

HEARING STATEMENT

MATTER 9: BALANCED NEIGHBOURHOODS AND DISTRICT RESIDENTIAL NEEDS

**ON BEHALF OF NICKOLLS PROPERTIES LTD AND CAMLAND HYTHE
LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Matthew Good

Reviewed by: Kate Holden



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

CONTENTS:

Page No:

1.0 Introduction 1
2.0 Inspectors Questions 3

1.0 Introduction

- 1.1 This hearing statement is provided on behalf of Nickolls Properties Ltd and Camland Hythe Ltd. It is made in respect of 'Matter 9: Balanced neighbourhoods and district residential needs'. Responses are made solely to questions which are directly relevant to our client's site and previous submissions made on their behalf.
- 1.2 Our client wishes to ensure that the Folkestone and Hythe District Council Core Strategy Review (CSR) is prepared in a robust manner that passes the tests of soundness contained in paragraph 182 of the NPPF, namely that the plan is:
- Positively Prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 1.3 The CSR also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.4 Camland Hythe Ltd is a significant landowner in Hythe and is responsible for the development of the major development site at Nickolls Quarry (also known as Martello Lakes) for a mixed use development of up to 1,050 dwellings and commercial uses including significant new B1 space.
- 1.5 To date, detailed planning consent has been granted for 400no. dwellings, these are currently under construction by BDW (Barratt Homes and David Wilson Homes). The timeframe to submit Reserved Matters applications expired in May 2020. However, following the Government announcement on 22nd June 2020 setting out measures to assist the development industry in light of COVID-19, this is now likely to be extended until 1st April 2021. At the time of writing, the Business and Planning Bill 2019-2021 is being heard in the House of Commons with a view to rapid enactment.
- 1.6 Prior to the announcement by Government our client submitted a further outline permission for the remaining elements of the site (including up to 650no. dwellings and commercial uses) without detailed consent (ref:

Y19/1492/FH). At the time of writing the decision remains pending. Our client remains committed to delivering this site in full.

- 1.7 The Inspectors have identified that the main issue to be addressed in this matter is whether the approach to balanced neighbourhoods and District residential needs is justified, effective and consistent with national policy. The Inspector identifies that the relevant policies are CSD1 and CSD2.
- 1.8 Our client supports many of the policies within the CSR and believes that with amendments the plan should be found sound. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions in so far as they relate to our previous representations.

2.0 Inspectors Questions

- 2.1 The following provides our client's response to specific questions identified by the Inspectors. The omission of a response to a specific question should not be construed as our client having nothing further to add. Our client reserves the right to respond not only to the questions identified in this hearing statement but others as deemed necessary during the hearing session(s).
- 2.2 The questions are taken in order of publication within the Matters, Issues and Questions document (ref: FHDC EX010).

Policy CSD2

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?

- 2.3 The policy identifies that within developments of 15 dwellings or more, where practical and viable, a range of tenures and sizes should be provided. The SHMA recommendations are identified as the starting point for these considerations. The following figure provides an extract from the policy.

Figure 1: Extract from submitted plan

Tenure	One bed (per cent)	Two to three bed (per cent)	Four bed + (per cent)
Owner-occupied / private rent	5 - 20	65 - 70	15 - 30
Affordable tenures (shared ownership / affordable rent / social rent)	20 - 25	50 - 60	20 - 25

- 2.4 Whilst the inclusion of reference to practicality, viability and the SHMA being a starting point are all welcome and add a degree of flexibility, the policy stops short of recognising other (including more up to date) evidence and local need at the time of an application are important considerations.
- 2.5 The NPPF (para. 11) recognises the need for flexibility, requiring plans to be sufficiently flexible to adapt to rapid change.
- 2.6 The SHMA is inevitably a district wide snapshot in time and should be

recognised as such. It represents the projected district-wide need identified in 2017, rather than the needs of specific settlements at the time of development. It does not consider completions since 2017 nor could it foresee the current Covid-19 pandemic and how this may have long-term social impacts altering the way we use our homes. For example, working from home has become more commonplace. The ONS Opinions and Lifestyle Survey covering the period 14-17 May 2020 indicated that 33% of people in employment in Great Britain were working entirely from home. The corresponding figure from the 2011 Census (for England and Wales only) was 5.4%. Such dramatic changes if maintained over the long-term will have implications for the size and type of home we require.

- 2.7 Furthermore, the identified affordable housing tenure mix requires significant proportions of both 1-bed and 4-bed + units. Due to issues of both affordability and the need to pay the 'empty bedroom tax' on unused rooms, 4 and 5 bed properties are in less demand. Conversely, RPs also find large numbers of 1-bed units can lead to social issues, this will only be heightened due to Covid-19, and as such the delivery of high proportions of such units is often not desirable or appropriate.
- 2.8 In conclusion whilst the SHMA provides a starting point other factors clearly need to be considered. These will vary both temporarily and geographically. It is therefore important the housing mix is applied flexibly. To ensure that the policy is not overly prescriptive and enables a relevant site-specific mix to be achieved the following amendment is recommended:

*"A range of sizes of new dwellings should be provided, **this will be subject to negotiation between the Council and the applicant to reflect site specific characteristics at the time of application. The mix identified in the SHMA (see below) will be applied flexibly and used as a starting point for discussion**, ~~this range should reflect the mix identified in the SHMA as follows~~"*

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?

- 2.9 No, the policy is only supportive of those requiring an element of care. There

is no reference to other forms of accommodation for older persons.

2.10 The policy seeks to deliver the majority of specialist units for older people (Class C3(b))¹ through strategic allocations, specifically in the North Downs Area (Policies SS6 to SS9) and expansion at Sellindge (Policy CSD9). This places a high degree of reliance on specific sites, which could prove to be a burden having regard to overall viability and deliverability dependent on demand.

2.11 Within paragraphs 4.27 to 4.29 of our client's comments upon the Regulation 19 version of the plan it is highlighted that the SHMA identifies a need for 1,279 additional specialist units for older people (over 75) over the Plan Period. This includes 1,197no. 'sheltered homes' and 82no. 'Extra Care' units. Paragraph 4.28 of our client's representations highlight that policy compliant delivery from the identified strategic allocations alone would result in a shortfall of 606 units over the plan period. It is, therefore, clear that additional sources of supply to meet this need will be required.

2.12 Outside of the strategic allocations the policy identifies that:

"...residential accommodation providing an element of care will be permitted in line with the above and where:

a. It does not lead to an over-concentration of socially vulnerable people in a neighbourhood, and

b. It makes a suitable contribution as necessary to the community and sustainable transport infrastructure needs associated with residents, and

c. It is shown to be designed to provide a high quality of care."

2.13 This policy does not require the delivery of further units for older people, and therefore, given the shortfall in delivery over the plan period, it is unjustified and will mean that the plan is ineffective.

2.14 The reference to a 'high quality of care' is also highly subjective and lacking

¹ Use Class C3(b) relates to dwellings of 'up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

quantification. Dependent upon the practical application of this criteria it could act as a barrier to the delivery of such accommodation.

2.15 Policy CSD2 makes no reference to other forms of accommodation for older people, such as sheltered housing. This is a significant failing given the high need for such accommodation identified in the SHMA.

2.16 Furthermore, following the focused consultation on the plan in January 2020, the housing requirement within Policy SS2 was updated to include both C2 and C3 uses. Whilst the overall increase was modest, largely due to a change in the base date, the implications of including C2 accommodation has not been considered in Policy CSD2. As discussed in our client's earlier submissions to the CSR the implications are two-fold:

1. Policy CSD2 sets out a housing mix requirement for developments of 15 or more dwellings. Policy SS2 identifies C2 uses as dwellings and as such policy CSD2 would be applicable to C2 uses. The housing mix requirements have not been updated to reflect the inclusion or need arising from C2 uses; and
2. the Core Strategy does not include any allocations for C2 uses, as policy CSD2 refers to Use Class C3(b) only which is a very specific type of care accommodation, it is unclear how the wider C2 requirements will be delivered.

2.17 The NPPF, paragraph 61, identifies that the size, type and tenure of different groups should be assessed and reflected in planning policies. The NPPF provides a non-exhaustive list of potential groups including older people. Policy CSD2 places additional restrictions on the provision of use class C3(b) and does not provide for other forms of tenure for older people. Furthermore, the CSR provides no specific allocations for C2 uses and as such it is unclear how this need will be delivered. In this regard the submitted plan is not considered to be effective and as such is unsound.

2.18 It is recommended that the policy be amended to be supportive of the provision of **all** forms of accommodation for older persons, not just accommodation with an element of care and the criteria be removed. It is also recommended specific allocations for C2 uses are identified.

Question 14) Are any main modifications to Policy CSD2 necessary for soundness?

2.19 Yes, I refer the Inspectors to our responses provided in relation to questions 10 and 11.