

MAIDSTONE BOROUGH COUNCIL

COUNCIL

24 APRIL 2013

REPORT OF THE CABINET HELD ON 13 MARCH 2013

MAIDSTONE BOROUGH LOCAL PLAN

Issue for Decision

To consider whether the moratorium on the release of greenfield housing sites allocated in the Maidstone Borough Wide Local Plan 2000 be revoked.

Recommendation Made

That the moratorium on the release of greenfield housing sites allocated in the Maidstone Borough Wide Local Plan 2000 be revoked because the reasons for the moratorium no longer apply

Reasons for Recommendation

At the meeting of the Cabinet on 13 March 2013, they considered the report of the Director of Change, Planning and the Environment regarding the Maidstone Borough Local Plan. A number of decisions were made, including the above recommendation to Council.

In 2008 the moratorium on the release of greenfield sites in the adopted Maidstone Borough Wide Local Plan 2000 (MBWLP) was reaffirmed by Council (the original resolution was made in 2002). This decision was taken in the context of:

- National guidance (PPG3: Housing) that directed local authorities to develop brownfield sites for housing before releasing greenfield sites for development;
- A government target for residential development of 60% brownfield sites, and a focus on higher density development;
- The Maidstone Borough Council Urban Capacity Study (2002 and 2006), which demonstrated that Maidstone could deliver its housing target through the potential development sites listed in the document; and
- A healthy 5-year housing land supply supported by the availability of town centre sites for high density flatted development.

The position has changed since 2008. The NPPF was published in March 2012, and the transition period for local plan compliance with the NPPF ends in March 2013 when there will be a presumption in favour of development in sustainable locations unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development

when assessed against the NPPF as a whole. Although the NPPF still encourages local authorities to make best use of brownfield land, the 60% target has been removed, and local authorities can set out their own approaches towards housing densities. The NPPF moves away from the urban capacity study approach and local authorities must identify deliverable sites for 5-year housing land calculations and specify developable sites or locations for years 6 to 10 and (where possible) years 11 to 15.

The importance of demonstrating a 5-year housing land supply was highlighted in a recent appeal decision where the Inspector referred to the NPPF and concluded:

“The Framework says that where the relevant policies in a Local Plan are out-of-date permission should be granted unless any adverse impacts would significantly outweigh the benefits when taken against the policies in the Framework as a whole, or the policies in the Framework indicate it should be restricted. It also confirms that, in accordance with the Government’s aim to promote house-building, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” (Ref: Valley Drive APP/U2235/A/12/2174289).

The November 2012 Cabinet report highlighted the fact that, although the Council continues to experience high levels of dwelling completion rates on sites with planning permission, the windfall sites on previously developed land (brownfield land) that formerly contributed towards the borough’s 5-year housing land supply at a steady pace are no longer materialising at the same rate. The South East Plan (SEP) has now been partially revoked, the excepted policies having no impact on Maidstone Borough. However, the evidence base that informed regional strategies can be used to support local plan policies, as supplemented by up-to-date robust local evidence (NPPF paragraph 218). Until such time as a new target is evidenced in the local plan Given that Maidstone’s Core Strategy target is under review, 5-year calculations should now be based on the former SEP target of 11,080 dwellings as part of former evidence for the development plan (as opposed to the draft Core Strategy target of 10,080).

The Council’s Annual Monitoring Report 2011/12 reveals Maidstone has a 4.5 year land supply against a 10,080 dwelling target and 3.9 years against an 11,080 target. Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites cannot be refused on the grounds of prematurity and must be assessed on individual merit (including sustainability). The Council has already received a number of residential planning applications on greenfield sites and further applications, particularly for the strategic site allocations, are expected to be submitted after March.

It is important to note that four out of the six housing land allocations to the north west and south east of the urban area identified in the Core Strategy Strategic Site Allocations 2012 are residential allocations in the adopted MBWLP 2000: Bridge Nursery (SS1a), East of Hermitage Lane

(SS1b), Langley Park (SS2a) and North of Sutton Road (SS2b). These four sites have already been through public examination so not only has the principle of residential development been established, but the sites are also development plan allocations (section 38(6) of the Planning and Compulsory Purchase Act 2004 says that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise). The balance of MBWLP allocations include Hook Lane, Harrietsham and Oliver Road, Staplehurst which are the subject of approved and submitted planning applications, respectively; and a small site for 7 units at Detling village.

The reasons for reaffirming the moratorium in 2008 no longer apply so there is no justification in maintaining it. In order to properly manage development, as opposed to determining ad hoc planning applications, a recommendation to Council is made to revoke the current moratorium on the release of the balance of greenfield housing sites allocated in the MBWLP 2000.

Alternatives considered and why not recommended

Council could opt to not revoke the moratorium on the release of adopted greenfield housing allocations but, given the fact that the reasons for initiating the moratorium no longer apply, this approach is not recommended. There are and will continue to be pressures from the development industry through the submission of planning applications on greenfield sites (including for sites allocated in the adopted MBWLP 2000). The end of the transition period for local plan compliance with the NPPF and the presumption in favour of sustainable development, coupled with a shortfall in the Council's 5-year housing land supply, will place the Council in a difficult position in resisting development proposals for the adopted allocations at appeal, particularly as the principle of residential development has previously been established. Revoking the moratorium on allocated sites will assist in addressing the 5-year shortfall so will also strengthen the Council's position in resisting inappropriate development in the countryside.

Background Papers

None