

## Wisborough Green Neighbourhood Plan Submission (Regulation 16)

### Chichester District Council Response – June 2015

#### Page 12: History and Heritage

Reference to English Heritage needs to be updated to refer to Historic England where reference refers to comments/actions made since 1 April 2015 (other references throughout the Plan should also be updated in a similar way).

#### Page 21:

Typo: In the table percentage for 'No. bedrooms' and '1 bedroom' properties is missing (it should be 9%).

#### Page 28:

Reference should be to the neighbourhood plan forming part of the development plan, once 'made', for the area rather than to it forming part of the Local Plan.

Wisborough Green Village Design Guide currently only provides part of the evidence base (as referenced on Page 4 - point 5). The policies have not been adopted by CDC, however the parish may want to consider progressing this document through CDC procedures towards adoption as a material consideration.

Page 30: Point 6 – comments on phasing made under Policy SS4 Winterfold (Page 73)

#### Page 32: Policy OA4 Windfall Sites

This policy as worded is not appropriate as it should refer to 'all development' and not just windfall.

Page 33: Figure 8 – boundaries need to be more precisely defined (settlement boundary and local gaps) to correctly identify areas that fall within the gaps and to define where the settlement boundary lies. For example, the local gap allocated adjacent to Winterfold, Durbans Road needs to be slightly adjusted as the gap encroaches on the area allocated for the housing.

#### Page 39: Policy EN2 Landscape Character and Open Views

Second paragraph of policy. Not all development will have an adverse landscape impact, there is a need to consider this in the context of the potential for development to have a positive impact.

Wording needs to reflect views on diagram more closely, for example views towards and of the Church as well as from the Church.

Policy needs to provide clear link with the top 5 views listed in figure 10. Does the policy relate to all views or just the top 5 listed views?

Page 41: Policy EN4 Conserving and Enhancing the Heritage Environment  
Criteria (1) second bullet point – there should be some direction/sign posting to where details of the 'buildings of local importance including locally listed and positive buildings' can be found.

Page 44: Local Open Space

It is not considered appropriate to designate grass verges as local open space as LOS4, LOS5 and LOS6. This would be better referenced in the village design statement where their contribution to the access ways and visual amenity and setting to the village could be recognised.

Last paragraph – Reference to UU should not be included. A unilateral undertaking is offered and not agreed. CDC would not be able to require this.

Page 46: Policy CD1 – inappropriate to include this policy as S106 will be negotiated by the LPA if required. In addition, CIL is in effect a roof tax which the Charging Authority will apply to chargeable development as identified in the CIL Charging Schedule (once the CIL is adopted). A proportion of the CIL collected in the Parish will be passed to the Parish Council who will then decide which projects to spend it on. The CIL is thus not linked to development in the same way as S106/S278.

Page 48-49: Local Occupancy Conditions and Policy HO1

The eligibility for affordable housing is administered and remains the responsibility of CDC as the Housing Authority.

This section of the plan is not in accordance with the Councils adopted "Allocation Scheme":

CDC manages the Chichester Housing Partnership Register on behalf of our Registered Provider (RP) Partners by processing the housing application forms and providing advice and support to applicants and the RP's throughout the process.

It is the policy of CDC and its RP partners to operate a choice based lettings scheme. An allocation scheme is a legal requirement under the terms of Section 167 of the Housing Act 1996. It sets out the priorities and procedures for letting of all forms of affordable (social) housing and our nominations to the RP's. The scheme applies to existing RP tenants wanting to move (transfer) and to new applicants applying to the housing register for the first time.

The Council's adopted "Allocation Scheme" includes a "Rural Allocations Policy". When an existing affordable home within a rural area becomes available for re-let, preference will be given to households that:

1. Are able to demonstrate (to the reasonable satisfaction of the Council) a local connection to the parish in which the property is located, and;
2. Have "reasonable preference" on the housing register (i.e. those households that are in bands A-C).

N.B All other eligibility requirements for the property (e.g. bedroom need) must be met. If no eligible households bid, the property will be allocated to households that has the greatest assessed housing need, regardless of local connection to the parish.

On 1<sup>st</sup> lets of all schemes CDC review the sensitivity of the site and in most cases devise a Local Lettings Plan with the Registered Provider; which considers the housing need near

the time of letting and in some cases consider prioritising local households in bands A-D on 1<sup>st</sup> lets depending on the sensitivity and need.

CDC's Rural Allocations policy was devised to ensure that local priorities are given "reasonable preference" but "not absolute priority over every one else", as the House of Lords made clear in the case of R (on application of Ahmad) v. Newham LBC [2009]. S.166A(3)<sup>1</sup> only requires that people encompassed within that section are given "reasonable preference". It "does not require that they should be given absolute priority over everyone else"<sup>2</sup>. This means that an allocation scheme may provide for other factors than those set out in s.166A(3) to be taken into account in determining which applicants are to be given preference under a scheme, provided that:

- o They do not dominate the scheme, and
- o Overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not

The proposed HO1 policy would be in breach of the above statutory requirements to only give "reasonable preference". Furthermore policy HO1 states that if there is no one with a local connection (identified in the plan, although this definition is different to CDC allocation scheme definition) to Wisborough Green, it would then cascade out to:

- o Kirdford
- o Loxwood
- o Plaistow and Ifold

CDC would be concerned that if no one eligible from Wisborough Green or the surrounding parishes bid on the properties then they would be untenable and left empty. This would not be acceptable bearing in mind the large number of households on the housing register with a housing need in the district. It is therefore requested that that this section and policy be removed or amended to reflect the Council's adopted Allocation Scheme.

#### Page 50: Policy HO2: Housing Need

*It states that "around 50% of all new dwellings to be built shall be designed to be appropriate for occupation by elderly persons and/or first time buyer or those on a lower income Each unit should meet 'Lifetime Homes' Standards and be either 1 or 2 bedroom properties."*

Policy wording needs to be clearer and where it departs from the Local Plan policy, based on the Strategic Housing Market Assessment (SHMA), there needs to be justification for and evidence to support it. To defer from the SHMA there must be robust evidence and where necessary viability evidence will also be required.

Reference to 'Lifetime Home' should be removed as it is being replaced by the new housing standards. It is advised that this policy is re-written to make the intentions clearer, taking into account the need to provide flexibility to negotiate the affordable housing mix.

The table shows the combined requirements for Winterfold and Clark's Yard – this is not a workable approach. The housing mix requirements for each site should be stated out separately. The sites will come forward separately and therefore in order to implement this policy we would need to know the requirements of each site separately.

#### Page 51: Policy HO3 – Agricultural Occupancy

<sup>1</sup> Previously s.167(2), which continues to apply to allocations by housing authorities in Wales

<sup>2</sup> Baroness Hale at para [18]

It is unlikely that it would be possible to implement this policy and it would be hard to find a registered provider who would be willing to take on a single unit.

Plaistow and Ifold is one parish.

Page 58: Policy IN1: Surface Water Management

As worded this policy refers to 'all development' and therefore it may be unnecessarily onerous to require domestic householder applications or change of use to provide this level of detail.

Third bullet point – this is a repeat of first bullet point.

Last bullet point – this may be inappropriate if covered by CIL.

Page 64: paragraph 12, 'as shown in figure 14 on page 63' figure 14 is now on page 65.

Page 67: Policy SS1 Land South of Meadowbank

Title – the permission was issued on 17 March 2015.

Reference to "*code 4 of the code for sustainable development*" should be removed as the Government is removing this and will be consolidating housing standards and regulations. Is the intention for the whole site (including the affordable) to be at least 50% 1&2 bedroom units? If so please refer to comments under Policy HO2. It is advised that this is amended to refer to market units.

Page 71: Policy SS3 Clark's Yard

Supporting text under issues states that the access is narrow and mitigation is available from adjacent land. The issue should refer to 'Access is narrow and may limit size of development; mitigation may be required' as to include third party land may not be implementable.

Last paragraph of policy should clearly state the mix required on site and meet the Strategic Housing Market Assessment (SHMA).

Page 73: Policy SS4 Winterfold

Appreciate the wish of the parish to allow time for development to assimilate into the village. However, there is an objection to the inclusion of this site for delivery 2025-2029 as this does not conform with the approach of the new Chichester Local Plan where parish councils and local communities are encouraged to bring forward sites in the early part of the Plan period to ensure a five year housing land supply.

No evidence or justification has been provided as to why this site would be prevented from coming forward earlier in the plan period. Consequently, without any such justification, this site should not be identified for development at a later stage in the plan period. Further, the text on Page 72 makes reference to the reasons for its inclusion as its availability, proximity to the village centre, the ability to develop the site with minimal visual effects and the gains to the village in terms of open space.

As above reference to "*code 4 of the code for sustainable development*" should be removed as the Government is removing this and will be consolidating housing standards and regulations.

Similar to Policy SS3 Clark's Yard, as required it appears the intention is for 50% 1/2 bed units.

**Exercise of Delegated Authority - Head of Planning Services**

I hereby exercise my delegated power in accordance with Chichester District Council's Constitution:

'to make formal comments on a draft Neighbourhood Plan at Pre-Submission stage and Submission stage'

AND DETERMINE THAT, the above comments are the formal response made by Chichester District Council on the **submission stage** of the **Wisborough Green Neighbourhood Plan** in relation to comments made under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015):-

Signed:

  
**Head of Planning Services**

Date: ..... 11/6/..... 2015

Note: The deadline for making representations should not be less than 6 weeks from the first day the draft plan was publicised.

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