

## MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

<http://www.maidstone.gov.uk/residents/planning/local-plan/examination>

### SESSION 2B – HOUSING POLICIES DM11-DM15

**Deadline for Statements: Thursday 15th September.**

*Please refer to the Inspector's Procedural Guidance Notes for information on the provision of hearing statements.*

### **Inspector's Agenda with Matters, Issues, and Questions**

#### **1. Policy DM11 - Housing Mix**

*Issue(i) Whether Policy DM11 (Housing Mix) is both effective and consistent with national planning policy*

- 1.1. A core planning principle of the Framework at Paragraph 17 states amongst other things that local plans '*should provide a practical framework within which decisions on applications can be made with a high degree of predictability and efficiency*'. Paragraph 154 provides amongst other things that local plans should set out clear policies on what will or will not be permitted and where.
- 1.2. DM11(1) seeks a sustainable range of house sizes, types and tenures. The reasoned justification at paragraph 17.56 states that the Council will not set specific targets within policy as these would result in inflexibility and imbalances.
- 1.3. The Home Builders Federation (the HBF) (R19567) nevertheless seeks clarity as to what the Council is seeking, particularly the tenure split for affordable housing (between social rent, affordable rent and inter-mediate), and the policy for custom and self-build homes. Golding Homes also point to a lack of provision for self-build homes. The only reference to custom and self-build homes is in the reasoned justification at paragraph 17.57. The HBF says negotiation on each application on these matters would cause delay and hamper delivery.

**Qn2.12 Would specific size mix requirements result in predictability that avoided the need for negotiation or lead to inflexibility and unbalanced provision?**

**Qn2.13 In the alternative could the matter be addressed by guidance in the proposed Affordable and Local Needs SPD?**

**Qn2.14 Does the Local Plan provide adequate support for custom and self-build homes in accordance with national policy?**

- 1.4. DM11(2) provides that the SHMA Assessment 2015 and any future updates will help inform developers as to houses sizes and affordable housing provisions to meet needs. The HBF claims that this is too vague. The onus should not be on the applicant to justify the mix. The tenure mix should be supported by evidence from the local plan viability assessment.
- 1.5. DM11(5) provides that the Council will work with partners to facilitate specialist and supported housing for elderly, disabled and vulnerable people. The HBF states that it is unclear how this would apply to applicants.

**Qn2.15 How might Policy DM11(5) effectively support specialist housing and should it be amended?**

## **2. Policy DM12 – Density of housing development**

*Issue (ii) Whether Policy DM12 is justified and would be effective*

- 2.1. Policy DM12 provides for different density ranges in different locations as well as on 'overriding consideration' that density is to be consistent with achieving good design and does not compromise the distinctive character of the area. The CPRE (R1952) is critical of a number of aspects of the policy.

**Qn2.16 Would the Council please respond to the CPRE representations?**

### **3. Policy DM13 – Affordable housing**

*Issue (iii) Whether Policy DM13 sets justified thresholds for the inclusion of affordable housing in developments?*

- 3.1. Policy DM13 seeks to apply a threshold of 5 units or more. The HBF points out that the viability appraisal only tested schemes of 10 dwellings or more.
- 3.2. However the Court of Appeal has recently determined that the Government was justified in applying a national policy and PPG guidance that only developments of 10 dwellings or more should be subject to affordable housing requirements. There can be exceptions in designated rural areas (such as the AONB) where a lower threshold of 5 units or less may be applied and for rural exception sites. [ PPG 23b-031-20160519 & 23b-013-20160519].

**Qn2.17 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?**

**Qn2.18 Should a different threshold be applied in the AONB or for Local Needs sites?**

*Issue (iv) Whether the indicative targets for proportions of Affordable Housing Tenure are justified and effective and consistent with national policy*

- 3.3. DM11(3) and DM13 seek that developers should discuss affordable housing provision with the Council's Housing Department at the pre-application stage and take account of the needs of households on the housing waiting list. Policy DM13 would also require developers to discuss proposals with the Council's Housing Department and to examine potential variations of tenure and mix of affordable housing before altering the target provision on viability grounds. The HBF considers that this contravenes the plan-led system.

- 3.4. DM13(3) provides indicative targets for tenure of 70% affordable or social rent and 30% intermediate housing. The HBF acknowledges that this split was advised by the CIL Viability Study but points out that the study did not state what proportions of each affordable type had been modelled.
- 3.5. Viability could be affected by different proportions of eg social rented property and affordable rented property. As Golding Homes Ltd points out, neither does the Policy [or the viability study] take account of the recent Government policy to include proportions of affordable starter homes in developments.
- 3.6. The HBF states that Paragraph 17.67 implies an additional cost to development as a consequence of applicants having to pay for viability assessments and independent assessments. This is claimed by the HBF to be contrary to the Framework at paragraph 152, and to be unreasonable if the Council has not specified in the local plan what it considers to be the appropriate mix and type of tenure.

**Qn2.19 Is the 70%/30% split justified on viability grounds and what modifications may be needed to accommodate national policy on starter homes?**

*Issue (v) Whether Policy DM13 is unsound because it does not include provision for Rent to Buy development as a form of affordable housing?*

- 3.7. Rentplus (R19601) seeks that the Local Plan is modified to reflect anticipated changes in the Framework to the definition of affordable housing which were expected this summer. Those changes have now been deferred until the autumn. In particular Rentplus seeks the amendment of Policy DM13 to include 'Rent to buy' as a form of affordable housing alongside affordable rented and social rented housing.

**Qn2.20 Would the suggested modifications represent a departure from the national definition of affordable housing and is that justified?**

**Qn2.21 Is rent to buy more closely related to intermediate housing which is part rent and part purchase and may include staircasing to increased ownership?**

- 3.8. Rentplus also seeks modified text for Policy DM13 in relation to viability negotiations.

**Qn2.22 Why are the text modifications needed for reasons of soundness and would they be effective?**

*Issue (vi) Whether the target percentages of affordable housing provision are justified and would be effective in meeting the overall target*

- 3.9. Paragraph 17.60 identifies a need for 5,800 affordable homes from 2013-2031 or 322 per annum.
- 3.10. Policy DM13(1) provides target percentages for affordable housing provision of 30% in the Maidstone Area [Except H11(1) - 20%] and 40% in the countryside, rural service centres and larger villages. Paragraph 17.62 provides that the different percentages relate to viability considerations.
- 3.11. Golding Homes Ltd point to difficulties in achieving the Borough target including the lack of affordable housing provision in permitted development that changes the use of offices to dwellings, the requirement for starter homes and the sale of social rented property through right to buy. Golding seeks alternative forms of provision to make up a shortfall. However the definition of affordable dwellings is likely to be changed to include starter homes.

**Qn2.23 What form of alternative provision does Golding Homes propose?**

**Qn2.24 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?**

**Qn2.25 How much affordable housing has been achieved so far as a proportion of developments so far and those awaiting the completion of S106 agreements?**

- 3.12. Sutton Valence PC R19170 - Otham PC R19213 PolicyDM13 – Affordable Housing 40% affordable housing in the countryside is too high and because of the poor and expensive transport system will leave families stranded and struggling to find employment and take part in social activities. The affordable housing figure should be 30% or less as in urban areas.

**Qn2.26 Is affordable housing of all types needed in the countryside and villages?**

**Qn2.27 Why would 30% provision be justified in these locations if they are considered unsuitable for 40% provision?**

**Qn2.28 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?**

**4. Policy DM14 - Local Needs Housing**

*Issue (vii) Whether Policy DM14 is both justified and effective and consistent with national policy*

- 4.1. Paragraph 54 of the Framework supports the provision of affordable housing to reflect local needs in rural areas.
- 4.2. Policy DM14 allows that 'sustainably located local needs housing' may be developed 'at its rural communities' with parish councils and 'local stakeholders' subject to criteria in the policy being met. Rentplus seeks that this is widened to explicitly include developers.

**Qn2.29 Who are the local stakeholders and do they require definition?**

- 4.3. The Policy does not explicitly require that the housing be affordable but that is set out in the reasoned justification at paragraph 17.73.

**Qn2.30 Should the Policy DM15 itself explicitly refer to affordable housing?**

- 4.4. Rentplus (R19601) suggests that paragraph 54 of the Framework would support allowing market housing to facilitate the provision of significant additional affordable housing to meet local needs by cross subsidy. Rentplus also claims that the criteria of Policy DM14 create unnecessary burdens and suggests alternative wording which amongst other things would allow market housing to be developed in the countryside.

**Qn2.31 Is the final sentence of paragraph 54 a reference to rural exception sites or to other forms of affordable housing provision in rural areas?**

**Qn2.32 The Inspector invites comments on the alternative wording suggested by Rentplus and whether it is necessary to soundness?**

- 4.5. The Policy requires that the development be sustainably located which appears to relate to travel as set out in DM14(4) but that phrase could create confusion with the other requirements for sustainable development in the framework.
- 4.6. The Framework refers to sites of this type as Rural Exception Sites.

**Qn2.33 Why is the term 'local needs housing' used in preference to Rural Exception Sites and could it cause confusion?**

**Qn2.34 Is the phrase 'sustainably located' in the first sentence of Policy DM14 unnecessary and potentially confusing given that there is a separate accessibility criterion in DM14(4)?**

- 4.7. The Policy refers to development at rural communities but does not explicitly defined to what areas it may apply.

**Qn2.35 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?**

- 4.8. Boxley PC (R1953) points to a potential anomaly in that DM14(2) states that the Council's housing allocation scheme will be used whereas paragraph 17.73 states that priority will be given to occupant with a specified connection to the settlement.

**Qn2.36 Is the wording of DM14(2) reconcilable with paragraph 17.73 or do they require modification?**

- 4.9. The Kent Downs AONB Unit (R19450) seeks to amend criterion 6 and add a separate criterion 7 when development is proposed in the AONB.

**Qn2.37 Is the amended wording proposed by AONB Unit necessary for soundness and is it covered by other Local Plan policies in any event?**

**5. Policy DM15 - Nursing and Care Homes**

*Issue (viii) – Whether Policy DM14 would be effective?*

- 5.1. Policy DM15 supports the development of nursing and care homes but only within settlement boundaries and subject to criteria.
- 5.2. In support of a proposed development at Staplehurst, Pickhill Developments (R1998) seeks that the policy is reworded to allow for such development within easy reach of, but not necessarily within, defined built up areas.



- 5.3. Coxheath PC seeks a specific allocation of extra care apartments as part of Policy SP 13 which will be considered at another session.

**Qn2.38 How confident is the Council that the assessed need for development of this type can be met without specific site allocations?**

**Qn2.39 Is the suggested amendment by Pickhill necessary for soundness and would it require further definition rather than terms such as 'easy reach'?**