

Parish:
Kirdford

Ward:
Wisborough Green

KD/15/03367/FUL

Proposal Proposed construction of 54 residential dwellings and associated works.

Site Land On The East Side Of Plaistow Road Plaistow Road Kirdford West Sussex

Map Ref (E) 501416 (N) 127287

Applicant Mr Stuart Forrester

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

Consideration of this application was deferred from the October 11th meeting in order to enable officers to undertake further discussions with the applicant regarding the issue of the phasing of the development. In particular, a number of Members requested that officers seek clarification as to whether phasing over a period longer than the proposed five year development programme could be achieved

2.0 The Site and Surroundings

- 2.1 The main part of the application site comprises a 2.7 hectare, broadly rectangular field located adjacent to the northernmost part of the built-up area of Kirdford village. The field is flanked on all four sides by relatively mature deciduous tree belts, including a thick screen along its Plaistow Road (western) frontage. A public footpath runs along (and is within) the eastern boundary of the site; this links the village to the community playing fields that lie immediately to the north. Although close views into the field are available from the above section of footpath, the nature of the site's boundaries results in it being relatively well-screened in terms of wider landscape views.
- 2.2 An area of landscaped amenity land which incorporates a second public footpath and drainage ditch flanks the site's southern boundary, and beyond this lies the Bramley Close development which comprises approximately 25 dwellings, several light industrial units, a 'village green' and community shop. A field gate currently provides access to the site for agricultural vehicles from Plaistow Road at a point close to its southwest corner. A currently vacant detached dwelling and the Kirdford Chapel are located to the south of this access, with both of these properties backing on to the site. A run of elevated power lines cuts diagonally across the southern part of the site.
- 2.3 The site is located within the Settlement Boundary for Kirdford, following its allocation for residential development in the made Kirdford Parish Neighbourhood Development Plan 2014 (KNP).

3.0 The Proposal

- 3.1 Full planning permission is sought for a development of 54 dwellings comprising 38 market and 16 (30%) affordable units. The dwellings would comprise a mixture of flats (6), bungalows (2) and two storey houses, with the latter consisting of a mix of detached (17), semi-detached (14) and terraced (15) units.
- 3.2 The development would be laid out in four perimeter blocks, with these being defined by the internal roads and footpaths which run through the site and around its perimeter. The overall development density would be 20 dwellings per hectare, with a slight reduction in density across the site from south to north. A total of **133** parking spaces would be provided in a mix of on-plot spaces, garages, parking courts and unallocated visitor spaces (14).

- 3.3 The dwellings would be of a generally traditional design with a mix of hipped, half-hipped and gabled roofs together with a variety of local design details including through-eaves dormers, chimneys, sprocketed eaves and cottage-style windows.

The details of facing and roofing materials would be reserved by planning condition should permission be granted, but these are likely to predominately comprise brick and tile hanging to elevations and plain tiles to roofs, with some garage buildings incorporating an element of timber cladding.

- 3.4 An area of landscaped open space of approximately 0.25 hectares would be formed along the southern boundary of the site. The open space would incorporate an equipped play area of at least 165m² in accordance with the CDC Planning Obligations and Affordable Housing SPD. The overhead electricity cables would be re-routed underground.

- 3.5 In terms of vehicular access, the existing field gate entrance onto Plaistow Road would be widened to 5.5m to form a conventional priority junction. In order to form the access it would be necessary to fell four oak trees located along its northern side. A small part of the access would be formed on Common Land and, in the event of planning permission being granted, it would be necessary for the applicant to make good this loss by re-providing an equivalent area within the site. This procedure is the subject to a separate consent regime which is commenced following the grant of planning permission.

- 3.6 With regard to pedestrian access, links to the eastern boundary public footpath are proposed in the north-eastern and south-eastern corners of the site. Further, in order to provide as direct, safe and practical link to the nearby village facilities as possible, officers and the applicant have held discussions with adjacent land owners. It is understood that there is an in-principle agreement to form a section of bound-surface footpath running from the south-west corner of the site across the adjacent amenity land to link to the existing public footpath on Village Road.

- 3.7 In order to provide the above route and maintain public access over it, it will be necessary to secure the agreement of the adjoining owners. If the co-operation of the relevant landowners is not secured then the likely best alternative would involve surface improvements to and the widening of the existing public footpath that runs along the rear boundaries of the dwellings on the eastern side of Bramley Close, emerging onto Heron's Close. In the event of permission being granted, final details of the path's routing, surface treatment and future maintenance would be secured by the planning conditions and obligations in the S106 agreement.

4.0 History

- 4.1 None relevant to the proposal.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Kirdford Parish Council

These comments are to be read in conjunction with the 2 supporting documents attached at Appendix 1 at the end of this report.

Below is a summary of the issues which the village wishes to bring to the committee's attention when considering this application/recommendation.

1. Impact of the development size
 - a. The Village Settlement Area will be growing by 23% in a very short space of time.
 - b. 54 homes will likely attract in excess of an additional 100 cars into the heart of a small village.
 - c. Kirdford already has a very high proportion of affordable homes in the VSA (Village Settlement Area) some of which lie empty and/or have been let out to private market as not enough demand clearly.
2. Conflicts with Neighbourhood Plan Policies
 - a. General Policy SD.1: The Presumption in favour of Sustainable Development
 - (i) We believe there are significant questions on the Sustainability of this development. The geographical location of Kirdford, away from any significant employers. Pressures from other developments in the area (Billingshurst, Loxwood) on school places, doctor places and nursery places is not sustainable.
 - (ii) Public Transport links are not adequately provisioned and scheduled to link anyone reliant on it for employment.
 - (iii) Kirdford has had huge development in recent years with sites at School Court, Newbarn and Bramley Close. This has placed significant pressures on services and there is still evidence of sites & residents not being fully integrated with the Village.
 - (iv) There is evidence to suggest that some of the current affordable housing stock in the village is being rented into the private sector as they have been empty for some time. This further highlights our argument for a longer phasing to ensure housing stock comes "online" at the point at which it is needed.

b. Definition of Local Need

Policy H1. Local Occupancy Conditions for affordable housing. This policy is quite clear on the requirement for developments to be aligned with "evidenced local need". At present we only have evidence of a need for 8 Affordable homes which would lead to an approval (in proportion) for 24 houses. If this were the plan before us, Kirdford Parish Council would not be making any objections what so ever. Quite the opposite, we would welcome the development and encourage its delivery.

I would encourage the planning committee to acknowledge the difference between "demand" and "need". We are quite sure there will always be a demand for nice new housing, but there are significant gaps in evidencing the need for them. This is particularly illustrated by the fact that existing affordable homes stock in the village is being let out in the private market because it cannot be filled.

If there is an issue with quality, then we need to be putting pressure on the Registered Providers to ensure their condition. With this in mind, it might be fair to question whether 8 people in Kirdford would actually have a "need" if these properties were available.

The definition of "Local Need" therefore comes under question. This is not the Kirdford & Petworth & Loxwood Neighbourhood plan! It's the Kirdford Neighbourhood plan and we cannot / should not be burdened with a wider definition because other villages have failed to make adequate provisions.

Policy H1 makes it clear that Social housing/ affordable housing should be secured in perpetuity for local occupancy. We would like this reflected in the Section 106 for this site and would seek the committee's support to safeguard a key policy which has been adopted as part of our plan.

The Neighbourhood plan was always intended to allow communities to drive forward a pace of development which met their needs. Overburdening these communities with the responsibilities which rest with CDC as a whole is unfair and makes a mockery of the process. The need for CDC to keep and maintain a 5 year housing supply is CDC's responsibility and its responsibility alone. Building homes in the wrong quantity and in the wrong area, achieves nothing but the aim of delivering a target on a spreadsheet. Forcing families into areas which are remote, void of adequate public transport links, long distances from schools, doctors, shops and any prospect of finding gainful employment to sustain them in that location is frankly a huge social failing that we should take very seriously.

c. Viability of phasing

The question of viability of phasing has become central to the recommendation made by CDC. Phasing was always intended in the plan to be a way by which together we CDC and the Kirdford Parish Council could ensure that housing stock is delivered in line with local need. Instead it has been used as an academic tool to ensure that a maximum number of properties are delivered as quickly as possible irrespective of local need.

The Kirdford PC has gone to great lengths to assess the viability of the Cala proposal and has employed its own consultants to give a view. CDC referred the deadlock to the District Valuer who concluded that 3 years and 5 years were viable but 10 years were not. The 10 year, 2 phases business case was deemed unviable by a mere £189,000 deficit. Interestingly the 10 year, 4 phases showed a deficit of only £174,097. When we examine the DV's report in detail we learn that if the DV had applied Cala homes own property market rates, which one would assume would be more accurate (if not pessimistic) , then the 10 year phasing would have resulted in being viable.

I have every confidence that given instructions by the planning committee to deliver the project over the 10 years as per the Neighbourhood Plan, that CALA can find a way to reduce the fee which it is paying for the land by the amount to make the project viable.

I include our Consultant's comments for a more detailed explanation

Our comments on the district valuer's response are as follows:

Construction Costs- The build costs should reflect the latest BCIS figures in line with viability guidance and we therefore accept the revised costs.

Professional Fees- These are a % on build costs and therefore should increase accordingly. This is reflected in the modelling.

CIL/S106 Costs- This cost has been increased by Chichester and therefore be reflected within the appraisal.

Finance Costs - Again, are a % of build costs and therefore should increase accordingly. This is reflected in the modelling.

Sales Value of bungalows- The DV's initial report contains lower sales values for these units compared to both our and Cala's valuations. The overall difference in GDV between the DV's values and our Pod's original values is £292,200.

The key difference is now sales values given everything have been explained through. For reference the various GDV of the homes assumed is as follows: Cala Homes £15,933,325; DVS £16,705,635; Pod £16,997,835.

If the DVS was to apply Cala's original valuations for the 2 and 3 bed bungalow units this would equal and additional £190,000 of GDV for the scheme.

Accepting all the adjustments mentioned above, save for the GDV position, we would conclude that a ten year, 4 phased scheme would be financially viable to the developer.

NB: It should be noted that the Parish Council approached CDC with the proposition to reduce the CIL by the equivalent loss reported by the District valuer in order to protect the principle of the Neighbourhood plan.

3. Use of Community Land Trust

Kirdford has a viable team assembled under a Community Land Trust "For Kirdford" which stand ready to play an active role in protecting important assets for the long term benefit of the community. To date, CALA has failed to proactively engage with

the CLT despite several approaches. It has been disappointing to see the developer take such a poor regard for aims, ambition and needs of the community. The Neighbourhood plan makes clear that the CLT should be engaged in any development, a factor which has been ignored by CALA.

The Parish would welcome the committee insistence that the developer actively use the Community Land Trust through a Section 106 order ensuring all reasonable/applicable assets are transferred to the CLT.

The Committee, should know that if CALA back out of the development, that "For Kirdford" Community Land Trust has the expertise, knowledge and ability to fund and deliver its commitment to CDC of 60 homes in the timeframe outlined in our Neighbourhood plan.

4. Infrastructure challenges

- a. Poor roads - Road conditions around the village are already at a significant state of disrepair. It has not seen an adequate level of investment in a very long time and adding this development at this speed will greatly impact that condition. It also greatly reduces the window of opportunity to get our roads to the right level to support sustainable growth.
- b. Schools spaces - Schools are filling quickly and there is huge alarm at the impact of the Billingham development will have on places like The Weald School and the villages ability to send children there. Alternatives like Midhurst pose a significant logistical and cost challenge for any residents who live here. The speed of this development will impact this greatly and leaves little time to develop a strategic plan to accommodate the level of development in the area.
- c. Doctor places - Doctors surgeries have stopped registering new patients. Billingham, Loxwood and Petworth Surgeries are at breaking point and struggling to cope. Families moving to the area will be greatly disadvantaged and I am sure disappointed at the provision of these key services. A slower pace of development will give time for these services to ramp up to cater for increases.
- d. Communications/ Broadband

Policy DS.4 - Local Fibre or Internet Connectivity

"New developments must demonstrate how it will contribute to and be compatible with local fibre or internet connectivity..." This policy aims to see new developments connect to the internet with a minimum symmetrical speed of 25Mbps. There is a need for the developer to ensure this is implemented for the site. With a growing trend of people working from home and the need to ensure both old and young people can access the benefits of internet access, this is key.

It is our view that a number of principles will be tested on the outcome of this decision which have far wider ramifications for communities across the U.K.

1. What is the real value of having a Local Neighbourhood Plan if it can be ignored based on such a marginal loss profile which can be easily mitigated by the developer in order to conform with the NP as adopted by CDC.

2. What is the value of the Community Land Trust if it has no protection/power given to it in the section 106 forcing developers to transfer assets to its register which are appropriate to be protected for the benefit of the community.

3. What is the definition of "Local need" when making an interpretation in relation to planning.

6.2 Southern Water (summarised)

The position of the existing surface and foul water sewers along the site frontage should be noted. There is adequate capacity within the local sewage network to accommodate the proposed foul flows; no additional off-site works are required. Applicant will need to ensure that appropriate measures are in place for the long term maintenance of any surface water disposal infrastructure.

6.3 Sussex Police (summarised)

It is pleasing to note that the prevention of crime has been taken into account in the design of the scheme. Outward-facing perimeter blocks provided good security. Open space and play areas are subject to good levels of surveillance. Further consideration of the detailed treatment of the boundaries and individual properties' security measures will be required in order to maximise crime prevention opportunities.

6.4 WSCC Local Development Division (summarised)

Achievable visibility at the proposed vehicular access is acceptable. A Stage 1 Road Safety Audit of the access arrangements has been carried out, with no safety problems being identified by its auditor. There may be difficulties in forming a footway from the site access southward towards the Plaistow Road-Village Road junction. Consequently, an alternative utilising and possibly upgrading the existing public rights of way to the south of the site should be considered; this should be secured through a Section 106 Agreement. There are no objections to the site's internal layout. There is no requirement for street lighting given that this would be contrary to the village's characteristics, but further consideration of the detailed treatment of surfacing materials will be required given the resulting low light environment. Sufficient parking is proposed. No objection subject to conditions concerning access details, maintenance of visibility splays, provision of car and cycle parking and the submission and agreement of a Construction Management Plan.

6.5 WSCC Flood Risk Management (summarised)

No objections subject to the final details of the means of surface water disposal and the subsequent maintenance of any necessary infrastructure being reserved by condition/S106.

6.6 CDC Environmental Health Officer (summarised)

No objections subject to the imposition of a condition securing Construction Management Plan.

6.7 CDC Housing Enabling Officer (summarised)

Original comment

The scheme proposes a development of 54 residential units, of which 16 will be delivered as affordable housing. This is in-line with the 30% requirement, equating to 16.2 units, set out in policy 34 of the Chichester Local Plan. The 0.2 will be sought as a commuted sum payment of £75,585. This figure has been calculated in-line with the Planning Obligations & Affordable Housing SPD

Affordable Housing Mix

The proposed affordable housing mix is set out below:

Affordable Rented	Shared Ownership
2 x 1 bedroom flats	N/A
3 x 2 bedroom houses	2 x 2 bedroom houses
7 x 3 bedroom houses	2 x 3 bedroom houses

2 of these properties will be delivered as 6 person units in-lieu of the 4 bedroom requirement, to reflect the changes in housing allowance.

The SHMA recommends that the mix of affordable units should be 70% affordable rent and 30% shared ownership; the proposed mix meets this. The SHMA is a forward looking piece of evidence, looking at the District's housing need over the plan period. The SHMA advises that the need for affordable housing of different sizes will vary by settlement across the District and over time.

It recommends that the affordable housing mix to be provided should be:

- 1 bed 10-15%
- 2 bed 30-35%
- 3 bed 35-40%
- 4+ bed 15-20%

In considering the mix of homes to be provided within specific development schemes, the SHMA advises that this information should be bought together with details of households currently on the Council's housing register in the local area, the stock turnover of existing properties and information from local needs surveys.

On the 6th July there were 8 households on the housing register who have claimed a local connection to Kirdford. These figures are only an indication of the need now and they are not definitive, as some households on the register do not register a local connection to a parish until they are aware a property is coming forward, and some households do not register as they know the likely hood of securing one is limited due to the low availability.

The housing register figures do not take account of future need, unlike the SHMA.

There is limited evidence available for the demand of shared ownership, as new development always encourages people who have not previously done so to register. Experience has shown that shared ownership homes usually sell very well in the district.

Two bedroom flats and houses are the most popular and affordable, though there is also demand for one bedroom flats and three bedroom houses. It should be noted that the affordable units bought forward on a market scheme are required to meet the needs of not just the parish but of the surrounding areas.

On reviewing the SHMA recommendations, housing register figures, existing housing stock and turnover and housing needs survey results, the proposed overall affordable housing mix is acceptable.

The District Valuer (DV) has carried out an independent viability assessment to assess the viability of the scheme against the neighbourhood plan policies. The DV has concluded that a scheme of 54 units of 2 phases over 5 years would be viable. The DV has made the assumption that the following affordable units would be delivered in each phase:

Phase 1

Affordable Rent	Shared Ownership
2 x 1 bedroom flats	2 x 2 bedroom houses
3 x 2 bedroom houses	1 x 3 bedroom house
4 x 3 bedroom houses	

Phase 2

Affordable Rent	Shared Ownership
3 x 3 bedroom houses	1 x 3 bedroom house

It is strongly advised that the applicant enters into discussion with Kirdford Community Land Trust, regarding the disposal of the affordable units or one of the Council's registered provider partners as soon as possible. The Housing Delivery Team is aware that many of our partners are focusing on larger numbers to improve their efficiencies.

This scheme would deliver above the minimum affordable housing numbers most RP's will consider. However, the phasing may impact our RP's interest in that the complexities of costing the purchase of a few affordable housing units over a longer period may put many off. However, both Kirdford Community Land Trust and Green Oak Housing Association (possibly working in partnership) have advised the Housing Delivery Team that they are interested in these units, even if they come through a phased development. The Housing Delivery Team have provided a full list of our RP partners to the applicant to encourage discussions at the earliest opportunity, to ensure that a 5 year 2 phased scheme would enable the delivery of the affordable housing requirement.

Local Occupancy Condition for the Affordable Housing Units

In line with the Council's adopted Allocation Scheme, Policy KSS1 and Policy H.1 of Kirdford Neighbourhood Plan, it is required that the S106 Agreement and Nominations Agreement gives priority allocations to households on the housing register in priority need with a local connection to Kirdford.

It is advised that for the 1st lets a Local Lettings Plan is entered into with the Council and the future Registered Provider / Community Land Trust to ensure that anyone with a local connection to Kirdford gets priority, even if they are not considered to be in priority housing need. To ensure this, a copy of a draft Local Lettings Plan should be attached to the S106 with the Nominations Agreement.

Market Housing Mix

Policy KSS1 of Kirdford Neighbourhood Plan states "a mix of 1, 2 and 3 bedroom market properties, primarily weighted to fall in-line with an up-to-date assessment of local housing need" is to be delivered on the site. During pre-application discussions, a housing needs survey was undertaken by the applicant.

The results did not provide sufficient evidence to warrant variation from the housing mix policy set out under KSS1 of the Kirdford Neighbourhood Plan. It should be noted that this policy does vary from CDC's usual housing mix position of a SHMA compliant scheme. The SHMA recommends a market mix of 35% 1/2 bedroom properties, 50% 3 bedroom properties and 15% 4+ bedroom properties. The applicant is seeking to deliver the below market mix:

- 4 x 1 bedroom properties
- 12 x 2 bedroom properties
- 22 x 3 bedroom properties

The above mix will deliver 42% 1/2 bedroom properties and 58% 3 bedroom properties. When compared to the SHMA recommendations, the applicant is providing a far greater number of smaller units, which are generally more affordable for first-time buyers and young families. The provision of the smaller units will also provide an opportunity for older households to down-size, which in turn may free up larger family units elsewhere in the area. The addition of the 2 x 2 bedroom bungalows is welcomed.

Generally, larger sized units (4+ bedrooms) provide the greatest return for the developer. Discussions were held at the pre-application stage regarding the unit sizes and the affect this has on scheme viability. The applicant increased the number of units on site to 54, to ensure the scheme was both viable and provided a policy-compliant mix. The DV's viability appraisal has found that a policy compliant mix can be delivered on a site of 54 units of over a 2 phased 5 year plan. Overall, the Housing Delivery Team is supportive of the proposed market mix.

Conclusion

The Housing Delivery Team supports this application.

Additional comment

As at 20 September 2017 there are 9 households on the housing register who have claimed a local connection to Kirdford.

6.8 CDC Drainage Engineer (summarised)

The surface water proposal is to attenuate the water and discharge it at the existing greenfield run-off rate. This approach is acceptable given that, due to the local geology, soakaways are very unlikely to be adequate. Measure should be in place to ensure the maintenance of any surface-water-disposal infrastructure. No objections subject to conditions.

6.9 CDC Environmental Strategy Officer

The applicant's ecologist has recommended various mitigation be carried out in respect of reptiles and bats. No objections subject to this mitigation being secured by planning conditions.

6.10 CDC Conservation and Design Manager (summarised)

The proposed site layout provided is similar to the illustrative layout in the Kirdford Neighbourhood Plan in many respects. Whilst normally I would encourage greater integration of street frontages into the village streets, I appreciate that the existing western boundary appears fairly historic and retention of the trees and raised wooded bank is appropriate in this instance. Therefore the best opportunity to integrate the development into the existing village is the way the development relates to the open space and stream to the south and also the existing Chapel and house fronting onto Plaistow Road to the south-west of the site.

The earlier residential extension to the south unfortunately backs onto the existing open space adjacent to the stream and existing footpath, so the new development should provide an opportunity to introduce some natural surveillance with new houses facing onto an enlarged area of open space.

The proposed layout in the form of a series of perimeter blocks is appropriate, and there is an indication of a fairly clear hierarchy of roads. The parking, as shown, has been relatively well integrated into the development with plenty of development on-plot provision, avoiding large areas of end on parking dominating the streets. The layout suggests a reasonable variety of building sizes and footprints and also a variety of garden sizes which is supported. However, in terms of character, the density does appear quite uniform and some of the garages still infill the gaps between houses which could give the perception of a higher density. There would, therefore, appear to be scope to create more of a transition in density from the existing settlement edge to the rural edge of the site.

There appears to be good connections with the local footpath network to encourage healthy, sustainable alternative travel modes linking to the village centre and the village stores.

In terms of design I note the developers have worked closely with the Parish Council's architectural advisor to develop a bespoke housing scheme, although there is a degree of similarity between some of the units. Timber boarding should be avoided on residential properties - this is more appropriate to agricultural and some commercial buildings, like the Village Stores. I also note the reference to "painted brickwork".

I am not sure of the justification for this as it is not really a feature of the local vernacular and painting brickwork can adversely impact on the materials natural breathability resulting in damp and spalling causing future maintenance issues. The local materials are predominantly brick, Wealden Stone and often decorative tile-hanging and I suggest sticking to these materials and avoiding painted brickwork and timber weatherboarding, except on some of the outbuildings/garages.

I consider the form of the buildings, comprising a mix of short terraces and pairs of semi-detached houses is appropriate, consideration could also be given to using buildings to foreclose or frame views as appropriate.

I note a Building for Life Assessment has been carried out, using the old format (20 questions) rather the most recent (BfL 12 Third Edition Jan 2015). It is not clear who assessed it and what credentials they have in terms of use of the criteria. They have resisted, unlike some architects, giving a 100% score (highly exceptional design) but it is fairly high for example in terms of innovation on construction. The affordable housing seems to be concentrated into the south-east corner rather than pepper-potted throughout the site. Locating it close to the public open space and play facilities is to be supported.

6.11 CDC Waste Services Officer

No objections. Road surfaces should be constructed in a manner sufficient to take the weight of waste vehicles.

6.12 CDC Planning Policy Manager (summarised)

Policy KSS1 of the Kirdford Parish Neighbourhood Development Plan 2014 sets out various criteria required for residential development at land to the north of Kirdford Growers. In addition, the policy states that piecemeal development will not be supported and that any application should provide for a phased development using the entirety of the site.

Extended discussions have been undertaken with the developer in order to achieve a form of development for the site that is considered to be acceptable and deliverable, including in relation to phasing. The policy is not prescriptive in this latter respect but the reasoned justification indicates that there is a desire for partnership working to reach a satisfactory outcome. Further information has been received from the District Valuer in relation to viability and, as a result of on-going discussions with the developer, the scheme now comprises 1, 2 and 3 bedroom homes in line with Policy KSS1.

The reasoned justification for Policy KSS1 states that 'The scope, timing and volume of the phasing will be determined by local housing need, site layout and financial viability.' It would appear that in considering what may be acceptable in terms of phasing to meet the objectives of the policy, this process has been undertaken astutely and a position that is acceptable has been reached in terms of compliance with the policy. On this basis at this stage no policy objection would be raised to the proposal in this respect.

6.13 38 Third Party Objection

There should be no street lighting; developers have not consulted the neighbouring residents' association regarding the proposed public footpath over private land; Kirdford has insufficient infrastructure to cope with 54 additional dwellings; increased traffic on local roads; Kirdford has no jobs to offer residents and homes should therefore be built elsewhere; trees will be put at risk; development is not phased as the Neighbourhood Plan requires; there is no local need for all of the proposed affordable housing units; parking is insufficient; not enough emphasis on green energy; application makes a mockery of the Neighbourhood Plan which has been ignored; housing density is too high; loss of agricultural land; impact on ecology including rare bats; there has been very little consultation with local residents; diversion of power lines should not result in harm to trees; affordable housing should be distributed more throughout the development; the ownership of trees along the southern boundary is not clear; not enough social housing for the elderly; no explanation of why numbers have increased from 45 to 54; there is no need for flats; the Neighbourhood Plan needs updating; conflict with the Neighbourhood Plan is contrary to the Government's advice in respect of them.

6.14 Applicant's/Agent's Supporting Information

See paragraph 8.26 and Appendix 2 for applicant's updated position.

The application was submitted in October 2015, almost 2 years ago. It was submitted with the benefit of a pre-application enquiry to Chichester DC and numerous meetings were held with the Parish to agree the broad layout, design and housing mix principles. The application proposes 54 dwellings rather than 45 specified as a minimum in the policy.

Originally around 45 dwellings were proposed which included 4 and 5 bed units. At this time there was no CIL charge levied on development in the District. It was agreed with the Parish that with the extra CIL costs and to meet the policy requirement for 1, 2 and 3 bed units only, the application could be amended to show more smaller units.

Phasing

Ever since the application was submitted the issue of phasing has not been resolved between the applicant and the Parish. The applicant has consistently disagreed with the Parish Council that the site should be phased over the Plan period (up to 2028) because this would not be commercially viable and would deliberately frustrate the delivery of housing to meet identified need. An independent assessment of the phasing and viability of the development has been carried out at the applicant's expense by the District Valuer (DV) to reconcile the phasing issue once and for all. The DV's appraisal dated 4 May 2017 confirms a 5 year phasing would be viable and a longer period required by the Parish would not. The applicant has accepted the DV's findings and proposes to deliver the 54 dwellings which results in a:

- 5 year, 2 phase scheme with;
- 32 dwellings in Phase 1 comprising 20 open market and 12 affordable and
- 22 dwellings in Phase 2 comprising 18 open market and 4 affordable.
- Undergrounding of the electricity cables on the site, provision of open space and an equipped play area will be in Phase 1
- A footpath link to be provided in Phase 1 from the south west part of the site to the adjacent footpath and down to the road.

Notwithstanding the applicant's undertaking to agree a 5 year phased development it is the case that, assuming permission is granted, the first phase will only deliver 32 dwellings. As a defined Service Village in the Local Plan settlement hierarchy (intended to accommodate small scale housing developments) Kirdford is likely to be a candidate for more housing in the next Local Plan. The Local Plan review is likely to be completed by 2020, and at this point the development, if permitted, would still be under construction. In the applicant's view this serves to demonstrate that a 10 year phasing of the application site will serve no planning purpose and simply frustrate the delivery of housing for which there is a pressing and overriding need. The applicant therefore hopes that the phasing issue is considered in detail by the Council when considering the merits of the proposal.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Kirdford Neighbourhood Development Plan was made 22 July 2104 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 25: Development in the North of the Plan area

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 54: Open Space, Sport and Recreation

Kirdford Parish Neighbourhood Development Plan 2014

SD.1: Presumption in favour of sustainable development

EM.1: Management of the water environment

CP.1: S106 Agreements and CIL

H.1: Local occupancy conditions for affordable housing

H.2: Housing for older people

DS.2: Encouraging quality design

DS.3: Provision of off-road parking

DS.4: Local fibre or internet connectivity

R.1: Local Green Space

R.3: Catering for cyclists and pedestrians

E.1: Renewable energy

KSS1: Land to the north of Kirdford Growers

National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), 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 considerations 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 planning permission unless any adverse impacts of doing so would significantly or 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.*

- 7.4 Consideration should also be given to, amongst others, the Framework's following paragraphs and sections: paras 7-17, S4 (Promoting Sustainable transport), S6 (Delivering a wide choice of high quality homes), S7 (Requiring good design), S8 (Promoting healthy communities), S11 (Conserving and enhancing the natural environment), paras 183-185 and Decision taking (paras 186-187, 196-198 and 203-206).
- 7.5 The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of house building, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic,

six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax.

The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD 2016
Kirdford Village Design Statement 2011

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- (i) The principle of the development
- (ii) Layout and Design
- (iii) Phasing and housing mix
- (iv) Highways and access
- (v) Residential amenity
- (vi) Surface and foul water disposal

Assessment

(i) The principle of the development

8.2 Kirdford is categorised as a Service Village in the Local Plan's Settlement Hierarchy (Policy 2), with these settlements identified as being suitable for "small scale housing developments consistent with the indicative housing numbers set out in Policy 5". Policy 5 identifies an indicative allocation of 60 dwellings for Kirdford. In view of this allocation the Kirdford Parish Neighbourhood Development Plan (KNP) identifies a number of sites to "deliver a minimum of 61 dwellings". The application site is allocated by KNP Policy KSS1 for a development of a minimum of 45 dwellings. Accordingly, there is no objection to the principle of housing development at the site.

8.3 Policy KSS1 sets out a number of criteria for the development of the site, and these can be summarised as follows:

- a single development of a minimum of 45 units using the entirety of the site
- a piecemeal approach to the development of the site will not be supported
- a mix of 1, 2 and 3 bedroom market units, primarily weighted to fall in line with an up-to-date assessment of local housing need
- Affordable Housing in line with District level requirements with an amount secured in perpetuity for local occupancy
- an equipped play area
- appropriate landscaping, retention of boundary trees and the provision of cycle/footpath linkages to the village
- a phased development

8.4 In terms of overall numbers the application proposes the erection of 9 additional dwellings when compared to the figure contained in KSS1. However, it must be noted that the policy refers to a minimum of 45 units. Given that in the following sections of this report it is concluded that 54 units can be satisfactorily accommodated on the site in terms of density, layout and highway safety, no objection is raised to the number of dwellings proposed.

8.5 The following sections of this report address Policy KSS1's detailed criteria along with other planning policies and material considerations.

(ii) Layout and Design

8.6 As referred to by the Conservation and Design Manager the proposed layout follows established urban design principles, with a clear hierarchy of streets that creates outward-facing dwellings in four perimeter blocks. Given the relatively low density of the development (20dpHa), all properties have reasonable-sized gardens and acceptable levels of privacy.

Parking is primarily provided within the curtilage of dwellings and hard surfacing is therefore not a dominant feature of the layout. The distribution of affordable dwellings throughout the development is considered acceptable.

8.7 The proposed public open space is appropriately located along the southern boundary of the site, flanking the existing amenity land adjacent to Bramley Close. The open space would incorporate an equipped play area, and the entire area would be subject to an appropriate level of natural surveillance from the development's southernmost dwellings.

- 8.8 The design of individual dwellings follows a relatively traditional approach and their detailing and general form, comprising a mix of two storey detached and semi-detached dwellings and short terraces, is considered appropriate. A limited palette of materials is proposed which reflects those seen in the locality. The inclusion of 2 bungalows is to be welcomed as is the removal of the existing overhead electricity cables.
- 8.9 The setback of dwellings from the boundaries allows the existing peripheral tree belts to be retained and, coupled with a reduction in density across the site from south to north, it is considered that the development represents a generally appropriate response to the site's edge-of-settlement location.

Phasing and Housing Mix

- 8.10 The detailed criteria of Neighbourhood Plan Policy KSS1 are summarised at paragraph 8.3 above. With regard to the issue of phasing, KSS1 requires that:

"...Piecemeal development on the site will not be supported. Any application should provide for a phased development using the entirety of the site that seeks to provide the sustainable delivery of housing over the Plan period. An appropriate phasing Plan that responds to both immediate and future need should be included in support of any planning application..."

- 8.11 The Reasoned Justification that accompanies the policy goes on to clarify that:

"...The scope, timing and volume of the phasing will be determined by local housing need, site layout and financial viability..."

- 8.12 In order to address KSS1's phasing requirement the applicant has submitted a Viability Appraisal Report which assesses the viability of a 54 unit scheme in the following scenarios: (i) a 2 Phase scheme over a 3 year period, comprising a slow build programme with a 1 month break between phases; (ii) a 2 Phase scheme over 5 years; and (iii) a 4 Phase scheme over a 10 year period. The applicant's viability appraisal has been the subject of an independent review by District Valuer Services (DVS) which is part of the Government's Valuation Office Agency. Furthermore, Kirdford Parish Council has engaged its own valuation expert to assess the viability of various phasing options.

- 8.13 The detailed comments of the three valuation experts are available in full on the application file, however, their conclusions can be summarised as follows:

- The applicant's valuer found that only the 3 year phased scheme would be viable.
- The Parish Council's valuer concluded that all of the phasing options would be viable.
- DVS (instructed by the Council) found that the 3 and 5 year schemes would be viable, but that a 4 phase scheme over 10 years would not be viable. At the officers' request the DVS also appraised a 2 phase scheme over a 10 year period, and found that this would not be viable.

- 8.14 Whilst it is acknowledged that the three valuers have each reached different conclusions on the same schemes, this is not altogether surprising given that such appraisals involve multiple inputs and variables, and that the value of each of these depends to a degree on the judgement of the expert carrying out that appraisal. However, the District Valuer was appointed by the Council to carry out an independent appraisal and, having considered the viability assessments and views of all parties (including those of the PC's valuer reproduced at para. 6.1 above), has concluded that the 5 and 3 year phased schemes would be viable. Consequently, the conclusions of the DVS are considered to be well founded and reasonable and are accepted.
- 8.15 Following receipt of the DVS report the applicant has confirmed that it would be prepared to carry out the development in 2 phases over a 5 year period [**See updated position at para 8.25 of this report**]; officers had already confirmed to the applicant that a 3 year scheme would not involve meaningful phasing and would not, therefore, be acceptable in terms of the requirements of KSS1.
- 8.16 The 5 year, 2 phase scheme would involve a first phase of 32 dwellings (20 private and 12 affordable) comprised in the two southern perimeter blocks, and a second phase of 22 dwellings (18 private and 4 affordable) in the two northern blocks. The first phase would also involve the laying out of the open space and equipped play area, together with the undergrounding of the existing overhead electricity cables. There would be a 28 month break between the two development phases.
- 8.17 With regard to housing mix, in terms firstly of the market component of the development, 38 dwellings are proposed comprising 4x1 bedroom flats, 12x2 bed houses (including 2 bungalows) and 22x3 bed houses. This mix departs to an extent from the Council's preferred house mix which is set out in the SHMAA which generally requires housing developments to include a range of dwelling sizes, including a proportion with 4 or more bedrooms. The applicant, however, has submitted the application on the basis of policy KSS1's requirement for dwelling sizes to not exceed three bedrooms and, taking both this and the range of available needs-based evidence into account, the CDC Housing Enabling Officer has raised no objection to the proposed market housing mix.
- 8.18 The affordable housing component consists of 2x1 bedroom flats, 5x2 bed houses and 9x3 bed houses in a 70:30 rented-intermediate tenure split. A two phase scheme would involve 9 affordable rented (AR) and 3 shared ownership (SO) dwellings being provided in Phase 1, with 3xAR and 1xSO in Phase 2. A residual commuted sum reflecting a fraction of a unit would be provided in order to meet the requirement of Local Plan policy 34 for a 30% (16.2 dwellings) affordable housing contribution.
- 8.19 Turning to the occupancy of the affordable rented dwellings, as referred at paragraph 6.7 above the Housing Enabling Officer considers that in this case a Local Lettings Plan can be justified, and this would be appended to the Section 106 Legal Agreement. In accordance with the Council's adopted Allocation Scheme – administered by it in its statutory role as Housing Authority - this would mean that the first letting of the affordable rented units would be prioritised for any locally-connected households in housing need (i.e. Bands A-D).

In terms of subsequent lets, these would be prioritised for locally-connected households categorised as being in 'high' housing need (i.e. Bands A-C). Accordingly, the process of prioritising the letting of the affordable rented dwellings would be in accordance with policy KSS1's local occupancy requirements.

- 8.20 The Housing Officer has explained in her consultation response that there are currently 9 households on the Housing Register with a local connection to Kirdford. Whilst it is not possible at this stage to know whether these households would necessarily be willing or able to take advantage of the 9 affordable rented dwellings in the first phase of the development, the proposal clearly provides an opportunity to make meaningful progress toward addressing current local need. Furthermore, experience shows that the prospect of a development going ahead may serve to bring forward as yet unidentified locally-connected households with an interest in the proposed shared ownership units.
- 8.21 In terms of future need, the Housing Officer has highlighted why it is inherently difficult to anticipate what this might be, and this is the reason why the SHMAA is by its nature a forward-looking piece of evidence which seeks to address both market and affordable housing need over the entire Local Plan period. Again, however, when the affordable rented dwellings in the second phase of the development become available, they would be prioritised for locally-connected households in housing need at that time.
- 8.22 In summary on this issue it is considered that the scheme as proposed goes some considerable way towards meeting the phasing and mix requirements of Neighbourhood Plan policy KSS1. The proposed development makes good use of the entire site, provides an opportunity to meet currently identified affordable housing need and, with a significant mid-scheme break, would allow for the phased introduction of additional housing into the village.
- 8.23 It is noted that the Parish Council and others in the village may have expected the development to be phased over a longer period, however, the District Valuer has concluded that such an approach would not be viable. Furthermore, it is important to acknowledge that in order to maintain housing land supply, the Local Plan seeks to encourage the Parish Housing Sites in Local Plan Policy 5 to be brought forward as early as possible in the Plan period. In this respect Members will be aware that many Parishes have already met, and in a number of cases exceeded, their housing requirements through the grant of planning permissions, and that a number of these developments have already or are in the process of being built-out.

In the case of Kirdford, it is noted that even if works on the application site were to commence relatively quickly after the grant of permission, it is unlikely that the development would be completed until sometime in 2023, nearly 10 years into the Neighbourhood Plan's 14 year Plan period. Taking this and the viability issues into account, a delay to the delivery of this scheme beyond the 5 year phasing proposed cannot be justified.

Update on phasing issues

8.24 Following the deferral, officers held a meeting which was attended by the applicant, representatives of the Parish Council and the District Council Ward Member. A wide-ranging discussion took place which culminated in the applicant undertaking to consider the matters raised by the Parish Council and to provide a written response. That response, which is in the form of a letter from the applicant and a covering email from the planning agent, is attached to this report as Appendix 2. A copy of this correspondence has been sent to the Parish Council.

8.25 Members will note that the applicant has fundamentally changed its position with regard to the phasing issue and, in effect, has withdrawn the previous agreement to construct the 54 dwellings in accordance with a five year development programme.

The applicant has set out a number of practical and policy-related considerations that, in their view, strongly militate against any phasing of the development. Particular attention is drawn to the fact that an un-phased development would have a beneficial effect on the Council's five year housing land supply, a consideration which they consider should be given great weight, given the two recent appeal decisions where Inspectors concluded that the Council could not demonstrate a 5 Year Housing Land Supply (5YHLS).

8.26 The change in the applicant's position is, at this stage in the application process, highly disappointing. It is accepted that carrying out a development of this relatively small scale in a phased manner does present some practical difficulties. However, the scheme has been drawn up in a manner that would minimise such issues, and any costs associated with those issues were fully taken into account by the appointed representative of the District Valuer (DV) in reaching the conclusion that a 5 year phased scheme would be viable. Following receipt of the DV's report the applicant agreed to carry out the development over this period, and officers therefore find it difficult to understand such a radical change in position on this issue.

8.27 With regard to the issue of housing land supply, it is the case that the Inspector in the most recent appeal case at Breach Avenue, Southbourne concluded that the Council could not demonstrate a five year supply.

8.28 In any case, your officers' view is that the weight to be given to this consideration should be limited due to the fact that a 5 year phased scheme would be unlikely to have a detrimental effect on the current supply position. Currently, 45 dwellings from this site are included in the supply figures (the minimum number quoted in Policy KSS1), and provided the commencement of a 5 year phased scheme was not unduly delayed, it is likely that at least 45 dwellings would be completed within the 5 year supply-calculation period.

8.29 It is acknowledged that a grant of permission on the basis of no phasing could make the scheme's contribution to the 5YHLS more robust. However, when considering the planning balance in this case, officers do not consider that this is of overriding weight and does not comprise sufficient justification to set aside policy KSS1's clear requirement for the development to be carried out in a phased manner.

On the other hand, phasing over a period that exceeds five years would, by definition, be likely to result in housing numbers dropping out of the 5YHLS. This could result in other communities being more vulnerable to unplanned developments. Phasing over a longer period cannot, therefore, be recommended to members.

8.30 In conclusion, whilst the change in the applicant's position with regard to phasing is noted, this is not considered sufficient justification to warrant a change to the recommendation to grant planning permission subject to a five year phasing programme as detailed in paragraph 8.16 above and it is recommended that such a requirement remain within the Section 106.

Highways and Access

8.31 The proposed vehicular access arrangements onto Plaistow Road (see para.3.5 above) are considered acceptable in highway safety terms. The removal of four mature trees to facilitate creation of the access is regrettable; however, their loss should not prove significant given that these form only a small part of the very substantial tree-belt along the site's western boundary.

The width and geometry of the development's internal roads are sufficient to allow circulation of waste and other service vehicles. **The proposed parking provision comprises 103 on-plot allocated parking spaces and 14 visitor spaces. Further, 16 of the dwellings also have an additional unallocated space for a further vehicle to park off-road. This provides a level of parking that is slightly in excess of the predicted demand of 125 spaces but which, in the particular circumstances of this case, the Highway Authority considers acceptable.** The number and distribution of parking spaces is **therefore** considered sufficient to meet the needs of both residents and visitors.

8.32 The detail of traffic calming measures within the development will be reserved by planning condition. Given the absence of street lighting and the inclusion of some shared surfaces, a traffic calming scheme is likely to primarily involve the use of contrasting surfacing materials rather the introduction of features such as raised tables which could prove difficult to negotiate in a low-light environment.

8.33 In terms of pedestrian access, two connection points onto the eastern boundary public footpath are proposed. As referred to in paragraphs 3.6 and 3.7 above, discussions are on-going with regard to securing a more direct pedestrian route from the site onto Village Road, and these are shown indicatively on the application drawings. Securing this route will require the cooperation of third parties, and if agreement is not secured then upgrading of the section of the eastern boundary public footpath (to a bound surface) through to Heron's Close will be required.

Residential amenity

8.34 In terms of prospective residents, the relationship between the proposed dwellings is such that an appropriate level of privacy will be provided. In the case of some units, however, it will be necessary to prevent (by planning condition) the future formation of additional first floor windows in certain elevations as this could result in an unacceptable level of overlooking.

- 8.35 Existing residents positioned close to the site's southern boundary would be located a minimum of 40m from the nearest proposed dwellings and would benefit from some intervening tree and shrub screening. These occupiers will not, therefore, experience any loss of privacy.
- 8.36 If the direct pedestrian route referred to in para 8.26 above were to be secured, then this would result in a footpath being located close to the rear boundary of Brookside (on Plaistow Road) and the side boundary Stonewall Cottages (on Village Road). Whilst use of the path would inevitably result in an increase in activity close to these properties, the nature and frequency of such activity would be such that undue harm to these residents' living conditions should not be caused.

Surface and foul water disposal

- 8.37 The indicative surface water disposal scheme submitted with the application indicates the use of permeable surfacing materials alongside the use of storage tanks beneath the open space and two sections of internal road. Surface water would ultimately outflow to the existing surface water sewer located in Plaistow Road, with outflows restricted mechanically so as to be no greater than current greenfield rates.

Final details of the disposal scheme would be reserved by condition. Future maintenance of the surface water disposal infrastructure would be secured via the Section 106 agreement.

- 8.38 The development's foul flows would enter the public sewer in Plaistow Road. Southern Water has confirmed that there is sufficient capacity in the network to accommodate any additional flows.

Significant Conditions

- 8.39 A number of conditions accompany the recommended below in respect of various matters including development phasing, materials, landscaping, external lighting, tree protection, off-site footpath provision, surface and foul water disposal, ecological mitigation, access and parking provision.

Section 106 Agreement

- 8.40 It is necessary for any planning permission to be accompanied by a Section 106 Legal Agreement to secure elements of the scheme that make it acceptable in planning terms.

- 8.41 The Agreement would include obligations relating to:

- the phasing of the development over a minimum period of 5 years including a requirement for a mid-development break of at least 28 months
- the provision of 30% affordable housing in the tenure/mix set out above and with the rented units prioritised for local people in housing need
- the payment of an affordable housing commuted sum of £75,585
- the future maintenance of SUDS infrastructure
- the provision and future maintenance of landscaping, peripheral tree belts and open and equipped play space (minimum 165sqm)

- 8.42 It is noted that the Parish Council has raised the matter of the S106 Agreement giving priority to the Kirdford Community Land Trust (CLT) in respect of the future control of certain community assets included in the proposal (such as the proposed affordable housing and open space areas). In this regard it is normal practice for S106 Agreements to be drafted to allow a degree of flexibility with regard to the delivery and future management of such assets and, consequently, it is likely that a CLT could, for example, have control over the affordable housing provided it was working in partnership with a Registered Provider. However, it would not be appropriate for the Council to require a developer to prioritise one provider or manager over another. That said, officers have already and will continue to encourage the applicant to liaise with the Parish Council and CLT on this issue.
- 8.43 This development is also liable to pay the Council's CIL charge which would amount to £884k, of which the Parish Council would receive 25% due to there being a made Neighbourhood Plan in place.

Conclusion

- 8.44 This planning application has been the subject of a lengthy determination period resulting primarily from the need to carefully consider the proposal against the various criteria set out in the Neighbourhood Plan, and to allow key stakeholders the opportunity to have an input into that assessment process.
- 8.45 It is fully acknowledged that the Parish Council and other members of the community retain some concerns over certain aspects of the application. However, the preceding sections of this report demonstrate that the proposal goes some considerable way towards meeting the Neighbourhood Plan's requirements.
- 8.48 In terms specifically of the criteria of Neighbourhood Plan policy KSS1, the proposal achieves:
- a phased development using the entire site, with a meaningful mid-development break that will result in the phased introduction of housing into the village
 - an opportunity for the first phase of the development to help meet the current identified local housing need
 - affordable rented dwellings that will be prioritised for locally-connected people in housing need
 - dwelling sizes that do not exceed 3 bedrooms
 - a suitable layout with good footpath connections, appropriately designed dwellings and a moderate development density that results in good-sized gardens, acceptable levels of privacy and sufficient parking
 - an area of public open space and equipped play space for the benefit of the whole community
 - the retention of boundary tree belts and the provision of adequate landscaping which results in a development that responds appropriately to its edge-of-settlement location
- 8.49 The proposal is also acceptable in terms of other relevant planning policy requirements and material considerations relating to matters such as drainage, highway safety, residential amenity and ecology. Consequently, subject to the S106 obligations referred to above and the planning conditions set out below, it is recommended that permission be granted.

Human Rights

8.50 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 2015027 P - 01G, 02, 03, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11B, 12, 13A, 14A, 15, 16, 17, 18A, 19A, 20A, 21, 22, 23B, 24B, 31F and H001; 4889.001A; 4889.003; 4889.004; 14167-BT8; CALA 20108-10C; H703-401 REV F.

Reason: To ensure the development complies with the planning permission.

3) **No development shall commence** unless and until a Phasing Scheme which sets out the sequence in which the proposed buildings, car parking, internal vehicular and pedestrian access routes (including links to and beyond the site boundary), SUDS infrastructure, landscaping, overhead cable re-routing and public and other open space will be provided or carried out has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved Scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure consideration is given to the development as a whole in the interests of ensuring the timely delivery of an appropriate mix of housing, other uses and open space during the construction of the development.

4) **No development shall commence** unless and until a new pedestrian footpath link from the site boundary to Village Road or an improved pedestrian footpath link from the site boundary to Herons Close has been provided in accordance with drawings and details that have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall be based on the indicative routing and annotation shown on application Site Layout Plan 2015027/P01G and shall include evidence to demonstrate that (i) all reasonable endeavours have been used to provide the preferred new footpath route to Village Road; and (ii) the use of the new or improved footpath by members of the public is secured in perpetuity.

Once provided, the new or improved footpath shall at all times be kept free from obstruction and made available for use by all members of the public.

Reason: To ensure the provision of adequate pedestrian access to and from the development.

5) Notwithstanding any details submitted **no development in respect of any phase agreed pursuant to condition 3 of this permission shall commence** until a full schedule of materials and finishes to be used for the external walls, roofs and windows of the buildings and all roads, footpaths and parking areas in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

6) **No development in respect of any phase agreed pursuant to condition 3 of this permission shall commence** until details of the associated boundary treatments have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments to all public and private areas, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be carried out and maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours and the character and appearance of the locality.

7) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme, including the phasing of such works where relevant, has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required prior to commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

8) **No development shall commence** in respect of any phase agreed pursuant to condition 3 of this permission until a strategy outlining details of the sustainable design and construction for all new buildings in that phase, including water use, Building for Life standards, sustainable building techniques and technology and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

9) **No development shall commence** until full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works and shall include details of above-ground infrastructure such as equipment cabinets.

The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

10) **No development in respect of any phase agreed under the terms of condition 3 of this permission shall commence**, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,

- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

11) No part of the development hereby permitted shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

12) No part of the development shall be first occupied until visibility splays of 2.4 metres by 53.0 metres to the north and 2.4 metres by 56.0 metres to the south have been provided at the proposed site vehicular access onto Plaistow Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

13) No part of the development in respect of any phase agreed pursuant to condition 3 of this permission shall be occupied until the car parking, garaging and turning accompanying that phase has been constructed and laid out in accordance with the approved site plan and the details specified within the application form.

For the avoidance of doubt, all garage spaces shall have minimum internal dimensions of 6.0m long by 3.0m wide. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

14) No development in respect of any phase agreed pursuant to condition 3 of this permission shall be occupied until details of covered and secure cycle parking spaces to accompany that phase have first been submitted to and approved by the Local Planning Authority. The cycle parking shall be provided in accordance with the agreed details and thereafter retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

15) Notwithstanding any details submitted no development in respect of any phase agreed pursuant to condition 3 of this permission shall be occupied unless and until a fully detailed landscape and planting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development in that phase, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

16) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

17) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

18) The development shall not be carried out other than in accordance with the mitigation and protection measures at Section 5 of submitted Kirdford Bat Trapping Survey 2016 and Section 2.5 of the submitted Habitat and Protected Species Survey and Report July 2014.

Reason: In the interests of biodiversity.

19) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no windows shall be inserted at first floor level into the rear (west-facing) elevation of the Plots 50 and 51 as annotated on the approved Site layout plan without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

20) No form of artificial lighting shall be installed outside of any residential curtilage within the application site unless done so with the prior written consent of the Local Planning Authority.

Reason: In the interests of biodiversity and the rural character and appearance of the locality.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

3) With regard to site drainage your attention is drawn to:

(i) the comments contained in Southern Water's consultation response of 01 December 2015 concerning the proximity of public surface water and foul sewers with the site; and

(ii) the possible need to gain the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 in respect of water and foul discharge off site.

4) The dedication of the new route as a public right of way would satisfy the requirements of condition 4 in respect of use by members of the public.

5) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

6) With regard to condition 8 you are advised that, amongst other things, it is likely to be a requirement that an air-source heat pump be provided for each dwelling in accordance with the submitted viability information, or for an alternative renewable energy source of at least equivalent generation capacity.

7) You are advised that consent under separate legislation will be required in order to make good the loss of any Common Land arising from the implementation of the development hereby permitted. Further, you are reminded that planning permission is granted without prejudice to the need to gain such consent.

8) With regard to condition 5 you are advised:

(i) that the use of render as a facing material is unlikely to be acceptable; and

(ii) to take into account the comments of the Local Highway Authority with regard to the approach to traffic calming as set out in its consultation response of 11 May 2016.

9) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals.

For further information on this application please contact Steve Harris on 01243 534734.

Appendix 1

Additional Supporting Information

Parish Council letter 24 September 2015

The Parish Council strongly objects to this application for the following reasons :-
Application Background Information The Parish Council would advise that together with Greenoak Housing Association, its social housing provider partner, it has sought over the last 10 months to engage and work in a positive manner, initially with Banner Homes, now part of Cala Homes, the applicant development company. All discussions and development of the proposals were generally resolved to accord with the requirements and policies of the Kirdford Parish Neighbourhood Development Plan 2014 (KPNDP) with the notable exceptions of the housing types and phased or sequential delivery of the housing units to meet the local housing need over the term of the KPNDP.

During the pre-application process (some meetings with the Local Planning Authority attended by the representatives of the Parish Council) Chichester District Council Development Management advised that the application must be compliant with all the policies of the KPNDP 2014 which forms part of the CDC Local Plan 2015.

The desire not to comply with the policy on housing numbers, type and phasing was argued by the applicant on the basis of financial non-viability. It was, however, clarified that the applicant's agent, Genesis, partook in all of the KPNDP development workshops and consultations. They were, therefore, fully aware of the policy's phased delivery, house types and numbers and the consequential impact on land value prior to the plan's adoptions. All such information was available in the public and addressed by the Examiner before making recommendation for the plan to go to referendum.

The Parish Council encouraged Banner Homes to undertake a housing needs survey. This was agreed and commissioned. Notwithstanding this, after the initial report findings were queried by CDC Housing Department and the Parish Council, it has received no further information on the survey and no Housing Needs Survey has been submitted in support of the application.

Nevertheless it is noted and appreciated that the application now omits the 4 and 5 bedroom properties, originally proposed, and now provides for 1, 2 and 3 bedroom properties in accord with the policy. Nonetheless, the application has increased the number of units to 54, an increase of 20% over the adopted policy requirement. No credible evidence to support or justify such increased numbers and density appears to be provided.

Key Policy

The application seeks to set aside the KSS1 policy requirement, namely “Any application should provide for a phased development using the entirety of the site that seeks to provide the sustainable delivery of housing over the plan period [2014-2029]. An appropriate phasing plan that responds to both the immediate and future need should be included in support of any planning application.”

This is a significant omission as National Planning Policy makes it clear that District and Neighbourhood Plans must plan for sustainable growth and that is what Kirdford residents did and why their plan was one of the first in the country to be adopted in 2014; it now forms part of the Development Plan against which all planning applications stand to be assessed.

In allocating the site for development Policy KSS1 seeks to deliver over 75% (45 no. units) of the required new housing for the Parish over the next 15 years on a phased (or sequential basis) as required to satisfy the local housing need. The CALA Homes application completely ignores that policy and seeks to develop 54 houses as one single development, delivering all the housing within one to two years, thereby setting aside any consideration of sustainable growth.

To provide some context there are 226 existing households in Kirdford village. Adding 54 new houses to the existing stock in one single development significantly increases the infrastructure demand on local school places, new jobs and doctors lists and increases the size of the village by 24% in one go. This cannot reasonably be considered to be sustainable growth. This, in the view of the Parish Council, is especially as the evidence identifies that the local infrastructure as already being overstretched.

The proposal is contrary to Policy 9 – Development and Infrastructure Provision in the CDC Local Plan 20215 and is equivalent to arguing that it would be sustainable to build 3,250 houses in one year in the City of Chichester to add to its existing 13,491 homes. Clearly, this would not be the case.

Key Policy Argument submitted by the Applicant

Given the absence of any supporting information or justification to set aside such a significant part of the Policy KSS1 it appears that the intent is to challenge the validity of such a recently adopted and up-to-date Policy. That view is supported by the content of the Planning and Design Statement submitted by Genesis.

- It is argued in page 15, paras 5.20 – 5.23, that the Neighbourhood Plan delivery section refers to a possible 10 year construction programme. The Parish Council is not clear as to how reference to a non-statutory part of the Plan is relevant other than to demonstrate the Parish Council's and community's commitment to deliver to policies of the Plan
- Genesis continues by stating in para. 5.20 that the Examiner of the KPNDP did not consider a ten year construction phasing programme to be part of the main Policy KSS1 and that in their view would cause site issues for existing residents, damage to landscaping and result in the site becoming untidy and badly planned.

The Parish Council believes the Examiner was abundantly clear in her recommendations relating to the Plan policy and its requirement for “phased development using the entirety of the site”. It is very common development practice for a single land parcel to be developed in separate lots or stages over an extended period of time without causing issues to residents or the environment. Proper management and site maintenance should ensure that the potential harm identified by Genesis (see above) does not occur in reality.

The NPPF is clear that the purpose of planning is to help achieve sustainable development. This is the ‘golden thread’ running throughout the NPPF, both in terms of plan-making and decision-taking. It identifies three inter-related dimensions to sustainable development, these being an economic role, a social role and an environmental role with no role being taken in isolation, because they are mutually dependent.

The KPNDP has been credited as being comprehensive, embracing the purposes of the NPPF and demonstrating that small rural parishes can deliver sustainable growth over a Plan period.

In contrast the application ignores sustainable growth and seeks to deliver a 24% increase in current village housing stock in a single development, within 2 years or less, far in excess of current local need or demand. Unlike the KPNDP, it ignores the demand such rapid growth would place on local schooling, employment, medical facilities, in an isolated rural location, or any other demand on existing infrastructure all of which local evidence identified as currently struggling to cope with existing demand.

- In para. 5.21 Genesis seeks to argue that a 10 year phased delivery of housing on the site would be inconsistent with Local Plan Policy 5.

CDC adopted the KPNDP in July 2014 on the basis it was compliant with its then emerging plan and that the Chichester Local Plan – Key Policies were adopted in 2015 and the KPNDP remains compliant with its policy 5 Parish Housing Sites 2012-2029 – Indicative Housing Numbers and the referenced Appendix D. Given the recent dates when the plans were publically examined and approved a reference to a footnote seems a rather spurious basis for challenging the substantive and up-to-date policies of the plans. Given both the KPNDP and Local Plan policies have within the last 18 months passed examination and been deemed to be compliant with the Basic Regulations and the NPPF the Parish Council will not seek to comment further.

- Para. 5.23 argues that for all the reasons stated in paras 5.20 to 5.22 a 10 year phasing programme is not justified and would undermine overall viability of the site being developed. No evidence is provided to support this assertion. Policy KSS1 allocates the land for housing and seeks to facilitate its delivery progressively over the plan period 2012-2029 in accordance with a master plan layout identified in the KPNDP. It does not require the development to be delivered as a single construction programme. Any financial viability appraisal based on a single construction period of 5, 10 or even 15 years for the development of the whole of the site under one contract would, therefore, be irrelevant as such a constraint is not imposed by the policy.

It should be noted, as stated in the adopted plan that discussions with the landowner and their agent have been maintained during the development of the plan. The landowner, developer and its agents were, therefore, fully capable to determine the appropriate change in land value from its agricultural value to its enhanced development value the land was designated as development land in accordance with Policy KSS1 prior to and upon adoption of a made Plan.

The Parish Council continues to have an interest, in conjunction with its partner Greenoak Housing Association, to procure the land or jointly develop it, in line with Policy KSS1 and has advised the landowner/developer agent of this before and after the making of the KPNDP.

General Comments and Observations

Layout Planning/Social Housing – Contrary to good practice the location of the social housing in the scheme has been clustered rather than spread or ‘pepper potted’ throughout the site. This leads to social exclusion rather than inclusion, which is something the KPNDP actively sought to deliver in its objectives.

KPNDP Policy EM1 – The flood risk assessment shows the final surface water drainage outfall is the nearby water course and a new connection is required to the culvert within the extent of public highway. This water course network requires extensive maintenance, the lack of which results in road flooding at the Village and Plaistow Road junction as well as adjoining common and private land. There appear to be no details relating to on-going management as required by the policy.

APPENDIX

Observations/discrepancies/comments/clarification required on application KD/15/03367/FUL CALA HOMES documentation:-

Planning & Design Statement

- 1.3 – refers to 1, 2 and 3 bed houses whereas the Design and Access Statement S2 refers to 4 bed.
- Tries to make an argument for single phase development contrary to the Kirdford PNDP.
- 4.18 and 5.12 – attempts to say that KPNDP policy DS5 is superseded by Government legislation and the CDC Local Plan.
- 5.3 – refers to agreement with the Parish Council for a Common Land swop – there is no such agreement and in any event agreement would be with the landowner (not the Parish Council).
- 5.15 – The only vaguely overt “green” feature seems to be water butts. Very disappointed that there are no grey water provision, no solar panels, nothing 21st century at all. To construct ecologically sound and pioneering buildings at no more cost is possible – is it not possible to build something pioneering and something that everyone would be proud of.

Transport Statement

- 2.15 – Train services incorrectly stated.
- 4.3 – Will anyone really use public transport – the figures need verifying.
- 4.6 – refers to close proximity to bus stops but very limited service.
- 5.3 – refers to School Buses in the afternoons.
- 5.4 – refers to Billingshurst Station being accessible by bus – in any meaningful sense this is not true.

Site Layout

- Shows a new footpath across private lane (Bramley Close) – is there agreement with the landowner?
- Does the layout accord with what was discussed previously with Cala?

Travel Plan

- 4.17 – table refers to a 2 x hourly bus service – not in Kirdford
- 4.18 – Train services incorrect

Design and Access Statement

- 2 – Proposals – “housing will be a mix of 1 bed flats, 2, 3 and 4 bedroom houses”
- S1 – refers to abutting Cricket pitch – this is not correct. -2-
- S9 – refers to gas boilers, but there is no indication of siting of gas tanks/bulk tank as no mains gas in Kirdford. Should there not be consideration being given to some form of sustainable energy?
- P.6 – Visual Impact – boundary zones remain within the ‘public’ realm. Control over the future appearance and maintenance is retained? Which authority are they referring to?
- 9 – Sustainability – Building to Level 3 per Local Plan not Level 5 per KPNDP
- P.15 – refers to street lighting – against KPNDP Policy – “where street lighting provided – designed to cover areas vulnerable to crime”. Kirdford is a ‘dark sky area’.
- P.16 – level of car parking – should each 2 bed + property have 2 parking places?
- P.18 – Car Parking – Illuminated communal parking areas BS.5489 – 1,2003 low level bollard lighting will not be used. As stated above, Kirdford is a ‘dark sky area’.
- P.18 – Street Lighting – The principal roads will be constructed to adoptable standards and will consequently incorporate street lighting to an acceptable standard. As stated, Kirdford is a ‘dark sky area’.
- Who will maintain roads/open space?

Flood Risk Assessment

- 6.2 – refers to existing sewers – there is need for confirmation that the pipes and/or treatment plant can cope.
- 6.3 – refers to land drainage. From local observation the ditch system outside the site is obstructed.
- 12.1 – states soakaways are not appropriate due to clay – how will surface water be handled?
- 12.3 – refers to a new connection to a culvert/outfall to existing watercourse – overload? SUDS

- The document lists Appendices A – H but these are not available on the website.
- Appendix E – Thames Water – Sewer Records - Kirdford is within the area of Southern Water.
- Ethos Environment Planning – Habitat and Protected Species Survey and Report
- 1 - Bat Survey – 8 species of bat within 1km – however, there are known to be 15 of the 17 British species of Bat in Kirdford.
- 1.5 - Second paragraph – “ensuring no significant light spill in this area”
- 2.4 – Low population of Grass Snakes and good population of Slow Worms
- 2.5 - Reptile translocation exercise required prior to construction – mitigation measures
- 3.2 – Breeding birds – Barn Owls, Green Woodpecker, Starling
- 3.7 – Glow Worms
- Nightingales are known to be in that meadow.
- The Ethos inspection of August, 2015 stated that Slow Worms were present.

Affordable Housing Statement

- Third from last paragraph states “split 50% affordable and 50% intermediate – what does this mean? Should this be for first-time buyers, then it would be vital to build a cap into re-sale values because otherwise within a few years the prices would be out of the reach of the next generation of first time buyers.
- What is meant by Affordable Rentals?

Draft S.106 Agreement

- Includes requirement for Public Artwork, but nothing included about Play Equipment and there does not appear to be any reference to Play Equipment provision within the documentation.

Building for Life

- Item 4 states that “Bus Route runs right outside the entry to the site”!! The only buses that go past the entry to the site are School Buses.

Application Form

- This states that “no new public roads to be provided within the site” whereas the Design and Access Statement states “principal roads will be constructed to adoptable standards” – which is it?

Loss of Trees

- 4 Oaks at entrance and Ash, dog rose and thorn for new footpath route.

Plans

- Some plans show a bed 4, but only 3 bedrooms.
- Query design/size of some bedrooms reference intent of the KPNDP

Parish Council's Solicitor's letter of 8 September 2016

There are three issues in particular which I should like to bring to your attention to ensure that the Report to the Committee can be in no doubt as to the position that the residents of Kirdford wish the Members to fully consider.

1 Issues with the application generally

a. The Parish Council has analysed the Application in detail. It has raised very real concerns with the quality and accuracy of the information submitted and these have been set out in their correspondence to you, most notably 26 November 2015 and 19 January 2016. Whilst some of these issues have been resolved through submission of further documentation through the Application process, many have not. I would urge careful consideration of the points the Parish Council have raised and the acceptability in planning terms of granting planning permission for the Application unless these issues are addressed, corrected or adequately and properly mitigated via condition or s 106 Agreement and that those mitigation measures are placed in front of Members at Committee for them to properly have considered them before a decision can lawfully be made.

2 The number and make-up of units on the Site

a. The Kirdford Parish Neighbourhood Development Plan ("the NDP") was adopted in July 2014 and form part of the Development Plan for Chichester. As per s38(6) of the Planning Act 2004, all decisions made in the NDP Neighbourhood Area need to be made in accordance with it unless there are material considerations indicating otherwise.

b. The NDP was produced and adopted having regard to the Localism act 2011, the Neighbourhood Planning (General) Regulations 2012 and all other relevant statutory policies and guidance, including the National Planning Policy Framework 2012 ("the NPPF"). It was examined by an Inspector, passed a public referendum with circa 95% approval and adopted by CDC.

c. The NDP includes both general and site-specific policies. A proposal with objectives is clearly set out on page 38 of the NDP. Importantly, a specific policy (KSS1) was approved and adopted and is set out on pages 39 and 40 of the NDP. Policy KSS1 is very clear and I do not reproduce it here, except to highlight the following:

i. A minimum of 45 units is proposed. In line with the objectives, that is the number that residents of Kirdford expect to be delivered on the Site. 54 units is 20% larger than that set out in the NDP. That has not been properly justified and represents an unacceptably large increase on proposed numbers, especially if the development is not to be phased. The sustainability for the development is of key importance and again in line with national policy and guidance. By way of example, if the site were to be delivered in a single phase that would represent an increase of housing stock of nearly 25% in one go. That level and speed of delivery is not appropriate and hence the NDP specifically seeks to prevent this from happening.

ii. A mix of 1, 2 and 3 bedroom market properties is proposed in KSS1. Originally the Application included larger 4 and 5 bedroom properties. These have been removed subsequently but it is essential that if planning permission is granted the sizes and types of dwellings are adequately controlled by CDC.

3. The delivery rate of units on the Site.

a. Policy KSS1 is clear that "any application should provide for a phased development using the entirety of the Site that seeks to provide the sustainable delivery of housing over the Plan period." The Plan period referred to is 15 years from July 2014. It goes on to state "An appropriate phasing Plan that responds to both immediate and future need should be included in support of any planning application" and, in the justification (not the policy itself) "to bring forward the development over the first 10 years of the Plan period. The scope, timing and volume of the phasing will be determined by local housing need, site layout and financial viability". It is therefore clear that phasing over at least a 10 year period is essential to this site-specific development plan policy.

b. The section of the NDP entitled "Delivering the Plan" states in the table providing additional detail on the proposals on page 63 of the NDP that the site has a 1 – 15 year (phased) timescale for delivery.

c. In line with the NPPF, the residents of Kirdford have sought, specifically and clearly through NDP Policy KSS1 to plan for sustainable growth through a phased delivery policy.

d. It should be noted that this Policy KSS1 is not so prescriptive as to actually set the phasing plan required. It is sufficiently flexible and commercially realistic to allow for a phasing plan to be developed to suit both the village and the developer alike.

e. Sadly, the Developer has not provided an Application which is compliant with KSS1. Despite ongoing discussions with the landowner's agent during the plan-making process, and latterly with the Developer, the Application is not for a development which is suitably phased over the plan-period of the NDP. Justification for this is provided to the Parish Council in a somewhat inadequate "Viability Appraisal Report - Executive Summary" dated May 2016. As a result, the Parish Council has commissioned its own expert Financial Viability Assessment by Pod LLP dated July 2016 which I would commend to you. You will no doubt had a chance to read this report in full and so I do not analyse its contents here, but merely to its conclusion on page 14 which clearly demonstrates that a number of scenarios of phased development including over both a 10 and 15 year phased development are commercially viable .

The Parish Council is not a commercial developer, and is not the Planning Authority for the area the Site falls within. It has however invested considerable time and money in producing a Neighbourhood Development Plan to provide a pro-growth agenda for the village for the next 15 years or so .

It would be extremely disappointing to say the least if having gone to such lengths to identify a site suitable for development, to have lawfully set the parameters for its development and to have such a policy ratified by the Secretary of State, the Local Planning Authority and most importantly the people of Kirdford, for that policy to simply be ignored by the first planning application which is made on this Site. The lawfulness of such a decision would be immediately under considerable scrutiny and no doubt would be considered to be of national importance given the continuing agenda of the Government to ensure as many areas as possible are covered by a Neighbourhood Plan.

The Parish Council cannot insist on a particular decision being made, nor can it insist on a particular phasing plan being imposed, but must protect the interests of those who have contributed to the plan-making process and the tax-payers who have funded it. As a result, the Parish Council wishes to continue to **STRONGLY OPPOSE** the Application in its current form unless it can be suitably mitigated to ensure it is policy compliant. It should be noted that the Parish Council continues to be happy to meet with the applicant to discuss the phasing and other aspects of the development with a view to coming to a mutually acceptable agreement.

If I may respectfully suggest, your recommendation in the Report to Committee should be to refuse, unless the issues outlined above and in the correspondence from the Parish Council to CDC are resolved and in particular a suitable phasing plan is imposed by condition on any permission which is lawful, in line with policy and ensures delivery in phases over the duration of the plan period without possibility of rapid, early delivery and the obvious and detrimental impacts that would have on Kirdford.

Appendix 2 – Further correspondence from applicant

Subject: FW: Land at Kirdford - LA Ref KD/15/03367/FUL

Thank you for arranging the meeting with the Parish Council last week when we discussed the phasing issues for the Kirdford application, deferred by planning committee members at the last October committee. At our meeting we asked for a draft minute to be circulated to all those present to agree the various points raised and we look forward to receiving that at your earliest convenience.

In the meantime and as requested, Mr Forrester has discussed the suggestion of the Parish Council with his own Land Director for a 10 year phasing programme but with additional dwellings to close the viability gap identified by the District Valuer (DV) in his earlier recommendations. They also considered extending the mid-point 28 month minimum break in the 5 year construction programme between phases set out in the planning committee addendum sheet as a formal amendment to proposed condition 3.

However after careful consideration of the above the attached statement from Mr Webber at CALA Homes confirms that no phasing even with additional dwellings can be agreed. Nor is a further extension of time in the mid-point break between phases agreed. Setting viability aside it is CALA's position that any phasing would make the entire scheme unworkable from a practical point of view.

There are also the planning policy issues we set out at our meeting which would count against any extended phasing of the site and to recap:

- 5 year phasing or indeed no phasing would be policy compliant with the N Plan anyway as policy KSS1 (page 40 of the made plan) simply says the site should be brought forward for development over the first 10 years of the plan period (it was adopted June 2014 and we are already in year 3 of the plan)
- N Plan policy M3 requires a plan review at a minimum of every 5 years - that would be 2019 - and the parish indicated at our meeting that it intended carrying this out with a view to identifying additional sites for housing to maintain conformity with the local plan – itself under review with an expected adoption date of 2020.
- Whilst the review has not yet commenced and no sites have been identified, Page 38 (iv) of the made N Plan states that land north of our site at the football field is 'designated for potential future development' and is shown within the settlement policy boundary of the Plan on page 37. There is an expectation therefore that additional sites will come forward at Kirdford and it would be a perverse outcome if the football field site or another, as yet unidentified site came forward and was completed ahead of site KSS1 because it was being hampered from completion by a phasing restriction.
- If it was approved with no phasing restriction, CALA could deliver 54 dwellings towards a 5 year housing land supply - over 10 years that supply would be halved.

- You will also know from a very recent appeal for land at Breach Avenue, Southbourne (APP/L3815/W/17/3173380) issued on the same day of our meeting, 2 November (copy attached) that an appeal inspector has allowed a development of 34 houses in conflict with the made Southbourne N Plan precisely because of difficulties with the delivery rate of other consented sites and has led to a land supply shortfall.

Any phasing restriction imposed on the Kirdford site by your Council would simply add to the problems of housing delivery. If this was perceived to be unreasonable, it would also put your Council at a significant risk of an award of costs if our client was obliged to take the matter of phasing to an appeal.

- However if allowed to come forward now the site could deliver 16 units of affordable housing. It is common ground that there is an identified need for 9 units at Kirdford and with no phasing restriction, this could be met promptly.
- And phasing of any length would in our view be contrary to paras 47 and 173 of the NPPF as it would not boost significantly the supply of housing or ensure viable and deliverable development which is a fundamental pre requisite for sustainable development.

We trust the above is self-explanatory and helpful to your further consideration of the issues prior to reporting the application back to planning committee for a decision in December.

Kirdford

The issue with any form of Phasing:

I have been asked to comment on the proposal of Kirdford Parish Council to extend the phasing period for the construction of 54 dwellings for a period of 10 years. In short this is unacceptable to CALA Homes for the straightforward reason that it would render the implementation of the Neighbourhood Plan allocation unviable and for practical purposes, would be unworkable given the usual site operating practices of volume house builders.

Financial viability on gross profit comes into play to a certain extent, and it has been demonstrated that financial viability is marginal at 5 years and not viable at 10 years. This was the conclusion of the District Valuer (DV) who considered the viability evidence of the applicant and the parish council. Planning officers of Chichester DC have accepted the findings of the DV and recommended planning permission should be granted with a proposed 5 year phasing programme.

However, the practical and physical act of delivering 54 units over 10 years (5 units or so a year) or delivering the site with a long break between 2 or 3 phases must also be understood and appreciated.

The site (54 units) is far too big for a local builder to take on bearing in mind the cash investment before the 1st house can be delivered which will be in excess of £10,000,000.

- The land has to be bought, all stamp duty land tax (SDLT), VAT and other land acquisition costs are paid up front
- The site must be fully hoarded and a site compound created with a site manager and assistant employed on a full time basis
- The electric power lines need undergrounding
- The access needs to be formed, the on site estate roads need to be delivered up to the 1st phase
- All services need to be installed to service the entire scheme and the drainage solution must be in place to service the entire scheme.
- Section 106 and CIL payments will be due at implementation and on first occupation,
- The houses must also be built.
- Sales and Marketing and Legal fees must also be expended

Interest on such a figure will be close to around £750,000 per annum based upon a 7% interest rate which is likely to be charged against residential development given it has a lot of associated risk.

It is therefore clear and undeniable to see that a site of this size can only be delivered by a large house builder with access to significant borrowings / funding.

The construction industry and in particular the residential sector is focused heavily on return on capital employed. Little focus is paid to the gross margin and instead shareholders are more concerned with how quickly will the development be complete and when can the money be reinvested into the next project.

The house building industry would expect one developer to deliver 750-900 houses off one site in a 10 year period. Delivering 50 or so units in that period is simply not a position any developer or bank/lender would entertain. Why would they tie up investment and resource for such an unsatisfactory return?

The real issue here is that a 54 unit planning permission with any form of phasing restriction will be unsellable and undeliverable in the open market. It will be too large for smaller builders as the level of investment required is far beyond their borrowing capabilities. Medium to Large developers and house builders would not be interested in purchasing the site as it would not deliver return on capital employed required by their lenders and or shareholders, they will simply invest their time, efforts and money in land that will deliver returns in an acceptable time frame.

The Risk to Kirdford PC and Chichester DC is that permission is granted for a site that will simply never be developed.

It has also been brought to my attention that two appeal decisions have gone against Chichester DC recently because appeal inspectors have identified a shortfall in housing land supply arising from delays in the delivery rate of other consented schemes in the District. One of the appeals was allowed even though the proposal was in conflict with an adopted Neighbourhood Plan such was the need to boost the supply of housing in the area. For this reason and setting aside any agreement we reached with you previously solely on viability grounds, CALA now take the view that any phasing of the Kirdford site would be considered unacceptable and unreasonable.

I trust this explains matters and hope you can reconsider the recommendation to the planning committee for an approval unencumbered by any phasing whatsoever.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a long, sweeping horizontal line that ends in a small upward curve.

Daniel W Webber BSc MRICS

Land Director