

Chichester District Council

Full Council

19 July 2022

Public Questions and Answers Sheet

Question from Oliver English (read by Democratic Services):

Chair, Thank you for giving me the opportunity to ask my question. For some time I have been working in the community to encourage local shops and businesses to "switch off their Lights" to save energy and encourage dark skies. I have been conducting an effective campaign on social media, e-mail and by visiting local shops. I have had support from several local councillors.

Initially I concentrated this in central Chichester, which is well served by extensive street lighting. Speaking to independants shops, such as: St Wilfred's, Kim's Bookshop, Present Surprise, all have gone dark at my request.

After reaching out to others, several chains have joined my campaign Chichester's Montezumas, Paperchase, White Stuff, Crew Clothing, Robert Dyas, Charles Clinkard and I have started conversations with others. So this has already extended far beyond our borders and over 350 shops have now gone dark.

Some companies I have approached have not responded to me directly, but I have noticed that their local shops have now gone dark, these include The Entertainer and Mistral. The brightest shops locally are Space NK and Lakeland, all banks aside from Barclays also burn lots of lights and estate agents all have very bright window displays.

** One councillor has already described this as small beers compared to other issues, but this is still some action, rather than no action, enough small beers and we have a party.*

Indeed Chichesters own astronaut Tim Peake commented in response to me: "Great idea, hopefully it will catch on. The lights of cities at night was very dominant from the station"

Ideally I would like to see this expanded across the District on the coast, in Midhurst, Petworth and all our towns and villages, as both The Harbour Conservancy and South Downs National Park have a dark skies policy and it would be very helpful if the District Council could also provide their positive support.

Can I ask this Council to add their support via their economic development team and ask all councillors to promote the campaign. Would it also be possible to include a policy in the new local plan?

Answer from Cllr Susan Taylor:

Thank you for your question.

When talking with businesses, the Economic Development team is making them aware of where they can access support on their journey to carbon neutral and the funding that is available via the 'Low Carbon Across the South and East (LoCASE)' programme. Conversations often include saving energy through different approaches to lighting. The use of modern efficient LED lighting is important to minimise costs and carbon emissions

In a high street setting, we would be encouraging businesses to set their window lights on a timer so that they go off after 11pm. A more vibrant street scene is needed in the evenings to support our evening and night time economy. For many businesses who may not be open in the evening, lighting their window displays is a key marketing tool, however we would discourage lighting other than in display windows. During the Christmas season, this would be particularly important and we understand that the Chichester BiD encourage businesses to keep their display window lights on in the evening at that time of year.

The 2018 Preferred Approach Local Plan incorporates a lighting policy and the need to ensure that light spill is minimised in sensitive areas, which include areas designated for Dark Night Skies and those locations where there are likely to be sensitive ecological receptors. This policy will be developed through the Local Plan Review to continue to provide protection to those sensitive designations within the Chichester Plan Area. Towns such as Midhurst and Petworth are the subject of policies within the South Downs National Park Local Plan.

Question from Andrew Kerry-Bedell (read by Democratic Services):

Chichester Council levies a 100% Council Tax Premium on homes left empty for two years at 100%, five years at 200% and 10 years at 300%. However, Government legislation is changing so Councils can implement a 200% Council Tax premium for homes left empty for more than a year (see background below).

However, Chichester Council does not levy a Council Tax premium on second homes as a disincentive to non-residents owning or buying a second home in the area, despite many other Councils have done this.

1. *How many properties are A) empty and B) second homes in the Chichester Area*
2. *How many properties are A) empty and B) second homes in the following areas and what percentage is that of all homes?*
 1. *Bosham Parish*
 2. *Chidham, Hambrook and Nutbourne Parish*
 3. *Southbourne Parish*
3. *How many properties had the empty homes Council Tax Premium in each bracket levied in FY 2021/22, and what is the change on 2020/21?*
4. *Will the Council implement a 200% Council Tax premium for homes left empty for more than a year from 2022/23 as Government legislation will allow?*

Some second home owners are also getting their properties reclassified as a business or as 'self catering holiday units' to avoid Council Tax. They can then deduct all property expenses and also get all of the Government's COVID relief etc,

as well as getting Small Business Rates relief by declaring an 'intention to let' for at least 140 days, in reality putting their houses on sites like Airbnb, but with no intention at all of renting them out.

5. *How many properties have applied to be reclassified as a 'self-catering holiday unit'?*
6. *Will the Council implement a 100% Council Tax premium charge for second home owners from 2022/23?*

Answer from Cllr Peter Wilding:

Thank you for your question. I will now address each question in the order they have been asked.

Firstly, you say that "Chichester Council does not levy a Council Tax premium on second homes". Currently in England the maximum that can be charged for a second home is 100%. Legislation does not currently allow a premium to be charged on second homes, however, the Levelling up and Regeneration Bill currently going through the parliamentary process does include proposals to allow a 100% premium on Second Homes, effectively making the charge payable twice the normal Council Tax rate. The Council will make a decision on this proposal once the final regulations have been set by Government.

In answer to your further questions

- There are at present 405 empty properties and 2,660 second homes within the Chichester district out of a total of 59,736 properties.
- In Bosham Parish there are 8 empty properties (0.5%) and 155 second homes (10%) out of a total 1,553 properties
- In Chidham, Hambrook and Nutbourne Parish there are 8 empty properties (0.8%) and 18 second homes (1.8%) out of a total 1,023 properties
- In Southbourne Parish there are 17 empty properties (0.5%) and 75 second homes (2.4%) out of a total 3,153 properties

You have asked how many properties had the empty homes Council Tax Premium in each bracket levied in 2021/22, and how that changed from 20/21.

In 21/22 we had 373 properties which were empty for less than two years, 46 properties that were empty between 2 and 5 years, 16 properties that were empty between 5 and 10 years, and 15 properties empty over 10 years. A total of 450 properties.

In 20/21 we had 431 properties which were empty for less than two years, 54 properties that were empty between 2 and 5 years, 31 properties that were empty between 5 and 10 years, and 0 properties empty over 10 years. A total of 516 properties.

Overall the number of empty properties fell from 516 to 450 over 20/21 to 21/22 and I can confirm the number has reduced further in 22/23 to 405.

Regarding your question about whether the Council will implement a premium for homes left empty for more than one year from 2022/23 I can confirm that the regulations to allow this in the Levelling up & Regeneration bill are not currently finalised or passed through Parliament. Also the premiums have already been set at maximum allowable levels for 22/23. A decision about future financial years will be made in the Autumn as part of the Council's usual taxbase setting process.

You then raise the issue of second home owners seeking to have their properties reclassified as a business rather than a domestic dwelling to avoid paying Council Tax then claiming small business rate relief. There are currently 310 properties across the Chichester district that are classified as holiday units, up from 186 in 2017. The government are aware of this issue and from April 2023, second homeowners will have to prove holiday lets are actually being rented out for a minimum of 70 days a year to access small business rates relief, not just available for rent. Holiday let owners will have to provide evidence such as the website or brochure used to advertise the property, letting details and receipts. Properties will also have to be available to be rented out for 140 days a year to qualify for this relief.

Finally you ask whether the Council will implement a 100% Council Tax premium charge for second home owners from 2022/23. As mentioned earlier the legislation to allow this premium is not yet passed through Parliament and our level of Council Tax has already been set for 22/23. A decision on future years Council Tax premiums will be made in the Autumn.

Question from Maddie Hickman:

I live on a new development in Hambrook with my young family. In the past five years the new build estate management company First Port have made £219,203 alone from our private development off Kiln Drive in Hambrook. There are 112 of us homeowners stuck in a trap of fees (paid in addition to council tax) that have increased 108% in the five years since the development completed. We did not sign up for these prices and were coerced by government schemes like help to buy and now we have unsellable homes. From my recent research this is not a unique issue. This is an unsustainable situation caused by planning policy that enables developers to build new sites with un-adopted roads and un-regulated management companies where owners and tenants have no control.

How can CDC help us residents?

Answer from Cllr Susan Taylor:

Thank you for your question.

I sympathise with the scenario that is set out within the question, particularly at a time when I know that the increased cost of living is a concern for many, however Chichester District Council is not responsible for the regulation of service charges set by developers, and nor is it responsible for whether a road is adopted. In considering a planning application, the CDC as Local Planning Authority is required by planning policy to ensure the development would not have an adverse impact in terms of highway safety or the operation of the highway network, as advised by West Sussex

County Council as Local Highway Authority and National Highways. The Local Planning Authority is not however required to consider whether a road is to be maintained by a developer or adopted by the Local Highway Authority in the future.

WSSC as Local Highway Authority has advised that any roads serving more than 6 dwellings are usually deemed to serve sufficient public utility, and provided they are designed to adoptable standards, which are standards required by WSSC, the County Council will agree to adopt the roads. There is however no legislative requirement for developers to enter into adoption agreements with the Local Highway Authority. Therefore, developers can make the decision as to whether they wish to offer roads for adoption, or to retain the roads, with a management company to manage them.

The ability for developers to choose to have their roads adopted or not, or indeed what charges they seek as part of a management agreement, is therefore not a matter that is controlled by planning policy. Whilst WSSC is able to adopt roads and maintain them, there is no statutory requirement for the developer to follow this approach. Therefore, whilst I understand the concern raised, I am afraid it is a matter that is outside of the Council's control, and it would not be possible to overcome the concerns raised through either planning or Council policy.

Question from Andy Sargent:

There is no date for the completion of the Local Plan. Discussions with National Highways on significant road improvements are never ending. Without a Local Plan, property developers are submitting a lot of large planning applications. CDC residents do not want hundreds of new houses built every year. What is CDC doing to stop excessive house building in the small area of the District outside the National Park and AONB?

Answer from Cllr Susan Taylor:

Thank you for your question. The first thing to say is that the Council is acutely aware of the impacts and uncertainty arising from the extended timescale required to finalise the Pre-Submission Local Plan. On a positive note, the Development Management Policies which are a key part of the plan have been largely drafted, taking into account responses received to the Preferred Approach Local Plan, national policy, local evidence, the sustainability appraisal process and ongoing member engagement.

However, the plan strategy, quantum and distribution of development across the plan area are dependent on the Council being able to conclude ongoing work with National Highways and West Sussex County Council in respect of the capacity of the A27 and local road network to accommodate further growth with limited highway improvements. This evidence-based work is now at an advanced stage and we do expect to agree a way forward shortly. Progress is not however wholly within the District Council's control and so a degree of uncertainty as to the likely outcome and timescale remains. In addition, the northern part of the plan area is affected by the requirement for water consuming development to demonstrate it is water neutral. The Council is working with the other affected local authorities, Southern Water,

Natural England and DEFRA on a strategy to identify potential short and long term solutions to this which we anticipate to receive later this year. We will publish an updated local plan timetable as soon as possible and once we have an agreed way forward on the matters I have referred to.

Regarding the consideration of planning applications; the Local Planning Authority has a statutory duty to determine submitted applications, and there is a need to ensure a supply of housing is maintained in the Local Plan Area. Each planning application received is assessed against relevant policies within the adopted Local Plan and other material considerations, including the National Planning Policy Framework. A material consideration at this time is the Council's Interim Position Statement for Housing Delivery, known as the IPS. This document provides guidance for the assessment of applications for housing development submitted in advance of the Local Plan Review, and it only supports housing in the most sustainable locations and without harm to the environment, landscape and ecology, amongst other considerations. In applying the guidance contained within the IPS, the Council has resisted new development in unacceptable locations, including sites that are not within the AONB or the South Downs National Park.

It is also important to note that the Council continues to defend its housing supply position, which it considers to be above 5 years. This means the 'tilted balance', that makes it harder to resist new development, is not engaged. Therefore, whilst it must be recognised that it is important to provide new housing, the Council seeks to ensure high quality developments are provided in the most sustainable locations to minimise harm to the character of the area.

Question from Jane Towers:

You will know that Chidham & Hambrook have had a significant amount of speculative planning applications. Currently permissions, appeals and live applications amount to 495 units.

Each application has referenced specific factors to support their proposals

Firstly that Chidham & Hambrook have an allocation of 500 houses.

The Local Plan Preferred Approach gave an allocation of 500. Since that time we have been advised that the figure of 400 and then 300 would be tested against other policies. However the only published figure is still 500.

To enable us to move forward with our Neighbourhood Plan ahead of the Local Plan we need certainty of the figure. We cannot plan for 500 if the final number might be 300 or less. That would be irresponsible to our residents. If we wait for the iteration of the Local Plan we could have many more applications. When will the actual number be clarified and published to enable us to move on? Or can it be made clear to developers that the 500 number is no longer confirmed and likely to be substantially reduced?

The second point developers reference is our position as 5th out of 16 service villages in the settlement hierarchy, dated 2018, therefore having the amenities to

support a large increase in population. It is our contention that this is misleading as the methodology takes no account of the size or extent of a facility. For example, a small play park for under 10's is ranked equal to a recreation ground with tennis courts, pitches and changing rooms. This gives a false impression of the amenities on offer.

When will a reassessment of the settlement hierarchy take place? Or are we to wait until it is too late?

Answer from Cllr Susan Taylor:

Thank you for your question.

You are correct that the Local Plan Preferred Approach referenced 500 dwellings at Chidham and Hambrook. However, this document has no weight in the determination of current planning applications and appeals. As the formation of the Local Plan Review progresses there has been the need to test alternative housing numbers, which we have kept the Parish Council aware of. The pre-submission consultation of the Local Plan Review will be the appropriate point at which to publish an updated housing number, to do so beforehand would risk prejudging the ongoing strategic work in developing the plan, and would be premature.

The settlement hierarchy is derived from an assessment of facilities within any given settlement. This scores the settlements in order to form 3 groupings of settlement types (Sub-Regional Centre, Settlement Hubs and Service Villages). The detail required to make the assessment is broad and high level, and appropriate to the purpose of identifying which classification a settlement falls within. The background scoring information is not an appropriate evidence base on which to justify a differentiation of sustainability between different service villages, as part of a planning application or appeal. I therefore understand the concerns of the Parish Council, if developers are seeking to use the background study information in this way, and I would reassure you that officers will make clear the inappropriateness of such assessments both in the determination of applications, and at appeal.

Question from Ceri Stunt on behalf of some residents of Inlands Road, Nutbourne (read by Democratic Services):

The background information and evidence provided for CDC's recommendation to agree a BLD for Southbourne Parish is substantially incorrect.

The settlement of Southbourne (village) has been defined as a settlement hub within the existing Local Plan and the Local Plan Preferred Approach. As recently as January 2022, Mr Ayling confirmed in his evidence to the Examiner the status of Southbourne as an identified settlement hub.

Section 5 and Policy 2 of the Local Plan set out the development and settlement hierarchy for Southbourne. The table at section 7.2 confirms the strategic allocation of 300 homes at Southbourne Village. The term 'village' in relation to Southbourne is therefore specified.

Policy 20 required that the development 'be planned as an extension to Southbourne.'

Section 7.24 proposes sites suitable for small scale housing will be identified at Parish Level. The entry at Southbourne Parish indicates a total of 50, and specifically excludes Southbourne Village.

The distinction between Southbourne Village as the settlement hub and the rest of the Parish in terms of housing allocation has been set by Policies 2 and importantly Policy 5 of the Chichester Local Plan.

Policy AL13 of the CLP Preferred Approach continues to reinforce the settlement hub designation of Southbourne. As clarified above, the hub is the village, and not the wider Parish. Service villages are designated at Policy 2, including that of the village of Nutbourne. Point 1 of AL13 underscores the development of 1250 homes as an extension to Southbourne. The village of Nutbourne is NOT an extension of Southbourne.

Appendix A CDC Evidence from DPIP Panel cites information promoted through HELAA 2021, specifically Land to the East of Southbourne. The evidence contained in HELAA is factually incorrect, and we have written to the Chief Executive, the Principal Planning Officer and our District Councillor asking for corrections. The settlement designations for many parcels of land are incorrect, being classed as Southbourne when they are in fact Nutbourne. Our concerns expressed included decisions such as the one proposed in the DPIP recommendation would be based on incorrect information.

Appendix B provides detail of options, termed Land to the West and Land to the East of Southbourne. The majority of the Land to the East of Southbourne is within the village of Nutbourne, and as demonstrated above, should be excluded from any consideration of allocation under the settlement hub designation.

The correct figure for preference of Option C is 48%. We draw Council's attention to the Examiner's comments at point 15 of his report.

This is a complex issue and we agree with Councillor Brown that the residents and Councillors of Southbourne Parish should be treated equally and fairly within the LPR, and not be singled out for a Broad Location for Development.

We trust that CDC would not wish to make such a strategic decision based on the factually incorrect evidence contained in the HELAA, and therefore misinterpret the area designated as a settlement hub. Correction of HELAA would provide conformity with both the existing Local Plan and Local Plan Preferred Approach.

Can CDC therefore withdraw this recommendation and correct the misinformation provided, as the first step in aligning evidence with both existing, preferred and emerging policies?

Answer from Cllr Susan Taylor:

I have reviewed the documentation provided to inform the Motion to be discussed under Item 12, and I am satisfied that the information is factual and correct. I note that the majority of the sites put forward for Southbourne Parish within the Housing and Economic Land Availability Assessment are contiguous with the existing built form of Southbourne Village and the assessment of the location of development as part of the Local Plan Review relies on spatial analysis, rather than postal address points and descriptions. It will be for the Local Plan Review (and/or any subsequent housing allocation or neighbourhood plan) to determine the appropriate spatial distribution of development on this basis, including the debate of this Council on the motion put forward under Item 12.