

**East Broyle Residents Association
Parklands Residents Association
Westgate Residents Association
Orchard Street/Old Somerstown RA Residents Association
The Chichester Society**

Land West of Centurion Way and West of Old Broyle Road - Whitehouse Farm

Phase 1 application for 750 houses: Ref: 14/04301/OUT

Joint submission by the above Residents Associations and The Chichester Society.

1. Introduction

1.1 Planning application 14/04301/OUT (the outline application) is for:

‘Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works’

on Land West of Centurion Way and West of Old Broyle Road, Chichester

1.2 The application site forms part of the Whitehouse Farm (WHF) Strategic site of 115 ha that is allocated in Policy 15 of the adopted (July 2015) Chichester District Local Plan (CLP) for residential development (1600 homes), a Country Park, a neighbourhood centre including a community centre, local shops, small scale office suites and a primary school. It is the largest Strategic Development Location (SDL) in the CLP.

1.3 Policy 15 of the CLP provides for the 1600 homes to be built in two phases of which 1,250 should be delivered in the Plan period by 2029. The CLP was adopted in July 2015 and the outline application should, therefore, be determined in accordance with the CLP unless there are material considerations that indicate otherwise (Section 38(6): Planning and Compulsory Purchase Act 2004).

- 1.4 Since the publishing of the Local Plan and inspectors report, however, new material evidence has been published particularly concerning the access and traffic infrastructure leading to the need to revisit aspects of the CLP. (see section 5)

2. Policy 15

- 2.1 Policy 15 states that the WHF SDL:

“will be masterplanned in accordance with Policy 7.”

And that the site should (among other matters):

“Be planned as a suitable urban extension of Chichester city, that is well integrated with neighbouring areas of the city, and provides good access to the city centre and key facilities in the city...

“Subject to detailed transport assessment, provide road access to the north from Old Broyle Road and to the south from Westgate”

- 2.2 Policy 7 ‘Masterplanning Strategic Development’ says:

“Development of the strategic locations identified in the Local Plan will be planned through a comprehensive masterplanning process.”

- 2.3 Under the heading “Phasing and Delivery” Paragraphs 7.18 states:

“Development over the Plan period is also constrained by issues of traffic congestion in and around Chichester city, particularly linked to junctions on the A27 Bypass...

7.19 To address this position, development contributions will be used to help fund a package of proposed improvements to the six junctions on the A27 Chichester Bypass, linked to further measures to reduce congestion and promote sustainable modes of travel in and around Chichester city. Phasing of development in and around Chichester city will need to be coordinated in conjunction with delivery of these proposed transport improvements.”

3. Masterplanning of the WHF SDL

- 3.1 On April 27th 2016, a meeting of the CDC Planning Committee discussed the Masterplan for WHF. The access issues were not addressed despite Policy 7 of CDP which calls for comprehensive masterplanning and the Inspector’s remarks.

*84. The principle of vehicular access to the site has been established through work with West Sussex County Council and the Highways Authority and is summarised in the Transport Study. Policy 15 includes requirements for the provision of road access and for mitigation for off-site transport impacts, both of which are included in the IDP. Local residents have raised many detailed concerns about these matters. However masterplanning for the development is underway and this is the appropriate forum through which to address these concerns, as well as those regarding cycle and pedestrian routes. Paragraph 12.34 refers to specific junction and highway improvements, but these should be addressed as part of the masterplanning exercise and through a detailed Transport Assessment. To reflect this proposed modification **MM47** is necessary to ensure that the Plan provides a flexible basis for masterplanning.*

- 3.2 All of the eight objectors and several Councillors contended at the Committee meeting that up-to-date traffic and access information indicated that Phase 1 for 750 houses on the WHF SDL without the Phase 2 southern access to the Via Ravenna roundabout was unacceptable and unsustainable, particularly the proposed construction traffic route through the centre of Chichester. The meeting was informed, however, that these were not Masterplanning issues but matters of detail and for discussion at the Planning Application stage.
- 3.3 Following this meeting, the four residents associations, Parklands, East Broyle, Westgate and Orchard Street decided that the advice of a specialist Planning Counsel was needed so at their own expense and under Public Access a meeting was held on June 2nd with Timothy Comyn of Francis Taylor Chambers, for advice to help prepare this submission and to aid Councillors in reaching their decision.

4. Planning Law context

- 4.1 Counsel confirmed the statement below made by Councillor Plowman at the April 27 meeting was broadly correct.

Many of you will be thinking this is a done deal as it is in the Local Plan. Having been concerned during the Inspection process that many of the issues on WHF remained unresolved I asked the question of Chris Banks, the Programmes Officer who has a great deal of experience of Local Plans

If approved what will the Local Plan change?

The Local Plan is a frame work and does not supercede other national planning legislation. All strategic sites will have to go through the same process of submitting a Planning Application and it is at that time the detail will be considered. A site in the Local Plan could fail at this point as with any other planning application. If it fails then it does not necessarily invalidate the Local Plan in place as it was the soundness of the Local Plan Document at that point of time (not subsequent actions) which was reviewed and approved

- 4.2 The National Planning Policy Framework (2012) (NPPF) is an important other material planning consideration for the purposes of applying section 38(6) of the PCPA to the determination of the application 14/04301/OUT. NPPF paragraph 150 says:

Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

5. Material considerations arising since the adoption of the CLP2.

- 5.1 Since the adoption of the CLP including policies 7 and 15, new material planning considerations have emerged that indicate that Policy 15, despite its recent adoption, is effectively out-of-date. These are:

1. Loss of access from Newlands Lane identified originally as a second access during Phase 1.
 2. Vectos: Summary of Additional Highways Information of 30th March, 2016 , indicating 90% of the WHF traffic would travel south from the proposed Old Broyle Road B2178 roundabout and the traffic in Sherborne Road would increase by a third producing over 650 vehicles per peak hour in what is classified as a residential road. Westgate is the route likely to be taken to reach Chichester City centre. None of the traffic mitigation schemes proposed is shown to be satisfactory
 3. Vectos: Phase 1 –Proposed Construction Traffic Route, 9th November 2015 is from the A27 Fishbourne Roundabout via Orchard Street, a designated AQMA where pollution levels have already breached stipulated limits and is residential with the houses positioned near to the road. The traffic will then go round the already congested Northgate roundabout and through a narrow section of St Pauls Road which is also residential and then up the already busy B2178 Old Broyle Road to the new WHF Roundabout access. This route passes by four primary and junior schools Central C of E, Lancastrian , Jesse Younghusband and St Antony for those having special needs which has a large County catchment area and special transport requirements.
 4. The consultation with the Emergency Services has been questioned in relation to emergency access and one such authority questions the desirability of the proposed emergency access.
 5. The sustainable transport alternatives of safe cycleway and pedestrian routes to the city particularly down St Pauls Road cannot be delivered. The cycle way along Westgate cannot be delivered with current traffic levels, as in the eastern narrow section the road there will need to be shared use. This will require reduced traffic levels that can only be achieved with the southern access to the Via Ravenna (College) roundabout being delivered as part Phase 1 of the WHF SDL development; that is, as a requirement of any planning permission (if any) granted for the 750 dwellings proposed .
- 5.2 In short, having regard to the emergence of evidence relating to traffic matters and the unacceptability of the proposed routing of construction traffic through the urban area of Chichester to enable the construction of Phase 1, Policy 15 and paragraph 12.32 of the CLP (set out below), which provides for the ‘initial phase’ of development to be accessed off Old Broyle Road, are out-of-date and should not be followed or given weight in the decision made in respect of application 14/04301.

12.32 The site has the potential to deliver a large strategic development of 1600 homes. It is envisaged that the site would be delivered in two phases. The initial phase of development would be focused towards the north of the site, accessed off Old Broyle Road, and would deliver 750 homes , a new country park, a neighbourhood centre (‘community hub’), which would provide facilities such as a community centre, local shops, small scale office suites and a primary school. The specific mix of B1 floor space will be determined at the masterplanning

/detailed planning stage, and could include floor space suitable for office, research and development and/or light industrial uses. Provision is made for the allocation of around 6 hectares of employment land (suitable for B1 uses). Employment development will require a suitable access from the south of the site to enable access to the A27.

12.33 The second phase would extend development southward with potential to eventually deliver up to 1600 homes. It would also provide a new road access to the south of the site linking to Westgate. There is potential for providing a north-south spine road linking from Old Broyle Road to Westgate which would have some benefits for traffic flows in the wider area including a reduction in traffic using Sherborne Road. Given the likelihood that current wastewater capacity constraints will prevent any development until after 2019, it is considered likely that no more than 1250 homes will be delivered within the period to 2029. The plan therefore makes provision for this figure.

6. Southern Access to Via Ravenna roundabout.

6.1. The Southern Access referred to in CLP paragraph 12.33 above brings a number of benefits as follows:

1. An acceptable and sustainable construction traffic route to the application site.
2. Secures appropriate safety standards as traffic from new residents would not be sharing a single access road with construction and commercial vehicles.
3. Provides necessary access to the B1 industrial employment operation
4. Reduces traffic on Sherborne Road and Westgate and the need for necessary mitigation works.
5. Safe and sustainable cycle and walking routes could be designed and integrated with the construction of the link road
6. There would be reduced traffic using Northgate Gyratory System in line with CLP Policy 13
7. Provides a north-west link road which will be a benefit to all residents and visitors to Chichester with minimum impact on the Conservation Area
8. Removes the need for any access from Clay Lane.
9. Provides a second and optimum access for Emergency vehicles
10. Overcomes many of the current and legitimate objections from residents concerning traffic volumes and disruption on residential roads and the associated air and noise pollution.

6.2 For these reasons, the delivery of the 1250 houses in Policy 15 of the Local Plan (including 750 in Phase 1) and the related fulfilment of the future 5 year housing

supply must be made dependent on the construction of the Southern Access Road from the A27 Bypass to the WHF SDL site.

- 6.8 In summary, bringing forward the construction of the Southern Access Road prior to the start of the Phase one construction of 750 houses is the only acceptable or sustainable planning and transport solution to enable the development of the WHF SDL site. In so far as Policy 15 of the WHF SDL indicates otherwise it is not founded upon up-to-date traffic and transport evidence and is therefore out of date and can carry no weight in the determination of the application ref: 14/04301.
- 6.9 NPPF 14 states that where the development plan is out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. CLP Policy 15 in providing for the first phase (750 houses) of the development of the WHF SDL to go ahead without the provision of the Southern Access Road from the A27 Bypass is shown by up-to-date traffic and transport evidence to be out of date and unsustainable. The development of Phase 1 without the Southern Access Road would be unsustainable and would cause adverse impacts on the residents on the west side of Chichester that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF which, taken as a whole, do not support such unsustainable development.

7. Conclusion.

- 7.1 The importance of delivering the SDL sites in the Local Plan and their importance to ensuring a future 5 year housing supply is well understood. However, for the reasons stated above, CLP Policy 15 is out-of-date; first phase development of the WHF SDL site without the Southern Access Road would cause demonstrable harm to the communities of west Chichester. In determining the application for **Land West of Centurion Way - Whitehouse Farm Phase 1 application for 750 houses 14/04301/OUT**, there are sound and clear cut reasons for refusing planning permission in the absence of any commitment to provide the Southern Access Road prior to the development of the site. In the absence of any commitment to the provision of the Southern Access to the Via Ravenna roundabout and not to Westgate to be in place before construction of the houses in Phase 1 the application 14/04301 should be refused.