

# Core Strategy Review - Inspectors' Matters

## Matter 9: Balanced Neighbourhoods and District Residential Needs

July 2020



**Matter 9: Balanced Neighbourhoods and District residential needs**

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## **Inspectors' Questions for Matter 9**

### **Relevant policies – CSD1 and CSD2**

#### **Policy CSD1**

1. What is the evidence on affordable housing needs, what is the past record in terms of delivery and how will future delivery be achieved?
2. What is the basis for the site size thresholds and the proportions of affordable dwellings sought? Is this justified and consistent with national policy?
3. What effect would the policy have on the viability of development proposals and what evidence is there in this respect?
4. What is the basis for the tenure split sought and is this justified?
5. Is the policy sufficiently flexible including in relation to the viability of development?
6. In other respects, is the policy justified, effective and consistent with national policy?
7. Are any main modifications to Policy CSD1 necessary for soundness?

#### **Policy CSD2**

8. What is the basis for the threshold of 15 or more dwellings and is it justified?
9. Is the approach to a mix of tenures and the size of dwellings sufficiently clear and is it justified?
10. Is the policy sufficiently flexible in relation to viability and being able to respond to changing evidence on the mix of housing over the plan period?
11. Is the approach to housing for older people and those requiring an element of care justified and consistent with national policy? How will such housing be delivered?

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12. What is the evidence in relation to accommodation needs for Gypsies, Travellers and Travelling Showpeople?
13. How will these needs be met and what role will the Places and Policies Local Plan have in meeting needs and setting out a policy approach?
14. Are any main modifications to Policy CSD2 necessary for soundness?

# **Council's Response to Matter 9 Questions**

## **1. Policy CSD1**

### **Question 1**

What is the evidence on affordable housing needs, what is the past record in terms of delivery and how will future delivery be achieved?

- 1.1. The evidence for the affordable housing need is set out in the Strategic Housing Market Assessment (SHMA) Part 2 Objectively Assessed Need for Affordable Housing (EB 03.30). This detailed work, which included consultation with partners and developers, was commissioned at the start of the plan making process and is still considered to be relevant and proportionate evidence as required by the National Planning Policy Framework (NPPF paragraph 31).
- 1.2. For a period over ten years (2009 to 2019), the District Council's Housing department has indicated that 731 affordable homes have been delivered in the district. This equates to 25% of the total number of dwellings delivered over the same period.
- 1.3. The future delivery of affordable homes (as defined in the NPPF) will be through Section 106 agreements, self-build projects and council initiatives. Following the introduction of self-financing in 2012, the council has committed to deliver up to 200 affordable homes through its Housing Revenue Account new build and acquisition programme over the 10 year period, 2014-2024.

### **Question 2**

What is the basis for the site size thresholds and the proportions of affordable dwellings sought? Is this justified and consistent with national policy?

- 1.4. Policy CSD1 ensures that new developments provide balanced neighbourhoods. The basis of Core Strategy Review Policy CSD1 is largely

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unchanged from Policy CSD1 in the adopted 2013 Core Strategy with changes made only to reflect updates in legislation and the new requirement.

- 1.5. In undertaking the Core Strategy Review the council has had regard to national planning practice guidance which states:

*“Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand.”*

- 1.6. National planning practice guidance adds:

*“Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective.”*

*“A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies.”*

- 1.7. The policy is considered to be justified and consistent with the national policy. The policy seeks the creation of balanced neighbourhoods and the provision of affordable homes on site unless off-site provision, or an appropriate financial contribution in lieu, can be robustly justified (NPPF paragraph 62). While the NPPF suggests developments five or fewer (NPPF paragraph 63), the policy only seeks contributions from smaller developments of 6 to 10 dwellings within the designated countryside. Policy CSD2 specifies the type of affordable housing required (NPPF paragraph 62).
- 1.8. Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect *at least* 10% of the homes to be available for affordable housing. This council,

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through the evidence work in the SHMA Part 2, has identified that such developments should provide a minimum of 22% affordable housing, subject to viability.

### **Question 3**

What effect would the policy have on the viability of development proposals and what evidence is there in this respect?

- 1.9. Site allocation policies contained in the Places and Policies Local Plan, which has just been found sound, were tested for viability<sup>1</sup> against CSD1 in the adopted Core Strategy, which had a figure of 30% affordable for larger developments and 20% for smaller developments. This work indicated that, on the whole, developments would still be deliverable when this policy was applied.
- 1.10. Following the request by the Planning Inspectors, the District Council is undertaking further work on viability of the Core Strategy Review (FHDC EX012).

### **Question 4**

What is the basis for the tenure split sought and is this justified?

- 1.11. The Strategic Housing Market Assessment (SHMA) Part 2 Objectively Assessed Need for Affordable Housing (EB 03.30) sets out the reasoning and justification for the tenure split sought in the policy.
- 1.12. Table 4.3, within Section 4, of the SHMA Part 2 sets out the tenure of new accommodation required in the district. This identifies a change of 907 dwellings in shared ownership and 2,080 dwellings in social rent/affordable rent, which equates to the split of 30% and 70% respectively.

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<sup>1</sup> (Deprecated)

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### **Question 5**

Is the policy sufficiently flexible including in relation to the viability of development?

- 1.13. The policy is considered flexible in its approach. Within the first paragraph the word 'should' has been used to ensure that there is flexibility within the policy. This paragraph also lists possible types of affordable homes, reflecting the NPPF definition, to provide a choice for the developer. If robustly justified, developers can also provide offsite provision if it is not possible to provide it onsite or if the provision would be used to meet a need elsewhere.
- 1.14. The second paragraph also states that the provision of affordable homes should be provided "...*wherever practicable and subject to viability...*". This also applies to the following three criteria, which discuss the size thresholds and the provision of affordable homes.

### **Question 6**

In other respects, is the policy justified, effective and consistent with national policy?

- 1.15. The District Council considers that the policy is justified, effective and consistent with national policy.
- 1.16. The policy is considered to be justified as this is based on a working, adopted policy which has proved successful for providing affordable homes in the district in the past. It has now been updated in light of new proportional evidence to meet the identified need for affordable homes over the new plan period.
- 1.17. The policy is effective as it is considered that it will be deliverable over the plan period. Policy CSD1 is a review of an existing policy in the adopted Core Strategy which has been successful in providing affordable homes in the past. It has been updated to reflect the new evidence in the SHMA.
- 1.18. It has also been based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statements of common ground. The SHMA was jointly commissioned with



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Dover District Council and this identifies that the Housing Market Area has limited links with neighbouring authorities, other than Dover (see also the council's responses to Matter 2: The Duty to Cooperate).

- 1.19. The policy is consistent with other aspects of national policy: it contributes to the achievement of sustainable development; it has been prepared positively in a way that is aspirational but deliverable; and is clearly written and is unambiguous (NPPF paragraph 16).
- 1.20. The policy seeks to achieve creation of balanced neighbourhoods through high-quality design proposals which reflect the NPPF objectives of well-designed places (NPPF paragraph 124).
- 1.21. The penultimate paragraph of Policy CSD1 supports rural exception affordable housing schemes. This is consistent with paragraph 77 of the NPPF, which states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

### **Question 7**

Are any main modifications to Policy CSD1 necessary for soundness?

- 1.22. The council considers that Policy CSD1 is justified and consistent with national policy for the reasons set out above. It is not considered that any main modifications are necessary for soundness.

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### **2. Policy CSD2**

#### **Question 8**

What is the basis for the threshold of 15 or more dwellings and is it justified?

- 2.1. The basis of the threshold lies with the practicality of implementing the proportion of the identified need below 15 units.
- 2.2. Below this threshold it will be difficult to apply percentage proportion of homes of different tenure to meet the identified needs. The council considers that the policy offers sufficient flexibility to allow negotiation on smaller sites to achieve a satisfactory solution.

#### **Question 9**

Is the approach to a mix of tenures and the size of dwellings sufficiently clear and is it justified?

- 2.3. The Strategic Housing Market Assessment (SHMA) Part 2 Objectively Assessed Need for Affordable Housing (EB 03.30) assessed the future requirement of the tenures and the size of dwellings. This follows paragraph 61 of the NPPF which states that “... *the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.*”
- 2.4. The results of this evidence has been reflected in the table within the policy, which sets out the mix of the size of dwelling for ‘owner-occupied / private rent’ and affordable’ tenures to meet the future needs.
- 2.5. It is considered that the policy is sufficiently clear and is flexible when considering these mix of sizes in new proposals. The policy also refers to the SHMA for further clarity.
- 2.6. Policy CSD1 sets out the amount of affordable homes within the development depending upon the size of the proposal. CSD2 then sets out the size of

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dwellings within any new proposals, providing a range ensuring the policy is not too prescriptive and provides flexibility. The use of the two policies was established in the Core Strategy (2013) and it is not considered necessary to change this as part of the Core Strategy Review.

### **Question 10**

Is the policy sufficiently flexible in relation to viability and being able to respond to changing evidence on the mix of housing over the plan period?

- 2.7. The policy is considered to be flexible in relation to viability. The first sentence in the second paragraph specifically states that the requirements are for developments where it is 'viable and practical' to meet them.
- 2.8. The policy also sets out a range within each of the building sizes, which also provides flexibility for developers to meet the circumstances of their particular site.
- 2.9. The provision of the range in types provides the policy with the ability to respond to changing evidence. It is also important to note, however, that local plans need to be reviewed every five years (NPPF Paragraph 33<sup>2</sup>) including the evidence base. If necessary the policy can be updated at that time.

### **Question 11**

Is the approach to housing for older people and those requiring an element of care justified and consistent with national policy? How will such housing be delivered?

- 2.10. The SHMA Part 2 has identified the needs of older people and those requiring care, as set out in the NPPF paragraph 61 which states that:

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<sup>2</sup> Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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*“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including ... older people...)”*

- 2.11. Kent County Council (KCC) is responsible locally for Adult Health and Social Care. KCC has recently changed its procedures for commissioning and care in response to the Health and Social Care Act 2012, the Care Act 2014 and restrictions on local government finances.
- 2.12. KCC's Strategic Statement 2015-2020: 'Increasing Opportunities, Improving Outcomes' outlines a commitment to enabling more people to remain in their homes, thus reducing the need for transfer to residential institutions.
- 2.13. In its 'Social Care, Health and Wellbeing - Community Support Market Position Statement' (February 2016) KCC highlights *“plans to facilitate a continued decrease in the number of publicly funded care home placements, as we look to develop more personalised housing options, including Extra Care Housing, supported living and Shared Lives.”*
- 2.14. Where this is not possible, the policy states that the majority of the specialist units for older people (Class C3(b)) will be delivered through strategic allocations as part of a new garden settlement in the North Downs Area (Policy SS6 sets out 10% of homes for the elderly) and expansion at Sellindge (Policy CSD9 also sets out 10%).

### **Question 12**

What is the evidence in relation to accommodation needs for Gypsies, Travellers and Travelling Showpeople?

- 2.15. The evidence for the needs for Gypsies, Travellers and Travelling Showpeople is set out in the Folkestone & Hythe Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) 2018 (EB 03.40).
- 2.16. The GTAA (2018) sets out an overall requirement to 2036/37 of:

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- Five additional permanent residential pitches;
- Two additional travelling showperson's plots; and
- Five additional transit pitches.

2.17. In regard to the travelling showperson's requirement, there is currently one travelling showperson household living on one authorised plot in the district. The GTAA 2018 has not evidenced a need for additional plots during the next five years but a need for two additional plots over the remainder of the plan period.

2.18. Since the GTAA (2018) was prepared, planning permission has been granted for an additional permanent Gypsy and Traveller pitch on an existing site at Brenzett.

2.19. This has reduced the permanent Gypsy and Traveller residential pitch requirements to a total of four, comprising two pitches over the next five-year period to 2021/22 and a further two pitches to 2036/37.

### **Question 13**

How will these needs be met and what role will the Places and Policies Local Plan have in meeting needs and setting out a policy approach?

2.20. The Places and Policies Local Plan (PPLP) allocates a site on land adjacent to 'The Retreat', Lydd Road, Old Romney (PPLP Policy RM15) for four pitches, which will meet the need in full over the period to 2036/37.

2.21. A planning application has been submitted for the site (reference: Y19/0958/FH) for construction of an access road and the provision of five static mobile homes and a community hall to provide accommodation as a travellers' site. Construction is now complete and the site is occupied.

2.22. The existing yard at Sellindge has been assessed as having sufficient capacity to accommodate the need for future plots.

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- 2.23. In regards to meeting the need for transit pitches, data on unauthorised encampments was assembled and analysed by Arc<sup>4</sup> (EB 03.40). The GTAA concluded that, where evidenced, transit need could be met as part of a wider Kent-wide response.
- 2.24. The potential for a joint approach to providing Kent-wide transit sites was recently discussed at Kent Planning Policy Forum (KPPF) in March 2020. It was agreed that a separate working group be established as the basis for discussion between the county and local authorities to address transit provision across eastern Kent.
- 2.25. Finally, the PPLP Policy HB14 sets out the policy approach for any additional Gypsy and Traveller sites that may come forward over the plan period.

### **Question 14**

Are any main modifications to Policy CSD2 necessary for soundness?

- 2.26. The council does not consider that any main modifications are necessary for soundness.