

Interim Policy Statement on Housing – Facilitating Appropriate Development

Explanatory Note

The Interim Policy Statement on Housing – Facilitating Appropriate Development was an informal policy document adopted by the Council in 2011 to assist in determining planning applications for housing development in advance of adopting a new Local Plan. The Council's reasons for introducing this policy guidance arose from a situation where there was a shortfall in five year housing land supply across the District. This was leading to pressure for housing development and the Council itself also had concerns over the slow rate of housing delivery. At the same time, the policies for housing provision in the Chichester District Local Plan 1999 were out of date and there was expected to be a significant time delay before adoption of a new Local Plan.

The 1999 Local Plan set a policy presumption in favour of development within defined Settlement Policy Area boundaries, whilst setting a presumption against development outside these Settlements. However, the sites allocated for housing in the 1999 Plan had been largely built out and there were very few suitable sites remaining within existing Settlement boundaries. To address this, the Council sought to bring forward the Interim Statement to provide informal policy guidance that would enable additional housing to come forward ahead of the Local Plan. The Interim Statement sought to manage this housing delivery by providing general guidelines on the location, scale and character of sites that might be appropriate for development in the short term.

The Interim Statement did not seek to create new policy, but drew on the existing national policy planning guidance, together with saved policies from the 1999 Local Plan. It set out a number of broad policy criteria to be used by the Council when considering planning applications for housing development outside existing Settlement boundaries. These comprised general planning policy considerations relating to matters such as sustainability, design, environmental protection and infrastructure etc. In addition, the criteria specifically sought to require that:

- Proposed housing sites should be adjacent to existing Settlement Policy Areas, as these generally have local facilities likely to be needed by new residents.
- Sites should be of a scale appropriate to the adjoining Settlement, with specific guidelines setting out the maximum size of housing schemes appropriate to different categories of settlement.
- Sites should be deliverable in the short term, with evidence sought from applicants that proposed sites would be delivered promptly.

The Interim Statement was adopted by the Council on the basis that it would apply until the saved policies of the Local Plan were replaced by a new adopted Plan, or until the Local Planning Authority could demonstrate an up-to-date five year housing supply.

The first version of the Interim Statement was adopted by the Council on 19 July 2011, having been recommended by the Council's Cabinet on 5 July 2011. An initial draft of the Guidance was first presented to the Council's LDF Panel in April 2011, following which the views of the lead agencies and statutory undertakers were sought. This consultation led to

some minor changes to the wording, although these did not significantly alter the intent or content of the document. At that time, the South East Plan and PPS3 'Housing' were still in force and this was reflected in the planning context and wording included in the Interim Guidance.

The Guidance underwent a small amendment in January 2012, when the wording of the supporting text was updated to reflect a revised timetable for adopting the new Local Plan (the estimated date of adoption having been pushed back from May 2013 to December 2013). However, the policy criteria remained unchanged from the July 2011 version.

Following the introduction of the National Planning Policy Framework (NPPF) in March 2012, the Council sought to update the Interim Guidance to bring it in line with the NPPF. These revisions applied mainly to the supporting text setting out the planning context for the Guidance and did not substantively alter the policy criteria, other than removing references to PPSs and PPGs.

At the same time, a Member Task and Finish Group was set up with a remit to revise and clarify the wording of the Interim Guidance to address some areas where difficulties had arisen in interpretation of the criteria. This resulted in some quite substantial revisions to both the policy criteria and supporting text. The revised version of the Guidance was adopted by the Council on 9 October 2012.

At the Council meeting on 24 April 2014, it was agreed that the Interim Policy Statement should be withdrawn following submission of the draft Chichester Local Plan: Key Policies for examination. This decision reflected the relatively greater planning weight that would be attached to the draft policies in the emerging Local Plan following its submission. The Interim Statement was therefore withdrawn by the Council on 30 May 2014 in conjunction with the formal submission of the draft Local Plan.

The October 2012 published version of the Interim Statement is appended below.

Chichester District Council

Interim Policy Statement on Housing – Facilitating Appropriate Development

Effective 20 July 2011 (Updated January 2012, July 2012 and 9 October 2012 by Council)

Please note that this Interim Statement does not apply to land in the South Downs National Park.

Background

At the moment we do not have an up to date Local Plan to guide new development, and we have a large shortfall in our five year rolling housing land supply. This means that there is a presumption in Government policy (as set out in the National Planning Policy Framework), in favour of sustainable development.

This document aims to provide interim guidance until we make up the five year housing supply shortfall, or until our emerging Local Plan is in place. The intention is to prevent development coming forward in the wrong locations and of an inappropriate scale. This document therefore provides justification to allow us to refuse inappropriate development.

The Council must continue to judge planning applications on their individual merits and cannot argue that applications must wait until the emerging Local Plan is complete. It needs, therefore, to manage the delivery of housing sites by giving guidance as to which sites might be appropriate for development in the short term, relying on the future adoption of the emerging Local Plan to provide firm direction.

The saved policies of the Local Plan First Review 1999 help with some issues but they do not address the need for further greenfield housing developments outside of existing Settlement Policy Areas as the SPA boundaries are, themselves, in need of review. Government guidance helps in that it specifies what councils should “have regard to” when considering planning applications.

This Interim Policy Statement therefore seeks to pull national guidance and existing saved local plan policy together; it is a local interpretation of sustainability. It will be used by the Council to assist in the consideration of planning applications.

The Development Plan

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the “saved” policies of the Chichester District Local Plan First Review, adopted in 1999 and the South East Plan 2006-2026. The ‘saved’ policies will be replaced over the next few years by the emerging Chichester District Local Plan.

National Planning Policy Framework (NPPF) (March 2012)

The NPPF is a material consideration when determining planning applications, paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and

decision taking...For decision-taking this means (unless material consideration indicate otherwise):

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or specific policies in (the) Framework indicate development should be restricted.*

Consideration should also be given to paragraph 17 (Core Planning Principles), paragraph 31 (Highways Safety), paragraph 47-55 (Housing), paragraphs 56-68 (Requiring Good Design), paragraphs 196-198 (Determining Applications) and Annex 1 (Implementation).

Local Context

The approach put forward in this document is based on identifying criteria that accord with national and local planning policies. There are “saved” policies in the Local Plan that give guidance on development of sites within Settlement Policy Area boundaries. This Interim Policy Statement relates to sites **outside existing Settlement Policy Area boundaries.**

The Council is concerned to cover a possible shortfall in sites and construction until the proposals in the emerging Local Plan can begin to deliver. Therefore, sites put forward under this Interim Policy Statement approach should be “deliverable” at the time that they are put forward. They should not, for example, be dependent upon delivery of significant off-site infrastructure; and should be fully in the applicant’s control. Those proposing development of a site are therefore encouraged to demonstrate a strong desire and willingness to develop it in the short term, with the necessary evidence to back up such statements.

Planning applications for outline permission can be made, however the Local Planning Authority would expect relevant information to demonstrate how the FAD criteria 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.

Applicants will also be expected to show that they intend to develop sites promptly so that the dwellings are delivered within a short period [up to a maximum of 2 years]. Demonstration of deliverability and the intention to develop will be required to support planning applications and to help enable the Council to resist applications for less suitable sites. Where a planning permission is not implemented within the 2 year time limit, it should not be presumed that the permission will be renewed.

The Interim Policy Statement is not intended to apply to sites that can come forward at a later stage as these can be considered under the provisions of the emerging Local Plan when it is adopted (this is scheduled for the end of 2014). Sites should be in sustainable locations, adjacent to existing Settlement Policy Areas, as these generally have facilities likely to be needed by new residents.

Sites should be of a scale appropriate to the adjoining Settlement Policy Area. Smaller scale sites that provide for the gradual growth of settlements is more likely to be suitable than sites that would significantly change the character of a place. Thus, developments adjoining small towns and villages will be expected to be smaller in

scale than those that might be suitable for the extension of Chichester, with its larger size and range of facilities.

In criterion 17 there is an indication of the scale of housing which may be appropriate for settlements. This is intended as a guide. A number of individual developments that come forward under this approach will be considered in terms of their scale in relation to the settlement they are attached to and should respect the scale and character of adjoining development. The proposed development should use the site in an efficient manner not leading to low density development in order to fit with the scale of development identified in criterion 17.

Interim Policy Statement on Housing – Facilitating Appropriate Development

New housing development may be acceptable outside of existing Settlement Policy Areas providing the following criteria, where relevant to the development, have been satisfactorily addressed:

- 1) The site boundary is contiguous with a Settlement Policy Area [SPA] as identified in the Saved Policies of the Local Plan**
- 2) The townscape and landscape character is conserved or enhanced, especially where the character of an area is specifically recognised, such as Chichester Harbour AONB and the South Downs National Park. There should be no adverse impact on the setting of the South Downs National Park or AONB or the purpose of conserving or enhancing the natural beauty, wildlife and cultural heritage of the National Park.**
- 3) Archaeological sites, ancient monuments, listed buildings and other Heritage Assets (as defined in the glossary) and their settings are protected, in accordance with national guidelines and saved policies of the Local Plan.**
- 4) Biodiversity and protected species are conserved and enhanced in accordance with national guidelines, saved policies in the Local Plan, and the Sussex Biodiversity Action Plan, especially within Pagham and Chichester Harbours (and other Special Areas of Conservation Areas; Special Protection Area's; Sites of Special Scientific Interest and Sites of Nature Conservation Importance) and the Medmerry Managed Realignment Scheme**
- 5) Existing natural features, such as watercourses, woodland, trees and hedgerows, which contribute to the existing landscape character, are retained wherever possible.**
- 6) The site and proposed development are sustainable in transport terms. Sites where it is possible to walk easily to a range of facilities will be considered preferable to sites that are further away which would make car journeys into town/ village centres more likely.**
- 7) The likely impact of the development individually, or cumulatively, around the edges of a settlement does not result in the actual or perceived coalescence of Settlement Policy Areas (as defined by a SPA boundary identified in the Saved Policies of the Local Plan).**

8) The development is of a high quality, including its layout and design, and it properly addresses issues such as access, flooding, drainage, water quality, pollutants including noise and light, and should integrate successfully in design terms into the existing settlement character.

9) There is a mix of housing sizes, types and tenures in accordance with the saved policies of the Local Plan and the Council's Interim Statement on Affordable Housing.

10) Land should be used efficiently. Arbitrarily low density development in order to comply with the criterion 17 will not be acceptable. The density of housing should avoid harming the established character of the settlement

11) The proposal does not result in the material net loss of existing sport, recreational or open space including that in private ownership.

12) Sites that have been artificially subdivided to limit the proposal to a first phase of a larger development in order to comply with criterion 17 will not be acceptable.

13) The proposal is not constrained by the needs for significant off-site infrastructure (as defined in the glossary) which may not be forthcoming but makes suitable provision for meeting needs in accordance with the Supplementary Planning Guidance Note 'The Provision of Service Infrastructure Related to New Development in Chichester District – Part 2' (December 2004).

14) Environmental quality is not compromised and high standards of sustainable construction are expected as well as the inclusion of the highest feasible levels of renewable and low carbon energy generation; and water and energy efficiency in accordance with the Council's Interim Policy Statement on Planning and Climate Change.

15) The proposal complies with the provisions of any other Interim Policy Statements adopted by the Council and the Environment Agency.

16) Demonstration of deliverability and the intention to develop will be required to support planning applications and to help enable the Council to resist applications for less suitable sites. Applicants must be prepared to accept time limited permissions of 2 years from granting of planning permission. Where a planning permission is not implemented within the time limit, it should not be presumed that the permission will be renewed.

17) The scale of the development should be appropriate to the Settlement Policy Area. As a guide, this is likely to mean sites of up to about 100 units adjoining Chichester City; up to about 50 units adjoining the settlement hubs of East Wittering & Bracklesham, Selsey, Southbourne and Tangmere; and up to about 25 units adjoining other Settlement Policy Areas. In deciding whether the scale is appropriate, account will be taken of extant unimplemented permissions for the Settlement Policy Area concerned.

18) The impact of the development individually, or cumulatively, does not prejudice comprehensive long term development, such as may be set out in the emerging Local Plan.

Glossary

Contiguous with boundary of SPA – proposals should be contiguous with the SPA; at least one boundary must physically adjoin the SPA in whole or in part. Where the proposal is separated from the SPA by road, railway, cycle path etc. a judgment will be made on the degree of separation or integration with the settlement.

Development Plan – this is comprised of the ‘saved’ policies of the Local Plan until it is replaced with the emerging Local Plan, and until it is revoked the South East Plan. Together these make the policies to be taken into account when determining planning applications.

Environmental Quality - is a general term which can refer to varied characteristics that relate to the natural environment as well as the built environment, such as air and water purity or pollution, noise and the potential effects which these may have on physical and mental health.

Extant permission – where planning permission has been granted and the time scale for implementation is still current

Heritage Assets (defined as in NPPF) A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the LPA (including local listing).

Indicative layout – an indicative layout of proposed development within the site boundary for example the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Interim Policy Statement - Interim Statements have been agreed by the Council so as to provide policy guidance in areas where the Local Plan is out-of-date and while the Local Plan is being processed. In addition to this statement the Interim Statements are - *Affordable Housing, Planning and Climate Change and Development and Disturbance of Birds in Chichester and Langstone Harbours SPA*

Local Plan – at present this is the 1999 Chichester ‘Saved’ Local Plan. The emerging Local Plan will be the principal development plan document setting out the long term spatial vision for the District (excluding the National Park).

Masterplan – A document which outlines the use of land and the overall approach to the design and layout of a development scheme in order to provide detailed guidance for subsequent planning applications.

Open Space - is taken to mean all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

The following typology illustrates the broad range of open spaces that are of public value:

- parks and gardens - including urban parks, country parks and formal gardens;
- natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits);
- green corridors - including river and canal banks, cycle ways, and rights of way;
- outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;

Perceived Coalescence – Actual settlement coalescence may occur through development at the edges of settlements physically reducing the gap between them. However, ‘perceived’ settlement coalescence occurs where small-scale development and general increases in the levels of activity between the settlements cumulatively and over time reduce the perception of leaving and entering a settlement from the countryside.

Settlement Policy Area - These are defined around settlements, defined in the Saved Local Plan and their purpose is to prevent settlements from sprawling. Generally development proposals will be considered more favorably within the Built-Up Areas.

Significant off-site infrastructure - for some development there may be a need to provide off-site infrastructure such as access roads, drainage, compensatory measures for any wildlife habitat lost to development, or financial contributions to supporting infrastructure, such as transport, schools, recreation and open space, and recycling. Such needs are identified in adopted SPG. Where a development fails to propose such provision the LPA would expect to receive a formal Objection from the relevant Statutory Undertaker or Authority. Where these requirements are significant they may take time to organise and if this leads to any significant delay in developing a site it may be contrary to the FAD requirements.

Sites of Nature Conservation Importance (SNCI) – A non-statutory designation made by West Sussex County Council. Their special characteristics mean they are high priority sites and their maintenance is important.

Sites of Special Scientific Interest (SSSI) – A site notified under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 for their flora, fauna, and geological or physical features.

South East Plan - The South East Plan sets out a vision for the future of the South East region to 2026. It outlines how challenges facing the region such as housing, the economy, and transport and protecting the environment should be responded to. The SE Plan is still part of the Statutory Development Plan until provisions in the Localism Act come into force that will result its revocation.

Special Area of Conservation (SAC) – An internationally important site for habitats and/or species, designated as required under the EC Habitats Directive.

Special Protection Area – A site of international importance for birds, designated as required by the EC Birds Directive.

Background documents

“Saved” Local Plan first review 1999 policies

<http://www.chichester.gov.uk/index.cfm?articleid=5080>

The Council’s Interim Policy Statements [as at July 2011]

Affordable Housing

Planning and Climate Change

Development and Disturbance of Birds in Chichester and Langstone Harbours SPA

<http://www.chichester.gov.uk/index.cfm?articleid=7647>

Environment Agency Position Statement - August 2010

Wastewater treatment capacity constraints on new development in Chichester City

<http://www.chichester.gov.uk/index.cfm?articleid=5079>

Note: This Statement was updated in January 2012 to reflect the revised timetable for the Core Strategy (see top of page 3) and June 2012 to reflect the National Planning Policy Framework.

Further information

For further information on this Statement or on progress with the Council’s Local Development Framework please contact the LDF team on 01243 534571; e-mail

ldf@chichester.gov.uk; or see www.chichester.gov.uk