

MAIDSTONE BOROUGH COUNCIL

**PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW &
SCRUTINY COMMITTEE**

TUESDAY 19 NOVEMBER 2013

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Emma Boshell

1. FIVE YEAR HOUSING LAND SUPPLY MID-YEAR UPDATE

1.1 Issue for Consideration

1.1.1 To note the council's mid-year position at 1 October 2013 on the five year housing land supply.

1.2 Recommendation of Head of Planning and Development

1.2.1 That the Planning, Transport and Development Overview and Scrutiny Committee notes the council's mid-year position at 1 October 2013 on the five year housing land supply.

1.3 Reasons for Recommendation

1.3.1 Background

1.3.2 On Thursday 26 September 2013 the Planning, Transport and Development Overview and Scrutiny Committee met to consider the methodology used to calculate the council's five year housing land supply. The Committee endorsed the methodology and judgments made thus far and requested to be updated at a mid-year point on planning permissions, windfall sites and non-completions for the period 1 April 2013 to 30 September 2013.

1.3.3 Introduction

1.3.4 The National Planning Policy Framework (NPPF) requires the council to calculate its five year housing land supply on an annual basis. Paragraph 47 states that:

"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements."

- 1.3.5 There are two elements to consider when calculating the five year supply – the requirement (derived from the council’s housing target) and the supply (this is the monitoring of planning permissions and allocations).
- 1.3.6 At this moment in time, the council does not have an agreed housing target for the emerging Maidstone Borough Local Plan. So, for the purposes of calculating the five year housing land supply at the mid-year point, a target of 11,080 has been used for the period 2006-2026. This target and plan period were examined and found sound as part of the (now revoked) South East Plan.
- 1.3.7 However, it is important that the Committee notes the recent high court decision in respect of Hunston Properties Ltd vs. Secretary of State for CLG and St Albans City District Council. The decision confirmed that the DCLG household projection figures are intended to be a starting point for assessing housing need, rather than the Regional Spatial Strategy figures.
- 1.3.8 The council will have an agreed target before April 2014, when the five year housing land supply is next calculated.
- 1.3.9 The council’s five year housing land supply at 1 April 2013
- 1.3.10 Figure 1 illustrates the council’s position with regard to meeting the five year housing land supply at 1 April 2013. It shows that, at this point in time, there is a shortfall of 370 dwellings, resulting in 4.2 years of housing land supply.

	Requirement	Number of dwellings
1	Total 20 year housing requirement	11,080
2	Dwellings already built	-4,880
3	Requirement April 2013 to April 2026	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013 to 2018 (501x5 years)	2,505
	Supply	
8	5-year housing land supply 2013 to 2018	2,135
	5-year housing land supply position at 1 April 2013	
9	Shortfall in housing land supply	-370
10	Percentage housing land supply (2,135 as a % of 2,505)	85.2%
11	Number of years housing land supply (2,135÷501)	4.2 years

Figure 1 – Five year housing land supply at 1 April 2013

1.3.11 The supply element of the calculations (point 8 of Figure 1) totals 2,135 dwellings. This is the number of dwellings that are expected to be built between 2013/14 and 2017/18. The figure is calculated from three sources:

- Dwellings with an existing planning permission at 1 April 2013 (1,144);
- Strategic site allocations approved for development management purposes on 13 March 2013 (931); and
- Saved Greenfield allocations from the Maidstone Borough Wide Local Plan 2000 (60).

1.3.12 Bearing in mind the recent challenge relating to windfall sites, it is important to note that the planning permissions element of the supply (1,144), and the completions (4,880), include permissions on windfall sites.

1.3.13 The council's five year housing land supply at 1 October 2013

1.3.14 Whilst achievable, calculating the council's five year housing land supply at a mid-year point presents some difficulties.

1.3.15 Annual survey

1.3.16 Firstly, the borough-wide survey of sites with current planning permissions is carried out annually, during April of each year. This process is in line with paragraph 47 of the National Planning Policy Framework (NPPF) which is quoted at paragraph 1.3.4 of this report.

1.3.17 This means that the council calculates completion and non-completion figures annually. In the absence of a mid-year survey, it is not possible to determine the planning permissions that have been completed and those that have expired unimplemented. In addition, part of the annual survey process involves talking to the developers or agents of large sites (5+ dwellings) to determine the progress that is being made, to establish the number of dwellings that are likely to be completed within the five year period. Therefore, a mid-year update of the five year housing land supply is unable to take account of any completions and non-completions that may have occurred during the period 1 April 2013 to 30 September 2013. It is also unable to consider any change in circumstances of individual sites that may affect the phasing of development on those sites.

1.3.18 Additional year's requirement

1.3.19 Secondly, in order to include planning permissions granted between 1 April 2013 and 30 September 2013, the calculations must include an additional year's requirement. In the absence of completion figures for this period a further year of the annual target of 501 dwellings (point 6 of Figure 1) must be added to demonstrate the provisional annual requirement for 2014/15. This figure is added to the shortfall of 370 dwellings that was apparent at 1 April 2013 to establish a provisional additional year's housing requirement of 871 dwellings at 1 April 2014. It is then possible to assess at the mid-year point how much of this requirement is met by planning permissions granted since 1 April 2013.

1.3.20 The council's five year supply calculation at 1 April 2013 is based on the period 2013/14 to 2017/18. By rolling the five year supply on a further year (to incorporate a mid-year point) the supply element of the calculation will include a further year (2018/19) of expected completions from planning permissions and strategic site allocations.

1.3.21 Planning permissions subject to Section 106 agreements

1.3.22 Thirdly, and as a general point in calculating the five year housing land supply at any point of the year, sites that are awaiting the grant of planning permission pending the completion of a Section 106 agreement, are not included in the calculations. For the mid-year update, these sites are identified separately in Appendix B to show

that they have not been forgotten. At 1 October 2013 there is a total of 107 dwellings that are to be granted planning permission since 1 April 2013 pending completion of the Section 106 agreement.

1.3.23 Therefore, bearing in mind the above difficulties and caveats, Figure 2 illustrates the council's position with regard to meeting the five year housing land supply at the mid-year point at 1 October 2013. It shows that, at this point in time, there is a shortfall of 252 dwellings.

	Requirement	Number of dwellings
1	Shortfall at 1 April 2013	370
2	Additional year requirement (year 6)	501
3	Requirement April 2013 to April 2014	871
	Supply	
4	Housing land supply to meet requirement of 871	619
	Housing land supply position at 30 September 2013	
5	Shortfall in housing land supply	-252

Figure 2 – Housing land supply at 30 September 2013

1.3.24 The supply element of the calculations (point 4 of Figure 2) totals 619 dwellings. This is the number of dwellings that are expected to be built between 2013/14 and 2018/19. The figure is calculated from three sources:

- Planning permissions granted between 1 April 2013 and 30 September 2013 (246¹);
- Dwellings with an existing planning permission at 1 April 2013 and expected to be completed in 2018/19 (123);
- Strategic site allocations approved for development management purposes on 13 March 2013 expected to be completed in 2018/19 (250).

1.3.25 The mid-year position at 1 October 2013 shows that in order for the council to meet its provisional requirement for 2013/14 and to address the shortfall of 370 dwellings, it will need to demonstrate a supply over 252 dwellings by 1 April 2014. It also shows that the shortfall of dwellings has reduced from 370 to 252.

¹ This figure includes 110 dwellings at the MAP Depot, Goudhurst Road, Marden (13/0115). Planning permission was granted in July 2013 subject to the completion of a Section 106 agreement. The decision notice was subsequently issued on 1 October 2013.

1.3.26 The schedule of individual sites that make up the supply set out in point 4 of Figure 2 is attached to this report at Appendix A.

1.3.27 Windfall sites

1.3.28 Members also requested that this interim report examines the amount of windfall development that has been permitted in the period 1 April 2013 to 30 September 2013.

1.3.29 The methodology used to determine which sites with planning permission are windfall sites is based on the definition set out in Annex 2 of the NPPF, which defines windfalls as:

"Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available."

1.3.30 'Identified' sites are those which are already known, such as sites allocated in the Maidstone Borough-Wide Local Plan 2000, sites included in the 2002 or 2006 Urban Capacity Study, or sites submitted as part of the 2009 or 2013 Strategic Housing Land Availability Assessment.

1.3.31 'Previously developed' sites are those that have or have had an existing or previous use.

1.3.32 In addition, paragraph 48 of the NPPF excludes residential gardens from windfall sites.

1.3.33 With the above definition in mind in terms of what does and does not constitute a windfall, of the 246 dwellings permitted between 1 April 2013 and 30 September 2013, 19 are located on pure windfall sites. This equates to 8%.

1.3.34 Appendix A identifies the sites that are classified as windfalls.

1.4 Alternative Action and why not Recommended

1.4.1 This report sets out an interim position on the council's five year housing land supply, which is heavily caveated with regards to the annual survey and the inclusion of an additional year's requirement. The update gives an indication of where the council is with regards to meeting the five year housing land supply. There is no alternative action.

1.5 Impact on Corporate Objectives

1.5.1 None.

1.6 Other Implications

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

1.7 Relevant Documents

1.7.1 Appendices

1.7.2 Appendix A – Sites that make up the five year housing land supply at 1 October 2013.

1.7.3 Appendix B – Sites with planning permission subject to completion of a S106 agreement.

1.7.4 Background Documents

1.7.5 None.

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

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Wards/Parishes affected:

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