

Public Document Pack

JOHN WARD

Head of Finance and Governance Services

Contact: Katherine Jeram or Lisa Higenbottam
Email: kjeram@chichester.gov.uk or
lhigenbottam@chichester.gov.uk

East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY
Tel: 01243 785166
www.chichester.gov.uk



A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 11 October 2017 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

SUPPLEMENT TO AGENDA

Part 1

- 5 **KD/15/03367/FUL - Land On The East Side Of Plaistow Road, Plaistow Road, Kirdford, West Sussex** (Pages 1 - 8)
Proposed construction of 54 residential dwellings and associated works.

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.