



THAKEHAM

Planning Policy
Chichester District Council
East Pallant House
East Pallant
Chichester
West Sussex
PO19 1TY

17 March 2023

BY EMAIL ONLY: planningpolicy@chichester.gov.uk

Dear Sir/Madam,

Chichester Local Plan 2021 – 2039 Proposed Submission: Public Consultation

Thakeham Homes Limited ('Thakeham') is submitting representations to the Chichester Local Plan 2021 – 2039 Proposed Submission: Public Consultation as a local stakeholder. Thakeham is a West Sussex based housebuilder with a track record for delivering high quality, sustainable developments across the south of England.

About Thakeham

Thakeham is a zero-carbon focussed, infrastructure-led sustainable placemaker and is committed to creating new, extraordinary communities, where the highest attention to detail makes a positive difference.

Thakeham build for the future, for communities and for individuals. Our approach sets us apart from our competitors. We deliver our schemes with a focus on zero carbon sustainable development, looking ahead of current housing standards. That is why Thakeham has made a public declaration to become Net Zero by 2025, including our whole impact across our homes, the production, and our business emissions. We are also supporting the industry in the charge towards Net Zero as part of the Future Homes Hub.

Every Home will be zero carbon in lifetime operation, with our fabric first approach being what make our homes intuitive enough for anyone to live a more sustainable life. Aiming to exceed Passivhaus' space heating demand, we limit heat losses whilst allowing a careful mix of natural and controlled ventilation. Renewable energy backs up our designs to ensure homes are easy to operate and residents are more energy resilient. Thakeham became a carbon neutral business two years ahead of our 2025 target. As a Planet Mark certified business, we've followed a robust process and working with Ecologi, our carbon offsetting supports nature-based projects.

Each development is different and tailored to its locality, with careful consideration of the area's character, as well as the environment. As a sustainable placemaker first and foremost,

Thakeham's commitment to improving existing communities means its schemes are design and infrastructure-led, engaging with education, highways, healthcare, utilities and other stakeholders from the start of a project. The delivery of homes facilitates the delivery of physical, social and green/blue infrastructure which benefits the wider surrounding area, as well as the new residents, and ensures that Thakeham create sustainable places to live and work.

Biodiversity focussed landscaping forms a key part of our proposals, with a view to achieving a Biodiversity Net Gain (BNG) of 20% by 2025, as well as increasing people connection to nature. Nature Recovery is important to Thakeham, and we are working to halt biodiversity loss, provide resilient habitats and educate young people about wildlife. At every stage, our approach is one that ensures we leave a legacy behind that everyone can be proud of.

Thakeham designs all homes to be beautiful and reflect the character of the area. The materials used across all developments are of the highest quality. Thakeham builds all developments tenure blind and ensure no drop off in quality.

Our approach sets us apart from our competitors. We deliver our schemes with a focus on sustainable development, looking ahead of current housing standards.

Introduction

Thakeham has reviewed the consultation documents of the Proposed Submission Local Plan. These representations comment on key observations where relevant to Thakeham's interests within the Chichester District Council ('CDC') area.

Chapter 3: Spatial Strategy

Chapter 3 is required to set out the proposed growth in both urban and rural areas. This needs to reflect the changing need of CDC's population.

Policy S1 – Spatial Development Strategy

Policy S1 sets out the distribution of housing across CDC. This policy details development in service villages within Point 6 of the policy, which reads:

"6. Non-strategic provision is made for the following forms of development in service villages:

- a. Small-scale housing developments consistent with the indicative housing numbers set out in Policy H3;*
- b. Local community facilities, including village shops, that meet identified needs within the village, neighbouring villages and surrounding smaller communities, and will help make the settlement more self-sufficient; and*
- c. Small-scale employment, tourism or leisure proposals."*

The aspiration of the policy is generally supported but it is considered that there needs to be more focus on non-strategic housing provision, even at service village level. Point 6 above

should be encouraging new development, suggesting small scale housing would be suitable. Encouraging moderate growth and new infrastructure will benefit service villages and in turn, assist with creating sustainable communities and reducing the need to travel.

Chapter 4: Climate Change and the Natural Environment

Chapter 4 sets out CDC's vision and preferred policies regarding climate change and the natural environment. There are a number of policies discussed below where the wording and legality can be challenged.

Policy NE3 – Landscape Gaps between settlements

Policy NE3 reads as follows:

"In order to prevent coalescence of built-up areas, maintain the individual identity of settlements, actual or perceived, and ensure the integrity of predominantly open and undeveloped land between settlements is not undermined, the generally open and undeveloped nature of gaps between settlements will be protected. The precise boundaries of gaps will be defined in either a Site Allocations DPD or through neighbourhood plans.

Development will only be permitted within gaps provided:

- a. It would not diminish the physical, visual and/or perceived openness of the gap; and*
- b. Individually or cumulatively, it would not result in the actual or perceived coalescence of settlements."*

The policy suggests landscape gaps are required to prevent coalescence between built up areas however, this is not always the case. There may well be other designations preventing development in these locations therefore, imposing a landscape gap is unnecessary. If landscape gaps are considered to be necessary, it is recommended that these are clearly established and shown on a proposals map for clarity. The suggestion of boundaries being shown in a Site Allocations DPD would not be practical unless the document were to be made alongside the emerging Local Plan. It is recommended policy NE3 is either withdrawn or significantly re-considered with supporting maps.

Policy NE5 – Biodiversity and Biodiversity Net Gain

Policy NE5 seeks to protect and enhance biodiversity and discusses Biodiversity Net Gain. The only comment on this policy relates to part 1, point d which reads:

"Where appropriate, as a last resort, and with the agreement of the local planning authority that on or local off-site provision is not possible, applicants will be required to purchase credits for biodiversity gain through the national biodiversity credit scheme;"

From Thakeham's perspective, whilst it would be a preference to purchase any off-site units within CDC, however there is a limited availability of units. It is expected that there is the ability to source units, still meeting the DEFRA trading rules, in a neighbouring area or even further afield before using the statutory credit scheme as a last resort.

Policy NE15 - Flood Risk and Water Management

We believe policy NE15 should be re-worded to include the following wording shown in bold and underlined.

Paragraph 2:

*Development should not increase the risk of flooding elsewhere, taking into account the cumulative effects of other development, and should **(where possible)** seek to achieve a reduction in flood risk for existing communities on and off site*

Point 4:

For vulnerable development, finished floor levels should be no lower than:

- ~~**300mm above average ground level of the site**~~
- *300mm above the adjacent road level to the building*
- *300mm above predicted significant fluvial/tidal flood level (Fluvial 1 in 100year / Tidal 1 in 200year plus latest climate change allowances) for the lifetime of the development.*

It is unrealistic to set finished floor levels (FFL's) to an offset from 'average site level'. Setting minimum FFL's to 300mm above an average site level would challenge the viability of any larger site or a smaller site on a considerable gradient and restrict master planning and placemaking (due to the earthworks required to achieve a FFL offset from 'average site level') at no benefit to flood risk. Exceedance event flow routes can be protected with no increased flood risk to properties without having lift plot FFL's in the lower areas of development sites to such a level. It is recommended that the wording looks to protect exceedance flow routes ensuring property FFL's are 300mm above exceedance flood level. Additionally, 'vulnerable' development is not clearly defined – is this specific to dwellings in Flood Zones 2 or 3? This should be clarified.

Policy NE16 – Water Management and Water Quality

The 'water efficiency' part of the policy, specifically point b imposes water neutrality across all sites in the Sussex North water supply zone. We would question the legality of this position placing the responsibility on developers for Southern Water's short comings in ensuring sufficient (and suitable – not at detriment to Arun Valley SAC / SPA) supply of potable water for proposed development. The emerging policy places full responsibility on the developer which potentially, in due course, could be concluded to be Southern Water's legal responsibility.

In response to the 'Water Quality and Wastewater' part of the policy, specifically point d: *"Development is phased to align with the delivery of new or improved wastewater infrastructure where this is required"*.

Under the Water Industry Act 1991, Section 94, the incumbent Water and Sewerage Company (WaSC) has a statutory duty to provide and maintain the necessary upgrades and reinforcements to meet the housing needs. This policy looks to place the emphasis and programme on the developer rather than the WaSC and should therefore be removed.

We would further challenge the legality of the final two sections of policy NE16:

- *Residential development within the catchment of the Apuldram (Chichester) Wastewater Treatment Works*
- *Residential development within the catchment of the Thornham Wastewater Treatment Works.*

The challenge is on the basis that the Water Industry Act and case precedence (namely the supreme court decision for Barratt Homes v Welsh Water) that identifies, under Section 94 of the Act, that the developer has an absolute right to connect to the existing sewer, whether or not this overloads the system, the responsibility for all downstream treatment and discharge is that of the WaSC.

Thakeham suggests that Policy NE16 is reviewed and re-worded to avoid conflict with the Water Industry Act.

Policy NE17 – Water Neutrality

Policy NE17 is regarding water neutrality which is a recent constraint relating to the Sussex North Water Resource Zone. This issue predominantly affects the northern part of the CDC area. This policy is new within the Regulation 19 Local Plan as water neutrality was not known about at the time of Regulation 18. The wording of policy NE17 is as follows:

"1. All development within the Sussex North Water Resource Zone (WRZ) will need to demonstrate water neutrality through water efficient design and offsetting of any net additional water use of the development. This is to be achieved by ensuring that:

Water Efficient Design

And

Offsetting Water Use

- a. New residential development is designed to utilise no more than 85 litres of mains supplied water per person per day;*
- b. New non-domestic buildings to achieve a score of 3 credits within the water (WAT01 Water Consumption) issue category for the BREEAM Standard or an equivalent standard set out in any future update;*
- c. Development proposals must demonstrate that having achieved water efficient design, any remaining mains-supplied water use from the development is offset*

such that there is no net increase in mains-supplied water use within the WRZ compared with pre-development levels.

Offsetting Schemes

2. A local planning authority-led water offsetting scheme will be introduced to bring forward development supported by Local and Neighbourhood Plans. The authorities will manage access to the offsetting scheme to ensure that sufficient water capacity exists to accommodate planned growth within the plan period.

3. Development proposals are not required to utilise the local planning authority-led offsetting scheme and may bring forward their own offsetting schemes. Offsetting schemes can be located within any part of the WRZ, with the exception that offsetting will not be accepted within the Bramber/Upper Beeding area identified on the WRZ map, unless the application site is located within the Bramber/Upper Beeding area.”

We would recommend Part 1a and 1b should be under the heading ‘Water Efficient Design’. Part 1a should also confirm whether this includes external water use or not. Point 3 of the policy currently within the ‘Offsetting Schemes’ section should outline what is expected from an offsetting scheme.

To summarise, there are a number of policies within Chapter 4 where the legality of the wording can be challenged. This is predominantly in relation to the Water Industry Act (1991) and rights to connect.

Chapter 5: Housing

The housing numbers for the Plan period 1 April 2021 to 31 March 2039 are set out in policies H1 – H3.

Policy H1 – Meeting Housing Needs

Policy H1 sets out a housing requirement for the Plan period of 10,350 dwellings. CDC’s Objectively Assessed Need (OAN) is 638 dpa + 5% buffer. CDC has a number of constraints including the A27 capacity, high proportion of AONB/SDNP and SSSI/nature designations and wastewater issues. Due to this CDC has reduced the housing number to 535 dpa in the south of the District and 40 dpa in the north of the District, a shortfall of 1,134 dwellings from the OAN (10%). We do not believe reducing the OAN by this much is necessary or justified. Already we have seen more development allocated to the north of the Plan area, and we believe more could be allocated to the north of the Plan area still, in order to accommodate the full OAN. Neighbouring authorities are also highly constrained, and if they were to reduce their housing figures as dramatically as CDC is proposing to then there would be a major shortfall of housing in the Sussex/Hampshire area, which would further increase the already high property prices being faced in the wider area.

Policy H2 – Strategic Locations / Allocations 2021 - 2039

As part of the 679 dwellings to come forward in the north of the Plan area between 2021 and 2039, Policy H2 identifies 220 dwellings to come forward in Loxwood (further details set out in Chapter 10, Policy A15). These 220 dwellings are to be identified through the Neighbourhood Plan. We are concerned that the Loxwood Neighbourhood Plan 2019 – 2037 is currently being delayed due to water neutrality and if this Plan continues to be delayed there will be a knock-on delay in the provision of housing in the north of the District. Whilst there is a caveat within the policy that states CDC will allocate sites within a development plan document where there is no demonstrable progress, a paused Neighbourhood Plan is still failing to identify the sites and it is suggested that CDC might need to use this opportunity to allocate sites to ensure delivery, rather than delay the process even further, particularly as these are considered to be strategic allocations.

Policy A15 relates to Loxwood and sets out the allocation for a minimum of 220 dwellings. Point 9 reads:

“The development/s will need to be phased in such a manner as to ensure that sufficient wastewater disposal capacity is available to accommodate the requirements resulting from development/s and to ensure that water neutrality can be achieved;”

Following on from our comments in response to Policy NE16, we would again question the legality of Policy A15 by placing the responsibility on developers for Southern Water’s short comings in ensuring sufficient capacity for new development. The emerging policy places full responsibility on the developer which potentially, in due course, could be concluded to be Southern Water’s legal responsibility.

Policy H3 – Non-Strategic Parish Housing Requirements 2021 – 2039

Policy H3 sets out the non-strategic parish housing requirements 2021-2039 and allocates 310 dwellings across seven Parishes. There are a number of Parishes with no dwellings allocated at all across the Plan period. It is argued that over the 18-year Plan period there should be some growth within all Parishes, even at a low level and that any without growth is suitably justified.

Policy H4 relates to affordable housing. It sets out the provision of affordable housing required in the north and south of the plan area and the different requirements on greenfield and brownfield sites. Policy H4 states the provision of affordable housing on greenfield sites should increase from 30% as currently adopted policy, to 40% in the north of the Plan area within the emerging Local Plan. There is currently limited housing within the north Plan area and as such has led to high property prices. The increase in affordable housing provision in the north would indicate there is a need for more housing in the north of the Plan area and to make it more affordable for people to live in this area.

Policy H4 also states the desired tenure of affordable housing. In Thakeham's experience with working with Registered Providers, there is difficulty in providing both affordable and social rent on the same site. This part of policy H4 should be re-worded to allow for affordable **OR** social rent and the percentage amended accordingly.

Policy H6 – Custom and/or Self Build Homes

Policy H6 sets out the self and/or custom build requirement for new sites. Thakeham **objects** to the requirement for:

“2% of market units provided on strategic scale housing sites should be self/custom build”

It is understood that the definition of strategic scale housing sites as 200 dwellings or more, however, such requirements on relatively small sites, creates undesirable piecemeal provision, with potential feasibility and deliverability issues at implementation stage. We would suggest a focussed provision on sites of 500 or more dwellings would represent a more acceptable approach, ensuring effective and comprehensive delivery. Policy H6 should be amended to read:

“On developments of 500 dwellings or more, 2% of market units should be self/custom build”

Additionally, to ensure Policy H6 is suitably justified, CDC should consider alternative approaches to increasing the supply of self-build plots as referenced in PPG. Placing a blanket requirement on development proposals at the scale suggested simply changes the way a unit is delivered, rather than creating additional supply, which could result in delays to delivery of new homes. If there is not enough demand, then CDC's five-year position could also be affected as the plots will not only require their own planning permission (reserved matters) but they will require their own finance to deliver the homes.

Policy H7 - Rural and First Homes Exception Sites

Policy H7 sets out the requirements for the rural and first homes exception sites. Thakeham does not object to the content of the policy, however in order to be robust we believe Policy NE10 (Development in the Countryside) should reflect Policy H7. If a site is within the countryside it is often considered rural and therefore Policy NE10 should acknowledge the requirements within Policy H7.

Policy H10 – Accessible and Adaptable Homes

Policy H10 sets out CDC's desired levels of M4(2) and M4(3) provision in new homes. Thakeham does not object to part a of the policy where 5% of affordable homes should be to M4(3) standard. However, part b of the policy requiring *“all remaining dwellings must meet accessibility and adaptability standards M4(2)”* is too onerous for developers. The majority of other Local Planning Authorities in the South only require a percentage of the development to

be to M4(2) standards and this is commonly over a threshold for development size for example on developments larger than 20 or 50 dwellings. In addition to this, requiring dwellings to be constructed to M4(2) standards requires plots to have a larger footprint and therefore impacts the number of houses and the viability of developments. As such, we believe part b of the policy should be re-worded to allow for 10% percent of dwellings on developments over 20 dwellings to accord to M4(2) standards.

Policy H11 - Meeting Gypsies, Travellers and Travelling Showpeoples' Needs

Policy H11 sets out the requirements for provision of gypsy, travellers and travelling showpeople plots. Whilst Thakeham does not object to the general direction of the policy, with plots to be included on larger strategic sites, we believe there should be a caveat within the policy to make sure they are carefully designed, for example they have separate entrances.

Chapter 6: Place-making, Health and Well-being

Policy P1 – Design Principles

Policy P1 sets out the ten characteristics set out in the National Design Guide and how these should be achieved. Policy P1 requires all Design & Access Statements (DAS) to explain how the proposed development delivers all 10 characteristics as set out in the National Design Guide. This is not something Thakeham feel is necessary as it has the potential to over complicate the DAS.

Policy P2 – Local Character and Distinctiveness

Paragraph 6.9 is supporting text for Policy P2. The third sentence of this paragraph is:

“Within larger housing developments the provision of too many identical or similar house types should be avoided unless this provides benefit to the overall architectural integrity of the scheme through repetition.”

Thakeham believes is ambiguous and clarity should be provided to understand what would be deemed ‘too many similar house types’, as ultimately all large developments utilise a small range of basic house types.

Policy P3 - Density

Paragraph 6.11 is supporting text for Policy P3. The paragraph reads:

“There is a need for development to make the most efficient use of land and to achieve higher densities than those found historically within much of the district. The expectation of a minimum of 35 dwellings per hectare is significantly greater than the densities currently seen more widely across the district and will as such require

innovative design approaches and site-specific solutions to achieve this target whilst protecting the character of the local areas and delivering successful places.”

Thakeham query the wording of this paragraph as it suggests that CDC require developments to be at a minimum of 35dph to meet their 5YHLS. We would question how this can be applied to sites that would fall below this density, for example where there might be site constraints that mean a lower density is more appropriate to create a well-designed scheme. More clarity should be provided in this paragraph to make it clear and robust.

Policy P5 – Spaces and Landscaping

Paragraph 6.20 is the supporting text to Policy P5. The second part of this paragraph reads:

“Where boundaries are exposed to public realm or shared open space such as communal gardens or parking the use of timber close board fences will be resisted in place of high quality and more durable approaches.”

This appears to be asking for brick walls on boundaries that face the public realm or shared parking areas. These are not only costly and often quite a hard, engineered approach that can often be more sensitively designed with a fence and/or planting. In Thakeham’s view planting should be encouraged over brick walls, not only for aesthetic reasons, but for wildlife and Biodiversity Net Gain benefits.

Policy P6 – Amenity

Policy P6 sets out the requirements to protect the amenity of the area, its users, neighbours, residents and occupiers. Point 1 of the policy states that all new development shall ensure that it:

“Provides all potential users with an acceptable level of amenity”

Policy P6 needs to be clear if this relates to private amenity space, or just public. If it refers to private amenity space, this will require setting aside specific space for flats, which is often difficult to achieve. We suggest the wording of the policy is amended to make this clear.

Part G of policy P6 reads:

“Service equipment is fully integrated into the building envelope or located in visually inconspicuous locations within effective and robust screening/enclosure, and does not cause disturbance through its operation.”

It is not clear if this part of the policy would relate to air source heat pumps (ASHP). Commonly ASHPs do not have enclosures around them as they restrict the air flow. We would suggest further clarity is provided within Policy P6.

Within the 'Separation distances' section of Policy P6, the second paragraph reads:

"It will generally be expected that no less than 21 metres is proposed between facing principal windows of habitable residential rooms and windows of other uses that could result in significant overlooking. Appropriate distances will be considered on an individual site and design basis considering aspects such as density, scale, height differences and site levels."

Whilst 21 metres is a widely accepted 'back-to-back' distance, this is not achievable on front-front or front-side scenarios and would significantly impact the ability to design sites to the target density of 35dph. This paragraph of Policy P6 needs reviewing and clarifying to ensure its consistent with the wider aspirations of the Local Plan.

Policy P8 – Materials and Detailing

Policy P8 sets out the materials generally expected to be included in proposals. Point 6 of Policy P8 states:

"Avoid the creation of uncharacteristic or overly elaborate detailing and avoid substituting integrated detailing for the use of stick-on ornamentation or features"

It is not clear from the wording of the policy however we would assume features such as GRP chimneys are alluded to in point 6. CDC should reconsider the wording of this point as there has been a shift away from traditional brick building of houses and as such if features such as chimneys are desired to be incorporated into a scheme, then they need to be GRP. In our view, GRP chimneys can be in keeping with the existing character of an area and should not be dismissed with a blanket policy such as this.

Point 9 of Policy P8 states:

"Avoid the use of fake timber effect cladding and imitation slate particularly in sensitive locations where it would be at odds with the context or character."

In our experience fibre cement boarding can be a visually attractive design within a development, depending on the site location and surrounding character. If cladding is to be used it is preferred to be fibre cement due to the safety benefits. Thakeham has worked with a number of Registered Providers who will only use fibre cement cladding over timber due to the maintenance and health and safety aspects. Since the Grenfell Tower fire in 2017, the safety of cladding is of the utmost importance. Timber is combustible and even if it has been treated poses a fire risk. Due to this, timber is not recommended by Building Regulations and there is further support of this within The Building Safety Act which was granted Royal Assent on 28 April 2022.

Point 10 of Policy P8 states:

“Avoid the use of flint blocks as a substitute for traditional flint work unless it can be demonstrated that their use will not result in the blocks being readily legible once the development is completed”

Thakeham would be unlikely to use traditional flint on elevations, we would recommend this is assessed on a case-by-case basis depending on what blocks are put forward at design stage.

Point 11 of Policy P8 states:

“Avoid the use of upvc materials. The use of upvc will be discouraged given its environmental drawbacks in manufacture and poor recycling ability”

uPVC windows, fascias and soffits are popular choices by the majority of developers. Thakeham use uPVC on the majority of its sites. uPVC provides a robust and reliable material at a reasonable price which is highly popular in the housing market. It is durable and lasts for a number of years, it is also a product that house buyers would commonly expect to find on a new-build and are familiar with. uPVC has a good health and safety record as well as being easy to maintain, for example it does not require painting or general maintenance where other materials would. We would suggest CDC carefully considers point 11 of Policy P8 and either removes it or amends it as follows:

“The use of uPVC will not be unsupported, however the use of alternative materials with environmental benefits will be encouraged”

Chapter 9: Infrastructure

Generally, the text within Policy I1 – Infrastructure Provision seems sensible however, we would recommend the following amendment to the wording of the penultimate point (vii) to read as follows (suggested new wording bold and underlined):

Ensure new development benefits from gigabit-capable broadband infrastructure (where such facilities are locally available) at the point of occupation

If these amendments were made to the wording of Policy I1 we would support the policy.

Finally, in a general response to the strategy of the Emerging Local Plan progress, Thakeham has concerns with the length of delay between Regulation 18 and Regulation 19 consultations. The Regulation 19 consultation will only allow for comments relating to the soundness of the Plan, not its content, and there are a number of new policies in the Plan. Since the Regulation 18 consultation in 2018 a number of large events/changes have taken place including Covid and NPPF changes (NPPF 2021 as well as the current NPPF consultation), as well as new constraints that have come to light within the District such as water and nutrient neutrality. Our

main concern is how up to date the evidence base remains and if the Plan will stand up to Examination and be considered sound. We would be concerned that five years between Regulation 18 and 19 is too long without a fully updated evidence base.

Summary

Thakeham welcomes the opportunity to make a representation and to be involved in the development of CDC's Local Plan. As set out above, Thakeham has serious reservations about the current approach to overall housing numbers, as well as water and drainage related policies. We would therefore urge CDC to take a more proactive approach to providing housing that meets the needs of its residents in future stages of the emerging Local Plan.

Thakeham trusts that these representations are useful, clear and seen as constructive.

We would be pleased to discuss any of the points raised above in more detail, if this would be helpful.

Yours faithfully,



Katie Martin
Planner

