

Matter 3 / Pro Vision Planning & Design
on behalf of Knightspur Properties Ltd

ASHFORD BOROUGH COUNCIL

TENTERDEN AND RURAL AREAS DPD

REGULATION 30 DOCUMENT FOR SUBMISSION

HEARING STATEMENT

IN RESPECT OF MATTER 3

**PREPARED BY PRO VISION PLANNING AND DESIGN ON
BEHALF KNIGHTSPUR PROPERTIES LTD**

Date: May 2010

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**ASHFORD BOROUGH COUNCIL
TENTERDEN & RURAL AREAS DPD EIP**

MATTER 3: OVERALL STRATEGY – HOUSING DISTRIBUTION

NOTES ON BEHALF OF KNIGHTSPUR PROPERTIES LTD

1. These notes address question 3 in general and more specifically questions 3.3, 3.4 and 3.5 expanding upon our August 2009 and January 2010 representations in relation to Tenterden and promoting Land at Tilden Gill Road (TENT13) (“The Omission Site”) for housing development.

Is the proposed distribution of new housing robust, sustainable, deliverable and the best of all reasonable alternatives?

2. PPS3 (paragraph 38) acknowledges the *“need to develop mixed, sustainable communities across the wider local authority area as well as at neighbourhood level”* (i.e. development should not be focussed solely on a District’s main urban areas). Paragraph 4.23 of the South East Plan states that *“LPA’s should consider the need to plan for some new development outside these areas (existing larger settlements) to support rural communities and services”*. Paragraph 7.10 continues to state that it is *“important that housing growth in rural areas is not artificially constrained. The regional planning body and the LPA’s must plan for and manage the provision of housing to enhance the viability of rural settlements and promote a rural renaissance, and thereby meet the long term needs of the rural communities”*.
3. PPS3 also acknowledges the importance of locating new housing in sustainable locations with access to a range of services and facilities.
4. Tenterden is the only rural town in the Borough, providing a wide range of services and facilities for the residents of Tenterden and the rural hinterland. The direction of a significant proportion of housing to be accommodated outside the Ashford Growth Area to Tenterden would be **in accordance with national planning policy** to direct new housing to sustainable locations whilst recognising the needs of urban areas.
5. The location of Tenterden in relation to surrounding settlements (including Ashford and the Tier 2 settlements of Charing, Hamstreet and Wye) is shown on Plan ref: 963/SET01 at Appendix A. Tenterden is located approximately 13 miles south west of Ashford. Tunbridge Wells is located 25 miles to the west of Tenterden and

Hastings is 20 miles to the south of Tenterden. Tenterden therefore serves a large rural hinterland.

6. Its proximity to the towns of Ashford, Tunbridge Wells and Hastings make it a key service centre for its rural hinterland. This is reinforced by its range of services and facilities and its function as a self contained settlement. The proximity of Charing and Wye to Ashford and their limited range of services and facilities (compared to Tenterden) mean that they largely function as commuter villages for Ashford and London. The direction of the majority of housing growth to Tenterden not only supports the direction of growth to the most sustainable settlements but will direct growth to a self contained town with wide a range of facilities and services reducing the need for residents to travel to surrounding settlements. The direction of more housing than set out in the DPD to Charing and Wye would encourage the creation of dormitory / commuter settlements.
7. Paragraphs 4.183 to 4.227 of the Ashford Borough Council Core Strategy Inspector's report (2008) dealt with the 'adequacy and appropriateness of the treatment of the rural parts of the Borough'. Paragraph 4.202 stated "*I consider that it would not be unreasonable to seek to make about half the allocations there (Tenterden) rather than the 40% currently envisaged*". The direction of 55% of total housing provision outside of the Ashford Growth Area to Tenterden is in accordance with national and regional planning policy as well as the Core Strategy.
8. The focus of housing development on Tenterden is **in accordance with national planning policy** and is **justified**.

Question 3.3 – Are the sites deliverable – has there been sufficient consultation with landowners and infrastructure providers?

9. Paragraph 54 of PPS3 states that "*to be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:*
 - *Be **available** – the site is available now;*
 - *Be **suitable** – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities;*
 - *Be **achievable** – there is a reasonable prospect that housing will be delivered on the site within five years*".
10. **DCLG Practice Guidance entitled 'Strategic Housing Land Availability Assessments' (2007)** provides guidance on assessing site availability for housing

(stage 7b, paragraph 39, page 16). It clearly states that *“a site is considered available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, such as multiple ownership, ransom strips, tenancies or operational requirements of landowners. This means that it is controlled by a housing developer who has expressed an intention to develop, or the land owner has expressed an intention to sell”*.

11. The parcels of land comprising TENT1 are in a number of different separate ownerships. It is understood that the parcels of land are being promoted through the LDF separately and there is no apparent co-ordination of land ownership interests, no collaboration agreement or identified developer for the whole site.
12. Land Registry Searches have been carried out in respect of parts of TENT1 and surrounding land (see Appendix 12 of August 2009 submissions). The Land Registry results for the part of TENT1 identified as TENT30 in the Council's Sustainability Appraisal is attached at Appendix B. It is evident that at least part of TENT1 is subject to covenants – a further hurdle to commencement of development as third parties and covenant beneficiaries will need to become involved in legal and collaboration agreements.
13. TENT1 clearly fails to satisfy the tests set out in the DCLG guidance for whether a site is 'available'.
14. Whether a site is 'available' is closely linked to whether it is 'achievable'. The DPD directs 300 dwellings to Tenterden between 2006-16, equating to 30 dwellings per annum or 150 dwellings over 5 years. The multiple ownerships, lack of collaboration agreement and need to resolve covenant and tenancy related issues (in addition to on-site constraints) mean that it is highly unlikely that 150 (if any) units will be delivered on the site within five years.
15. The DCLG SHLAA¹ guidance also provides guidance on the assessment of sites 'suitability' for housing (stage 7a, paragraph 37, page 16). Factors for consideration are stated as:
 - Policy restrictions;
 - Physical problems or limitations;
 - Potential impacts;
 - Environmental conditions.

¹ DCLG Practice Guidance entitled 'Strategic Housing Land Availability Assessments' (2007)

16. Paragraphs 5.2 – 5.8 of our August 2009 submission set out serious concerns regarding the suitability of TENT1 for housing development.
17. Whilst it is understood that the Council have been in discussion with various landowners that make up TENT1 this is not considered sufficient to ensure that the site can be delivered in the timescale proposed (i.e. 2006 – 2016). As set out in the DCLG SHLAA guidance² a site should be controlled by a developer who has expressed an intention to develop, or the land owner should have expressed an intention to sell for the site to be considered deliverable. More fundamentally there are concerns regarding whether the site can be delivered at all (i.e. notwithstanding timescales).
18. It has not been demonstrated that TENT1 is available, suitable or achievable, thus failing to meet any of the three deliverability tests of PPS3. Inclusion of the site in the DPD would mean it is not **effective**, not **justified** and **fails to accord with national planning policy**. The DPD is thus **unsound**.
19. Our previous submissions put forward that the omission site would provide a deliverable alternative site to TENT1. The omission site is capable of accommodating approximately 162 (at 30 dph) dwellings. An illustrative Master Plan and Key Features Summary attached at Appendix C show how the omission site could be developed as a whole or in part and how development could be phased. The submission refers to 'the omission site' as sites A – E inclusive, however the division of the site into smaller parcels of land allows flexibility in terms of allocating the whole or certain parcels of the site as well as phasing. The omission site could be brought forward to deliver up to about 40% (200 units) of the dwelling requirement for Tenterden (over a phased period if necessary) or as few as approximately 15 dwellings (i.e. site C) to meet an identified shortfall in housing numbers. The site provides the flexibility required to meet central government's objectives of Plan, Monitor and Manage. The site addressed in more detail in respect of matter 5.
20. The site has in part (site A) already been confirmed suitable for allocation for housing by the previous Local Plan Inspector and should be brought forward to help meet the housing requirements for Tenterden.

² DCLG Practice Guidance entitled 'Strategic Housing Land Availability Assessments' (2007)

21. The omission site meets the three tests of deliverability set out in PPS3, in that:
- The site is vacant and in single ownership it is therefore **available** now;
 - The site is **suitable** for development in that it is located in a sustainable location and is not subject to significant environmental or accessibility constraints;
 - The fact that the site is vacant, in single ownership and is not subject of any significant constraints means that delivery of housing on the site within 5 years is **achievable**.

Question 3.4 – Have the housing needs of all sectors of the rural community been sufficiently taken into account?

22. Core Strategy Policy CS12 requires the provision of 35% affordable housing, to be provided as social rented and other forms of affordable housing. The provision of such housing will help meet the needs of low income households and first time buyers in the rural area. The omission site would provide the required 35% affordable housing.

23. Whilst not expressly referred to in the DPD the omission site would also be suitable for retirement accommodation (i.e. nursing or care homes) should a need in Tenterden be identified.

Question 3.5 – Is the DPD in conformity with national policy in PPS1 and PPS3 in terms of prioritising development on previously developed land over greenfield sites?

24. Paragraph 41 of PPS3 acknowledges that whilst the national target is that at least 60 per cent of new housing should be provided on previously developed land *“there is no presumption that land that is previously-developed is necessarily suitable for housing development”* (i.e. brownfield land should not automatically be developed before greenfield sites).

25. Twenty six sites were identified in and around Tenterden as part of the Ashford Borough Strategic Housing Land Availability Assessment (SHLAA) (2009), twenty five of which comprise greenfield land. The only brownfield site was TENT14 (Land at Tanyard, Rolvenden Road), measuring 0.21 hectares in area. The Council concluded that the site was not suitable for allocation for housing as it would result in the loss of an existing employment site. Even if the site was considered suitable for allocation for housing it would only yield approximately 6-7 dwellings.

26. Whilst there is a planning policy presumption in favour of developing brownfield sites before greenfield sites this should be balanced against the need to direct housing to sustainable locations. The Core Strategy Inspector clearly stated that about half of the total housing allocations outside the growth area should be directed to Tenterden due to its status within the settlement hierarchy as the only rural town within the Borough.
27. An assessment of the SHLAA shows that as per Tenterden there are very few brownfield sites within the Tier 2 (Charing, Hamstreet and Wye) settlements. Brownfield sites in Charing and Hamstreet are relatively small in size and thus would not make a significant contribution to accommodating the housing numbers required. The Wye College site is identified in the SHLAA as a brownfield site, although the Council state that alternative educational and employment uses must be explored before the site is considered for housing. The site is thus not 'available'. Tier 3 and other settlements are not considered suitable (for sustainability reasons) for more than very small scale residential development and have therefore not been looked at.
28. Based on the Council's evidence base (particularly the SHLAA) and the need to balance national policy regarding the prioritisation of brownfield land over greenfield land and the need to direct new housing to sustainable locations the DPD (in terms of Tenterden) is considered to **conform with national policy** as contained in PPS1 and PPS3. The DPD is considered to be **sound** in this respect.