (2021) for Loxwood (Site ID: HLX0006) outlined in red

Sustainability Appraisal (January 2023)

Within the Sustainability Appraisal (2023), Loxwood has been considered a well-connected settlement with potential for 'high-growth' across multiple scenarios. A key factor in this potential 'high-growth' is the expansion of the western side via a strategic extension.

However, the first port of call for these growth scenarios is smaller sites, promoted within the HELAA. The Sustainability Appraisal includes: *'the following series of sites that relate well to the existing settlement boundary and, indeed, are included within the revised settlement boundary presented within the version of the Loxwood Neighbourhood Plan*

Review published for consultation in 2020: HLX0003; HLX0004; HLX0005a and HLX0006. The assumed capacity of these sites is 70 homes.'

The Sustainability Appraisal assumes that the site HLX0006 has been included within the defined settlement boundary of Loxwood in the revised Neighbourhood Plan, as such the growth scenarios include the 10 units promoted for the site in question.

The Sustainability Appraisal also discusses the merits of strategic local allocations vs parish allocations and states that a key factor influencing the development of reasonable growth scenarios is the need to strike a balance between: A) allocations and broad locations in line with NPPF paragraph 68; and B) 'parish allocations', i.e. assigning housing delivery numbers to parishes, on the assumption that the relevant parish council will bring forward a neighbourhood plan that formally allocates sites (recalling that it is only once sites have been allocated that they are demonstrably 'deliverable' to the extent that they can count towards five year housing land supply, in line with NPPF paragraph 74).

Within this discussion, the SA outlines that with 'parish allocations' there is a degree of delivery risk.

'There is a need to be clear that assigning parish allocations is inherently challenging. There is often a need to assign a number to a parish on the basis of assumed sites that would ultimately be allocated; however, in practice, there can be no certainty that the assumed sites will actually be allocated.'

Based on the above, we consider that too much weight has been given to Parish allocations within the Draft Local Plan and the assumed sites within the proposed Loxwood allocation may not be considered fairly or appropriately within the Revised Loxwood Neighbourhood Plan (when this process recommences).

Policy Representations

These representations focus on the following policies within the Draft Local Plan:

- *Policy S1 – Spatial Development Strategy*
- *Policy S2 – Settlement Hierarchy*
- *Policy H1 – Meeting Housing Needs*
- *Policy H2 – Strategic Locations/Allocations 2021 - 2039*
- *Policy H3 – Non-Strategic Parish Housing Requirements 2021 - 2039*
- *Policy A15 - Loxwood*

These policies set out the housing strategy to 2039 and the strategic allocations that are intended to meet their full housing requirements over the Plan period. As detailed from the Sustainability Appraisal section, the Plan should require strategic sites and surrounding areas to optimise their ability to deliver the Council's housing requirements, specifically through the strategic allocation of housing, and not delegating to neighbourhood plans.

The representations are set out in detail below:

Policy S1 – Spatial Development Strategy

Objection

The spatial development strategy identifies the broad approach to providing sustainable development in the plan area. It seeks to disperse development across the plan area:

3. Where opportunities arise, supporting the villages and rural communities in the North of the Plan Area.

To help achieve sustainable growth the council will:

4. Ensure that new residential and employment development is distributed in line with the settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

<i>Strategic Development Location</i>	
<i>At the following service villages</i>	Loxwood (Policy A15)

6. Non-strategic provision is made for the following forms of development in service villages:
 - a. Small-scale housing developments consistent with the indicative housing numbers set out in Policy H3;
7. Provision for the above is made through this Local Plan, the extant Site Allocation Development Plan Document 2014-2029 (or subsequent Site Allocation DPD) and through neighbourhood plans.

To ensure that the council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in accordance with this Strategy where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Authority Monitoring Report.

We acknowledge support of the allocation of Loxwood as a ‘Service Village’ given its proximity and connections to Billingham, and the local services and facilities available.

We also acknowledge, Point 6.a which allows small scale housing developments consistent with housing numbers set out in Policy H3 *Non-Strategic Parish Housing Requirements 2021 - 2039*. The site at Land South West of Willetts Way, is appropriate for up to 10 units and therefore fits the definition of ‘small scale housing developments’, as such is a target site for Policy S1.6.a.

An analysis of Policy H3 is discussed in greater detail below, however the reliance on Policy H3 and consequently Neighbourhood Plans, means that this policy is not ‘effective’ in that a dependence on individual Parishes to allocate housing to meet requirements/targets may not be met in a sustainable way and in sufficient time to meet local needs. This means that the housing targets established in Policy H2 may not be deliverable over the plan period.

It is considered that to fulfil its strategic role (particularly with the reduced housing requirement below OAHN) the draft Local Plan review must allocate individual housing sites across the District, including **Non-strategic provision** across towns, villages and Parishes.

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The Draft Local Plan is therefore considered to be 'ineffective' and 'unjustified' by failing to ensure the delivery of housing in an effective and timely manner. Policy S1 – Spatial Development Strategy should be amended to include specific non-strategic allocations of land and remove the requirement for Neighbourhood Plans to deliver at this more local scale.

Policy S2 – Settlement Hierarchy

Objection

Settlement Type	Communities
Service Villages	Loxwood

Settlement Boundaries

There is a presumption in favour of sustainable development within the settlement boundaries which will be reviewed through the preparation of development plan documents and/or neighbourhood plans, reflecting the following general approach:

1. *Respecting the setting, form and character of the settlement;*
2. *Avoiding actual or perceived coalescence of settlements; and*
3. *Ensuring good accessibility to local services and facilities*

As with Policy S1, we are in agreement with the Draft Local Plan defining Loxwood as a ‘Service Village’ in terms of settlement hierarchy with a need to direct growth to the most accessible and best-connected locations, including villages with good public transport options.

We seek to acknowledge the policy discussion on settlement boundaries, and support the presumption in favour of sustainable development within the settlement boundary of service villages.

However, we consider the Draft Local Plan to be ‘ineffective’ and ‘unjustified’ in this respect by giving the power to define the Settlement Boundaries to Neighbourhood Plans. The Draft Local Plan cannot be ‘positively prepared’ when suitable, available and achievable sites are left fragmented and overlooked by Parish Councils creating piecemeal plots outside of the settlement boundary for often unjustified reasons, the Neighbourhood Plan process being subject to lesser scrutiny (having only to meet basic conditions) than local plans.

In line with our comments on *Policy S1 – Spatial Development Strategy*, the local plan should both allocate non-strategic sites and define settlement boundaries around the District if it is to meet its role and purpose under the NPPF.

In relation to Loxwood for example, the settlement boundary as defined by the Neighbourhood Plan is not representative of the current village and its settlement, or suitably reflective of the levels of housing growth and allocations required. The current settlement boundary is shown below in the Settlement Boundary (Loxwood Neighbourhood Plan Reg 15) (Figure 4). The settlement boundary fails to include the Land South West of Willetts Way which was found in the Housing Economic Land Availability Assessment (HELAA) to be suitable, available and achievable for up to 10 units (HLX0006). The site is clearly sustainable, being close to the village centre, and associated services but was excluded for unjustified reasons through the previous Neighbourhood Plan process.

Furthermore, the settlement boundary also excludes the High Street and associated residential properties to the south of the village centre which are historically and currently part of the village. The historic map shown below (Historical Ordnance survey map dated 1912) shows the small settlement of Loxwood at that time with the junction of Station Road and the High Street and only a small number of properties but the residential dwellings on the High Street were central to the evolution of the village and close to services, facilities, surgeries and the school which grew around them. To exclude the High Street and land to the rear including Land South West of Willetts Way is illogical and unjustified.

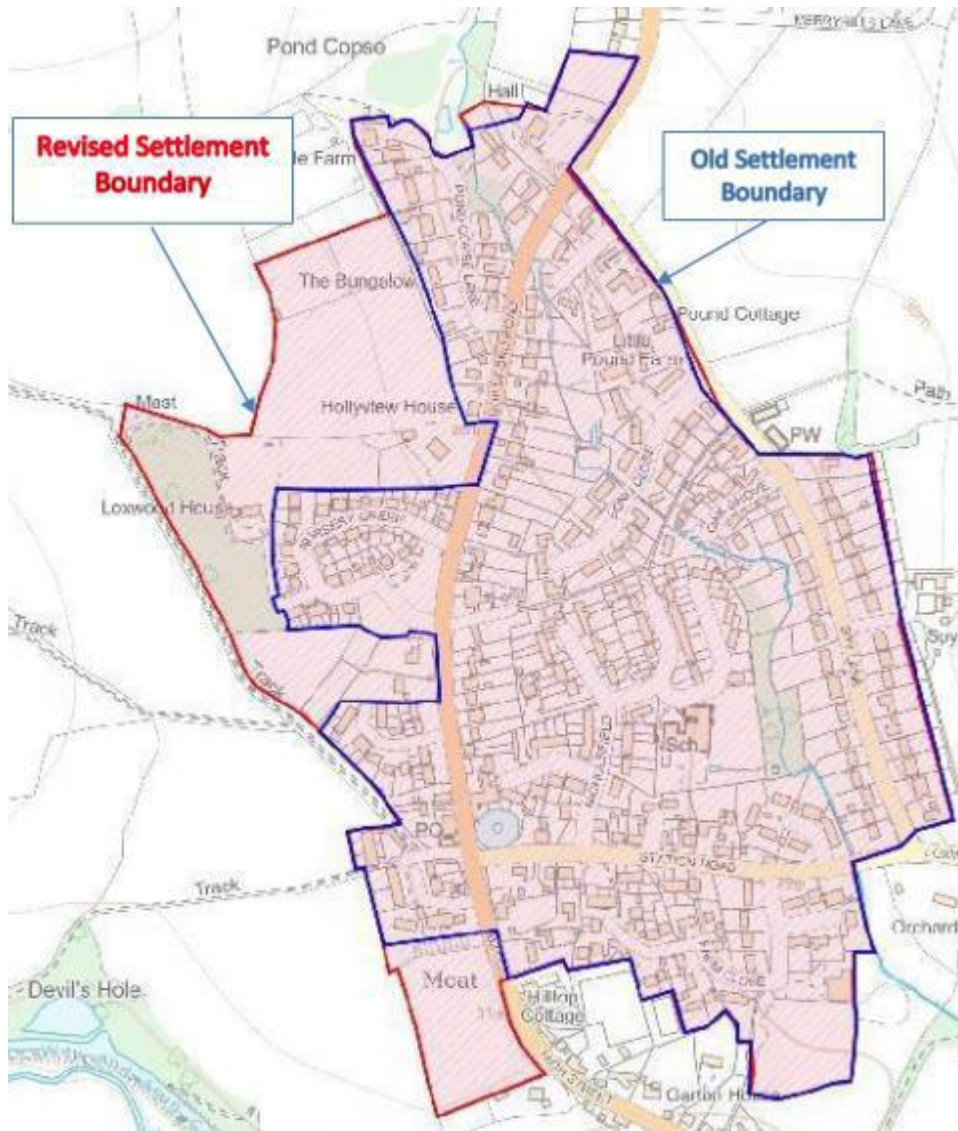


Figure 4 - Settlement Boundary (Loxwood Neighbourhood Plan Reg 15)



Figure 5 - Historical Ordnance Survey Map dated 1912

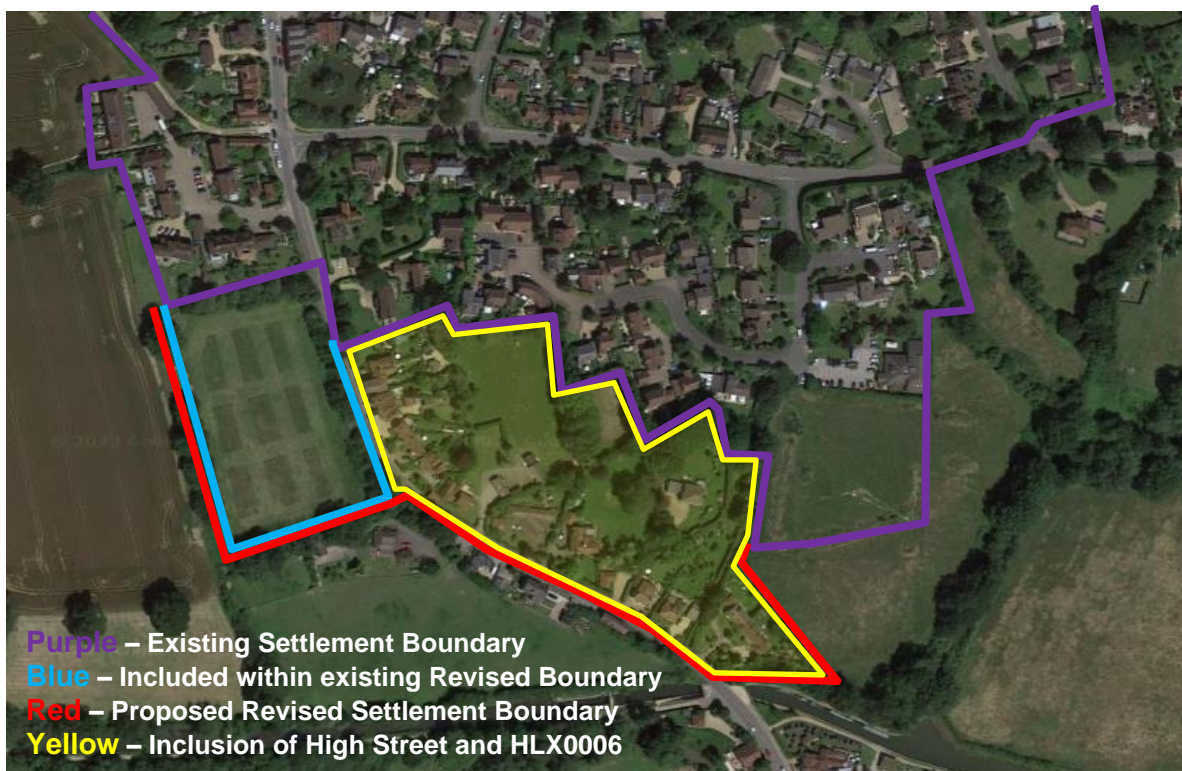


Figure 6 - Proposed Revised Settlement Boundary to include High Street and HLX0006 (Highlighted Yellow)

Figure 6 indicates where the logical and justified settlement boundary should be to the south of Loxwood (represented by the red line). The inclusion of this area is both a sustainable allocation of 10 new homes at Land South West of Willetts Way, but also a more accurate reflection of the actual settlement boundary of the village, through the inclusion of the historic ‘High Street’.

In order for the Draft Local Plan to be ‘justified’ and ‘effective’ in delivering housing through small scale sites, the Local Plan needs to specify the settlement boundaries and allocate sites, and not delegate to Neighbourhood Plans.

Policy H1 – Meeting Housing Needs

Objection

The housing target for the plan area is to provide for at least 10,350 dwellings to be delivered in the period 2021-2039.

The broad spatial distribution of this supply of housing across the different plan areas is indicated in the table below:

Sub-Area	Housing provision 2021-2039
<i>North of Plan Area</i>	679
Plan Area Total	10,359

We acknowledge that Chichester District Council is positively attempting to address housing need within the District. However, we object to the proposed plan area total of 10,359 and seek to point out that this figure is too low when compared to the data provided within the HEDNA (April 2022). Ultimately, the Council should be meeting the objectively assessed housing need of 638 dwellings per annum.

The supporting text for Policy H1 reads:

‘constraints, particularly the capacity of the A27 has led to the council planning for a housing requirement below the need derived from the standard method, of 535 dpa in the southern plan area and a further 40 dpa in the northern plan area, a total supply of 10,350 dwellings over the plan period from 2021 – 2039.’

Whilst we acknowledge the constraints of the A27 to the Southern Plan Area, these constraints are not as limiting in the North of the Plan Area, to justify a housing supply of 40 dwellings per annum (679 total).

It is therefore considered that a higher number of dwellings should be allocated to the North of the Plan Area, by increasing the settlement boundary of sustainable settlements such as Loxwood and Kirdford, in order to help the District achieve the objectively assessed housing need of the district.

Loxwood, in particular, is a highly sustainable settlement that the Draft Local Plan has allocated a minimum of 220 dwellings (Policy H2 – Strategic Locations / Allocations) over the plan period. Loxwood is a ‘service village’ that has been recognised by the Council to be a highly sustainable, with sufficient services and facilities, including a school, GP surgery and is well served by public transport. Within the Sustainability Appraisal (January 2023), the highest growth scenario allowed for 1,050 dwellings in Loxwood, with the middle scenario allowing 450 dwellings.

As such, there is significant capacity for allocations within Loxwood and a greater housing provision of a minimum of 300 dwellings, should be provided, based on the findings of the Sustainability Appraisal, in order for Chichester to meet the objectively assessed housing need (OAHN).

We argue that to prepare a ‘justified’, ‘effective’ and ‘consistent’ Local Plan, the District needs to increase the housing provision of the North of the Plan Area, through the specific allocation of sites at a District level.

Policy H2 – Strategic Locations / Allocations 2012-2039

Objection

The following strategic locations have been identified where neighbourhood plans are anticipated to be prepared to identify the sites required:

Reference	Location	Dwellings
A15	Loxwood	220

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 within a development plan document in order to meet the requirements of this Local Plan.

We acknowledge that the figure of 220 dwellings for Loxwood has been assessed through an approximate blend of scenarios within the Sustainability Appraisal, however the higher growth scenarios allow between 450-1050 dwellings.

While we support the proposed growth of Loxwood, we wish to highlight that this proposed figure of 220 will not sufficiently meet the objectively assessed need for housing within the District, and should be increased to allow greater housing provision in the North of the Plan Area. In line with our comments on *Policy H1 – Meeting Housing Needs*, we propose a greater allocation of dwellings to the sustainable settlement of Loxwood, with a minimum of 300 dwellings, based on the findings of the Sustainability Appraisal (Jan 2023).

In addition to this, we do not support the strategic allocation of housing at a Parish/Neighbourhood Plan level, and strongly object to proposed provision of 220 dwellings via parish allocations. This is based on the proposed settlement boundary within the Revised Neighbourhood Plan for Loxwood, not adopting appropriate sites for housing.

The Sustainability Appraisal discusses the 10 unit site, HLX0006, and outlines that the site is considered to be suitable, available and achievable within the HELAA. As such, the SA has included the site within the calculated sum of anticipated future dwellings across Loxwood (220). However, the site has been disregarded within the Neighbourhood Plan and sits outside of the proposed settlement boundary, despite being a highly suitable location for housing allocation.

This Policy can therefore, not be considered 'effective' within the Draft Local Plan as the housing provision of 220 can be increased to better satisfy the objectively assessed housing need in of the District. Further to this, the Parish Council's failure to include and allocate appropriate sites at a Neighbourhood Plan level will mean that the housing target of 220 dwellings will not likely be deliverable across the plan period.

The Draft Local Plan is therefore considered to be 'ineffective' and 'unjustified' by failing to provide sufficient housing provision or ensure the delivery of housing in an effective manner. *Policy H2 – Strategic Locations/Allocations* should be remove the reliance on the delivery of housing via Neighbourhood Plans and parish allocations, and amend to allowed proposed dwelling allocations to be allocated at a District level, in order to ensure the uptake of appropriate deliverable sites.

Policy H3 – Non-Strategic Parish Housing Requirements 2021-2039

Objection

Small-scale housing sites will be identified to help provide for the needs of local communities in accordance with the parish housing requirements set out below. Suitable sites will be identified either through neighbourhood plans or subsequent development plan document. Note that a '' against a parish name indicates that a strategic allocation/ broad location for development is identified or strategic location for development is made as set out in Policy H2.*

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.

It is acknowledged that Loxwood is marked with an '*' outlining that a strategic location has been identified via a neighbourhood plan within Policy H2.

This is discussed in greater detail under Policy H2 representations, however, we consider the approach of housing allocation and defining settlement boundaries via neighbourhood plans and parish allocations to be 'ineffective' and 'unjustified'.

In relation to Loxwood for example, the settlement boundary as defined by the Neighbourhood Plan is not representative of the current village and its settlement, or suitably reflective of the levels of housing growth and allocations required. The current settlement boundary fails to include the Land South West of Willetts Way which was found in the Housing Economic Land Availability Assessment (HELAA) to be suitable, available and achievable for up to 10 units (HLX0006). The site is clearly sustainable, being close to the village centre, and associated services but was excluded for unjustified reasons through the previous Neighbourhood Plan process.

The Draft Local Plan cannot be 'positively prepared' when suitable, available and achievable sites are left fragmented and overlooked by Parish Councils creating piecemeal plots outside of the settlement boundary for unjustified reasons, while the Neighbourhood Plan process is subject to lesser scrutiny (having only to meet basic conditions) than local plans.

Whilst it is agreed that Loxwood should be subject to non-strategic housing allocations, we cannot support this Policy H3, based on its reliance on Policy H2 and neighbourhood plan allocations.

In order for the Draft Local Plan to be 'justified' and 'effective' in delivering housing through small scale sites, the Local Plan should allocate sites at a District Level, and not delegate to Neighbourhood Plans.

Policy A15 – Loxwood

Objection

Land will be allocated for development in the revised Loxwood Neighbourhood Plan for a minimum of 220 dwellings and supporting facilities and infrastructure.

The relevant allocation policies and site assessment/selection process will be expected to address the following requirements:

- 1. To be master-planned and designed to provide for a high-quality form of development, in accordance with the National Design Guide and any design code or guidance adopted or approved which is relevant to the site;*
- 2. Subject to local evidence of need, provide appropriate specialist housing needs (such as for older people or self/custom build) either in accordance with needs already established or those identified as part of the process of producing a Neighbourhood Plan;*
- 3. Ensure that the new development is designed and laid out in order to form a sustainable extension to an existing settlement of Loxwood, and is well integrated with neighbouring areas, providing good access to key facilities and sustainable forms of transport;*
- 4. Ensure that the development is well integrated with its surroundings and successfully mitigates the impacts on the wider landscape character, protects existing important landscape features and key views, including any determined through the process of preparing the revised Neighbourhood Plan;*
- 5. Ensure that development avoids harm to protected species and existing important habitats features and facilitates the achievement of biodiversity net gain, and facilitates the creation of high levels of habitat connectivity within the site and to the wider green infrastructure network within the parish. This includes the provision of appropriate buffers as necessary in relation to important habitats which are being retained and/or created;*
- 6. Provide safe and suitable access points for all users and facilitate the requisite contributions for off-site highway improvements, which will include promoting sustainable transport options, including improvements to bus services;*
- 7. Facilitate improved sustainable travel modes, and new improved cycle and pedestrian routes;*
- 8. Ensure that allocations and policies accord with the sequential approach to flood risk, and that development will be safe for its lifetime, taking account of climate change impacts, as per the requirements set out in national policy and having due regard to the council's latest Strategic Flood Risk Assessment;*
- 9. The development/s will need to be phased in such a manner as to ensure that sufficient wastewater disposal capacity is available to accommodate the requirements resulting from development/s and to ensure that water neutrality can be achieved;*
- 10. Provide for infrastructure and community facilities in accordance with the most recent Infrastructure Delivery Plan.*

As has been discussed across these Draft Local Plan Representations, we support the proposed growth of Loxwood. However, we wish to object to *Policy A15*, highlighting that the proposed figure of 220 dwellings will not sufficiently meet the objectively assessed need for housing within the Chichester District.

This figure should be increased to allow greater housing provision in the North of the Plan Area. In line with our comments on *Policy H1 – Meeting Housing Needs*, we propose a greater allocation of dwellings to the sustainable settlement of Loxwood, with a minimum of 300 dwellings, based on the findings of the Sustainability Appraisal (Jan 2023).

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In addition to this seek to reiterate that proposed dwelling allocations within the Draft Local Plan should be specifically allocated by Chichester at a District level, in order to ensure the uptake of appropriate deliverable sites, and not be delegated at a neighbourhood plan level.

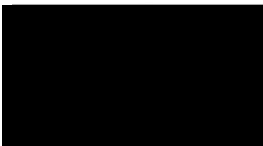
Paragraphs 68 and 69 of the NPPF identify the need for strategic housing sites, with paragraph 69 outlining the importance of smaller scale sites, such as Land to the South West of Willetts Way. These paragraphs state that '*planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability*'. This has been appropriately shown for the site via the HELAA 2012 and outlines that the site is **suitable, available and achievable** for up to 10 dwellings.

The Revised Neighbourhood Plan for Loxwood has omitted this site from their neighbourhood plan, creating a piecemeal plot outside of the Settlement Boundary. The failure to allocate an appropriate site at neighbourhood plan level means that the housing delivery over the plan period is unlikely to be met. As such, the Draft Local Plan is considered 'unjustified' by relying on the delegation of parish allocations.

We ask that these policies be reworded to increase the housing provision for the 'Service Village' of Loxwood, and remove the reliance on Neighbourhood Plan making, with sites allocated at a District level to ensure the appropriate uptake of sites and settlement boundaries, and help Chichester Council achieve the objectively assessed housing need of the District.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning



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