

APPLICATION: MA/11/2001 Date: 17 November 2011 Received: 21 November 2011

APPLICANT: Mrs A. Thompson

LOCATION: LAND EAST OF, SOUTH STREET ROAD, STOCKBURY, KENT, ME9 7UH

PARISH: Stockbury

PROPOSAL: Erection of 8 local needs affordable housing units, with associated access and car parking as shown on drawing nos. 01 RevE, 02 RevD, 03 RevE, 04 RevE, Location Plan, LP01, SK209, SSR-01 and Site Survey received on 21st November 2011.

AGENDA DATE: 8th March 2012

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is a departure from the Development Plan in that the site lies outside the village envelope as defined in the Maidstone Borough-wide Local Plan 2000 and has been advertised as such.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, T13
- South East Plan 2009: CC1, CC4, CC6, H3, H4, H5, NRM5, C3, BE6
- Government Policy: PPS1, PPS3, PPS5, PPS7, PPS9, PPG13

2. HISTORY

MA/10/0612 Erection of eight local needs affordable housing units, with associated access and car parking – REFUSED & DISMISSED AT APPEAL

This application was refused at Planning Committee in July 2010 on the grounds that it would result in an unsustainable form of housing development where future occupants would be reliant on the private car for access to shops, employment and key services and due to the visual harm to the Kent Downs AONB.

The subsequent appeal was dismissed but only on the grounds that the Inspector considered the Section 106 legal agreement was not robust enough to ensure that the proposal would provide local needs housing of the type proposed

in perpetuity. This decision will be discussed in detail in the main report and is appended.

3. EXTERNAL CONSULTATIONS

- 3.1 **Stockbury Parish Council:** Have promoted this development. They wish to see the application approved and do not request the application is reported to Planning Committee.
- 3.2 **Southern Water:** No objections subject to Environment Agency agreement.
- 3.3 **Environment Agency:** No objections, providing the following condition is attached to any permission granted.

"Condition: A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, will be submitted to and approved in writing by the local planning authority. The scheme shall include the sustainable drainage scheme proposals as detailed on page 7 of the Design and Access Statement. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity."

- 3.4 **Kent Highway Services:** No objections subject to conditions securing parking, entrance gates set back from the highway and securing visibility splays. Comments on previous application as follows:

"The application proposes 8 affordable homes with 16 parking spaces. This level of parking is acceptable for this size of development at this location.

A footway link is provided into the site opposite an existing footway on the western side of South Street. Dropped kerbs and tactile paving are required to allow access for all pedestrians."

- 3.5 **KCC Biodiversity Projects Officer:** No objections subject to ecological enhancements.

"An ecological scoping survey was carried out in 2009 and identified that the site was an arable field with the majority of the site having minimal suitable habitat for protected species. Some suitable reptile habitat was present around the edge of the field - a reptile survey was carried out and no reptiles were recorded on site during the reptile survey.

We are satisfied with the finding of both survey however we are concerned that the

management of the site may have changed since the survey was carried out and the site may now contain habitat suitable for protected species. Please provide further information detailing if the management of the site has changed. (See paragraph 6.7.1 of the report below in relation this.)

If the site is no longer an arable field – an updated ecological scoping survey must be carried out and recommend if further surveys need to be carried out. All surveys and subsequent mitigation strategies must be submitted prior to determination of the planning application.

If the management remains the same we are satisfied with the submitted surveys and require no further information to be provided. From the landscaping plan submitted with the application it appears that the suitable reptile habitat will be retained and a wildflower/grassland area created. As a result we are not requesting that a further reptile survey is carried out – as a precautionary approach the construction compound should not be located in this area.

Bats have been recorded in the surrounding area, lighting can be detrimental to roosting, foraging and commuting bats. The following recommendations (from the Bat Conservation Trust) should be considered (where applicable) when designing the lighting scheme.

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.*
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.*
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.*
- d) Lamps of greater than 2000 lumens (150 W) must not be used.*
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.*
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.*
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.*
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds*

Enhancements

The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it.

The landscaping plan details that native species hedgerows and a wildflower area is

proposed for the site. These proposals are welcomed however other enhancements can be incorporated in to the proposed development site. Suggestions include log piles within the wildflower area or the inclusion of bat bricks, tiles or tubes within the buildings."

3.6 Natural England: No objections.

"We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that reptiles may be affected by this application.

We have not assessed the survey for badgers, barn owls and breeding birds, water voles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess this reptile survey and mitigation strategy: We used the flowchart on page 7 of our Standing Advice Species Sheet - Reptiles beginning at box (i) and came to the following conclusion:

Box (i) - Using Nature on the Map we determined that No, the application is not within/close to a SSSI notified for reptiles. This took us to Box (iii).

Box (iii) - We looked at the survey report and determined that Yes, it did highlight that there are suitable features on the application site for reptiles such as rough grassland, heathland, basking sites, previously developed brownfield land. This took us to box (vi).

Box (vi) - We determined that Yes, the detailed reptile survey has been carried out at the right time of year. This took us to box (vii).

Box (vii) - We determined that No, there was no evidence of reptiles found on the application site/in the study area. This took us to box (v).

Box (v) advises the authority to accept the findings, consider requesting biodiversity enhancements for reptiles (e.g. creation of habitat linkages) in accordance with PPS9 and Section 40 of the NERC Act."

4. INTERNAL CONSULTATIONS

4.1 MBC Housing: Have promoted this development and are part funding the scheme. They are satisfied that a level of need still exists, which these 8 affordable properties will help to meet.

"The s106 agreement for this development has been agreed with English Rural Housing Association and follows our standard template for schemes of this nature. The local connection and eligibility criteria (defined within the s106) for prospective applicants applying for a proposed scheme of this nature in Stockbury is what has been agreed between Housing and the Parish Council.

There were 15 households identified within the Local Housing Need Survey, undertaken by Action with Communities in Rural Kent, on behalf of Stockbury Parish Council (June 2006), that reported they were unable to rent or purchase a home suitable for their needs on the open market. The survey itself is based on one used by Rural Housing Enablers nationally and the methodology is well tried and tested and been in operation for several years.

A Village Information and Consultation Event was held in Stockbury in February 2009, and events such as this are often used as an opportunity to update original housing needs surveys. This is normal procedure and required as an evidence base to support any case for rural housing development, particularly if a lengthy period of time (usually three years) has elapsed since the original survey. Local people with a need for an affordable home were asked to complete a Registration of Interest Form indicating their housing needs, which also looks at the nature of their local connection, reasons for re-housing, and household incomes. These forms were then assessed by Action with Communities in Rural Kent to give an independent and impartial report on current levels of housing need, and to determine whether there had been a change in circumstances.

Analysis of the data identified 15 households, comprising of 28 individuals, who reported they were in housing need, the same number of households as reported in the original survey. An updated assessment of local housing costs within Stockbury was also undertaken to determine affordability, which showed that prospective applicants are priced out of the open market.

A further update with respect to local housing need was undertaken in October 2011, due to the length of time that has passed since the previous last update, back in February 2009. The Register of Interest for this proposed scheme was reviewed and all potential applicants were contacted again to re-affirm their need for affordable housing within the parish.

A total of 13 households confirmed their need had not changed since originally registering. The update also took into account the current situation with local housing costs within Stockbury, which showed that households were still priced out of the open market, with a gross income of just over £52,000 required to afford even the cheapest property for sale (a 2-bed semi detached) within Stockbury.

The number of proposed local needs affordable homes therefore remains at 8, as there is only a marginal reduction in the level of housing need identified, since the last update back in February 2009. The number of affordable homes proposed has also not been reduced, as it is standard practice to actually recommend now in surveys, that the maximum number of affordable homes built reflect the total number of households in identified housing need. So, although the need has slightly reduced, this scheme is providing less homes still than the identified housing need.

It should also be noted that in the current economic climate lenders have made the borrowing criteria for potential mortgagees far stricter by requiring at least a 15% deposit to get lower interest rate deals, making securing a mortgage difficult for some first time buyers, especially those on lower incomes.

Housing are therefore satisfied that a level of need still exists, which these 8 affordable properties will help to meet."

4.2 Environmental Health Manager: No objections subject to the imposition of a condition regarding foul sewage and standard informatives relating to construction.

"The site is in a semi rural area, and although approximately 600m from the busy A249 and 1km from the M2 I do not consider that traffic noise is likely to be a significant problem. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases; however, both a Contamination Desk Study report and an Envirocheck Report have been submitted with this application. The reports conclude that there is unlikely to be any significant contamination, but note that the site is in a radon affected area. The Contaminated land report states that no radon protection measures are necessary in the construction of new homes, but this is not strictly true. According to the Health Protection Agency "Indicative Atlas of Radon in England and Wales" (2007), the percentage of homes at or above the Action Level in the Stockbury area is 1-3%. Having conferred with building control on this matter I would therefore recommend that radon protective measures are implemented during the build. [The Health Protection Agency produced a consultation document on radon in June 2009 and this document suggested that the present system of domestic radon Action Level of 200 Bq m⁻³ should be reduced.]

The application form and the drainage report state that foul sewage will be dealt with via a package treatment plant but there are no further details other than that provided so further information will be required."

Since the Environmental Health consultation response in 2010, EH have recently gained access to the latest British Geological Survey maps, according to which the site has a 1-3% probability of having high radon concentrations as opposed to 3-5%, (radon is a naturally occurring radioactive gas which enters buildings from the ground). Basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, and 2007), but only if the probability of exceeding the radon action level is 3% or more in England and Wales.

As before the application form states that foul sewage will be dealt with via a package treatment plant, and as before further information should be required.

The Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time."

4.3 Landscape Officer: No objections subject to conditions requiring a method statement and tree protection plan to ensure retained trees are protected.

"There are no trees which are subject to TPO, however, the site is located within the Kent Downs AONB.

In order to ensure that any potential adverse impacts on trees proposed to be retained are minimised, the following details in accordance with BS5837:2005 are required:-

- *Arboricultural method statement including details of hard surfacing using permeable materials and a load spreading sub base, such as those used in 'no dig construction'.*
- *Tree protection plan"*

5. REPRESENTATIONS

5.1 **Councillor Daphne Parvin:** Requests that the application is reported to Planning Committee if minded to refuse for the following reasons:

"This housing is urgently needed for local families. The Government's new guidelines support small developments in villages to keep them viable."

5.2 7 representations against the development have been received and 1 in support. I summarise the issues that have been raised in these letters as follows:

- Would allow family to return to the village.
- No desire for affordable housing.
- There are preferable sites in Stockbury.
- Stockbury has no sustainable services or infrastructure.
- Village pub is up for sale due to lack of local support.
- The farm shop is limited in its range of goods.
- No public transport in or very near to the site.
- AONB should afford protection against this development.
- Detrimental impact on AONB.
- Greenfield site.
- Loss of privacy.
- Some residents do not wish to comment as they don't want to upset the Parish Council.
- Demographic inevitably changes over time.
- More houses will be needed in the future.
- Site selection process was flawed and undemocratic. The site was selected by the Parish Council without proper consultation with parishioners.
- No evidence of any economic benefits to village.

- Survey is out of date.
- No need for affordable housing.
- Rental property is locally available and affordable homes are being built in the area.
- Will set a precedent.
- Roads unsuitable for increased traffic and highway safety issues.
- Parish Council have been too heavily involved.

5.3 **The Stockbury AONB Protection Group:** Their views are summarised as follows:

- MBC are not bound by the previous Inspector's comments and findings, only that they are to be minded of them. A further Inspector's perusal would allow the taking into account of the enacted (in part) Localism Bill and the draft MBC Core Strategy.
- The site is prominent from South Street Road and would damage the AONB.
- There are preferable sites in Stockbury.
- Unsustainable.
- Knowledge of MBC officers and councillors should carry more weight than Inspector.
- The cost of car travel has increased; one local pub has gone bankrupt and the other has been re-let through the lack of local support.
- No evidence that there is a need for housing and the survey is now 5 and a half years old.
- Lack of local support.
- Site selection process was flawed and undemocratic.

5.4 **CPRE (Maidstone Branch):** Supportive of the proposal for affordable housing.

5.5 **CPRE (County Branch):** Fully endorse comments from the Maidstone committee of the CPRE and confirm that we agree with support for the application.

5.6 **Kent Downs AONB Unit** provide the following comments:

"The Kent Downs Management Plan policies (Sustainable Development and Transport – SDT_ policies page 128 and Vibrant Communities –VC- policies page 120 – particularly VC3) <http://www.kentdowns.org.uk/plan.html> only accept exception sites for affordable housing if sensitively located and where there is proven need for affordable housing.

Alternative sites within the fabric of the village would be more acceptable as this application extends the village envelope into agricultural countryside and unavoidably, in our view, impacts on the landscape character of the area.

In the event of a recommendation for approval the KDAONB would wish to draw attention to:

The guidance in the Kent Downs Landscape Design Handbook, and the Rural Streets and Lanes Handbook (adopted by KCC). These cover guidance on boundary treatments, materials for building and ancillary areas, street scene, access layouts etc. Both documents are on KD website, as highlighted yellow above.

Ensuring the hedgelines and boundary trees are maintained and augmented with indigenous species and careful use of boundary materials is important for both reducing the impact on the AONB landscape and ensuring continued GI for wildlife.

Ensure a legal agreement precludes use of the units by non local demand and that they would remain as affordable units.

We would suggest you contact Matthew Morris the Woodfuel Pathfinder Development Manager regarding the possible use of woodfuel to provide heat for the units as a sustainable and economic option. The best way is to design in access and boiler facilities from the beginning into a scheme such as this one. (The Kent Downs AONB is a partner in this project which seeks to link users with providers of wood chip from local woodlands in the Kent Downs, thus supporting improved woodland management in the AONB.) It would help to provide a mitigation argument for impact on the AONB landscape.

We also support the use of PV panels and ground source heat pumps which are also an attractive source of renewable and economic energy for affordable homes. It is noted that there is no attempt to provide renewable sources of energy in this application. This is particularly regrettable since the provision of affordable homes should also be addressing the provision of economic heat and power for residents in the long term, and be part of the sustainability argument in this location."

6. CONSIDERATIONS

6.1 Site Description

- 6.1.1 The site is located outside but immediately south of the defined 'village envelope' of Stockbury as set out in the Maidstone Borough-wide Local Plan Proposals Map 2000. It falls within the nationally protected Kent Downs Area of Outstanding Natural Beauty (AONB) also designated as a Special Landscape Area (SLA) in the Local Plan.
- 6.1.2 The site is roughly rectangular with an area of some 0.27ha and located upon generally level arable farmland on the eastern side of South Street Road. There are dwellings to the north and west of the site with farmland to the south and east, undeveloped and open. It has a frontage length to South Street Road of

some 73m and extends eastwards into the field by some 35-40m. It is at a similar level to the road with a grassed verge, post and wire fence and three mature ash trees along the road frontage. There is an informal farm access formed by a gap in the fence towards the south end of the site.

6.1.3 There is a Berberis (evergreen) hedgerow between 2-2.5m in height along the northern boundary with no. 8 South Street Road. Nos. 1-8 South Street Road to the north are 1960's dwellings including semi-detached and terraced two storey buildings. Opposite the site to the west are Parsonage Oast and Cottages all in residential use. Parsonage Farm and its access is also to the west of the site set well back from the road with a group of farm buildings and the Grade II listed dwelling. A farm shop operates from this farm. Harrow Court also lies opposite and is a small 1980's cul-de-sac. Buildings within the vicinity are of different ages with a subsequent mix of design, form and materials.

6.2 Proposed Development

6.2.1 The proposal is a full application for the erection of 8 two storey dwellings with associated access, parking and landscaping. The density of the development equates to approximately 30 dwellings/ha and there would be four flats and two pairs of semi-detached dwellings. The application seeks to provide affordable 'local-needs' housing to meet a need identified in the Parish of Stockbury. The mix of units has been tailored to meet the needs identified in the village housing needs surveys that have been undertaken. All of the properties would be for rent which would be secured through an appropriate s106 obligation for the benefit of the area in perpetuity through local connections criteria (draft submitted).

6.2.2 The development would comprise:

- 1 staggered two-storey terrace of four flats over ground and first floors (two 1bed units/two 2bed units): The building would be 4.4m-4.6m to eaves and 7.8m -8.3m to ridge.
- 2 pairs of two-storey semi-detached dwellings (each with a 2 bed unit & 3 bed unit) The building would be 4.3m and 8.1m to ridge.

6.2.3 The dwellings would essentially be split into two blocks. Plots 1-4 (all flats) in a terrace at the north end of the site and plots 5 to 8 being two semi-detached properties with a first floor link between.

6.2.4 Since the last application the applicant has amended the design of the development to take into account the comments of Members of the Planning Committee. Members raised some concerns regarding the design of the previous buildings considering that they were not of sufficient quality and were too basic in design. The proposal now includes hipped roofs and dormer windows to

reduce the mass and more varied and vernacular materials. I will comment in more detail on these changes below.

- 6.2.5 The terrace would be staggered in height with barn hipped roofs and hipped dormers. The indicated materials would be cream coloured render for the walls of Plots 1 and 2 and brickwork with white weatherboarding for Plots 3 and 4. All plots would have a plain tiled roof. The semi-detached dwellings would have two storey gables to the front with barn hipped roofs and hipped dormers. The central first floor link would be set down lower than the main ridges with parking beneath. Plots 5 to 8 would have brickwork to the walls but with the front two storey gables having render and weatherboarding. Again all plots would have a plain tiled roof.
- 6.2.6 The development would be accessed in the southwest corner where the field access exists but this would be widened to facilitate the development, which would necessitate the removal of a mature ash tree. The access road would be 4.1m wide and head northwards to a turning head. The southern part of the roadway would be tarmac with the northern part block paved with grey granite setts to demarcate the change in surface. There would be paved parking areas to the front of dwellings at the northern end of the site with other parking between dwellings. The farmer's access would also be maintained with hard surfacing extending along the south edge of the site to a new gated entrance to the field. A total of 16 parking spaces are shown to serve the development.
- 6.2.7 The roadway would be on the west side of the site with the dwellings in a linear form from north to south in the middle and their rear gardens on the east side. There would be a landscaped strip along the site frontage narrowing in depth from 10m at the south end of the site to 5m at the north end. Other landscaping and lawned areas would be provided to the front of the dwellings and hedging and trees to the rear. There would be a new footpath link at the northern end of the site to South Street Road.
- 6.2.8 The scheme has been designed to meet Lifetime Homes Standards, Code for Sustainable Homes Level 3 and also comply with the HCA Housing Quality Indicators. It is stated that ground source heat pumps would be used.

6.3 Planning History & Appeal Decision

6.3.1 Members may recall that a similar proposal for 8 dwellings was refused at Planning Committee under application MA/10/0612 on 22nd July 2010. That application was refused for the following reasons:

- 1. The proposals would result in an unsustainable form of housing development at an unsustainable rural community where future occupants would be reliant*

on the private car for access to shops, employment and key services contrary to advice within PPS1 and PPS3.

2. *Due to the extent and scale of the development the proposals would result in significant visual harm to the character and appearance of the countryside hereabouts designated as part of the Kent Downs Area of Outstanding Natural Beauty contrary to policies ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and PPS7.*

It was considered that the visual damage to the nationally protected AONB caused by the development and unsustainable nature of the location, and the development, outweighed any of the benefits from providing affordable housing.

- 6.3.2 This decision was subsequently appealed by the applicant and a decision was made in June 2011 which is appended to this report. The appeal was dismissed but solely on the grounds that the Inspector considered the Section 106 legal agreement was not robust enough to ensure that the proposal would provide local needs housing of the type proposed in perpetuity.
- 6.3.3 In terms of the Council's first reason for refusal relating to sustainability, the Inspector acknowledged that Stockbury has no doctor's surgery, pre-school or primary school education services or that there is a public bus service within easy walking distance. However, he noted that the settlement has a village hall, church, public house, farm shop, that there is a school bus to secondary schools, a private community bus and a small group of business providing some local employment. He states that,

"PPS7 promotes more sustainable patterns of development by focusing most additional housing in rural areas on existing towns and identified service centres, but recognises that it will also be necessary to provide for some new housing to meet identified local need in other villages. The proposal could provide some limited additional support for local facilities, and the evidence of previous affordable housing development in the village does not suggest otherwise. Within the particular context, there would be reasonable opportunities to limit reliance on use of the private car.

I conclude that the location is in principle an acceptable one in terms of sustainable development, according with policy H3 of the South East Plan."

- 6.3.4 In terms of the second reason for refusal relating to the visual impact, he states,

"The site comprises part of a field. The development would introduce buildings and hard surfacing. It would be relatively prominent in the approach to the village from the south along South Street Road.

However, the site abuts the existing edge of the village. There is already development on the west side of the road opposite. Although the effect of the new housing would be to extend the village envelope, it would be seen within the context of the existing developed edge. The design of the proposed buildings would be in keeping with the existing range of styles in the vicinity. New landscaping as proposed would assist in softening the impact of the new built form. More distant views from Church Lane would be largely screened by existing features.

The AONB is distinguished by a large-scale landscape of chalk downland. The proposal would have only a limited impact on the wider setting of the site within this landscape.

The extension of development into this area of countryside does not accord with the restraint objectives of policies ENV28, ENV33 and ENV34 of the Local Plan. However, the provision of affordable housing in this case and the limited landscape impact of the proposed development justify an exception to the restrictive policy framework."

6.3.5 Essentially, the Inspector considered the location to be sufficiently sustainable for the proposed housing and that the impact upon the AONB was not so great so as to warrant objection. He concludes by saying,

"In the context of provision of affordable housing for local needs the proposal is reasonably sustainable, and the effect on the character and appearance of the area is justified."

6.3.6 The Inspector's sole objection to the development was in terms of the affordable housing controls. A unilateral undertaking was submitted with the appeal and the Council considered that changes were needed to ensure that it properly provided affordable housing that addresses the needs of the local community. Essentially the undertaking was too loose in terms of local connection criteria. The Inspector agreed that changes were needed and as the appellant was unwilling to depart from the submitted undertaking he dismissed the appeal. He stated that,

"Without the amendments the obligation would not be sufficiently robust in ensuring that the proposal would provide local needs affordable housing of the type proposed in perpetuity. The restrictions are necessary, reasonable and directly related to the development. Due to the complexity and need for precision a condition could not adequately deal with these."

6.3.7 Therefore, a recent appeal decision has deemed that the site is sufficiently sustainable for 8 affordable, local needs houses, and that the impact on the landscape is acceptable. This is a key material consideration and as such I consider the main issues for this application are as follows –

- Whether there have been any changes in policy or circumstances since June 2011 to warrant a different decision in respect of these matters.
- Whether there is still a need for the development.
- Whether the submitted Section 106 legal agreement is sufficiently robust in ensuring that the proposal would provide local needs affordable of the type proposed in perpetuity.
- Whether the amendments to the design are acceptable.

6.4 Policy background

- 6.4.1 There have been no significant changes in adopted planning policy since the June 2011 decision. As such, the same planning policies apply as when the appeal decision was made and there is no policy basis for reaching a different decision to the Inspector. Whilst there is still a vacuum in Local Plan policy for the development with the loss of policy H30 (which related to exception sites), the policy justification is based upon PPS3 and PPS7, which can allow for small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing, and also policy H3 of the South East Plan which sets out that Local Planning Authorities should work with local communities in rural areas to secure small scale affordable housing sites within or well related to existing settlements.
- 6.4.2 The Government has consulted on its draft National Planning Policy Framework (NPPF) between July and October 2011. In relation to rural affordable housing it outlines that local planning authorities should plan housing development to reflect local requirements, particularly for affordable housing and that housing in rural areas should not be located in places distant from local services. However, this is a draft document and potentially subject to significant change, and so this should be attached little weight in any decision, which was also the agreed approach by Cabinet on 10th August 2011.
- 6.4.3 The effect of the Localism Act 2011 is to allow the abolition of regional strategies. However, they have not yet been revoked and so the South East Plan, 2009 (SEP) remains part of the Development Plan. I do not consider there to be anything else within the Act which materially affects the assessment of this application.
- 6.4.4 The Council has carried out the first stage of consultation on the Core Strategy which finished in October 2011. Draft policy CS11 relates to 'Local Needs Housing' and requires that a need for the housing is demonstrated, that it can be secured in perpetuity for person with a proven residence, family and or

employment connection, and that is of an appropriate scale and setting in the built context of surrounding development. However, policies within the Core Strategy are at a draft stage and potentially subject to change and so can be attached limited weight and to my mind do not have a bearing on this application.

6.4.5 There have been no significant physical changes at the site or the surrounding area to warrant a different decision. I have been informed by local residents that the public house within the village has been put up for sale but this in my view does not render the location unsustainable or warrant an alternative decision. The Inspector did attach some weight to the village pub and whilst up for sale, it is still an existing facility within the parish.

6.5 Need for the Development

6.5.1 The need for the development was previously accepted by the Council and the Inspector. This was based on a housing needs survey from 2006 and an update from 2009. Since that decision an update was carried out in October 2011. These assessments and updates are the accepted format for demonstrating the need for affordable housing in rural communities and have been accepted by the MBC Housing section. I will summarise the assessments that have been carried out.

6.5.2 Stockbury Parish Council with Action with Communities in Rural Kent conducted a parish wide housing needs survey in June 2006 to ascertain whether there are shortfalls in affordable housing provision. A Village Information and Consultation Event were held in Stockbury in February 2009 to update original housing needs survey. A further update with respect to local housing need was undertaken in October 2011, due to the length of time that has passed since the previous update. The Register of Interest for this proposed scheme was reviewed and all potential applicants were contacted again to re-affirm their need for affordable housing within the parish. The Council's Housing section accept this as a normal procedure and required as an evidence base to support any case for rural housing development, particularly if a lengthy period of time (usually three years) has elapsed since the original survey.

6.5.3 The original survey identified 15 households that reported they were unable to rent or purchase a home suitable for their needs on the open market. The update information from 2009 identified 15 households, comprising of 28 individuals, who reported they were in housing need, the same number of households as reported in the original survey. The survey recommends that up to 7 properties would fulfil the existing and future affordable housing needs of local people in Stockbury. A mixture of properties with 1, 2 and 3 bedrooms are considered appropriate with a least 5 available for rent.

- 6.5.4 The 2011 update resulted in a total of 13 households confirming their need had not changed since originally registering. The agent has explained that two households have had to make alternative housing arrangements and have been removed from the register of interest. However, he states that since December 2011 an additional two households have been added. The update also took into account the current situation with local housing costs within Stockbury, which showed that households were still priced out of the open market, with a gross income of just over £52,000 required to afford even the cheapest property for sale (a 2-bed semi detached) within Stockbury.
- 6.5.5 MBC Housing still considers that the number of proposed local needs affordable should remain at 8, as there is only a marginal reduction in the level of housing need identified, since the last update back in February 2009. They state that the number of affordable homes need not be reduced, and that this is standard practice to actually recommend now in surveys, that the maximum number of affordable homes built, reflects the total number of households in identified housing need. They consider that although the need has slightly reduced, this scheme is providing less homes still than the identified housing need and overall they are satisfied that a level of need still exists, which the proposal will help to meet.

6.6 Affordable Housing Controls

- 6.6.1 As outlined above, the Inspector's sole objection to the development was in terms of the affordable housing controls. The Council and Inspector's objection was that the wording of the submitted undertaking was not tight enough to ensure appropriate controls and provide affordable local needs housing. The applicant has now agreed a suitable bilateral agreement in liaison with the Council's legal and housing sections. I have summarised the local connection criteria and underlined the parts which have been amended from the appeal undertaking.
- 6.6.2 Local connection criteria include –
- Having lived, or having immediate family who have lived in the Parish for a continuous period of at least 5 years immediately preceding the date of application for accommodation.
 - Having full time employment in the Parish for at least 1 year
 - Having been forced away from the Parish (having satisfied the above requirements) due to a lack of suitable accommodation.
- 6.6.3 If these criteria cannot be met then the same criteria would be applied to an applicant from a neighbouring Parish (Thurnham, Hucking, Bicknor or Detling).

6.6.4 The Council's housing and legal sections are satisfied with the terms of the agreement and as such it would adequately ensure that the housing remains affordable and will meet a local need in perpetuity. I consider this objection from the Inspector has been overcome.

6.7 Impact Upon The AONB & General Design

6.7.1 The latest proposal has been amended, in terms of the design of the houses, to take into account the comments of Members in July 2010. The current design of the houses use hipped roofs and dormer windows which reduces the mass of the buildings and breaks up their appearance, adding more interest. Plots 5 to 8 have been reduced in ridge height by 0.6m and eaves by 0.8m and do not have a rear two storey gable. As such, their impact has been reduced. Materials have also been changed with the use of light coloured render and white weatherboarding which is more in keeping with the local vernacular and rural location and again provides interest.

6.7.2 Landscaping is provided in the form of front gardens to the houses and a buffer strip to the site frontage which ranges from 10m to 5m in depth. Existing trees would be retained along the frontage and in-filled with new native trees, hedging and native wildflower/bulb planting. Along the south boundary would be a 1m wide strip of hedge and tree planting adjacent to the new field access and along the rear of the site would be a 2m wide strip of hedge and tree planting. I consider that this would provide an appropriate setting to the development and in time help it to assimilate into its location. I consider that specific details need to be secured by condition and this could also ensure that the landscaping includes biodiversity enhancements including log piles within the wildflower area as recommended by the Biodiversity Projects Officer. Shared surfacing would be used with bitmac at the entrance and south part of the site and grey block paving at the north end. Natural coloured concrete slabs would be used for paths.

6.7.3 Boundary treatments are shown in the form of post and rail along the front of the site. This is not necessary and I consider it would be better for the frontage to remain open with the landscaping. Otherwise 1.2m post and rail fencing would be used on the rear boundary to the field and a mix of 1.8m close-boarded fencing and 0.9m chainlink between rear gardens. This is generally acceptable but I consider a condition should be attached to secure the exact details.

6.7.4 Clearly, the Inspector did not have an objection to the development in terms of its design or its impact upon the landscape and AONB, stating that it would have a "*limited landscape impact*". I consider the design of the buildings is better and the latest proposal marks an improvement on the previous scheme in terms of the impact upon the AONB. Based on this material consideration, I conclude that

the proposals are acceptable in respect of their impact upon the AONB, general design and layout.

6.8 Other Matters

- 6.8.1 There are not considered to be any unacceptable implications for neighbouring amenity, highway safety or ecology as was considered the case previously. The management of the site has not changed since the previous ecological scoping survey and so new surveys are not considered to be required. The Biodiversity Projects Officer considers the landscaping plan would retain suitable reptile habitat and a wildflower/grassland area would be created. Enhancements including log piles within the wildflower area or the inclusion of bat bricks, tiles or tubes within the buildings can be secured by condition. Surface water would be of a SUDs design and foul water would be collected in a package treatment plant. Both Environmental Health and the Environment Agency have requested further specific details of drainage which can be secured by condition to ensure this is adequate. The development would achieve at least a Level 3 of the CSH which can be secured by condition.
- 6.8.2 Other issues raised by local residents and not considered as part of the assessment above include the opinion that there are preferable sites for the development and the site selection process. The Inspector was satisfied with the site selection process that led to the current proposal and gave limited weight to any alternatives. Notwithstanding this, he assessed the proposal on its own merits, with the decision that the development and the site were acceptable. He states that, *"the site abuts the existing edge of the village. There is already development on the west side of the road opposite. Although the effect of the new housing would be to extend the village envelope, it would be seen within the context of the existing developed edge."* Bearing in mind this conclusion on the proposed site, I do not consider there are any grounds to object to the application on the basis of alternative sites.

7. CONCLUSION

- 7.1. The Inspector found that Stockbury village was a sufficiently sustainable location for the proposed affordable housing and that the impact upon the AONB at this site could be accepted. This appeal decision is a strong material consideration. There have been no significant changes in policy or circumstances since the appeal decision to reach an alternative view on these matters. The S106 legal agreement is now robust enough to ensure that the proposal would provide local needs housing of the type proposed in perpetuity and on this basis, I recommend permission is granted subject to the S106 legal agreement and the following conditions. I have taken into account all representations received on the application and they do not lead me to an alternative conclusion. Delegated powers are sought to complete the legal agreement.

8. RECOMMENDATION

SUBJECT TO the prior completion of a S106 agreement confirming:

- a) The development as 100% affordable housing;
- a) The occupation of the development by persons meeting local connections criteria;

The Head of Planning BE DELEGATED POWERS TO APPROVE subject to the conditions and informatives set out below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS7.

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

4. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development and in the interests of biodiversity in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS9.

5. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and take into account the impact upon bats. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS7 and PPS9.

6. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the soldier courses.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS7.

7. The development shall not commence until specific details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to PPS23.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS7.

9. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;
 - i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained,;
 - ii) details of the species, size, density and location of all new planting within the site including wildflower areas in the interests of ecology and biodiversity;
 - iii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees;
 - iv) details of the provision of bird and bat boxes and the provision of bat and swift bricks within the development.
 - v) a programme for the approved scheme's implementation and long term management

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS9.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS9.

11. No development shall take place until an arboricultural method statement and tree protection plan in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS9.

12. The dwellings shall achieve at least a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least a minimum of Code Level 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

13. The development hereby permitted shall not be occupied until the visibility splays shown on drawing no. 01 Rev E have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction above this height at all times.

Reason: In the interests of highway safety in accordance with PPG13.

14. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. 01 RevE, 02 RevD, 03 RevE, 04 RevE, Location Plan, LP01, SK209, SSR-01 and Site Survey received on 21st November 2011

Reason: To ensure the quality of the development is maintained in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS9.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise

control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

The applicant should be aware that the site is in a radon affected area with a 3-5% chance of having high radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, and 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development does comply subject to the conditions stated, with the advice in PPS3: Housing, PPS7: Sustainable Development in Rural Areas and policy H3 of the South East Plan 2009. This is considered to represent circumstances that outweigh the existing policies in the Local Plan and there are no overriding material considerations to indicate a refusal of planning consent.