

27 March 2018

Issue 10: Are the other topic policies for housing including high quality design justified, deliverable and consistent with national policy? Will they be effective?

i) In promoting high quality design does Policy SP6 make adequate provision for inclusive design and accessible environments in accordance with the NPPF?

1. Promoting and delivering development which is of high quality design is a key priority for the Council. Policy SP6 is a strategic policy which reflects this status and echoes the 'great importance' attached to design outlined in paragraph 56 of the NPPF. The policy applies to all types and forms of development, including individual buildings, public and private spaces and wider development schemes, in accordance with paragraph 57 of the NPPF. This is clearly outlined within the policy itself and supported by the detailed explanation of each policy criterion in preceding paragraphs 3.166 - 3.184.
2. The creation of accessible environments to ensure crime and disorder, or the fear of crime, do not undermine quality of life of community cohesion as required by paragraphs 58 and 69 of the NPPF, is specifically covered by Policy SP6 e) and supporting text at 3.174. This requires clear distinctions to be made between public and private spaces, the creation of continuity of form and enclosure and requirements to allow for overlooking and natural surveillance of public spaces.
3. In addition, the policy criteria relating to legibility, ease of movement and the quality of and management of public spaces assist with the accessibility function of places as they promote designs where users of the space can move easily and safely through developments, understand their location, and include appropriate street lighting and furniture and natural surveillance, which will encourage regular use. All criterion applied together will reduce the opportunity for crime and the fear of crime within new developments.
4. As stated within para 61 of the NPPF 'inclusive design goes beyond aesthetic considerations' and includes addressing the connections between people and places and the integration of new development into the natural, built and historic environment. Policy SP6 contains a number of criterion in which inclusive design, in all of these aspects, is promoted.
5. The supporting text of b) 'Ease of Movement' at 3.170 explains that this design criteria ensures that places are designed in a way which makes them easy to navigate on foot, cycle and vehicle, whilst providing a network of interconnected routes which offer choice and animates places. c) 'Legibility' and supporting text 3.172 advocates clarity of form, for example, through a variety of street layouts, density increases and landmark buildings on corners or intersections. In addition the protection of important views and vistas or natural landmarks will help guide people through an area and create a sense of place.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

6. Criteria under a) of the policy specifically covers the integration of new development into the existing natural and built environment through an assessment of character, distinctiveness and sense of place. The supporting text at paras. 3.166 - 3.168 describe how all development proposals must reflect local character, context and surrounding space which comprises the historic environment and all features of interest which may be built or natural. Para 3.169 details the regard required to historic features such as listed buildings, Conservation Areas and sites of archaeological interest, but also ancient routes, green lanes and byways which must be carefully integrated within new development. Paragraph 3.183 explains the 'Richness in detail' criterion, which ensures existing historic character is considered in individual building design and architecture, along with the overall place.
7. In addition to the specific criteria detailed above, the policy also requires development proposals to show how they have responded to national and local design guidance and developers are encouraged to participate in the Councils Quality Monitoring initiative and Ashford Design Panel (a local design review process set up in accordance with paragraph 62 of the NPPF). The Council considers that these local tools and guidance available, in addition to the range of specific criteria within the policy more than adequately deal with the issues of inclusive design and accessible environments and will ensure high quality design remains a key aspect of all new development in the borough.
8. The Local Plan policies HOU12, HOU14 and HOU15 add more detail to this strategic topic area with regards to space and accessibility standards within individual dwellings and their private external spaces. These policies promote internal space standards which ensure new homes have sufficient space for the number of occupants, including wheelchair users, appropriate storage areas and useable private outdoor spaces.

ii)	How does protecting the character and identity of settlements as intended by Policy SP7 achieve sustainable development? Will it be effective in ensuring the separation of settlements? Should there be a firmer commitment to defined green corridors around Ashford and some settlements rather than making assessments on a case-by-case basis?
------------	--

9. The Council examined the merits and justification of the policy through the Sustainability Appraisal (SD02 – July 2017 Addendum, Page 29). The Council considers that the separation of settlements policy will contribute to the achievement of sustainable development and meets the requirements of the environmental dimension by 'contributing to protecting and enhancing our natural, built and historic environment' (NPPF paragraph 7).
10. In addition, the policy is consistent with NPPF Core Planning Principles (Para 17 Bullet 5) with regards to taking account of the character of different areas: "*Planning should...take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*".

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

11. Ashford does not have any formal Green Belt designation but the planning concerns relating to the need for Green Belt set out within NPPF (Chapter 9, Para 80) such as urban sprawl, safeguarding the countryside and preserving setting and special character, are now prevalent in the borough due to the recent and planned expansion of the urban edges of the town and some of the rural settlements.
12. Policy SP7 will apply as a borough-wide strategic policy, and is therefore expected to deal with any circumstances where growth which is not planned for (i.e. windfall developments) may create, either individually or cumulatively, the risk of the merging of settlements or the loss or erosion of individual settlement identity. The justification for the policy is covered in paragraphs 3.185 – 3.188¹.
13. In combination with other Local Plan policies which cover landscape character, protecting rural features and other natural and built environment policies, the Council considers that Policy SP7 will be effective in ensuring the separation of rural settlements, where local evidence indicates that it is required. The detail of the assessment to be undertaken to determine if development will create settlement coalescence or impact on local identity is outlined within the 4th and 5th paragraphs of the supporting text. These include local topography, visual impact and historic integrity of the settlement. The Council considers that an assessment of these factors, in combination with other Local Plan policies, to be an appropriate measure to ensure the effectiveness of the policy.
14. Along with the general policies for the protection of the landscape and the natural and built environment, the issue of coalescence on the urban edge of Ashford itself has also been restricted by a long standing locally protected green infrastructure designation through the Town Centre and around the urban area, called the Ashford 'Green Corridor' (GC). This land use designation has been supported by a specific policy which restricts building in these multi-functional green areas, and promotes enhancements.
15. This policy protection for the GC is continued in the Local Plan through Policy ENV2, and the boundaries of the designation have been reviewed and extended, and in many cases form strategic buffers between the built up areas (see boundary map in Chapter 7). More detailed information relating to the history and purpose of the policy protection and the updated land use designation boundaries can be found within the Green Corridor Action Plan (NBD02).
16. In addition to proposing extensions to the GC, the Local Plan also identifies several locations as areas of 'potential future extensions' to the Green Corridor designation to be set by a future GC review. The Key Diagram for the Ashford Urban Area (SD01 Chapter 7, page 333) does indicate the broad locations for these extensions indicatively, along with the more detailed GC diagram on page 342, which use arrows to show the indicative direction that these corridors are likely to extend to in the

¹ it is noted that the paragraph numbering of the supporting text is incorrect, and leads to duplicated references. This will be amended.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

future, and this indicates where the GC will also create 'strategic buffer' areas to prevent settlement coalescence. However, the Council has decided not to formally designate new boundaries for these 'potential future' areas at present.

17. The main justification for this approach is to do with the current use of these areas, which at present are not meeting all of the functions of the GC network as set out in the GC Action Plan. However, the planned developments adjoining the urban edges in locations such as at Kennington, Mersham/Sevington, Kingsnorth, Singleton, and Boughton Aluph/Eastwell, it is likely that these areas will become land which meets the GC designation criteria in the future when they become part of a movement and public open space network.
18. For example, one of the most sensitive locations where the protection of the identity and character of a rural settlement is most critical is to the south of Kingsnorth. In order to ensure some level of strategic green buffer here, Policy S4 contains an indicatively marked Green Buffer Zone between the settlement and the new development which is shown on the diagrams within Chapter 7 (Page 336). This indicative buffer is consistent with the future potential GC designation area, and is also explained within the site specific policy. Kingsnorth has also been protected from previous development on its northern side with a formal strategic buffer zone between the village and the Park Farm development, which has now been incorporated into the GC boundary designation.
19. However, the Council believes that to formally designate these future potential areas in these urban edge locations now as Green Corridor (or Green Belt/strategic buffers or gaps) the exact boundary, design and use of these areas would need to be clearly defined, and as many of the planned developments are yet to gain permission the evidence required for this is not currently available. Defining this land now would not be a flexible approach, and may place restrictions on development which impacts on the overall sustainability and design of the schemes coming forward. Therefore, it is more appropriate to establish these formal GC designations alongside the detailed masterplans and/or design statements for the new development in these areas. This will ensure that all the principles of sustainable development are met, whilst delivering the creation of an effective functional movement network and biodiversity gains in accordance with the NPPF, and the Green Corridor Action Plan. Policy SP7 will enable some protection of the urban edge areas which are not allocated for growth, using a number of local factors, until such time as the GC boundaries are reviewed formally.
20. The NPPF (Para 150) states that 'Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities'. The informal discussions and representations received by the local community indicate that protecting the individual character of settlements, and particularly rural settlements close to Ashford from coalescence is an important issue and the inclusion of the policy in the Local Plan is supported (See SD05).

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

iii)	Should the settlements identified for windfall development in Policy HOU3a have defined boundary lines? Is the list of settlements justified having regard to achieving sustainable development?
-------------	---

21. Traditionally the approach taken to defining confines for settlements within the Borough for planning policy purposes is through the use of a written definition (see para 5.53 of the Submission Local Plan) rather than a boundary line drawn on a map. Such an approach has been endorsed for each Local Plan in the borough over the last 30 years. This is considered a flexible approach to assessing windfall applications, particularly due the number of settlements listed in HOU3a and given that the built-up confines may change frequently in response to development coming forward (windfall and allocations). Therefore the Council considers this approach to be effective and practical in terms of keeping the policy application of HOU3a and HOU5 current and consistent and ensuring the boundary lines do not become out of date.
22. However, as detailed within paragraph 5.55 of the Submission Plan, the Council provides for a number of ways for local communities to define settlement boundaries in their areas if they wish to do so. This can be undertaken through a locally-led 'village confines exercise', which was trialed by Challock Parish Council in 2013/14 or parishes may request that the Council takes the lead in preparing a local village 'envelope'. Guidance is available on the Council's website which sets a process for PC's to take this up, and at present one other Parish is currently working on this. The other option available to local parishes/groups is to define settlement boundaries as part of a Neighbourhood Plan process.
23. The options for considering the development distribution scenarios against the Sustainability Appraisal Objectives for the Local Plan are detailed within the SA (SD02) 2016 document (Page 42). The settlements listed within Policy HOU3a were assessed for inclusion based on access to local services and community facilities and where new development would enhance or maintain the vitality of those settlements in accordance with the principles of sustainable development.
24. The primary towns of Ashford and Tenterden are the most sustainable locations along with the three large settlements of Charing Hamstreet and Wye, which play a rural service centre role due to the wide range of services such as GPs, Schools and community facilities, employment offer and access to train services available. In addition, a wider range of 'secondary' rural settlements which have a lesser provision of local services but provide day to day provisions such as shops, pubs, primary schools and community facilities have been long established as sustainable settlements suitable for growth and identified within the current adopted windfall housing policy (TRS1) in the Tenterden and Rural Sites DPD (GBD06).

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

25. Policy HOU3a also contains a number of additional smaller settlements to those identified in the current TRS1 policy. These have been introduced into the windfall policy following the guidance within the NPPF (para 55) '*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby*'. These smaller settlements are in close proximity to one or more of the larger towns, rural service centres or secondary settlements and the services available within them. These settlements have services themselves such as schools (or a free bus to the nearest primary school), community provisions, nearby access to train stations, but in general contain fewer services and facilities. Many of these settlements were included within the Local Plan 2000 windfall housing policies as sustainable locations for development.

26. The smaller rural settlements included within HOU3a which were not in the equivalent policy TRS1 in the Tenterden & Rural Sites DPD are:

Appledore Heath, Bilsington, Brook, Charing Heath, Crundale, Egerton Forstal, Godmersham, Hastingleigh, Kenardington, Little Chart, Molash, Newenden, Old Wives Lees, Pluckley Thorne, Pluckley Station, Rolvenden Layne, Ruckinge, Sevington, Shottenden, Stone in Oxney, Warehorne and Westwell.

27. The Borough's remaining rural settlements not covered by Policy HOU3a are not considered to accommodate sustainable development on account of their small size, lack of any services/ facilities and/or being poorly related to these services/facilities in a nearby larger settlement. Often these locations are essentially ribbon developments and not formed in a traditional settlement pattern, such as Bromley Green Road (Upper Ruckinge), and development in these locations would not be in accordance with Policy SP1 which outlines the strategic objectives with regards to what are considered to be sustainable development locations. Small hamlets or small collections of properties such as this are considered to be isolated and not sustainable locations for growth in accordance with para 55 of the NPPF and therefore are excluded from HOU3a.

iv)	In criterion a) of Policy HOU3a what is the meaning of "appropriate to"? Is criterion c) unduly restrictive or unclear? Does criterion h) provide sufficient flexibility to reflect the replacement of existing facilities or circumstances when they are no longer in use and unlikely to be required for the foreseeable future and does it have regard to the provisions in this respect in Policies EMP2 and COM1?
-----	---

28. The reference to "appropriate to" in criterion a) in respect of character and density of the particular local area recognises that the scope of settlements contained within policy HOU3a is large and varied and development schemes within those settlements will need to respond to the particular local characteristics of that settlement. This is explained further in paras 5.46-49 of the Submission Local Plan and is consistent with the advice in the NPPF regarding the requirement for good design.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

29. Notably, the 4th bullet point to paragraph 58 of the NPPF specifically refers to policies ensuring that developments respond “to local character and history and reflect the identity of local surroundings and materials....” and paragraph 60 states that “it is, however, proper to seek to promote or reinforce local distinctiveness”. However, it is accepted that the words “appropriate to” and “compatible with” in criterion a) of the policy may be seen to be a duplication and if the Inspectors felt that one or the other was unnecessary and should be deleted, then the Council would not resist such a change.
30. With regards to criterion c), this relates specifically to important open areas within the settlement confines that play an important role in creating the character of the settlement or a particular part of the settlement. This criterion is considered necessary given the prevailing presumption in favour of development within the confines of any HOU3a settlement which should not be mistaken as a presumption in favour of development of any undeveloped land within the settlement confines. Such green spaces may have functional and/or amenity value that adds to the character or sustainability of a settlement. The detailed wording of criterion c) accepts there may be cases where a partial redevelopment of an existing green space may not fundamentally adverse the character or amenity value of the area and so a reference to the ‘significance’ of any proposed loss is justified.
31. With regards to criterion h), the Council considers that this needs to read alongside the requirements in policies EMP2 and COM1 in respect of when the loss of an employment site may be considered acceptable in policy terms. However, there are subtle differences. Policies EMP2 and COM1 relate to the potential loss of employment or community-related facilities to any alternative use (i.e not just residential), whereas HOU3a deals specifically with residential proposals. Furthermore, criterion h) of HOU3a refers to the loss of ‘active’ uses which means uses currently in operation. This is seen as necessary is preventing the displacement of existing occupiers or uses from premises where residential redevelopment might naturally be regarded as a more profitable use.
32. It is accepted however, that HOU3a would benefit from a cross reference to policies EMP2 and COM1 to address the caveats covered in those policies around replacement (in the case of an active or vacant facility) or viability (where the unit has been vacant) so that the policy position across the Local Plan is consistent. Propose amendment to criterion h) as follows:-

h) It would not displace an active use such as an employment, leisure or community facility, unless meeting the requirements of either policy EMP2 or COM1.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

v)	In Policy HOU5 how will criterion a) regarding proportionate and commensurate development be assessed? Will the expectation in criterion b) that the site is within easy walking distance of basic services prevent development taking place? How will development be expected to maximise the use of public transport, cycling and walking near to rural settlements in criterion d)? Would criterion f) ii) regarding settlement setting be unduly restrictive in that any new built development is liable to have some impact in this respect? Is it clear what is meant by an “appropriately sized” buffer zone in criterion f) iii)? Is it reasonable to expect all development to enhance biodiversity interests in accordance with criterion f) vi)?
----	--

33. Given the wide range of settlements listed in policy HOU3a, it will be fundamental to consider the scope of available services provided in that settlement or nearby and the ability of those services to either absorb the additional pressures created by new development or expand to adequately cater for the additional demands arising. This is reflected in para. 5.59 of the Submission Local Plan and criterion a) seeks to match the ability of a settlement and its services to address the additional needs generated by a new residential development. For example, a larger development on the edge of, say, Ashford, is likely to be better served by existing services and facilities than a similar sized development on the edge of a smaller rural village.
34. The accessibility to available services is also an important component of assessing whether a development proposal should be considered sustainable. Para. 5.60 of the Submission Local Plan sets out the Council's view as to how criterion b) should reasonably be applied whilst accepting that local circumstances will influence an appropriate easy walking distance on a case by case basis. Where development proposals are genuinely adjoining or close to the built-up confines of settlements, this should not constrain proposals by virtue of distance, although the safety of pedestrian use of rural roads without footpaths to access services would also be relevant to consider here.
35. The NPPF is clear in supporting policies that seek to ensure the fullest possible use of public transport, cycling and walking (NPPF, para. 17, 11th bullet) whilst recognising that the opportunities to maximise their use varies from urban to rural areas (NPPF, para. 29). With regards to criterion d) of HOU5, this could involve proximity to an existing bus route or rail service or the ability to provide footpath and/or cycleway connectivity to the nearest settlement and local services.
36. Criterion f) ii) seeks to recognise that development on the edge of existing settlements may have varying impacts on the setting (and therefore the character) of the settlement. Not all approaches to rural settlements are uniform and the quality of the built environment and the adjoining landscape will differ from place to place and sometimes, on different sides of the same settlement. The policy recognises that there may be opportunities to enhance the edge of an existing settlement through new development but there may also be instances where a particular entrance or view of a settlement should be preserved as it is key to the wider character of the settlement. This may be assessed through Landscape Character Assessment or any Conservation Area appraisal for example. Criterion f) ii) may also be relevant where the principle of development is acceptable but the design or layout should be improved to reflect local character and setting.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

37. The need for a landscape buffer to the open countryside may also vary from site to site depending on the particular characteristics of a site and its surroundings. For example, there may be existing planting that naturally screens a development on the edge of a settlement from wider more strategic views and that fits into a more natural visual envelope. However, this may not always be the case and therefore the provision in the policy to require a landscape buffer on the edge of the development may be key to ameliorating its visual impact and avoiding a hard, urbanised edge to a rural settlement where one may not have been so apparent previously. As part of this, the design as well as the size of any buffer will be important. The requirement for a landscape buffer may also arise as a means of avoiding sprawl as settlements expand through extensions to the built-up area.
38. With regards to criterion f) vi) it is the Council's view that it is more reasonable to expect all development to conserve biodiversity on the site and / or adjoining areas to ensure no net loss, but not necessarily enhance. **To ensure consistency with Policy ENV1 the Council proposes that the word 'enhance' is replaced with 'conserve' to clarify this position in criterion f) vi).**
39. *Note Minor Amendment – reference to exceptional dwellings at 5.67 is quoting criterion iv – this is now criterion d) in the second part of the policy and reference requires updating.*

vi)	What is the evidence, including that from the register, to justify the site thresholds and proportion of self and custom build development in Policy HOU6? Does the policy include sufficient flexibility and are criteria a) – c) justified?
-----	--

40. The Self-Build and Custom Housebuilding Act 2015 places a duty on local councils in England to keep and have regard to a register of people who are interested in self-build or custom-build projects in their area. This register is intended to help inform the Council of the level of demand for self-build and custom-build plots in borough and enable it to develop a strategy for delivering serviced plots.
41. Applicants to the register must meet all of the eligibility criteria for entry on the register. Each individual applicant and every member of an association of individuals that applies for entry on the register must:
- be aged 18 or older;
 - be a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland;
 - satisfy any local eligibility conditions set by the relevant authority;
 - have paid any fee required by the relevant authority to enter or remain on the register; and
 - be seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding project.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

42. Criteria c) and d) are both optional requirements. Criterion C is not currently required by Ashford Borough Council. A fee for initial entry onto the register, and annual renewal, was introduced by the Council in October 2017, but was not payable previously.
43. Local planning authorities have a duty to give planning permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a 'base period'.
44. The first 'base period' began on 1st April 2016 (when the requirement to keep a register came into force) and ended on 30 October 2016. Each subsequent 'base period' is the period of 12 months beginning immediately after the end of the previous 'base period'. Subsequent 'base periods' therefore run from 31 October to 30 October each year.
45. The number of individual entries to the SCBR during the first base period was 16; during the second period there were 81 new entries. No associations or groups were entered on to the register. Among these, 32 percent of entries expressed a preference for Ashford urban or suburban sites, 44 percent of entries sought rural sites, while 24 percent stated that they had no preference for site location.
46. Within the scope of the Local Plan, the majority of housing is expected to be delivered in the Ashford urban and suburban area, although there are a number of smaller allocations in the rural area. Policy HOU6 requires 5 percent of larger sites to be given over for self and custom build projects, but this applies to developments over 40 dwellings in and around Ashford and Tenterden, but 20 for village and rural area sites. This threshold was viability-tested in the Local Plan and Community Infrastructure Viability Reports (SD09). This viability testing assumed provision of serviced plots.
47. At the thresholds established in HOU6, a minimum of 325 plots for self and custom build projects would be provided across all qualifying sites in the period to 2030. On the current trajectory, it is clear that there is sufficient demand in the borough for these to have a strong chance of coming forward and being built out within the plan period, providing an added dimension to the mix in housing offer in the borough. Such thresholds have been accepted by Local Plan Inspectors in other local authorities.
48. While applications for Self and Custom Build housing may be submitted and granted under windfall policies, it is important to recognise that the Council wishes to be proactive in facilitating sufficient plots in the borough for those signed up to its register.
49. The Council considers that criteria a-c are in no way onerous, yet are essential in ensuring it accords with strategic Policy SP6, specifically requiring that development proposals must be of high quality design and demonstrate a positive response to

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

sustainable development. Furthermore, criterion b provides flexibility, in the realisation that it may be the case that there are no takers for a self-build plot on a particular site, the plot may be built out by the developer.

vii)	Policies HOU7, HOU8, HOU9 and HOU10 address the effect of development on the character and appearance of an area and the effect on neighbouring uses using different language. Is it the intention to consider these issues differently for the different types of development? If so, what is the justification for this and would it be effective?
------	---

50. The Council agrees with the observation that the respective criteria of these policies is not always consistent with regards to the language used. It is not the intention of the Council that the issues of character and appearance of an area or effects on neighbouring uses are considered differently for each type of development, and the aim of all policies is intended to be reflective of Chapter 7 of the NPPF.

51. The Council does not consider this language inconsistency to be a matter of soundness, but if for clarity the Inspectors consider that the wording should be standardised with regards to built form, street scene, character, landscape, scale & massing, materials and effects on neighbouring uses/residential amenity, in these four policies then the Council would raise no objection to these minor amendments being made.

52. There are 3 exceptions to this response where the Council believes that additional criteria relating to these subjects should remain as worded:

HOU8 – Retain criterion c) with regards to being a suitable built form in relation to the existing dwelling which it is physically linked.

HOU9 – Retain criterion e) with regards to being clearly ancillary and visually subordinate in design and massing to the main dwelling.

HOU10 – Retain criterion a) as the more detailed description of surrounding grain and pattern of development is specific to the policy justification with regards to the loss of residential gardens.

53. *Please note that the response to Question xi below, proposes to remove some of the criterion raised in this question within Policy HOU10 in any event.*

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

viii)	In Policy HOU7, is the use of planning obligations to remove permitted development rights and to ensure removal of existing buildings be consistent with the requirements of paragraphs 203 and 204 of the NPPF? Is the approach to removing permitted development rights be consistent with PPG (ID 21a-017-20140306) which indicates that there should be exceptional circumstances for this?
-------	--

- 54 The intentions of the policy, and the requirement for the conditions/obligations are explained within paragraphs 5.75 and 5.76 of the Submission Plan. In summary, the aims are the protection of the character and integrity of the rural landscape, to prevent isolated development in the countryside and to ensure housing stock in the countryside remains mixed and retains a wide choice of high quality homes, in accordance with the intentions of the NPPF.
- 55 The Council considers these issues to be important for the rural areas of the borough, and the policy has been brought forward from the current adopted Tenterden and Rural Sites DPD - Policy TRS3 (GBD06). In many instances of replacement dwellings within the countryside, these conditions/obligations would be required to ensure development complies with the principles of Sustainable development within the NPPF. With regards to the condition/obligation for removal of existing properties within 3 months of occupation of the new dwelling, this is particularly relevant to ensure compliance and consistency with Policy HOU5 which restricts new isolated development in the countryside.
- 56 However, it is agreed that it is the responsibility of the Council to act reasonably in considering individual applications and not apply blanket restrictions and therefore conditions should be attached only if appropriate to make the development acceptable in planning terms in accordance with PPG referred to.
- 57 This intention is stated in Paragraph 5.76 which uses the word 'usually' when referring to the attachment of a condition to remove permitted development rights, and it is accepted that this flexibility is not reflected within the policy wording itself. The Council requests that the Inspectors make a minor change to the final section of Policy HOU7, to reflect the Council's intentions stated at Paragraph 5.76 as follows:

Where planning approval is given, planning obligations will: /conditions may be applied to:

Remove 'permitted development' rights where a replacement dwelling has increased the floorspace of the existing dwelling and where a further increase in floorspace/scale may make the development unacceptable with regards to criterion b, c and e above, and

Ensure that the existing dwelling is removed within 3 months of the occupation of the replacement dwelling (where an alternative location is proposed), to prevent isolated development in the countryside which does not meet the requirements of Policy HOU5.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

ix)	For effectiveness, should the reference in paragraph 5.79 to taking account of the existing standard of accommodation be reflected in Policy HOU8?
-----	---

58. The Council agrees that the particular sentence relating to the standard of existing accommodation is not reflected within the policy, however, the Council is of the opinion that the current wording of criterion c) which contains the term 'suitable in size... to the existing dwelling...' could be related to the issue with regards to the standard of accommodation as indicated in paragraph 5.79.

59. However, if the Inspectors wish to make a minor change to add clarity to Policy HOU8 in this regard, the Council suggest the following amendment to criterion c) would be appropriate:

c) the proposed extension is suitable in size, scale and built form to the existing dwelling to which it should be physically linked, also taking into account the existing standard of accommodation for extensions to smaller rural properties; and

x)	Although only expressed in paragraph 5.82, what is the justification for requiring standalone annexes to be supported by evidence of need? If justified, should this requirement be included in Policy HOU9? As annexes physically linked to an existing building are assessed under Policy HOU8, how would the requirement for need be applied for that type of development?
----	--

60. The justification for standalone annexes to be supported by evidence of need is to prevent the formation of separate dwellings in potentially isolated locations that would otherwise not be acceptable under the policies of HOU3a and HOU5, or that may not be in accordance with other design, transport and community policies in the Local Plan and would result in new dwellings with substandard living conditions or without adequate independent living space, amenities, access and/or car parking.

61. Policy HOU9 for standalone annexes is much less restrictive than HOU3a and HOU5 and does not require compliance with the design related policies referenced above. This is considered to be a flexible and reasonable approach to meet the specific needs of residents who need to support a family member or member of staff on a temporary basis, and it is considered that this 'need' outweighs the usual policy requirements for creation of a residential dwelling.

62. However, the Council does not consider it appropriate to enable annexes granted under this less restrictive policy, to become independent separate dwellings without meeting the criterion of other policies within the Local Plan. Therefore the requirement for the 'need' to be evidenced by the homeowner is to ensure the annexe remains used for its intended purpose.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

63. It is agreed that the requirement to provide evidence of need is not included within the policy HOU9 itself and only in supporting text. If the Inspectors consider that the requirement should be reflected within the policy, then the Council would raise no objection to this amendment and suggest the following wording change to the first sentence:

Proposals for detached annexe accommodation to residential property will be permitted where evidence is provided of the need, and:

64. The Council does not believe that attached annexes create the same concerns for the potential creation of a new substandard dwelling or dwelling in an isolated location as standalone annexes do. If the principle of the extended built footprint and external design of the extended dwelling has already met the criteria of Policy HOU8, then once the annexe use is no longer required, the extension can be utilised as part of the main house in the same way that any permitted extension to a dwelling would be. It is consequently not required for the 'need' for an attached annexe to be provided, and why the council has considered it appropriate for these to be assessed under the same criteria as extensions. Attached annexes can also be conditioned to prevent them being used as a separate dwelling if there are concerns that they have been designed in such a way that a substandard independent dwelling could be created in the future, as referenced in paragraph 5.81, but this is considered less likely.

xi)	In terms of effectiveness, does Policy HOU10 add anything which is not already addressed by policies HOU3a and HOU5? Is it possible that the slightly different tests set out in these policies would result in a lack of clarity and predictability? Does Policy HOU10 adequately address the issues raised in paragraphs 5.84 – 5.86? In particular, would it be effective in addressing the balance referred to in paragraph 5.85? Should any distinction be made within the policy to any differences in approach to gardens in built-up areas and those in the countryside?
-----	---

65. Policy HOU10 contains a more detailed design assessment criterion than in Policy HOU3a and HOU5, to specifically cover the issues and concerns related with the loss of private garden land, which may not be relevant to all windfall development schemes. In particular, the additional detail which must be provided in relation to the surrounding character and built form at criterion a) includes building lines, frontage widths, distance from road, existing plot sizes and visual separation between dwellings are considered to be important issues which relate to garden land and not necessarily to all other land.

66. The Councils long-standing definition of settlement confines contained within paragraph 5.53, excludes curtilage and garden areas from being considered as being within the built-up confines of a settlement. Therefore, Policy HOU3a would apply to applications to develop residential gardens within settlement confines, and HOU5 would apply to those outside settlement confines. This is referenced within paragraph 5.47 of supporting text before the HOU3a policy, which states development of residential garden land must also meet the requirements of Policy HOU10. However, it is accepted that it is not clarified within Policy HOU3a or HOU5.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

67. It is agreed that for clarity, a reference could be inserted within policies HOU3a, HOU5 within criterion addressing design as follows:

'Policy HOU10 will also be applied to relevant garden land applications'.

68. In addition, it is proposed that Policy HOU10 be amended to avoid conflict with the windfall housing policies. This would involve the removal of all other criterion which is effectively covered by HOU3a and HOU5 (*and following proposed amendments to those policies in response to Question vii above, would be consistent with each other in any event*).

69. The Council suggests that Policy HOU10 be amended as follows:

Development proposals involving the complete or partial redevelopment of residential garden land will be permitted provided the proposed development complies with:

- a) **the Council's external space standards as set out in Policy HOU15;**
- b) **Policies HOU3a or HOU5 (as relevant);**
- c) **does not result in significant harm to the character of the area including a) The surrounding grain and built pattern of development including the prevailing building density, line, frontage width, building orientation, distance from the road, existing plot sizes and visual separation between dwellings; and**
~~a. b) The surrounding built form comprising the scale, massing, height, design and materials of construction of the buildings;~~
~~b. c) The wider landscape and/or the countryside setting;~~
c. d) does not result in significant harm to wildlife corridors and biodiversity habitats. ; and
~~d. e) The amenity of adjoining residents.~~

70. In response to the question relating to if the policy is effective in addressing the balance referred to in paragraph 5.85 between loss of gardens, sustainable development and developing PDL land first, the Council considers that the policy is in accordance with paragraphs 48 and 53 of the NPPF which exclude garden land from being considered as contributing to windfall housing figures, and recommend that LPA's include a policy on the subject in Local Plans in local evidence supports it.

71. The definition of Previously Developed Land in the Glossary to Annex 2 to the NPPF expressly excluded "*land in built-up areas such as private residential gardens*" which would apply to applications under HOU3a. With regards to garden land within the countryside, it is accepted that this could be considered 'brownfield' land and therefore Paragraph 111 of the NPPF which provides that brownfield land should be prioritised could apply. However, as the NPPF is taken as a whole, the Council considers that the principles of sustainable development would need to be applied, and therefore the criterion of HOU5 would apply, whether the development is garden land or not.

72. The Council believes that the proposed amendments above, in addition to confirming that either Policy HOU3a or HOU5 would apply to housing applications, negates the requirement for this policy to differentiate between garden land within built-up areas or

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

within countryside, as criterion c) would ensure individual character in each circumstance is assessed.

xii)	Is criterion b) of Policy HOU11 sufficiently clear as to what is meant by “insufficient onsite parking provision” as the parking standards set out in Policy TRA3a do not appear to relate to HMOs? On what basis would onsite parking levels be assessed?
-------------	---

73. The main issue this criterion addresses focuses on cumulative harm to an area that may be caused by multiple concentrated HMOs. Parking provision is one of a number of aspects identified in the government's 2008 review of housing in multiple occupation (DCLG, 2008), and a planning balance will be struck on a case-by-case basis.

74.

In focusing on HMOs use class C4 as its subject, HOU11 is therefore fundamentally distinct from Policy TRA3a which seeks to address the issue of parking relating to residential dwelling houses (C3) in the suburban and rural areas. The Council therefore proposes that an additional paragraph is added to the supporting text accompanying Policy TRA3a that makes clear that the policy should not be applied to the C4 use class given the reasons below.

75. The issues involved in planning for C3 and C4 use classes are in practice different. In transport terms, National Planning Policy Framework (NPPF) states that transport policies have an important role to play in facilitating sustainable development and developments should be designed so that journey times are minimised. HMOs are generally situated within walking distance of local amenities and transport links. They can also make efficient use of existing housing stock, therefore contributing towards sustainable development, but are seldom constructed as new builds. It would be very difficult, therefore, to establish parking standards relevant to all HMOs coming forward, and the Council recognises that these will take the form of a variety of different buildings with different configurations and plot constraints so should be treated on a case-by-case basis.

76. In HMO cases it may be asserted that residents would have a low level of car ownership, especially when these are located in areas of good public transport access. Meanwhile, C3 premises may lawfully be occupied by a large single household which may give rise to even greater parking requirements than a multiple occupation use. On appeal, Inspectors have accepted that greatly reduced or nil parking requirements for HMOs are acceptable given the likely demand based on a common sense evaluation of the particular case - proximity to public transport, shops etc. being important factors as well as capacity on and off site and roadside parking controls operating. Parking will always form part of the planning balance relating to the appropriateness of HMOs in a particular location, but it would not be effective to specify parking requirements for HMOs given the variation in the spatial and locations context of their creation.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

77. Furthermore, it is no longer possible for local planning authorities to set maximum parking standards (WMS 25/03/15), and applications for HMOs could and should be treated on a case-by-case basis as part of consideration of a holistic approach to the existing context for development.

78. In terms of how onsite parking levels would be assessed, the main issues for consideration of this is the impact of non-provision on resident amenity and on highway safety. The issue of resident amenity is covered by criterion a) of Policy HOU11, and the Council considers that this is articulated adequately. The Council, however, concedes that further explanation of criterion b) could be added to the supporting text of Policy HOU11. This would explain the issues involved in assessing highway safety include visibility, potential for obstruction, increased congestion and, if relevant, economic damage to local business. These would have to be considered on a local case-by-case basis.

xiii)	The WMS of 25 March 2015 establishes that optional space, accessibility and water efficiency standards should only be required if they address a clearly evidenced need and where their impact on viability has been considered. In relation to policies HOU12, HOU14 and ENV7, what is the evidence in relation to need and viability for use of the nationally described standards? Has the Council had regard to the PPG on Housing – Option Technical Standards and paragraphs 006, 007, 008, 009, 015, 016, 017 and 020 in particular? Is there any requirement for a transitional period in any of these policies as referred to in paragraph 020 of the PPG?
-------	--

79. For ease of reference, the response to this question will deal with each policy in turn, partly because the paragraphs in the PPG set out varying guidance for each optional standard.

80. **Policy HOU12:** Paragraph 020 (reference ID: 56-020-20150327) sets out that in order to apply the optional internal space standards, justification should be provided which takes into account 'need' and 'viability'. For need, the PPG merely sets out that the size and type of dwellings currently being built in the area is a relevant factor and that any approach needs to consider the potential impact on the delivery of starter homes. The WMS of 2015 references the requirement for 'clearly evidenced need' but fails to clarify what this means in practice.

81. With regards the size and type of dwellings built, it is worth noting that since 2011 the Council have been applying internal space and larger requirements to new dwellings following the adoption of the Residential Space Standards and Layout SPD (GBD11). The SPD defined a series of internal space standard requirements and were supplemented with a number of external space requirements which are now being repeated in the Local Plan through Policy HOU15.

82. The table below provides monitoring data from 2012 to 2015 which shows a sample of applications for residential use to demonstrate the extent to which the essential standards in the SPD were being met at the time.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

Monitoring year	Number of applications assessed against SPD	Number of applications meeting the Essential Standards	Success rate
2012-13	45	37	82%
2013-14	74	57	77%
2014-15	76	62	81.6%

83. In 2015, the Council started to apply the national described space standards even though some of the new standards were less generous than those in the SPD (a comparison can be provided if needed).
84. Monitoring data shows that between 2015 and 2017, 17 major applications were permitted by the Council for schemes promoting ten or more dwellings. Of these 94% applied the nationally described space standards.
85. The above shows that the residential market in Ashford has been (and remains) able to deliver internal space standards in the vast majority of circumstances and has done so consistently since 2011. It therefore follows that most new dwellings delivered since 2011 will have met or exceeded the national internal space standards and therefore a full understanding of their impact can be properly assessed – a requirement of para 020 of the PPG.
86. It should be noted, that the Council only received 7 objections to Policy HOU12. Five of these were from housebuilders and one was from the Homes Builders Federation (HBF). Most representations simply objected, as a point of principle, to Policy HOU12 on the grounds that the Council had not demonstrated 'need' in accordance with the PPG. The HBF also suggested that applying Policy HOU12 was not necessary as any assessment of the local housing stock would likely show that the market are building homes to meet nationally described standards. They also raised concerns about viability, impact on starter homes and affordability, citing the PPG.
87. Clearly, the Council disagree with these views. Most are merely generic statements concerning the principle of applying optional space standards in the future, regardless of local circumstances or whether they can be viably applied to development. They also appear to support a model of delivery that would not achieve the highest quality of design possible.
88. With regards the viability of Policy HOU12, the 1 ha tiles and case studies used in the viability assessment incorporated dwelling sizes that met the nationally described standards, both for affordable and general market housing. The outcome showed that the application of such standards did not place an undue burden on development.
89. With regards the impact on starter homes specifically, the Council do not believe that such homes cannot be built in a way that meets space standard requirements. Although no starter homes have yet been built in the Borough, there is no evidence that suggests space standards have had an impact on the ability or lead to a failure of the market to deliver low-cost market housing (which will be similar to starter homes). Furthermore, paragraph 040 reference ID: 26-040-20140306 states that *'in well designed places affordable housing is not distinguishable from private housing by its design'*. In addition

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

paragraph 011 reference ID 55-011-20150327 states that *'starter home development should be well designed and of a high quality, and developers are expected to work with LPAs and local communities to achieve this'*.

90. However, should viability evidence be produced to justify the contrary, Policy IMP2 would apply. Para 5.97 of the Local Plan is also relevant, which states *'It may, very occasionally, be necessary to make an exception to development meeting the national minimum standards'*.
91. Concerning the HBF's view that the market in Ashford is probably delivering to the national standards anyway, the monitoring data above shows that this view is a valid one. However, the Council would strongly argue that this is because there has been a strong and consistent local policy position in place since 2011 that has required minimum residential space standards to be delivered. The Council do not believe the market would have delivered this without intervention.
92. To supplement this position, examples of three recent prior approvals in Ashford have been appended to this paper (appendix 1). These are schemes where the Council have not been able to influence issues such as internal space standards and as such are good examples of what some elements of the local housing market are intending to deliver. In summary, this shows the following:
- Trafalgar House – 33 one-bed flats proposed. Only 6 flats would meet the nationally described space standards (NDSS).
 - Northdown House – 20 flats proposed (mixed bedroom sizes). No flats would meet NDDS.
 - Tufon House – 36 one-bed apartments proposed. None would meet NDDS.
93. These examples suggest that leaving it solely to the market to deliver NDDS compliant dwellings in the future is not appropriate.
94. To summarise, the Council are strongly of the view that the nationally described space standards should remain an integral part of its local policy framework, as expressed through Policy HOU12. The approach clearly resonates with the NPPF in that it reflects local circumstances (para 10) and puts high quality design (Chapter 7), health and wellbeing (Chapter 8) and the promotion of sustainable development (Para 6) at the forefront of the local planning agenda. The need for suitable liveable space is well documented and is supported by the Government, as higher internal space standards are an option for LPAs to pursue, and are not restricted to certain spatial locations.
95. There is a great deal of supporting evidence that explores the importance of having suitable living space in homes², with clear benefits identified for people's overall health

² 'Space in new homes' CABE (2009) <http://webarchive.nationalarchives.gov.uk/20110118105129/http://www.cabe.org.uk/files/space-in-new-homes.pdf>

'Space standards: the benefits' Carmona M, Gallent N, Sarka R (2010)

<http://webarchive.nationalarchives.gov.uk/20110118111541/http://www.cabe.org.uk/files/space-standards-the-benefits.pdf>

'Space standards for homes' RIBA 2015

<https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/homewisereport2015pdf.pdf>

'Quantifying the extent of space shortages: English dwellings' Morgan M, Cruickshank H (2014)

https://www.researchgate.net/publication/265377480_Quantifying_the_extent_of_space_shortages_English_dwellings

One hundred years of housing space standards – what now? (2017)

http://housingpacestandards.co.uk/assets/space-standards_onscreen_print.pdf

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

and wellbeing.

96. Delivering internal space standards form part of an overall package of policies in the Local Plan aimed at delivering high quality homes and high quality places, a key aspiration of established in the vision and supported by Policy SP6 'Promoting high quality design'. Such housing is currently being built and has been consistently delivered over a number of years. The viability evidence shows that the aspirations of Policy HOU12 are achievable.
97. The Council contend that no transitional arrangements are required to give the market time to respond to Policy HOU12. Internal space standards have been applied consistently since 2012 and the market is fully aware of the Council's intentions on this matter.
98. **POLICY HOU14:** Paragraphs 006 (reference ID: 56-006-20150327) and paragraph 007 (reference ID: 56-007-20150327) of the PPG establishes the importance of understanding the housing needs of the area as a means of determining whether to apply the optional accessible and adaptable standards. Within this context, the PPG recognises the importance of understanding the future need for older and disabled people.
99. As part of the preparation of the Local Plan the Council appointed consultants GL Hearn to undertake a detailed SHMA in 2014 (SD13) which provided a detailed understanding of the housing needs in the borough.
100. Section 9 of the 2014 SHMA (SD13) provides evidence in relation to need for nationally described standards for accessible and adaptable homes (Part M4(2)) and wheelchair users (Part M4(3)). It demonstrates that need is largely driven by a growing population of older persons, as the PPG recognises.
101. The Jan 2014 SHMA Report identified that, the growing population of older persons was expected to result in a very significant rise in the population with mobility problems, of 3,105 persons (Table 48, p134). It also showed a need for additional sheltered and extra care housing, and registered care provision (Table 49, p135). The report went on to identify an expected growth of 508 persons under 64 with a physical disability (Table 52, p138). It thus clearly evidences the need for accessible and adaptable homes and wheelchair-accessible homes.
102. The PPG (and associated data guide) are clear that the driver of these needs is a growing older population. The 2014-based Population Projections show an increase in the population aged over 60 by 17,300 persons (2017 SHMA, Table 4, p11). The population of those aged over 75 is expected to see the strongest proportional growth growing in number by almost 9,000 (97%) between 2011-31.
103. Applying the age-specific prevalence rates (from 2014 SHMA, Figure 48) to the 2014-based SNPP, the evidence indicates that the proportion of people with a long-term health problem or disability in the Borough could be expected to grow by 8,915 persons to 2031, as the table below shows.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

Growth in Population with Long-term Health Problem or Disability

	% with Long-term Health Problem or Disability		Change in Population, 2011-31 (2014-based SNPP)		Growth in Population with Long-term Health Problem or Disability
50-64	104.	19.50%	105.	4625	106. 902
65-74	107.	33.10%	108.	6288	109. 2081
75-84	110.	57.40%	111.	5730	112. 3289
85+	113.	81.70%	114.	3235	115. 2643
Total (50+)			116.	19878	117. 8915

104. Concerning paragraph 008 (reference ID: 56-008-20160519), Policy HOU14 only proposes requirements based on the optional requirements in the Building Regulations. In addition, there are no known reasons why step free access cannot be achieved on any of the site allocations proposed in the Local Plan. In any event, such issues will need to be determined for all schemes, at the planning application stage.
105. With regards wheelchair accessible homes, the approach complies with Paragraph 009 (reference ID: 56-009-20150327) as Policy HOU14 only applies to those homes which fall within the affordable rented sector – homes which the Council retain nomination rights for.
106. The policy approach requires an assessment of need to be carried out at the time of the application to determine the level of provision required on a case-by-case basis, as the overall need will change over time. It also stipulates that the suitability of the location for wheelchair users will be a key consideration. The cap of 7.5% is the figure that has been assessed through the viability modelling as being achievable, see page 9 of the 2017 Viability Study (SD09).
107. For information, as of March 2018, the Council currently has 1,579 applications on the housing register and there are currently 24 applicants where at least one member of the household is a full time wheelchair user that has a need for a fully accessible property.
108. The viability implications of the Policy HOU14 as a whole was tested through the assessment work (SD09 – 2017). It included costs for Part M4(2) accessibility of c.£1,660/dwelling. This is considered relatively low and equates to less than 1% of market value of a three-bed semi. Therefore the impact of applying this standard is small. Furthermore, the £1,660 allowance for Part M4(2) is within the viability 'headroom' for almost all of the case studies in Ashford Hinterlands, Rest of Borough and most of the Ashford Town Centre Case studies (see SD09 2017 Figures 5-2 and 6-2).
109. Furthermore, if there are cases where applying Policy HOU14 is not viable on a case by case basis, then the Local Plan makes provision for flexibility about obligations where there is viability evidence to do so through the provisions in Policy IMP2.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

110. In summary, the Council consider that Part M(4) Category 2 standards are an important set of specifications in their own right, and they also complement the Council's wider aspirations for high quality design. This position is supported in paragraph 040 reference ID: 26-040-20140306 where it states '*well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants*'. Applying the optional standards will ensure that new dwellings are usable to a wider range of users, from families with young children to older less agile people and anyone living with a mobility impairment whether that be temporary or longer term.
111. It is very clear from evidence that the need for adaptable housing will only become more acute over time. In the short to medium term, there will be a significant increase in the older demographic of people living in the borough which will bring with it its own challenges and requirements. However, the issue is not solely limited to the aging population, as the SHMA work shows.
112. Based on these factors it is a sensible approach to ensure that as many new dwellings are as flexible and adaptable as possible, to cater for inevitable changing requirements that will occur over time. Policy HOU14 is effectively seen as a way of future proofing development as much as possible, in a way that is not prohibitive in viability terms for the developer.
113. **POLICY ENV7:** Paragraphs 015 (reference ID: 56-015-20150327), 016 (reference ID: 56-016-20150327) and 017 (reference ID: 56-017-20150327) of the PPG set out the importance of establishing a clear need for applying the optional standards for water based on a range of evidence sources and consultation with the key stakeholders.
114. In responding to this question, it should be noted that there has been a long history for the consideration of water and the water environments in Ashford with on-going discussions with key stakeholders for a number of years. This has led to a consistency of approach.
115. In 2005, an Ashford Integrated Water Management Study (AIWMS) provided a number of recommendations, one of which was to ensure that integrated actions relating to water supply, flood risk, wastewater and environmental water quality was needed, rather than treating these issues in isolation. This led to a 25-year Ashford Integrated Water Strategy (2006 - 2031) being produced which was complemented by a 5-year Ashford Water Action Plan (WAP) (2006 - 2011).
116. These identified early priorities and interventions and have subsequently continued through the requirements of the Water Framework Directive (2000/60/EC), which established a comprehensive river basin management planning system to help protect and improve the ecological health of our rivers, lakes, estuaries and coastal and groundwaters. This is binding on all EU member states and, while led through the Environment Agency, the local authority is a key actor. One of the key factors identified in preventing watercourses achieving 'good' status is over abstraction, as a result of excessive water use.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

117. Section 7 of the Ashford Water Cycle Study (NBD05) outlines the specific improvements required in this borough to meet WFD standards, and identifies aquifer pollution as a key barrier to this. The Environment Agency must periodically set out in its River Basin Management Plans measures to protect and enhance the benefits provided by the water environment, including meeting WFD targets. These plans are submitted to and agreed by Defra, the most recent of which were published in 2016. Ashford Borough is divided between the South East and the Thames river basin districts, and is therefore covered by two plans. Notwithstanding this, the Council has a duty of regard to these plans, and is jointly responsible for implementation. In both of these plans, crucially, it is explicitly stated that the local authorities must set out "local plan policies requiring new homes to meet the tighter water efficiency standard of 110 litres per person per day as described in Part G of Schedule 1 to the Building Regulations 2010."
118. In tandem, an 'Ashford Water Group' was established in 2006 and has met consistently ever since. This group is a partnership that brings together relevant stakeholders to oversee the delivery of the actions detailed in the Ashford Integrated Water Cycle Strategy and subsequent documents. Key partners in this group include the Environment Agency, Kent County Council, South East Water, Southern Water Services, and the River Stour (Kent) Internal Drainage Board.
119. Dialogue within the Ashford Water Group promotes a catchment-based approach to water resources. Notably in the context of water efficiency, the group was instrumental in informing the Core Strategy (2008) Policy CS10 and its requirement for water efficiency measures in new dwellings equivalent to Code for Sustainable Homes Level 3/4 (105l/h/d). This has been delivered in the vast majority of new development since 2008, a ten year period.
120. A considered justification of need in the borough for the optional requirements in Building Regulation G2, as expressed in Policy ENV7, is provided within the Ashford Water Cycle Study (NBD05) supporting the Local Plan, a document produced in partnership with the Ashford Water Group as per paragraph 015 of the PPG. The case is outlined in section 9 of that document, and reflects the position of South East Water's Water Resource Management Plan that a 'twin track' approach – increasing supply while dramatically reducing demand - is required to ensure the availability of water resources while meeting WFD and wider environmental requirements in the longer term.
121. It should be noted that Policy ENV7 is supported formally by the Environment Agency, which "*continues to strongly support the long-term strategy to reduce water use focused on changing customer behaviour, and, specifically, we welcome ABC's pursuit of the optional, more stringent, requirements for water efficiency*". This support is echoed by Kent County Council in representations relating to the policy, and has also been endorsed by the Ashford Water Group.
122. Paragraph 016 of the PPG outlines primary sources of evidence supporting tighter water efficiency standards for new dwellings. All of these sources highlight a need Ashford's planning policy to incorporate the optional water efficiency standards for new dwellings. Kent, within the South East Water supply area, continues to be designated an area of serious water stress by the Environment Agency, and has been since 2007.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

123. With regard to the viability testing, the viability study (SD09) includes costs for water efficiency standards of £9/dwelling, applied to all market and affordable dwellings. These costs are drawn from the 2014 DCLG Housing Standards Review Cost Impacts and it is clear that the costs of complying with this policy are minimal.
124. Regarding transitional arrangements, the Council doesn't feel it is necessary as the optional water standards are currently being delivered by development.

xiv)	Is Policy HOU15 too prescriptive in relation to the 10m depth of gardens and does it adequately reflect paragraph 5.106 in terms of being flexible depending on individual circumstances? Does the 'rule of thumb' of using dwelling width adequately address the needs of different types or sizes of dwelling or the specific characteristics of individual sites?
------	---

125. This policy establishes standards for private amenity areas for new residential development in the borough, contributing significantly to the achievement of the Local Plan's strategic objectives, particularly in terms of design and contributing to the improvement of health and quality of life for those living in the Borough.
126. In the case of private gardens attached to a house, a minimum area based on the 10m long 'rule of thumb' x the width of the dwelling provides a helpful starting point. This standard can be flexible providing it can be adequately demonstrated that alternative solutions provide a sufficient area of private outdoor space. There should be a direct entrance from the dwelling into the garden and this should preferably be from a lounge dining room or kitchen.
127. A minimum depth of 10 metres provides a very modestly sized garden but in most cases can accommodate a sitting out area, clothes drying area, small shed and area of play as well as space to plant shrubs and small trees. This policy requirement links strongly with strategic Policy SP6, and the clear aspiration throughout the Local Plan for good design, of which an important component is 'liveability' (see paragraph 3.178; and criterion g). The provision of sufficient space, including outdoor space, to provide a good quality of life for residents has been successfully delivered in Ashford since 2011 through the Residential Space and Layout SPD, which has resulted in successful placemaking in recent developments.
128. The minimum 10m depth of garden when coupled with that of an adjoining garden to the rear can also fulfil a useful function in maintaining a reasonable 'privacy' distance between overlooking properties. Although a distance of 21m between overlooking rear windows is a widely accepted standard, the Council recognises that there may be equally effective means of reducing overlooking and subsequent loss of privacy through careful use of layout and design.

Council's Response to Inspector's Issues and Questions

Issue 10

27 March 2018

129. The ultimate aim of this policy is for applications to demonstrate how adequate private amenity and play space can be achieved either by separation of dwellings or design and layout. For this reason, and depending on the specific characteristics of individual sites, the Council accepts in paragraph 5.106 that in certain circumstances a degree of flexibility can be sought.

130. Regarding different types and sizes of development, occupants will no doubt expect that larger dwellings will have accordingly larger gardens and this is left to the house builder to decide providing minimum requirements are met; but it is incredibly important that those who are unable to afford large dwellings are able to enjoy outside private amenity space for a variety of social, health and quality of life reasons. The policy, as written, provides the minimum standards for these residents to be able to achieve this.

xv)	The NPPF refers to planning for a mix of housing. Is it effective plan-making to leave the specific range and mix of housing in Ashford to be settled on a case-by-case basis in accordance with Policy HOU18? Can specific proportions of different types of housing be identified? Should the reference to viability in paragraph 5.127.4 be included in the policy? For effectiveness, should the exemption for flatted development also be reflected in the policy?
-----	--

131. Paragraph 159 of the NPPF requires the production of a Strategic Housing Market Assessment (SHMA) which, of course, identifies the scale and mix of housing and the range of tenures that the local population in the borough is likely to need during the plan period.

132. Planning Practice Guidance was issued by Government in March 2014 on 'Assessment of Housing and Economic Development Needs'. Some parts of the Guidance have subsequently been updated. The Guidance is relevant to this report in that it provides clarity on how key elements of the NPPF should be interpreted, including the approach to deriving an objective assessment of the need for housing. The approach in this report takes account of this Guidance.

133. The Guidance defines "need" as referring to:

"the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet this need."

134. The supporting text to Policy HOU18 very much emphasises the importance of the SHMA in considering the on-site mix and type of dwelling to be provided, and reflects the points raised during previous rounds of public consultation regarding the need to emphasise site specificity in establishing housing mix.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

135. The SHMA (SD13) supporting the Local Plan to 2030 was produced in January 2014, with a number of updates (August 2014, June 2015, January 2017) to take account of changes in sub-national population and household projections. These documents provide forecasts of dwelling sizes in terms of numbers of bedrooms, to reflect demographic trends, including the changing requirements of older people and families with children.
136. The 2014 SHMA indicated that there were particular differences in the Ashford Housing Market Area than neighbouring HMAs, for example with a lower proportion of flatted properties and detached properties. The SHMA, of course, is the starting point in evidence-gathering for redressing any housing need in the borough, but it should be considered a starting point. The Local Plan covers the period up to 2030 during which time housing market area needs can change, and there is sufficient flexibility in the policy to address this.
137. It should be noted, however, that the SHMA covers the borough-wide need only, and that it does not address local conditions and need. There is therefore a requirement to understand these by a developer promoting a particular site. Likewise, affordable housing need may vary from place to place, as may the nature of that need. This is best suited to being reflected in the specific requirements of the place at the time an application comes forward, based on local need. Indeed, there is a more general point regarding local needs, in that the Council believes the housing industry is best placed to identify and reach to these on a case-by-case basis, as the developers will have identified the housing types to aim for. Having said this, it is important for reasons of social balance and sustainable and healthy communities (as per NPPF paragraphs 7 and 69), to seek a mix in principle on relevant sites, and links well with the Council's positive design aspirations for development detailed in Policy SP6.
138. For this reason, the wording of Policy HOU18 provides the market some flexibility to undertake an assessment of need more locally at the point in time during the plan period that the development comes forward, thus providing a more targeted and up-to-date approach. The Council feels that it is better to rely on this kind of local assessment, albeit supported by SHMA data, to respond better to changes through the plan period.
139. Furthermore, there is a risk that being too prescriptive on these matters within a policy could affect the viability of schemes. The Council therefore considers that allowing an element of flexibility to reflect site specific circumstances does not undermine the aim of the policy, and provides effective plan parameters.
140. The importance of providing a range of dwelling types and sizes has been a part of Ashford's planning policy approach for some time as part of previously adopted plans, most recently as Policy CS13 in the Core Strategy (2008). This approach has proven and continues to prove deliverable and very successful in creating balanced communities, in conjunction with other plan policies.

Council's Response to Inspector's Issues and Questions Issue 10

27 March 2018

141. The policy as written reflects the Council's preferred wording, and it is expected that the majority of residential development will be able to demonstrate policy compliance as its primary aim. However, the Council could be content with wording that makes reference to viability and the qualified exemptions relating to flatted accommodation within the policy text if appropriately articulated.