

Gladman Developments

Tendring District Council Section 2 Local Plan Examination

Matter 2 Hearing Statement



January 2021

Matter 2 – Spatial Strategy, the Location of New Development and Site Allocation Selection Process

2.3 Are the Plan's provisions justified, effective and consistent with national policy in relation to:

- a) Development in settlements with a settlement boundary?**
- b) Development in the countryside?**

- 1.1 As submitted as part of our Regulation 19 representations in 2017, Gladman recognise that Policy SPL2 now intends to take a more positive approach to development outside of the Tendring's Settlement Development Boundaries when compared to earlier iterations of the Council's emerging Local Plan.
- 1.2 However, we are still concerned that the requirements of Policy SPL2 are overly restrictive and run contrary to the Government's ambition to significantly boost the supply of housing. The use of settlement boundaries to arbitrarily restrict sustainable development from coming forward in otherwise suitable locations on the edge of settlements would be at odds with the positive approach to growth that is advocated in the National Planning Policy Framework.
- 1.3 It should be recognised that a site's location outside of a Settlement Development Boundary is only one factor that should be weighed in the planning balance when considering the merits of a planning application or development proposal, and should not in of itself be a determining factor in whether a scheme is acceptable or not when.
- 1.4 We would suggest that such an assessment would be better undertaken against a criteria-based policy that allows all relevant factors to be taken into when judging whether a site or scheme would result in the delivery if sustainable development.
- 1.5 With this in mind, we would suggest that the wording of Policy SLP2 is amended to reflect the requirements of criteria-based policies that have been adopted by other local authorities to address this matter. An example of such a policy is provided by Policy HOU5 of the Ashford Local Plan 2030 (adopted February 2019), a copy of which is included at Appendix 1 to this Hearing Statement for information.
- 1.6 Gladman are also concerned that tightly drawn settlement boundaries could limit the degree of flexibility that is built into the Local Plan to deal with changing circumstances. Although we note that the Council has estimated that it will have some contingency in its housing land supply to address this potential scenario¹, it remains the case that the Council's strategy is in part reliant on the successful delivery of the Tendring -Colchester Borders Garden Community. As noted during the Section 1 North

¹ Tendring DC Section 2 Local Plan Topic Paper 2: Housing (September 2020)

Essex Local Plan Examination, complex large-scale projects such as this can often be slow to come forward or deliver housing at a lower rate than originally anticipated.

- 1.7 A flexible policy approach may also assist in accommodating any future reviews of Tendring's housing requirements in accordance with Section 1 Local Plan Policy SP3. Although we recognise that the issue of housing needs has been addressed as part of the Section 1 Local Plan Examination, this may be particularly relevant in Tendring due to the specific issues that have been encountered when forecasting the area's future housing requirements, which are currently notably lower than official projections. A flexible policy approach may assist in accommodating any subsequent increase in the Council's housing requirements to meet these higher figures.

Appendix 1

Ashford Borough Council Local Plan 2030 – Policy HOU5

rule of restraint and these are replicated in the policy below, alongside proposals for replacement dwellings. In considering applications for the re-use of redundant or disused buildings, proposals will need to demonstrate that the existing buildings have been on site for a number of years and are no longer needed for their current or previous use. The building shall have been appropriately maintained and not allowed to fall into disrepair as a prelude to suggesting an enhancement to the setting of the area.

- 6.63 Proposals for exceptional dwellings under the second part of policy HOU5 shall be subject to a rigorous and independent assessment of their design quality. The views of the Ashford Design Panel will need to be sought and, where necessary, proposals amended to ensure their views are reflected. The architecture of a proposal and how that responds to the landscape character and setting of the site will be fundamental in establishing whether the scheme is genuinely exceptional or not.

Policy HOU5 - Residential Windfall Development in the Countryside

Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:

Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth*, Mersham, Pluckley, Rolvenden, Shadoxhurst, Smarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.

**Existing Kingsnorth village*

Providing that each of the following criteria is met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;**
- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;**
- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;**
- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;**
- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,**
- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-**
 - i) it sits sympathetically within the wider landscape,**
 - ii) it preserves or enhances the setting of the nearest settlement,**
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,**

Continued...

- iv) it is consistent with local character and built form, including scale, bulk and the materials used,
- v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
- vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- A replacement dwelling, in line with policy HOU7 of this Local Plan;

Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.

**These proposals will be required to be referred to the Ashford Design Panel and applications will be expected to respond to the advice provided.*

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

Self-Build / Custom Build Development

- 6.64 The Council will support the principle of Self and Custom Build development as an opportunity to bring choice to the housing market as well as enabling local people to design and build their own home that will meet their bespoke needs.
- 6.65 The NPPF makes it clear that LPAs should identify and make provision for the housing ‘needs of different groups in the community such as people wishing to build their own homes’. ‘Self-build housing’ is identified by the Community Infrastructure Levy Regulations as a dwelling built by (or commissioned by) someone to be occupied by them as their sole or main residence for at least three years. Custom-Build homes encompass self-build but tends to be where individuals work with specialist developers to build their home.
- 6.66 This policy will contribute towards the availability of self and custom build plots enabling local residents to deliver high quality homes, as well as supporting the local economy providing work for builders and associated trades.
- 6.67 The establishment of a Right to Build Register and evidence gained from future SHELAAAs and SHMAAs has and will continue to help inform the level of need for Self Build. Based on current