

MAIDSTONE BOROUGH COUNCIL

Extraordinary Planning, Transport and Development Overview & Scrutiny Committee

MINUTES OF THE MEETING HELD ON THURSDAY 26 SEPTEMBER 2013

Present: Councillor Collins (Chairman), and
Councillors Burton, Lusty, McLoughlin, Moriarty,
B Mortimer, Springett, Vizzard and Mrs Wilson.

29. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEB-CAST.

RESOLVED: That all items be web-cast.

30. APOLOGIES.

It was noted that apologies had been received from Councillors Chittenden, Munford, Ross, Mrs Watson and De Wiggondene.

31. NOTIFICATION OF SUBSTITUTE MEMBERS.

Councillors Vizzard, Moriarty, Lusty, B Mortimer and Burton substituted for Councillors Chittenden, Munford, Ross, Mrs Watson and De Wiggondene respectively.

32. NOTIFICATION OF VISITING MEMBERS/WITNESSES.

There were no Visiting Members

33. DISCLOSURES BY MEMBERS AND OFFICERS.

There were no disclosures, however all Members asked that it be noted that they had been lobbied. In addition Councillor Burton requested that it be noted that he was a Member of Langley Parish Council.

34. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

RESOLVED: That all items on the agenda be taken in public as proposed.

35. URGENT ITEM: FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

The Chairman outlined the objective of the meeting as set out in the agenda papers and clarified the evidence the Committee had requested from the witnesses invited.

Councillor Ian Ellis and Keith Nicholson from Boughton Monchelsea Parish Council were invited to give evidence. It was clarified that Mr Nicholson was representing Boughton Parish Council as their Planning Advisor and had substantial experience in Local Government and later as a Consultant.

Mr Nicholson explained that a windfall allowance could be included in the Council's five year housing land supply. The Government required evidence of a consistent supply and an expectation of a reliable source in the future. He told the Committee that Maidstone Borough Council did not dispute this as they had included a windfall supply in their 20 year housing trajectory.

The Committee was directed to Boughton Monchelsea's report in the agenda papers (pages 17-23) and the methodologies put forward by PMC Planning and Tunbridge Wells Borough Council.

It was explained that the methodology to be put forward as evidence was a combination of PMC Planning's methodology which was based on a 'sectoral approach' and Tunbridge Wells's methodology which was to take a trend and moderate that figure by applying a 60% discount.

The Committee was referred to the figure of 1660 in table PMC1 from PMC Planning on page 44 of the agenda. This windfall allowance was based on past trends for the period 2001-2006 in Maidstone. A 60% discount was applied to the figure of 1660, leaving 660 housing units which the Committee was told was only marginally above Maidstone's windfall yield for the previous year, of 630 housing units. The Committee was informed that 660 housing units would meet the Council's housing short fall of 370 and provide an oversupply for its five year housing land supply calculation.

Mr Nicholson concluded that there was no justification in lifting the embargo on strategic sites. By adopting the officer's approach and ignoring a windfall allocation the Council would be accelerating its use of a scarce resource.

Members highlighted the need to include a figure for non-completed planning applications in a methodology, if a windfall allocation was to be included. They questioned the impact that this would have on the five year housing land supply calculation if, for example, a 5% discount was applied and whether this would in fact leave the Council in a worse position overall.

The Committee focused on some of the terminology that had been used when describing windfall such as 'impossible to predict'. Some Members felt that this suggested a lack of certainty and that it was certainty that they were looking for in their scrutiny of methodology.

The Chairman invited James Stevens, a Strategic Planner from the Home Builders Federation (HBF), to provide the Committee with another perspective on windfall allocation. Mr Stevens explained that the HBF was a trade organisation that represented a wide range of organisations. As a

Strategic Planner he had been involved with approximately thirty Local Plans across the country and eighteen under the new Government legislation.

He provided the Committee with his opinion on the inclusion of windfall, making the following points for its consideration:

- The Council had undertaken a robust SHLAA, the results of which would feed into its five year housing land supply;
- Paragraph 48 of the NPPF guidelines did state that a windfall allowance could be included where there was 'compelling evidence' to do so;
- When the Local Plan came forward for examination by the Planning Inspectorate it would be looking at the deliverability of development, adding that the NPPF placed greater emphasis on this, especially in the first five years following its adoption;
- He explained that the risk with including a windfall allocation was that it could materialise but it may not;
- The risk was further emphasised by running the possibility of losing at appeal if unable to convince the inspector that a windfall allocation was deliverable.

Mr Stevens told the Committee that by not basing the housing land supply on certainty they were selling their residents short. A windfall allowance provided less certainty as to where sites would be.

Members raised questions about Greenfield sites and the danger of not including a windfall allocation in to protect these sites.

Mr Stevens responded by explaining that the five year housing land supply had to demonstrate a deliverable, rolling five year housing land supply. If a site was sustainable it would have to come forward and it was better to be in a position of certainty overall.

36. ADJOURNMENT OF MEETING

The meeting was adjourned from 2.30 p.m. to 2.40 p.m. to allow the Committee, witnesses and the public a comfort break.

37. URGENT ITEM: FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

Rob Jarman, Head of Planning and Development and Emma Boshell Planning Officer, Spatial Planning were invited to provide evidence of Maidstone Borough Council's methodology and judgements in relation to future trends which had resulted in its decision not to include windfall sites in its five year housing land supply. Their presentation is attached at Appendix A.

Mr Jarman confirmed that Maidstone Borough Council had included a windfall allowance in its 20 year housing trajectory

The Officers presented two tables at the conclusion of their presentation, Scenario 1 and Scenario 2 (Appendix B). Scenario 1 was Maidstone Borough Council's current methodology in calculation of its five year housing land supply and Scenario 2 showed the option for an inclusion of a pure windfall allowance and non-implementation rate in its methodology. The result of including a pure windfall allowance and a non-implementation rate as part of that methodology was shown; the Council's Housing Land Supply would be reduced from 4.2 years to 4.1 years.

It was confirmed to the Committee that every windfall site that came forward was included in the Council's land supply, every permission down to a single dwelling, once planning permission had been granted.

Careful monitoring was undertaken throughout the year. On 1st April each year the number of windfall sites that had come forward and resulted in a planning permission would be calculated along with a deduction for the number of 'non-completed' applications.

The need for accuracy was stressed to the Committee and was illustrated by Maidstone Borough Council's approach to including a windfall site, once planning permission had been granted.

38. ADJOURNMENT OF MEETING

The meeting was adjourned from 4.10 p.m. to 4.25 p.m. to allow the Committee, witnesses and the public a comfort break.

39. URGENT ITEM: FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

Members deliberated on the evidence they had heard put forward in relation to Maidstone Borough Council's methodology and judgements in the calculation of its five year housing land supply and whether or not a windfall allowance should be included.

The Committee felt that a mid year review, ahead of 1st April 2014, of the Council's current permitted planning applications, windfall sites and non-completions would help provide an accurate indication of where the Council was with regards to its five year housing land supply currently.

It also felt that a recommendation should be made to see what could be done to protect any site from inappropriate development whilst the Council did not have a five year housing land supply.

The Committee's Vice-Chairman raised an issue from the previous meeting regarding a request for information that had been made by an absent member of the Committee that was not taken forward as a recommendation.

The information requested was advice from Maidstone Borough Council's counsel that was privileged and therefore not available in the public domain. The Vice-Chairman confirmed that she and the Committee's Chairman had made a request to the Monitoring Officer to view the document and could confirm that the document was not relevant to the meeting's business. It was clarified that any Member of the Council could make a request to the Monitoring Officer to view the document in question.

RESOLVED: That it would make the following recommendations to Council:

1. It endorse the methodology and judgments made thus far for calculating the five year housing land supply;
2. The Planning, Transport and Development Overview and Scrutiny Committee be updated at a midyear point on permitted planning applications, windfall sites and non-completions to assess where we are with regards to the five year housing land supply; and
3. Officers be instructed to investigate urgently what can be done to protect any site from inappropriate development whilst we do not have a five year housing land supply.

40. DURATION OF MEETING.

1 p.m. to 5.30 p.m.