

The Legal Bit

The Residents Associations, being concerned to ensure that their objections and comments were well founded, instructed Mt Timothy Comyn, barrister at law, to advise them. Mr Comyn, who has extensive experience and knowledge of planning and administrative law, advised -

- *The Local Plan is a framework and does not supersede national planning legislation. All strategic sites must go through the planning process and it is at that time that the detail will be considered. A site in the Local Plan could fail at that point. If it fails it does not necessarily invalidate the Local Plan as it was the soundness of the Plan at the point in time that it was reviewed and approved that counts.*

- *Paragraph 150 of the National Planning Policy Framework states that "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".*

- *Since the adoption of the Chichester Local Plan new material planning considerations have emerged such that Policy 15 and sub sections 12.32, 12.33 and 12.34 of that Policy have been overtaken by events and new data and are therefore out of date.*

- *Accordingly the planning application 14/04301/OUT must be considered in accordance with Policy 1 of the Local Plan which states, "Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether 1. Any adverse impacts of granting permission would significantly outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or 2. Specific policies in that Framework indicate that development should be restricted.*

It is the residents' case that without the delivery of the Southern Access at the commencement of the development the adverse impacts of granting planning permission outweigh the benefits.

Whitehouse Farm Development



Granting Planning Permission in response to application 14/04301/OUT will have a serious impact on Chichester residents and particularly the 10,000 who live in the west of the town.

This leaflet, produced by East Broyle Residents Association, Westgate Residents Association, Orchard Street/Old Somerstown Residents Association and supported by The Chichester Society and Chichester Conservation Area Advisory Committee, details the adverse effects of the development and shows how they can, very simply, be avoided.

It accepts that the site is earmarked for development in the Chichester Local Plan but argues that this should not be to the detriment of Chichester and a substantial number of its residents.

What the development will mean

- 200 HGV and trade vehicles daily along Orchard Street, Northgate, St Paul's Road and Old Broyle Road during the construction period of up to 20 years
- Construction traffic route passing four schools
- Increased pollution in Orchard Street, an Air Quality Management Area where safe levels have already been exceeded
- Increased traffic congestion in Westgate especially at the eastern end (currently 5000 vehicles between 7 am and 7 pm Monday to Friday) and an increase of over 200% in Westgate West by 2029
- 34% increase in traffic along Sherborne Road equal to 650 vehicles per peak hour
- No safe cycling routes from the site to the City centre
- A single access serving 750 houses, "the longest cul de sac in Europe". 350 to 400 houses off a single access road is the maximum normally permitted and, without the second access at the beginning of the development, this should be the number permitted
- An on site sewage treatment facility with the risk of unpleasant smells borne on the prevailing South Westerly wind and uncertainty about reliability with the possibility of contamination of Chichester Harbour, a Special Area of Conservation, Special Protection Area, internationally important Ramsar site and an SSSI
- Up to 3 sludge tanker movements a day over Clay Lane
- an unsustainable settlement the size of Midhurst but with inadequate infrastructure, too far from the City centre for walking, meaning residents will be dependent on cars or an, as yet, unspecified bus service

No guarantee that more than 750 houses will be built or the second access to the site will ever be built if the developer walks away from the site. CLP Policy 15 specifies at least 1250 houses with a southern access

It doesn't have to be like that

Most of the adverse impacts listed opposite could be avoided or minimised if a southern access road were to be constructed at the commencement of the development. Such a road linking the site directly with the Via Ravenna/Cathedral Way roundabout would -

- Provide an acceptable and sustainable construction traffic route to the site without increasing pollution levels in Orchard Street
- Provide a second and optimum access for emergency vehicles
- Reduce traffic on Sherborne Road and Westgate and the need for necessary mitigation measures
- Enable the design of safe and sustainable cycle and walking routes integrated with the design of the link road
- Reduce traffic on B2178 and the Northgate Gyratory System
- Secure appropriate safety standards as traffic from new residents would not be sharing a single access road with construction and commercial vehicles
- * Provide access to the B1 industrial site
- Remove the need for access from Clay Lane
- Provide a north-west link road benefiting all residents and visitors with minimum impact on the Conservation Area
- Overcome many of the current and legitimate objections from residents

In addition, the provision of a pumping station with a connection to the Tangmere Waste Water Treatment Works is the proper method of dealing with foul and surface water drainage