

# HEARING STATEMENT

## ISSUE 10 –DESIGN & OTHER HOUSING POLICIES

1 & 2 MAY 2018 (PM SESSIONS)

## ASHFORD BOROUGH LOCAL PLAN EXAMINATION

## EXAMINATION HEARING SESSIONS

PREPARED BY BARTON WILLMORE ON BEHALF OF  
PERSIMMON HOMES & TAYLOR WIMPEY (REPRESENTOR ID 793)

MARCH 2018

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ASHFORD BOROUGH LOCAL PLAN EXAMINATION  
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**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?*

1.1 No comment.

*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?*

1.2 No comment.

*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?*

1.3 No comment.

*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?*

1.4 No comment.

*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)?*

1.5 No comment.

*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?*

1.6 The PPG (ID: 57-011-20160401) provides clear guidance that plan makers need to take into account the evidence in Strategic Housing Market Assessments (SHMAs), which should include data on the self-build registers. A Quick calculation suggests that up to 5,725 dwellings would be captured by the wording of this policy, equating to 286 self-build plots. A review of the Council's monitoring information contained on its self-build webpage, only indicates the number of new entrants onto the register. This does not indicate the number of total individuals on the current register, as an annual renewal is required, nor does it indicate if someone has come off the register. We request this information is made available.

1.7 Furthermore, upon reviewing the self-build register application form (which is available to submit on the Council's website <https://www.ashford.gov.uk/planning-and-building-control/planning-policy/self-build-and-custom-house-building/>), it is noted that there is a specific section, which asks 'what type of plot you are interested in'. This includes five options, one of which includes 'a plot that is part of a new housing development', the responses to these questions should be provided. Policy HOU6 only addresses one of the self-build options and disregards the ability for the four other options to meet the self-build need. Additionally, we are highly sceptical that self-builders will want plots positioned amongst major residential sites. The 5% requirement in Policy HOU6 is therefore going to be much higher than the actual need and demand and is not 'Justified'. This is already acknowledged by the Council at para 5.71 of the Submission Local Plan (SD01). The Policy should therefore be removed.

1.8 Notwithstanding the above, there are major concerns as to how self-build plots, amongst major development sites will be safely delivered, having regard to issues of health and safety and how time scales for their delivery will be managed i.e. there could be plots left vacant in the middle of sites/streets for unknown periods. This is both visually undesirable, but could also affect sales on adjacent plots, which are not self-build. The Policy is therefore not considered to be 'Effective' or 'Positively Prepared' in requiring the self-build need to be met on major development sites.

*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?*

1.9 No comment.

*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?*

1.10 No comment.

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

1.11 No comment.

*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?*

1.12 No comment.

*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?*

1.13 No comment.

*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?*

1.14 No comment.

*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?*

1.15 We maintain that no evidence has been prepared and submitted in support of the Submission Local Plan (SD01), as is required by the PPG and refer to paragraphs 4.7-4.9 of our representations, dated August 2017.

1.16 In the Borough Council's response to the representations received during the Reg 19 Local Plan consultation, it initially advised that the Council would produce a background paper evidencing the need for the optional space standards. See SD05 Part 2 page 248. This evidence paper has not been produced.

1.17 The Borough Council latterly advised in its response to the Main Changes to the Reg 19 Local Plan (SD05 Part 3, page 120), that document its Residential Space Standards SPD (GBD11) provided the evidence of need. However, upon reading GBD11, it is clear that it does not contain specific evidence of need for the area, as required by the PPG (ID: 56-002-20160519). GBD11 refers to anecdotal local evidence only (para 1.6), but no specific information or background material is provided to support this position. In the main GBD11 draws on wider nationally based information/guidance specifically the Mayor of London's housing design guide and its evidence, as well as work undertaken by CABI (see paras 1.10 and 2.2). GBD11 further advises that the guidance draws on information supplied by the Borough Council's Housing Services and points to Appendix 1 of the document, which simply undertakes a comparison of different housing standards put forward by various agencies. Furthermore, Housing Services would principally only have evidence (if this was provided) relating to affordable or other specialist forms of accommodation, not general open market housing and therefore its information on its own would not provide robust evidence of need for the area.

1.18 The advice of the PPG is clear, if the Optional Technical Housing Standards are set, then the evidence of need in that area must be provided to justify the policy. Just because a Council has operated a similar space standard previously through GBD11 it does not obviate the Council from now having to appropriately evidence the justification for the policy. The Policy is therefore not 'Justified' and should be removed.

1.19 Similarly no evidence is provided in documents GBD11 or the SHMA (SD13) which supports the imposition of additional space standards, as outlined at Policy HOU14.

*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?*

1.20 No comment

*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?*

1.21 Should changes be made to Policy HOU18 which see the insertion of specific proportions of different housing types, then this should be subject to further consultation.