

WYG Ref: HP17021- A102259

**By email only**

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

08 July 2020

Dear Sir/Madam,

**RE: Response to Consultation July 2020 – Chichester District Council Draft Interim Policy Statement for Housing Development**

I write on behalf of Seaward Properties in response to the Interim Policy Statement (IPS) published by Chichester District Council for consultation on the 12<sup>th</sup> June 2020 to the 10<sup>th</sup> July 2020. Seaward Properties are an established residential and commercial property company at the forefront of quality design and construction in the South and South-East of England. My client has a continued interest in the Land South of Clappers Lane which is capable of delivering 100 homes adjacent to the existing settlement boundary of East Wittering and Bracklesham and therefore makes a good contribution to the District's housing requirement in a sustainable location. Seaward Properties therefore welcome the decision to direct new development towards existing settlement boundaries (criterion 1).

We support the introduction of the IPS and the proactive approach adopted to address the identified housing shortfall and boost housing supply in appropriate locations to help achieve a 5 Year Housing Land Supply in accordance with paragraph 73 of the NPPF. We support the aspects of the IPS that reflect existing Local Plan policies regarding ecology and biodiversity as this aligns with our client's aspirations for the Land South of Clappers Lane which proposes an ecology and landscape led scheme.

We look forward to working with the Council to find ways for the site to deliver sustainably located development which preserves the character and appearance of the area. We also support the decision to permit developments that make the best and most efficient use of land. Our client aims to provide an appropriate density of development on the Land South of Clappers Lane with 100 dwellings which aligns with criterion 4 and responds positively to paragraph 123 of the NPPF. Therefore, we support criterion 4 as well.

However, notwithstanding our overall support for the IPS and its intentions, there are some concerns regarding a number of elements of the IPS which the rest of this representation will set out.

Firstly, we have concern about the effect of paragraph 4.5:

*'Sites should be sustainably located in relation to existing settlements, with access to the facilities and services that are generally likely to be required by new residents. Policy 2 of the CLPKP, and emerging policy S2 of the LPR, sets out the settlement hierarchy which will inform consideration of any proposed site.'*

We are concerned that the Paragraph 4.5 has an over reliance on Policy 2 of the Local Plan and the identified settlement hierarchy. Policy 2 and the hierarchy contained within was formed over 6 years ago and hence does not reflect the growth of settlements and the provision of new services and facilities, since then. The IPS is a new initiative to boost housing supply but if too much weight is given to the historic settlement hierarchy, there is a risk that new development could be dismissed or delayed due to outdated categorisation of settlements. It also does not take into account the potential for new sites to improve the sustainability of existing settlements, for example through the provision of new services and facilities as part of the new development being proposed.

It is important that recent urban growth in existing settlements since the Local Plan was adopted is taken into account, especially where the character of settlements has changed. This can be seen with the urban extension to the eastern edge of East Wittering and Bracklesham settlement which has led to the proposed revision of settlement boundaries. This has been proposed since the recently approved development to the Land South of Clappers Lane for 110 dwellings (application Ref: 17/00289/REM).

There are potential housing sites which adjoin a 'Settlement Hub' but are located within a 'Rest of Plan Area'. Such sites can be better related physically to the settlement hub but are at risk of being dismissed due to their category description as a 'Rest of Plan Area'. The IPS could be more explicit in promoting the Council's decision to support sites outside of a settlement boundary, notwithstanding the other material considerations and requirements of the IPS. Giving this aspect more weight within the IPS would provide developers with more clarity and confidence in proposals coming forward, avoiding further delay to boosting the supply of housing which would run contrary to the heart of the IPS.

More clarity is required regarding Paragraph 5.2:

*'The acceptability of planning proposals will ultimately need to be assessed by the decision-maker on a case by case basis, in relation to the economic, social and environmental dimensions of sustainable development, leading to a conclusion about the overall sustainability of the proposals, whilst having regard to all elements of the proposal, up to date development plan policies, the NPPF, and other material considerations.'*

It is acknowledged that the housing policies are not up to date and that the decision maker will place more reliance on how new development responds to the IPS, specifically, how it 'scores' against the list of 12 criteria listed in paragraph 6.2. However, it is not clear how this will be used in the decision making process and what level of compliance is acceptable, within the context of the main aim to boost housing supply. It is also not clear how the IPS will be used in relation to paragraph 11dii) of the NPPF regarding any noncompliance with the IPS and how this could be outweighed by the benefits of a scheme. For example, it is not known whether a development meeting 11/12 of the criteria would be found supportable or not which risks running contrary to the aims of the IPS, undermining the very purpose of the IPS to help facilitate the swift delivery of housing. Some elements of criterion 8 of the IPS also run this risk, providing uncertainty for developers looking to work proactively with CDC to address the housing land supply shortage.

The main aim of criterion 8 of the IPS relates to environmental quality which expects high standards of construction in line with the Councils Climate Change Emergency. We support the aspirations of this criterion; our Client Seaward Properties use modern construction techniques and have a proven track record in delivering innovatively designed residential development to outstanding specifications. However, some parts of this requirement are outside the remit of the IPS and are not appropriate within this forum.

Criterion 8 requires new development to:

1. Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;
2. Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;

3. Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and
4. Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.

Point 1 is reflected within Local Plan Policy 40, however points 2, 3 and 4 are not. The additional requirements listed above has not been robustly examined as part of a Local Plan examination. It is appreciated that points 2, 3 and 4 are included in the emerging Local Plan Policy DM16, however, the plan is not likely to be adopted within the near future, and there are significant extant objections to the proposed policy, and therefore DM16 cannot be given any weight in relation to Paragraph 48 of the NPPF.

Therefore, the introduction of these new points within section 8 of the IPS unacceptably pre-empts the examination of the Local Plan Review, and in any case, is not the appropriate forum to be bringing forward additional untested standards. This is also supported by case law which has determined that development management policies, which are intended to guide the determination of applications for planning permission, should be contained within a Local Plan as defined by the Town and Country Planning Regulations (2012).

Whilst supporting the aspirations of emerging policy DM16, the intention of the IPS is to help guide the location of development and provide a level of certainty for developers at a time when CDC are unable to demonstrate a 5-year supply of housing. The inclusion of additional requirements has the potential to add additional delay for developers, undermining the very purpose of the IPS to help facilitate the delivery of housing within the district. Seward Properties support sustainable design and construction and strive to minimise the environmental impact of development at all stages of the scheme and therefore support the main aim of the emerging policy DM16. However, for the reasons given above, criterion 8 of the IPS is not supported and should be deleted.

Overall, we are supportive of the main aims of the IPS, particularly the decision to support new development on the edge of existing settlement boundaries. We look forward to further discussion with CDC officers of how this can be achieved in relation to the Land South of Clappers Lane.

We hope this consultation response has been helpful, should you wish to discuss any issues further raised in this response please contact myself or my colleague Dr Chris Lyons on 023 8202 2800 or by email at [ed.allso@wyg.com](mailto:ed.allso@wyg.com) or [chris.lyons@wyg.com](mailto:chris.lyons@wyg.com).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ed Allsop', with a long, sweeping underline that extends to the left.

Ed Allsop MRTPI  
**Senior Planner**