

Gladman Developments and The Rix Family
Matter 7 Hearing Statement

Folkestone and Hythe Core Strategy Review Examination

June 2020



Matter 7: Strategy for the North Downs Area

Introduction

1. The following representations are made by Gladman, whom now have a legal interest in Land adjacent to Grove House Sellindge, which is owned by the Rix family, see location plan at Appendix 1. The landowners have made direct representations at both Regulation 18 and 19 stages of the emerging Core Strategy Review. Whilst these representations support the principle of the inclusion of the subject land within Phase 2 of the proposed Policy CSD9 allocation, objections have been raised on aspects of the Policy CSD9 wording (please see the attached representation made by Peter Court Associates for the landowners).
2. In addition, Barton Wilmore made representations at the Regulation 19 stage on behalf of Taylor Wimpey with explicit reference made to the aforementioned site. At this point time it was anticipated that Taylor Wimpey would secure a legal interest in the site and representations were made with the landowner's consent.
3. Since October 2019, Gladman has had a legal interest in the land at Grove House Sellindge. Gladman is supportive of the proposed allocation of the site, as part of phase 2 of Policy CSD9, but shares concerns made previously by the landowner and Barton Wilmore in regard to the justification for, and soundness of, elements of the policy. The following written statement sets out Gladman's position on Policy CSD9 and reiterates concerns made by Barton Wilmore in their Regulation 19 representation.

Sellindge – Policy CSD9

31) What is the basis for the broad location in Sellindge and is it justified in principle?

4. Gladman support the allocation of additional land for development at Sellindge which has been demonstrated to be an appropriate location in the North Downs Area of the district to direct sustainable development.
5. The NPPF makes it apparent in Paragraph 23 that broad locations for new development may be appropriate when they are indicated on a diagram with land use designations and allocations identified on a policies map. Furthermore, these policies should provide a clear strategy for bringing land forward at a rate which addresses the identified needs over the plan period. Policy CSD9 plainly meets these requirements within the policy and figure 5.7 of the Submission Local Plan.
6. Gladman support the soundly based selection of the sustainable location of Sellindge as a preferred option, justified through the Sustainability Appraisal process and Shepway District Growth Options Studies (2016 & 2017). Land around Otterpool and Sellindge was selected as an appropriate location for delivering growth required in the plan period, and at this stage all alternative strategic growth options were discounted.
7. The 2016 Shepway District Growth Options Study identified Sellindge and the Surrounding Area (Area 4) as an "area considered to have potential for strategic development". This Growth Option Area was broken down into a further four specific locations which are "...more free from strategic constraints", which the Phase 2 of the proposed Policy CSD9 falls within Area C, which is affirmed as being a strong growth option when factors such as transport,

landscape, heritage, economic development potential and spatial opportunities were all assessed¹

8. Additionally, Sellindge was identified as a suitable and sustainable location for growth in the Shepway Core Strategy Local Plan (2013) following thorough testing and examination of reasonable options, as highlighted in the October 2012 Sustainability Appraisal (reference). Indeed, it is apparent that CSD9 contained within the adopted Core Strategy has already identified the south of the village as the logical direction of growth.
9. Furthermore, Sellindge is characterised in the emerging Core Strategy Review (paragraph 5.150) as having:

“...a wide range of facilities and services, serving Sellindge and the wider rural area. These include a GP Surgery, primary school, village shop with integrated post office, village hall, resident’s association, sports and social club, farm shop and public house”.

10. The approved development at Sellindge Phase 1, alongside the approved development at land to the rear of Rhodes House, Main Road, Sellindge (planning permission 16/1122/SH) will only bolster the sustainability of the settlement through the provision of new services and facilities whilst further supporting the existing offering.
11. In this regard, the proposed allocation for additional development at Sellindge through Policy CSD9 directs housing to an appropriate sustainable location well served by services and facilities which will secure the settlement’s long term vitality and sustainability.

¹ EB 04.20 (FHDC) Shepway District Growth Options Study

32) What alternative options were considered to meet the planned level of housing growth? Why was the preferred location chosen?

12. Gladman would suggest that this is primarily for the Council to answer, however it is clear that alternative options to meet the planning housing growth level were considered through the Sustainability Appraisal process and Shepway District Growth Options Studies (2016 & 2017) in which detailed evidence is set out justifying the preferred growth options. This is highlighted in Section 7 of the December 2018 Folkestone & Hythe Proposed Submission Core Strategy Review Sustainability Appraisal Report,
 - a. *“Following on from the SA of the growth options tested and identified through the District’s Growth Options Study, Folkestone & Hythe District Council selected the land in and around Otterpool and the village of Sellindge as the most appropriate location for delivering the strategic scale growth required in the Plan period. It was at this stage that all alternative strategic growth options, such as more dispersed growth across the District, were discounted.*
 - b. *7.2. Folkestone & Hythe District Council proceeded to identify six spatial options for appraisal in between the villages of Lympne, Sellindge and Westenhanger.”*
13. Subsequently, the Sustainability Appraisal (SA) process assessed four sites around the existing settlement of Sellindge, and a further two spatial options for a new garden settlement south of the M20 which were assessed against the Sustainability Appraisal objectives set out in Table 5.1 of the December 2018 SA.²
14. Therefore, Gladman considers that the spatial development strategy and options have been prepared in accordance with paragraph 16 of the NPPF and are *fully* justified through assessment of reasonable alternative options.

² Folkestone & Hythe Proposed Submission Core Strategy Review Sustainability Appraisal Report (December 2018).

33) What is the basis for the scale and range of development proposed and is this justified?

15. Gladman considers that the scale and range of development proposed in Sellindge and the wider district is justified through the evidence base and previous spatial strategies.
16. As discussed in the Gladman representations to the Folkestone & Hythe Core Strategy Draft Revised Housing Requirement Consultation, following further changes to the NPPF and PPG in 2019, specifically the requirement to use the 2014-based household projections in the standard methodology housing need calculation rather than the 2016-based household projections. The Council have resolved to amend the housing requirement within the Core Strategy Review to align with national guidance, resulting in an increase in the housing requirement from 676 dwellings per annum (dpa) to 738 dpa and a total housing requirement of 13,284 dwellings between 2019/20 - 2036/37.
17. The minimum housing need identified by the application of the standard method also marks a substantial increase on the 2013 Core Strategy minimum housing delivery target of 8,750 dwellings from 2006 to 2031, equating to 350 new homes.
18. In this regard, it is apparent a different spatial strategy is required to that contained within the Shepway Core Strategy Local Plan (2013) and additional greenfield sites on the edge of sustainable settlements need to be released for development to meet housing needs. Therefore, Policy CSD9 and the allocation of Phase 2A at Sellindge for residential development will play a key role in meeting the Council's spatial strategy and meeting the district's identified housing needs.
19. In addition to a significant increase in the housing requirement, it is evident that there are issues surrounding housing affordability in Folkestone & Hythe. Firstly, housing completions in the district have consistently fallen below the policy requirements of the Core Strategy (350 dpa), see table 1 below.

| Monitoring Year | Residential Net. Completions | Housing Requirement | Shortfall/Surplus in Delivery +/- |
|-----------------|------------------------------|---------------------|-----------------------------------|
| 2006/07 | 146 | 350 | -204 |
| 2007/08 | 402 | 350 | +72 |
| 2008/09 | 562 | 350 | +212 |
| 2009/10 | 180 | 350 | -170 |
| 2010/11 | 132 | 350 | -218 |
| 2011/12 | 207 | 350 | -143 |
| 2012/13 | 206 | 350 | -144 |
| 2013/14 | 165 | 350 | -185 |
| 2014/15 | 348 | 350 | -2 |
| 2015/16 | 293 | 350 | -57 |
| 2016/17 | 567 | 350 | +217 |
| 2017/18 | 413 | 350 | +63 |
| 2018/19 | 434 | 350 | +84 |
| Total | 4,055 | 4,550 | -495 |

Table 1 – Housing Completions vs. Housing Requirement in Folkestone & Hythe since 2006/07.

20. It is well documented that the under delivery of housing has a direct effect on housing affordability. Since 2006/07 there has been a shortfall in housing delivery against the Core Strategy housing requirement of 495 dwellings. Furthermore, it is the case that the Council

has not achieved the required number of affordable housing completions each year. Part 2 of the 2017 SHMA states in Table 5.10 that the district has an approximate affordable need of 139 dwellings per year, yet the Ministry of Housing, Communities & Local Government’s (MHCLG) live table on affordable housing supply, details that this figure has not been achieved over the last four years.

| Monitoring Year | Total Affordable Completions |
|-----------------|------------------------------|
| 2015/16 | 99 |
| 2016/17 | 50 |
| 2017/18 | 60 |
| 2018/19 | 53 |

Table 2 – Folkestone & Hythe Affordable Housing Completions³.

21. The affordability issues within the district is compounded by the median house price to earnings ratio, commonly referred to as the affordability ratio, published by DCLG which depicts that housing in the district has become increasingly unaffordable since 2006, this is set out in Table 3 below⁴.

| Year (2000) | 06 | 07 | 08 | 09 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
|----------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Earnings Ratio | 8.74 | 9.20 | 7.94 | 7.57 | 7.18 | 7.20 | 6.59 | 7.13 | 7.55 | 7.80 | 9.17 | 9.70 | 9.24 | 9.52 |

Table 3 Median housing price to earnings ratio in Folkestone & Hythe since 2006.

22. Therefore, it is evident that the scale of development required across the district is unprecedented, which requires a significant step up from the housing requirement of the Shepway Core Strategy Local Plan (2013). The Council has had to make decisions now and not seek to defer the issues. Strategic scale growth at Sellindge is therefore a justified approach to ensure the range of development proposed can be sustainably accommodated.

³ Ministry of Housing, Communities & Local Government Live Table on Affordable Housing Supply. Table 1011: additional affordable housing supply, detailed breakdown by local authority.

⁴ Office for National Statistics. Dataset – House price to workplace-based earnings ratio. Table 5c Ratio of median house price to median gross annual (where available) workplace-based earnings by local authority district, England and Wales 1997 to 2019.

34) Taking each of the requirements in the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?

23. Gladman support the broad thrust of Policy CSD9 and the extent of land proposed to be allocated but contend that individual policy requirements must be amended to align with guidance set out in the NPPF and the Council's evidence base.
24. Firstly, Gladman will address Criterion 2 (j) of Policy CSD9, which requires Site A land to the west of Sellindge in Phase 2 to be master planned with consideration for the setting of non-designated built and natural heritage assets and the full area being *included in a single outline application* [emphasis added].
25. Gladman support the views of Barton Wilmore within section 3 of their Regulation 19 representations and highlight that there is no justification for the whole area being included through a single application.
26. Gladman have submitted an outline application for up to 55 dwellings and associated works⁵ on land adjacent to Grove House, which forms a discreet part of Site A (land west of phase 1) in Phase 2. This application has been validated and is pending consideration. The application relates to land within the ownership of the Rix family. The residual area of Site A in Phase 2 is within separate ownership.
27. The outline application submission demonstrates that the site could successfully accommodate a scheme of up to 55 dwellings as a discreet development. Moreover, it demonstrates that the current application site forms a logical first phase of a wider development comprising the whole of Site A, delivering an access from Ashford Road (which is capable of serving the wider allocation)⁶. The release of the subject site as proposed will in no way frustrate delivery of the wider allocation. On the contrary, the application's accompanying Design and Access statement identifies the broad design parameters for how the wider allocation could be developed, having regard to place making principles and constraints. It demonstrates how Site A of phase 2 could be developed; and how the application site functions within that broader framework as a logical and essential first phase of the development.
28. In the context of the foregoing, it is unjustified to have a policy requirement that requires a single planning application for the whole of Site A. Such an approach is likely to undermine the expedient delivery of the site and the proposed Sellindge strategy. Gladman contend that the current draft policy approach requiring a single application fails to accord with guidance set in paragraph 68d of the NPPF which states that local authorities should, *"...work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes"*.
29. Additionally in the context of several land ownerships across the allocation, amending the policy requirements to allow the site to be split into more than one planning application

⁵ Planning Application Reference: 20/0604/FH

⁶ Planning Application Reference: 20/0604/FH File 07 Design and Access Statement.

positively supports the deliverability of the wider allocation, providing each application proposal conforms to the wider principles of CSD9 and works within broad development parameters, such as those identified for the wider allocation in the Design and Access Statement that accompanies outline planning application ref. 20/0604/FH.

30. Turning to the proposed policy CSD9 (j) requirement that Site A should be masterplanned, Gladman agrees with this as a broad matter of principle. However, there should be sufficient flexibility within any policy wording to allow the release of discreet parcels of land through individual applications as long as this does not prejudice the delivery of high quality development on residual land parcels within the wider allocation. In broad terms, the scale of development anticipated within Site A is relatively small. Furthermore, there are no onerous strategic infrastructure requirements associated with the delivery of the site, which need to be co-ordinated through a phased comprehensive masterplan. It is thus not considered necessary for there to be any policy requirement for a comprehensive masterplan to be in place prior to release of land through discreet planning applications. Such a policy requirement would frustrate the delivery of housing in an expedient manner, prevent smaller parcels coming forward at different times, inhibiting the ability of the Council to meet their acute housing need identified in response to Question 33, and its ability to demonstrate a robust 5 year housing land supply.
31. Gladman considers that its approach to planning application ref. 20/0604/FH is a reasonable and proportionate one. This identifies a broad design strategy (within the Design and Access Statement accompanying the outline planning application), for the whole Site A allocation and demonstrates how the development of the application site functions within the context of the wider allocation. The policy should not require anything more onerous than this.
32. Gladman assert that the wording to Criteria A should be amended to state, “*A minimum residential development within phase 2 of 350 dwellings...*”. This would provide flexibility and align with the amendments with the proposed amendments to criterion j and the support for numerous planning applications across the allocation.
33. Criteria C requires a minimum of 10 per cent of dwellings to be self-build or custom-build. The Planning Practice Guidance (PPG) makes it clear that Local Planning Authorities (LPA) must use the self-build and custom home register for their area to ascertain for this type of housing and make reasonable assumptions within their Strategic Housing Market Assessment (SHMA) which should be utilised in developing their Local Plan documents⁷. The PPG also encourage LPAs to publish self and custom build demand data in their Annual Monitoring Report to support opportunities for this type of development by increasing awareness for the demand among landowners, builders and developers⁸.
34. Yet, the 2017 SHMA does not provide any data in relation to the demand for self and custom build housing. Part 2 of the SHMA states, “The Council has set up a list for people interested in undertaking a self-build development to register themselves on” but provides no

⁷ Planning Practice Guidance Paragraph Reference ID: 57-011-20160401

⁸ Planning Practice Guidance Paragraph Reference ID: 57-012-201707208

information from this register. Furthermore, the Revised Housing Need and Supply Evidence Paper EB03.10 provides no reference to self or custom build⁹.

35. However, the 2018 Annual Monitoring Report sets out the number of new entrants to the Self and Custom build register between 1st April 2016 and 30th October 2017 was 84 applicants but no further analysis of the monitoring information has been undertaken within the Council's evidence base including the number of currently available plots.
36. Gladman assert that this data is outdated and without analysis of the information within the SHMA the policy requirement to provide a minimum of 10% of dwellings to be self-build or custom-build is unjustified and is not consistent with national policy guidance.
37. In addition, policy requirements for self and custom-build plot provision may have impacts on the viability and efficient delivery of schemes, particularly where there is limited demand for such plots and in the coordination and alignment of their development against construction activity on the site.
38. Criteria F states that,

“Proposals must include satisfactory arrangements for the timely delivery of necessary local community facilities including:

Provision of land and funding to upgrade Sellindge Primary school to 2 forms of entry (2FE);

Provision of new or upgraded sports grounds, open and play space or upgraded facilities in the village;

Provision of new nursery facilities;

Provision of a replacement village hall, to a specification to meet local need;

Provision of new allotment facilities; and

Contributions to the upgrading of local medical facilities to meet the needs of the development”

39. Gladman draw attention to Barton Wilmore's Regulation 19 representation and their commentary within paragraphs 3.26 and 3.27 which highlights that these facilities have generally been provided through existing developments and commitments and it is assumed that there would not be a further requirement for provision at Site A, however, Gladman seek clarification on the aspect of this policy.

35) What are the specific requirements for new or improved infrastructure and social and community facilities for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water?

40. Gladman's response to Questions 35 to 39 are addressed through paragraph 38 of this statement and Barton Wilmore's Regulation 19 representations.

36) How will these be provided and funded?

41. See Response to Question 35.

⁹ Core Strategy Review Document Reference: EB 03.10

37) How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?

42. See Response to Question 35.

38) What are the expectations in terms of timing and rates of delivery and are these realistic? What progress has been made to date?

43. See Response to Question 35.

39) Are there other potential adverse effects not raised above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations

44. No comment

40) Are any main modifications to Policy CSD9 necessary for soundness?

45. As set out in response to question 34, Gladman assert that numerous main modifications are made to ensure soundness of Policy CSD9.

46. Firstly, Gladman assert that the policy requirements to deliver the allocations through a single application would frustrate the delivery of the allocation given that the sites falls under numerous land ownerships. Furthermore, removing this aspect of the policy would align with the NPPF Paragraph 68(d) and allow sufficient flexibility to maintain the development needs of the area and adapt to change over the plan period, as set out in Paragraph 11.

47. Gladman considers that having regard to the comments made in these representations, Policy CSD9(j) should be amended to read,

“Application proposals on individual areas within Site A must not undermine the delivery of development on residual areas and should identify broad design principles for the wider allocation. Application proposals must demonstrate how consideration has been given to the setting of non-designated built and natural heritage assets such as Grove House and Potten Farm”

48. It is Gladman's contention that Criteria C of Policy CSD9 is not justified through the Council's evidence base and is not consistent with national policy guidance as the need for self and custom-build housing has not been assessed in the SHMA. Therefore, as currently drafted Policy CSD9 cannot meet the tests of 'soundness' as set in the NPPF.

Appendix 1- Site Location Plan



