



Draft Interim Policy Statement for Housing Development June 2020

Comments on behalf of Seaward Properties Ltd



1.0 Introduction

- 1.1 These comments on the draft Interim Housing Policy (June 2020) are submitted on behalf of Seaward Properties Ltd by the deadline of 10 July 2020. The company is active across Chichester District on a wide range of sites comprising Neighbourhood Plan allocations, brownfield and redevelopment opportunities, greenfield developments, and urban extensions.
- 1.2 As an experienced local developer, it is well placed to comment on the draft Interim Policy both in terms of planning policy and the practical consequences on housing delivery.
- 1.3 Seaward Properties welcomes the policy in principle and recognises the role it could play in steering development to the most appropriate and sustainable locations across the District until such time the Plan led system can be resumed with the adoption of the emerging Local Plan Review. However, certain aspects of the policy and its practical application to potential development sites in the 12 qualifying tests are considered to lack sufficient clarity. Proposed revisions to the wording and clarification of some of the tests are therefore proposed.

2.0 What the Interim Guidance Says

- 2.1 It is noted that the Interim Housing Policy (IHP) has been introduced as an interim measure to help boost the Council's 5 year housing supply before the next Local Plan Review is adopted. The Council is required to significantly boost its housing supply in accordance with national policy in the NPPF.
- 2.2 Paragraph 1.3 states the existing Key Policies Local Plan will continue to form part of the statutory development plan until the Local Plan Review is adopted but paragraph 2.3 says the intention of the Interim Policy is for the Council to be able to use it to guide development to appropriate and sustainable locations. Paragraph 3.4 states that from the 15 July 2020, the relevant housing policies contained within the adopted Local Plan will be deemed to be 'out of date'. However, it will remain part of the statutory development plan until superseded by the replacement Local Plan Review and will continue to provide the basis for the consideration of planning applications for development within the Plan area.
- 2.3 Paragraph 4.2 states that given that the Council is concerned about the potential shortfall in housing supply, sites put forward under the policy should be "deliverable" at the time that the site is put forward for planning permission. They should not be, for example, dependent upon delivery of significant off-site infrastructure; and should be fully in the applicant's control.
- 2.4 Paragraph 4.3 states that applicants will also be expected to show that they intend to develop sites promptly so that dwellings will begin to be delivered within a short period within 2 years. The Council will condition any planning permission to commence within 2 years to maximise the likelihood of delivery of housing within the Local Plan Area. A phasing plan is suggested as a means to demonstrate a prompt delivery of housing can be secured.

2.5 Paragraph 4.6 says sites should be of a scale and density appropriate to the adjoining settlement. Smaller scale sites, that provide for the gradual growth of settlements, are more likely to be suitable than sites that would significantly change the character of a place.

2.6 And in Section 6, to provide clarity to applicants, 12 qualifying tests are set out which, in paying regard to national and development plan policy, proposals are required to comply with in order to achieve good quality housing developments of an appropriate scale and at accessible locations.

3.0 National Policy

3.1 Paragraph 11 of the NPPF sets out the policy principles underlying the presumption in favour of sustainable development. It is a well understood principle, confirmed by footnote 7 of the guidance that Local Plan policies that are 'out of date' includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

3.2 And where it is proven policies are 'out of date' the principle is that planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.3 Paragraphs 117-118 take a permissive stance towards making as much use as possible of previously-developed or 'brownfield' land. It supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land especially if this would help to meet identified needs for housing where land supply is constrained.

4.0 Comments on the Draft Interim Housing Policy (June 2020)

4.1 Bearing in mind the above policy context our comments on the Interim Housing Policy (IHP) are as follows and shown in bold.

a) Weight to be attached to existing out of date policy

- 4.2 We are pleased to note that paragraphs 3.1 and 3.2 makes direct reference to the principles underlying the presumption in favour of sustainable development and that they will be a material consideration in planning decisions on applications.
- 4.3 However, paragraph 3.4 states existing ‘out of date’ policies from the Key Policies Local Plan will continue to provide the basis for the consideration of planning applications for development within the Plan area. We accept that some of the policies will still be relevant to non-residential planning applications, **but the ‘out of date’ housing policies from the adopted Local Plan should not apply to applications for the provision of housing. Paragraph 3.4 should therefore be amended to make this point clear.**
- 4.4 Similarly, it is unclear whether the Interim Policy Guidance is intended to ‘trump’ the out of date Local plan policy in determining planning applications. In our view, the Interim Policy, and the application of the presumption in favour of sustainable development should carry more weight than the out of date policy from the Local Plan, especially as the Interim Policy will have been subject to public consultation.

b) Housing Delivery

- 4.5 Nowhere in the guidance does it state that it is intended to apply to greenfield sites as well as brownfield sites outside settlement policy boundaries. We believe that the policy should do so and **include revised wording to better reflect the national policy priority for the reuse of previously developed land wherever possible.**
- 4.6 We agree that if larger sites are proposed in accordance with the IHP, then given the inevitable long lead in times for sites of this sort, a phasing plan should be submitted to indicate how a prompt start could be made to deliver houses within the first 2 years. In this regard we would suggest **paragraph 4.3 could make reference to the encouragement of ‘hybrid applications’ for a detailed first phase to ensure prompt housing delivery with subsequent phases for outline permission shown with an illustrative layout to judge housing mix, density and layout as referenced in paragraph 4.4.**

c) IHP Test 1 – What is meant by ‘adjacent’

- 4.7 We note that qualifying test 1 of the IHP requires a site to have at least one boundary adjoining the settlement boundary or be immediately adjacent to it.
- 4.8 More clarity is required on what is meant by ‘adjacent’. When a similar ‘Facilitating Appropriate Development’ Policy was last adopted by your Council in 2011, it helpfully included a glossary. It defined ‘Contiguous with boundary of SPA’ – as a site having one boundary physically adjoining the SPA in whole or in part. Where the proposal is separated from the SPA by road, railway, cycle path etc. a judgment will be made on the degree of separation or integration with the settlement.

4.9 We request that wording is therefore included in test 1 to state:

The site boundary in whole or in part is contiguous with an identified settlement boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it). Where a proposal is separated from the SPA by road, railway, cycle path etc it will meet this test where it is shown to be sustainable and integrated with the settlement it adjoins.

d) IHP Test 5 - Housing Delivery in Designated Areas

4.10 We note that there is no national policy embargo against housing development in designated areas such as Areas of Outstanding Natural Beauty and National Parks. All paragraph 172 of the NPPF says the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development, leaving the definition of this to the decision maker.

4.11 Service village settlements within the Chichester Harbour AONB have already been allocated reasonable housing allocations (e.g. 50 dwellings at Birdham & Bosham in the adopted Key Policies Local Plan Policy 5 – Parish Housing Sites). In our view, this illustrates that some housing within the AONB is to be expected. **Test 5 of the draft IHP should therefore clarify that some housing within the AONB at service village settlements would be acceptable where a site is sustainably located, and having regard to test 2, the scale of development proposed is appropriate having regard to the settlement’s location in the settlement hierarchy.**

e) IHP Test 12 – Nitrates

4.12 Test 12 of the IHP states ‘Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England’s latest guidance on achieving nutrient neutrality for new housing development. Relevant evidence includes:
- Advice on achieving nutrient neutrality for new development in the Solent Region, Natural England March 2020.

4.13 The latest guidance from Natural England quoted in the test is already out of date as it has been replaced by guidance Version 5 – June 2020 and presumably further iterations and changes can be expected. The guidance is only intended to apply to the Solent catchment of Chichester Harbour (which excludes much of the Manhood peninsula) and this should be made clear in the policy.

4.14 We suggest therefore that the text is amended to state that **‘Development proposals that discharge to the Solent catchment of Chichester Harbour shall demonstrate how they achieve mitigated nitrate neutrality taking account of Natural England’s guidance on achieving nutrient neutrality for new housing development where relevant’.**