

Session 2B –Housing Policies DM11-DM15

Inspector's Question 2.12

Would specific size mix requirements result in predictability that avoided the need for negotiation or lead to inflexibility and unbalanced provision?

Council's response:

2.12.1 The Local Plan covers the period 2011-2031 during which time housing market area needs can change. There is sufficient flexibility in the policy to address this. Policy DM11 requires proposals to have regard to the most up to date Strategic Housing Market Assessment (SHMA) in delivering an appropriate mix of housing. The SHMA is only a snapshot in time and setting targets for size mix requirements in the Local Plan based on current understanding of demand may cause issues later on in the plan period. Furthermore, there is a risk that being too prescriptive on these matters within a policy could affect the viability of schemes. The Council therefore considers that allowing an element of flexibility to reflect site specific circumstances does not undermine the aim of Policy DM11 that proposals should, in the first instance, reflect and meet the objectives of the local housing market area, whilst allowing any change in circumstances to be taken into account.

Inspector's Question 2.13

In the alternative could the matter be addressed by guidance in the proposed Affordable and Local Needs SPD?

Council's response:

2.13.1 The Affordable and Local Needs Housing SPD could address the issue of housing mix and how Maidstone Borough Council will interpret and apply specific policies contained within Policy DM11. This would provide certainty for developers and allow the Council an element of flexibility to update the Affordable Housing and Local Needs Housing SPD as and when more updated evidence is released.

Inspector's Question 2.14

Does the Local Plan provide adequate support for custom and self-build homes in accordance with national policy?

Council's response:

2.14.1 The Self-build and Custom Housebuilding Regulations 2016 requires each relevant authority from 01 April 2016 to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes.

2.14.2 Planning Practice Guidance - Self-build and Custom Housebuilding paragraph 012 sets out that local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources, when preparing their Strategic Housing Market Assessment (SHMA) to understand and consider future need for this type of housing in their area.

2.14.3 The SHMA 2014 (HOU 002), Strategic Housing Market Assessment Addendum 2014 (HOU 003) and Implications of 2012 – Based Household Projections 2015 (HOU 004) predate the Self-build and Custom Housebuilding Regulations 2016.

2.14.4 In line with the regulations, the Council has setup a self-build and custom housebuilding register that will be a material consideration in planning decisions and in plan making. The Local Plan supports the concept of self-build and custom build, and Policy DM11 criteria 4 requires large development schemes to demonstrate that consideration has been given to custom and self-build plots as part of the housing mix.

2.14.5 A future review of the SHMA that would be undertaken to support a review of the Local Plan or for a replacement Local Plan will take in to account the Council's self-build and custom housebuilding register.

Inspector's Question 2.15

How might Policy DM11 (5) effectively support specialist housing and should it be amended?

Council's response:

2.15.1 DM11(5) provides that the Council will work with partners to facilitate specialist and supported housing for elderly, disabled and vulnerable people.

2.15.2 Policy DM11 recognises that the borough is made up of a variety of household types including, for example, older people who have specific housing needs that are different to the needs of large families and different again to those of disabled or vulnerable people. A mix of housing types will therefore be sought in consultation with applicants and partners in order to accommodate the needs of an increasingly diverse population within the borough. For example, the Council already actively engage with KCC in securing s106 obligations towards the provision of wheelchair accommodation on new developments.

2.15.3 Where affordable housing is to be provided, developers/applicants are required to take into consideration the needs of households on the council's housing register and discuss affordable housing requirements with the council's housing team at the pre-submission stage of the planning process. This will ensure that the size, type and tenure of new affordable housing is appropriate given the identified needs of Housing Register applicants.

2.15.4 The Local Plan states at paragraph 17.58 that... *'Developers will need to access a range of sources, including the SHMA, to help shape their proposals. Local stakeholders, including parish councils, may often be able to provide targeted information that assists an applicant to submit a locally relevant scheme. Where affordable housing is proposed or required, the housing register will provide additional guidance'*.

2.15.5 The Council will continue to (as part of the new Maidstone Housing Strategy 2016-2020) work closely with the KCC Accommodations Solution Team and social care to ensure

that a choice of specialist housing and support is available to meet the needs of the elderly, disabled and other vulnerable client groups and use this evidence base, as well as the Housing Register and Strategic Housing Market Assessment to help focus our work and pre application advice on housing mix given to applicants in order to support purpose built specialist housing.

2.15.6 It is therefore the Council’s opinion that Policy DM11(5) effectively supports specialist housing and does not require any amendment.

Inspector’s Question 2.16

Would the Council please respond to the CPRE representations?

Council’s response:

2.16.1 The landscape designations referred to in Policy SP17 are the Area of Outstanding Natural Beauty and the areas of Local Landscape Value.

2.16.2 The NPPF draws a distinction between the hierarchy of national and local landscape designations (Para 113) and seeks protection commensurate with their status.

2.16.3 The NPPF contains no specific protection of the setting of the AONB, nor, unlike large scale development within the AONB, any in principle objection to larger scale development within the setting. Nevertheless, the Borough Council recognise that there should be sufficient mitigation accompanying any allocation within the setting of the AONB. The importance of the Kent Downs AONB setting is recognised in the AONB Management Plan 2014 – 2019, which includes policies to protect the AONB from inappropriate developments in its setting unless they can be satisfactorily mitigated.

2.16.4 The Borough Council does not consider that these distinctions are appropriately reflected in Local Plan Policy SP17 and proposes the following amendment:

Ref.	Proposed change	Reason
PC/73	<p>Amend Policy SP17 criteria 5: to read:</p> <p><i><u>‘The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, the setting of the High Weald Area of Outstanding Natural Beauty and the extent and openness of the Metropolitan Green Belt will be rigorously conserved and enhanced where appropriate;</u></i></p> <p>Amend Policy SP17 criterion 6 to read:</p> <p><i><u>‘The distinctive landscape character of the Greensand Ridge, Medway Valley, Len Valley, Loose Valley, and Low Weald as defined on the policies map, will be conserved, maintained and enhanced</u></i></p>	<p>To ensure the policy is consistent with the NPPF.</p>

	where appropriate as landscapes of local value;'	
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2.16.5 No housing sites are allocated within the AONB. A number of sites adjoin the Maidstone urban area; Rural Service Centres or Larger Villages and are situated close to the AONB. This is consistent with the spatial strategy as expressed in Policy SP1.

2.16.6 In order to make efficient use of land, Policy DM12 states that residential sites within or adjacent to the urban area will be expected to achieve a net density of 35 dwellings per hectare. Residential sites within or adjacent to the rural service centres and larger villages are expected to achieve a net density of 30 dwellings per hectare. Nevertheless, the overriding consideration of Policy DM12 is that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. This is why development capacity within sites allocated in Policy H1 varies according to location and is referenced as an approximate number of dwellings.

2.16.7 In relation to housing sites within or adjacent to Maidstone urban area; rural service centres and larger villages, the location and scale of the sites proposed close to the AONB, together with the on-site mitigation measures required will mean that development will not have a significant adverse impact on the setting of the AONB. Most sites are clustered close to the existing settlement and are small scale (approximately 10 – 15 dwellings). Densities have been adjusted away from the 30dph set out in Policy DM12 to reflect the local context.

2.16.8 There are two larger sites and a broad location for housing which are situated close to the AONB: Policy H1 (21) Barty Farm, Roundwell; Policy H1 (42) Tanyard Farm, Old Ashford Road, Lenham and Policy H2 (3) Lenham broad location for housing growth

Policy H1 (21) Barty Farm, Roundwell

2.16.9 The site abuts the urban area and is separated from the AONB by the Maidstone East railway line and the M20. The site abuts the urban area and is expected to achieve approximately 122 dwellings at an average density of 35 dwellings per hectare. The policy requires an undeveloped section of land to be retained along the southern and western boundaries of the site, and landscape buffers to be included in these areas. The eastern section of the site is expected to be built at a lower density to reflect the existing open character of the countryside beyond, with provision of a minimum of 0.4ha of open space within the site. If, in order to meet Policy H1 design objectives, development is required to achieve a lower density than 35dph, Policy DM12 would require an appropriate lower density to be achieved in order not to compromise the distinctive character of the area in which the development is situated.

Policy H1 (42) Tanyard Farm, Old Ashford Road, Lenham

2.16.10 The site is allocated for development of approximately 155 dwellings at an average density of 30 dwellings per hectare. There are specific requirements within the policy wording

which seek a development which is compatible with the setting of the AONB. The policy requires a landscape and visual impact assessment to be undertaken so that the design of the development particularly addresses the impact of development on the character and setting of the Kent Downs AONB. In particular, the hedgerow and line of trees along the northern and southern boundaries of the site are to be retained and substantially enhanced by new planting in order to protect the setting of the Kent Downs AONB, together with a suitable buffer between new housing and the A20 Ashford Road and Old Ashford Road. Substantial areas of internal landscaping within the site are sought to provide an appropriate landscape framework for the site to protect the setting of the Kent Downs AONB. Overall, development proposals are required to be of a high standard of design and sustainability reflecting the location of the site as part of the setting the Kent Downs AONB incorporating the use of vernacular materials. If, in order to meet Policy H1 design objectives, development is required to achieve a lower density than 30dph, Policy DM12 would require an appropriate lower density to be achieved in order not to compromise the distinctive character of the area in which the development is situated.

Policy H2 (3) Lenham broad location for housing growth

2.16.11 The broad location of Lenham is identified for up to 1,500 dwellings towards the end of the local plan period (post 2026). Submission of necessary ecological, arboricultural, and landscape and visual impact assessments with detailed mitigation schemes is required as well as preparation and submission of a master plan prepared in conjunction with and for approval by the council to guide development.

2.16.12 As there is no specific site area, no specific density is applied. In this circumstance, Policy DM12 would seek an average net density of 30dph. However, Policy DM12 would require an appropriate lower density to be achieved in order not to compromise the distinctive character of the area in which the development is situated.

2.16.13 Landscape of Local Value is a local designation which seeks to conserve, and where appropriate, enhance the landscape character of those areas designated in the Local Plan. The designation does not have the great weight given to the protection of the landscape of the AONB.

2.16.14 Landscape of Local Value washes over certain settlements, including the Rural Service Centre Headcorn and Sutton Valence. In accordance with the spatial strategy these are sustainable settlements able to accommodate appropriately scaled housing development. The siting of development within an area of LLV has to balance the environmental impact of the development on the landscape character of the LLV and the social and economic benefits of supplying housing to meet the objectively assessed need.

2.16.15 All Rural Service Centres and Larger Villages have a role to play in meeting housing needs and the impacts of development on the character of the landscape area are mitigated by housing policy requirements.

The following sites are allocated within Landscape of Local Value

- H1(53) Boughton Lane, Boughton Monchelsea and Loose
- H1(54) Boughton Mount, Boughton Lane, Boughton Monchelsea
- H1(29) New Line Learning, Boughton Lane, Loose
- H1(37) Ulcombe Road and Mill Bank, Headcorn
- H1(41) North of Lenham Road, Headcorn
- H1(38) Grigg Lane and Lenham Road, Headcorn
- H1(40) Knaves Acre, Headcorn
- H1(39) South of Grigg Lane, Headcorn
- H1(36) Old School Nursery, Station Road, Headcorn

2.16.16 Detailed site policies have been framed in the knowledge that the allocations are within the LLV. Most of the detailed site allocation policies within the LLV refer to the need for development proposals to be designed to take into account the results of a landscape and visual impact assessment; a detailed arboricultural survey, tree constraints plan and tree retention/protection plans. All require existing hedgerows and trees to be retained. Some seek enhancement to existing features, others structural landscaping where necessary. Several sites seek provision of further natural/semi-natural open space

2.16.17 The sites are expected to achieve a range of densities adjusted away from the standard densities contained within Policy DM12 to reflect the local context. If, in order to meet Policy H1 design objectives, development is required to achieve a lower density than that required in Policy H1, Policy DM12 would require an appropriate lower density to be achieved in order not to compromise the distinctive character of the area in which the development is situated.

Inspector's Question 2.17

Should the Policy DM13 threshold be amended to more than 11 dwellings or more for consistency with national policy in the Written Ministerial Statement of 28 November 2014?

Council's response:

2.17.1 Policy DM13 seeks on-site provision for developments larger than 5 units. The Planning Practice Guidance now requires contributions only from sites of more than 11 units, except in designated rural areas. Consequently, this will require modification to Policy DM13 to increase the threshold to 11 units or more which will inevitably have some impact on addressing affordable housing need within the borough. The suggested amendment to Policy DM13 is outlined below (PC/ 61).

2.17.2 Proposed Modification – additions in italics and underlined, and ~~deletions in strikethrough text~~.

17.60 The Maidstone Strategic Housing Market Assessment supports the approach of seeking a proportion of dwellings to be provided on-site for affordable housing needs. The council has a net affordable housing need of 5,800 homes from 2013 to 2031¹, equivalent to 322 households each year. This is a significant need for the borough and a clear justification for the council to seek affordable dwellings through new development schemes.

~~17.61 Viability testing indicates that affordable housing is achievable across the borough on sites of five or more dwellings. The NPPG refers to circumstances where infrastructure contributions through planning obligations should not be sought from developers: affordable housing should not be sought from developments of 10 units or less, and which have a maximum combined floorspace of 1,000m². The viability testing has assumed the national threshold of 11 dwellings for affordable housing. To support community integration, affordable housing will be provided on-site, and alternative provision will not be accepted unless there are exceptional circumstances that justify it. Any proposals for off-site or financial provision must be made at the time of the application.~~

17.62 Affordable housing targets will differentiate across the borough by geographical area and existing land use; this is due to relative issues such as sales values and policy considerations. Further viability testing has confirmed that the rural areas in Maidstone are more viable than urban locations, and brownfield sites (previously developed land) within urban areas are less viable than greenfield sites. Viability testing demonstrates that a 40% affordable housing rate can be achieved in the rural areas and a 30% rate within the redefined urban area. A 30% affordable housing requirement for the strategic urban brownfield site allocation at Springfield (policy H1(11)), which is important for the delivery of the local plan would result in limited capacity to provide for necessary supporting infrastructure because of site constraints. The Springfield residential site allocation can accommodate a rate of 20% affordable housing which allows for an appropriate balance of affordable housing with the need to provide for infrastructure.

17.63 In order to respond to the identified need for affordable housing of different tenures through the period of the plan, the council will seek an indicative target of 70% affordable rented or social rented housing, or a mixture of the two, and 30% intermediate affordable housing (shared ownership and/or intermediate rent). This ratio was used for strategic viability testing purposes and has been shown to be viable. Specific site circumstances may affect the viability of individual proposals and the council recognises that the need for different tenures may also vary over time².

17.64 To ensure proper delivery of affordable housing, developers are required to discuss proposals with the council's housing department at the earliest stage of the application process, to ensure the size, type and tenure of new affordable housing is appropriate given the identified needs. Where economic viability affects the capacity of a scheme to meet the stated targets for affordable housing provision, the council will expect developers to examine the potential for variations to the tenure and mix of provision, prior to examining variations to the overall proportion of affordable housing.

¹ Maidstone Strategic Housing Market Assessment (June 2015)

² Through the new Housing and Planning ~~Bill 2015~~ Act 2016, the Government ~~has signalled its intention to place~~ is placing a duty on local planning authorities to require a proportion of Starter Homes on all reasonably-sized sites. Secondary legislation is expected autumn 2016 and the ~~the~~ council will maintain a watching brief and respond as appropriate.

17.65 Retirement homes (sheltered housing) and extra care homes (assisted living) are not as viable as other residential uses in Maidstone. A 20% affordable housing rate will be sought for such developments, which will allow for an appropriate balance between affordable housing need and supporting infrastructure provision.

17.66 Residential care homes or nursing homes, where 24 hour personal care and/or nursing care are provided, are shown to be even less viable than retirement homes. Population projections predict that 18% of the borough's residents will be over 70 years of age by 2031, compared with 12% in 2011, resulting in a need for 980 additional care home places in the borough. Despite significant investment in recent years, the care homes market shows weak prospects in terms of providing any affordable housing so a zero rate is set.

17.67 Developers will be required to pay for viability assessments and any cost of independent assessment. The council will only consider reducing planning obligations if fully justified through a financial appraisal model or other appropriate evidence.

17.68 The Government has introduced a vacant building credit to incentivise brownfield development on sites containing vacant buildings. In considering how the vacant building credit should apply to a particular development, the council will consider whether the building has been made vacant for the sole purposes of redevelopment and whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

~~17.68~~ 17.69 The affordable and local needs housing supplementary planning document will contain further detail on how the policy will be implemented.

Policy DM13

Affordable Housing

On housing sites or mixed use development sites of ~~five~~ 11 residential units or more, and which have a combined floorspace of greater than 1,000m², the council will require the delivery of affordable housing.

1. The target rates for affordable housing provision within the following geographical areas, as defined on the policies map, are:
 - i. Maidstone urban area 30%, with the exception of policy H1(11) Springfield, Royal Engineers Road 20%; and
 - ii. Countryside, rural service centres and larger villages 40%.
2. Affordable housing provision should be appropriately integrated within the site. In exceptional circumstances, and where proven to be necessary, off-site provision will be sought in the following order of preference:
 - i. An identified off-site scheme;
 - ii. The purchase of dwellings off-site; or
 - iii. A financial contribution towards off-site affordable housing.
3. The indicative targets for tenure are:
 - i. 70% affordable rented housing, social rented housing or a mixture of the two; and

- ii. 30% intermediate affordable housing (shared ownership and/or intermediate rent).

Developers are required to enter into negotiations with the council's Housing department, in consultation with registered providers, at the earliest stage of the application process to determine an appropriate tenure split, taking account of the evidence available at that time.

4. The council will seek provision of 20% affordable housing for schemes that provide for retirement housing and/or extra care homes.
5. The council has set a zero affordable housing rate for ~~for~~ fully serviced residential care homes and nursing homes.
6. Where it can be demonstrated that the affordable housing targets cannot be achieved due to economic viability, the tenure and mix of affordable housing should be examined prior to any variation in the proportion of affordable housing.

The affordable and local needs housing supplementary planning document will contain further detail on how the policy will be implemented.

Inspector's Question 2.18

Should a different threshold be applied in the AONB or for Local Needs sites?

Council's response:

2.18.1 The NPPG sets out some exceptions where a lower threshold that would trigger a need for affordable housing contributions may be applied: rural areas described under Section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty. So consideration can be given to introducing a lower threshold of somewhere between six and 10 units in the Kent Downs AONB where affordable housing or tariff-style contributions could be sought. The viability study (HOU 005) demonstrates that, whilst greenfield sites may be able to accommodate a lower threshold, brownfield developments would not be viable. The Local Plan is not proposing to allocate any housing sites in the AONB. Windfall applications in this location on greenfield sites of between six and 10 dwellings would normally be contrary to policy, an exception being the provision of local needs housing on 'exception' sites which would be 100% affordable housing.

Inspector's Question 2.19

Is the 70%/30% split justified on viability grounds and what modifications may be needed to accommodate national policy on starter homes?

Council's response:

2.19.1 The starting point for establishing the need for different tenures of affordable housing in the borough is the Strategic Housing Market Assessment (SHMA) (HOU 002) which identifies a borough-wide mix target of around 33% intermediate and 67% rent (comprised of both social rent and affordable rent). Since the introduction of the Affordable Housing Framework Agreement (2011 – 2015) however, the social rented affordable housing tenure has been largely replaced by the affordable rented tenure. The Council's Housing Department has confirmed that no new social rented properties were permitted in Maidstone during the

period April 2011 to March 2016.

2.19.2 The Maidstone Plan and CIL Viability Study (DEL 002) sets out at paragraph 5.4.19 that a tenure mix of 70% affordable rent and 30% intermediate housing has been applied to all the testing scenarios. This reflects the recommendations of the SHMA but also takes account of the implications of the Affordable Housing Framework Agreement (2011 – 2015). The Study demonstrates that these tenures can be achieved in economic viability terms, based on the requirements set out in Policy DM13 (1), and confirms that significant viability headroom exists across the borough.

2.19.3 Policy DM13 (3) allows for the full 70% to be provided through affordable rent, and places no requirement for any of the rental element to be provided through social rent. The policy is therefore in full conformity with the Council's viability evidence. Whilst, given current circumstances, it is not anticipated that social rented tenures will be delivered through the Local Plan period, the policy allows for the provision of social rented properties to provide for a degree of flexibility.

2.19.4 In regards to starter homes, Chapter 1 of the Housing and Planning Act 2016 introduces new duties for councils to pursue the government's starter homes initiative. The Act introduces a general duty to promote starter homes through councils' planning functions. Specifically, councils must ensure that starter homes are delivered on "all reasonably sized sites" subject to a "general exemption" where this requirement would make schemes unviable. The provisions within the Housing and Planning Act 2016 will be enacted through secondary legislation.

2.19.5 The Council recognises that going forward starter homes will form an element of housing delivery within some developments, however, the secondary legislation is yet to be published and it is unclear at this point what the precise requirements for starter homes will be. The Council does not consider it appropriate at this time for the policy to be amended and will maintain a watching brief as stated in footnote 16 of the Local Plan. Should the secondary legislation be published prior to the conclusion of the examination then it could be appropriate that this issue is looked at again.

Inspector's Question 2.20

Would the suggested modifications represent a departure from the national definition of affordable housing and is that justified?

Council's response:

2.20.1 The Council understands this is primarily a question for Rentplus. It would have been unrealistic for the Council to pre-empt or second-guess changes in national policy that may have followed the publication of its Local Plan. Any national policy changes that may now affect the submitted plan will be considered as part of the examination process, including the need for any plan modifications as a result.

Inspector's Question 2.21

Is rent to buy more closely related to intermediate housing which is part rent and part purchase and may include staircasing to increased ownership?

Council's response:

2.21.1 The Council understands this is primarily a question for Rentplus. The housing policies in the plan were developed in partnership with the dedicated Housing Team who have a thorough understanding of national policy, as well as a robust knowledge of the local position 'on the ground' in terms of viability and deliverability.

Inspector's Question 2.22

Why are the text modifications needed for reasons of soundness and would they be effective?

Council's response:

2.22.1 The Council understands this is primarily a question for Rentplus. The Council believes its policy to be sound and not to require the proposed amendments in the representation from Rentplus.

Inspector's Question 2.23

What form of alternative provision does Golding Homes propose?

Council's response:

2.23.1 The Council understands this is primarily a question for Golding Homes and is unable to comment on any evidence or detailed proposals from Golding Homes supporting its representation.

Inspector's Question 2.24

How much affordable housing has been provided since 2011 or 2013 other than through S106 developments (eg Council or Housing Association developments) and how much additional provision is anticipated from such sources?

Council's response:

2.24.1 Between 1 April 2013 and the 31 March 2016 there has been 205 dwellings delivered through the *Help to Buy Equity Loan Scheme* of which 158 of those were Equity Loan First Time Buyers. The Council at present are not aware of any future schemes for affordable housing delivery other than through S106 agreements. This is due to a reliance on registered providers informing the Council when affordable housing units have been secured on prior notification schemes and when data on help to buy units is published by the Department of Communities and Local Government.

Inspector's Question 2.25

How much affordable housing has been achieved so far as a proportion of developments so far and those awaiting the completion of S106 agreements?

Council's response:

2.25.1 As outlined in the Maidstone Borough Local Plan Housing Topic Paper (SUB 005), Table 8.7 *Affordable housing completions*, there have been 491 affordable housing and 866 market sector completions between 1 April 2013 and 31 March 2016. Affordable housing makes up 36% of total dwellings completed during the first part of the plan period.

2.25.2 In Table 3.1 *Meeting Objectively Assessed Housing Need* of the Topic Paper (SUB 005), the balance of housing land supply 1 April 2016 to 31 March 2031 is 16,465 dwellings. For the same period, the outstanding supply of affordable housing is 4,774 dwellings, as shown in Table 3.4 *Delivery of affordable housing* of the Housing Topic Paper Erratum (SUB 005 (A)). This represents 29% of total supply.

Inspector's Question 2.26

Is affordable housing of all types needed in the countryside and villages?

Council's response:

2.26.1 The Council's Revised Plan and CIL Viability Study (DEL 002) considered and tested a range of rates for the provision of affordable housing and potential CIL tariff rates in all geographic areas of the borough and contributed to the submitted policy position. The Council has a high affordable housing need as identified in its Strategic Housing Market Assessments (HOU 002 – HOU 005) and summarised in the Housing Topic Paper (SUB 005). The dispersed development approach for both housing and employment sites in the submitted Local Plan offers opportunities for living and working in both urban and rural areas but house prices in the rural areas are considerably higher than those in the urban area. The Council therefore is confident that provision of all types of affordable housing should be sought in the countryside and villages.

Inspector's Question 2.27

Why would 30% provision be justified in these locations if they are considered unsuitable for 40% provision?

Council's response:

2.27.1 The Council understands that this is primarily a question for both Sutton Valence and Otham Parish Councils. The Council believes that the 40% affordable housing rate in the rural areas can be achieved and this assumption is based on evidence supplied within the viability studies (DEL 001 and DEL 002).

Inspector's Question 2.28

If the proportion is reduced in those rural areas where affordable housing provision has been shown to be most viable, how would that affect overall provision against the DM13 target?

Council's response:

2.28.1 Maidstone Borough Local Plan Housing Topic Paper Erratum (SUB 005A), Table 3.4 *Delivery of affordable housing 2013 to 2031* states that affordable housing contributions at 1 April 2016 will be made up from future delivery on Local Plan allocated sites 1,800 dwellings and broad locations 1,182 dwellings. The affordable housing contribution for windfall sites of 11+ units is calculated at 30%.

2.28.2 If the rural area affordable housing contribution was reduced from 40% to 30%, the future delivery would change to 1,615 dwellings on Local Plan allocated sites (from 1,800 units) and 1,032 dwellings on broad locations (from 1,182 units). This would reduce the total affordable housing land supply position quoted in Table 3.4 of the Housing Topic Paper Erratum (SUB 005A) from 4,961 dwellings to 4,626 dwellings, a reduction of 335 dwellings.

Inspector's Question 2.29

Who are the local stakeholders and do they require definition?

Council's response:

2.29.1 The local stakeholders would cover individuals and organisations that the Council and the Parish Council consider are necessary in each rural locality to facilitate local needs housing (exceptions sites). Each local circumstance could be different. Therefore, defining local stakeholders in the Plan would be too prescriptive and inappropriate.

Inspector's Question 2.30

Should the Policy DM15 itself explicitly refer to affordable housing?

Council's response:

2.30.1 Policy DM15 refers to nursing and care homes and is not about affordable housing. The reasoned justification in 17.73 relates to Policy DM14 Local needs housing. To clarify the issue, an amendment to Policy DM14 is proposed (PC/ 62):

Paragraph 17.73 Local needs housing seeks to address the lack of general supply by allowing the development of exception sites under agreed local needs, sustainability and environmental criteria. Exception sites are small sites in locations where sites would not normally be released for housing development. The housing must remain affordable in perpetuity and priority will be given to occupants who have a specified connection to the settlement – often being residential, employment or family.

Policy DM14 Local needs housing on rural exception sites

Inspector's Question 2.31

Is the final sentence of paragraph 54 a reference to rural exception sites or to other forms of affordable housing provision in rural areas?

Council's response:

2.31.1 The Council considers that this question is primarily directed to Rentplus (R19601). The Council's view is that the final sentence in paragraph 54 (of the National Planning Policy Framework (NPPF)) is self-explanatory in that it considers that local needs housing and "rural exception sites" are one and the same thing.

Inspector's Question 2.32

The Inspector invites comments on the alternative wording suggested by Rentplus and whether it is necessary to soundness?

Council's response:

2.32.1 The Council considers that Policy DM14 Local needs housing does not need rewording (other than that proposed under paragraph 2.30.1) as it already meets the "soundness" test.

Inspector's Question 2.33

Why the term is 'local needs housing' used in preference to Rural Exception Sites and could it cause confusion?

Council's response:

2.33.1 In the context of the Local Plan, the Council's view is that 'Local Needs Housing' and 'Rural Exception sites' are one and the same in that their primary function is to provide affordable housing in rural areas. An amendment to clarify this point is proposed under paragraph 2.30.1 (P/C 62).

Inspector's Question 2.34

Is the phrase 'sustainably located' in the first sentence of DM14 unnecessary and potentially confusing given that there is a separate accessibility criterion in DM14(4)?

Council's response:

2.34.1 Yes, the Council would propose the following amendment to the first sentence of Policy DM14 Local needs housing (PC/ 63).

"The council will work with parish councils and local stakeholders to bring forward ~~sustainably located~~ local needs housing at its rural communities."

Inspector's Question 2.35

Does Policy DM14 apply to all locations outside the defined boundaries of Maidstone, the Rural Service centres and the larger villages and should that be explicit in the policy?

Council's response:

2.35.1 Yes, although it is implicit in paragraph 17.71. To be explicit, the following amendment is proposed (PC/ 64) at the first sentence of Policy DM14 (taking account of the amendment proposed under paragraph 2.34.1).

"Outside of Maidstone, the five rural service centres and the five larger villages, The the council will work with parish councils and local stakeholders to bring forward sustainably located local needs housing at its rural communities"

Inspector's Question 2.36

Is the wording of DM14(2) reconcilable with paragraph 17.73 or do they require modification?

Council's response:

2.36.1 The wording of the policy is reconcilable with supporting text but, for clarity, the following amendment is proposed (PC/ 65) (in addition to the proposed amendment in paragraph 2.30.1).

"Paragraph 17.73 Local needs housing seeks to address the lack of general supply by allowing the development of exception sites under agreed local needs, sustainability and environmental criteria. *Exception sites are small sites in locations where sites would not normally be released for housing development.* The housing must remain affordable in perpetuity and priority will be given to occupants *who meet relevant criteria, i.e.* those who have a specified connection to the settlement – often being residential, employment or family."

Inspector's Question 2.37

Is the amended wording proposed by AONB Unit necessary for soundness and is it covered by other Local Plan policies in any event?

Council's response:

2.37.1 The Council considers that the amended wording proposed by the AONB unit is not necessary for soundness. The issue of affordable housing in rural areas including in the AONB is covered generally by Policy DM13 Affordable Housing then specifically in Policy DM 14 itself.

Inspector's Question 2.38

How confident is the Council that the assessed need for development of this type can be met without specific site allocations?

Council's response:

2.38.1 As outlined in the Maidstone Borough Local Plan Housing Topic Paper (SUB 005), the Council is confident that it can meet the assessed nursing and care home need. Table 3.5 on page 12 of the topic paper shows that between 1 April 2011 and 31 March 2016 the Council is delivering bedspaces (through completions and permissions) beyond its yearly requirement of 49 per annum. The Council has shown that it has an eight year supply of bedspaces and is confident that the remainder of the identified need can be met.

Inspector's Question 2.39

Is the suggested amendments by Pickhill necessary for soundness and would it require further definition rather than terms such as 'easy reach'?

Council's response:

2.39.1 The Council understands that this is primarily a question for Pickhill Developments Ltd. The Council has not specifically allocated sites for nursing and care home bedspaces, but has sought to ensure the delivery of such development remains sustainable by limiting it to within the defined boundaries of the urban area, rural service centres and larger villages. The term 'within easy reach' would be difficult to define and, by definition, must mean outside the settlement boundary. The Borough Council does not accept that nursing and care homes need to be treated as exception sites. Provision achieved to date indicates that such housing can be achieved within settlement boundaries.

2.39.2 A proposal for nursing and care home bedspaces will be determined through the development management process which will consider each proposal in accordance with national and local planning policy.