

Welwyn Hatfield Local Plan

02/21

Consultation on Windfall Update & Green Belt Boundaries (EX221 & EX223)

Representations on behalf of Gascoyne Cecil Estates



jb planning associates

Chells Manor, Chells Lane, Stevenage, Herts, SG2 7AA

e-mail info@jbplanning.com url www.jbplanning.com

tel 01438 312130 fax 01438 312131



Contents

1 Introduction1

2 EX221 Windfall Allowance.....1

3 EX223 Green Belt Boundaries.....13



Introduction

- 1 JB Planning Associates have been instructed by Gascoyne Cecil Estates (the Estate) to respond on the content of additional evidence base documents that the Inspector has invited comments upon, namely **EX221** (Windfall Update) and **EX223** (Green Belt Boundaries – General Approach).
- 2 The Estate is a major landowner in Welwyn Hatfield and its holdings cover several thousand hectares and extend into the surrounding administrative areas of Hertsmere, East Hertfordshire, and North Hertfordshire.
- 3 The Estate is a key stakeholder and has a significant interest in the Local Plan, not only in relation to the strategic allocations that are being actively promoted by the Estate at Symondshyde (SDS6 – HAT15), North West Hatfield (SDS5 – HAT1), Creswick (HS3 – WGC1) and at Marshmoor (SDS7 – WeG4b) but also in relation to other sites which are in its control. The Estate has made extensive representations on the content of the Local Plan and has taken, and continues to take, an active part in the Examination process to ensure that high quality solutions are found to the provision of additional homes, jobs, schools, and other community infrastructure in the Borough.

EX221 - Windfall Allowance

- 4 The Estate's earlier representations have highlighted the need to avoid undue reliance upon unrealistic windfall provision. These representations firstly question the Council's anticipated windfall allowance rate in respect of the demolition and re-development of former office sites and secondly, the anticipated windfall allowance arising from 'other uses' over the final six years of the Plan period is challenged.

Background

- 5 The latest AMR for 2019/20 identifies that the last allocated site to come forward from the District Plan was in 2016/17. Therefore, windfall has accounted for almost all completions over the last four years.

- 6 The purpose of these representations is to consider what reasonable assumptions should be made regarding future windfall allowances for Welwyn Hatfield over the Plan period, once the new Local Plan and its associated site allocations are in place.
- 7 We highlight below key discussion points and decisions taken by the Borough Council regarding the proposed revised windfall allowance.
- 8 The focus of the Update is upon the findings of the 2019 Housing and Economic Land Availability Assessment (HELAA) and the Updated Windfall Assessment 2020.

HELAA (2019)

- 9 Reference is made to the findings of the 2019 Housing and Economic Land Availability Assessment (HELAA), which considered historic windfall delivery in the Borough across the 12-year period 2005/06 – 2018/19. The data is said to show that on average there were 173 windfall completions each year¹. It is acknowledged that the total number of windfalls varied considerably from year to year, and that an upward trend was evident as the District Plan became older and allocated sites were completed. For these reasons, we consider that the findings need to be treated with some caution.
- 10 In terms of former land uses, residential development is expected to continue to contribute at its historic rate of 26 dwellings per annum (dpa) and agricultural and rural buildings at a rate of 4 dpa². The Estate has no reason to dispute these findings.

¹ Paragraph 1.4, EX221: Local Plan Windfall Allowance Update – November 2020

² Paragraph 1.6, EX221: Local Plan Windfall Allowance Update – November 2020

11 The full HELAA Windfall Forecast is

	Residential Development	Business (Offices)	Agriculture and Rural Buildings	Other Uses	Total
2020/21	0	0	0	0	0
2021/22	0	0	0	0	0
2022/23	0	0	0	0	0
2023/24	26	103	4	0	133
2024/25	26	52	4	0	82
2025/26	26	21	4	0	51
2026/27	26	21	4	0	51
2027/28	26	21	4	0	51
2028/29	26	21	4	0	51
2029/30	26	21	4	0	51
2030/31	26	21	4	88	139
2031/32	26	21	4	88	139
2032/33	26	21	4	88	139
2033/34	26	21	4	88	139
2034/35	26	21	4	88	139
2035/36	26	21	4	88	139
Total	338	386	52	528	1,304

12 In relation to Business (offices) reference is made to the introduction in 2013 to permitted development rights, allowing the conversion of offices to dwellings without the need for planning permission. This is stated as having resulted in large increases in windfall from former office uses, which averaged 103.7 dwellings per annum since³.

13 The Update specifies that the HELAA acknowledged that the introduction of an Article 4 Direction in October 2020 to remove these permitted development rights in four of the key employment sites in the borough is expected to have an impact on

³ Paragraph 1.6, EX221: Local Plan Windfall Allowance Update – November 2020

windfall from office use in future years. It suggests that it took this into account and made a higher allowance in the first years in which windfall supply is included, with supply from former office use forecast at 103 dwellings in 2023/24 (in line with the historic annual rate seen since the introduction of permitted development rights), before dropping off slightly in 2024/25 (estimated at half this historic rate of 52 dwellings), then from 2025/26 to the end of the Plan period, windfall from office use has been forecast in line with the level of windfall from planning applications only since 2013/14 (i.e. excluding prior notifications), which averaged 21 dpa.⁴

- 14** We would question whether there is any sound basis for the forecast 103 dwellings in 2023/24 and 52 dwellings in 2024/25 given both the introduction of the Article 4 Direction and the fact that the supply of suitable and available sites for conversion has inevitably been significantly reducing over time as the best and most suitable conversion sites have been developed for new housing provision. The Estate is supportive of Article 4 Directions that seek to safeguard employment uses or protect conservation areas or heritage assets arising from increases in height. However, it believes that additional Directions in these areas will inevitably result in reduced windfall provision. The Estate believes that the actual windfall rate is much more likely to be closer to the historical rate of 21 dpa referred to above.
- 15** An additional allowance has been made for the final five years of the Plan period to take account of other land use windfall contributions, which amounts to 88 dpa. This is said to be based upon the basis that this particular source showed an increase towards the end of the last Plan period⁵. We fail to see what evidence there is to assume that a similar uplift will occur at the end of the new Plan period.
- 16** Consequently, the Estate considers that the HELAA's total allowance of 1,304 dwellings across 13 years of the Plan period is overly optimistic.

Updated Windfall Assessment 2020

- 17** Reference is made to the fact that in January 2020 there was a recommendation from the Cabinet Planning and Parking Panel to Cabinet that the windfall allowance should be increased to 2,249 dwellings over the 13 years, reflecting the historic average of 173 dpa⁶. There was subsequently adverse feedback from a number of

⁴ Paragraph 1.6, EX221: Local Plan Windfall Allowance Update – November 2020

⁵ Paragraph 1.8, EX221: Local Plan Windfall Allowance Update – November 2020

⁶ Paragraph 2.1, EX221: Local Plan Windfall Allowance Update – November 2020

respondents during this public consultation, which shared the Estate's concerns that such an increase to the windfall allowance was entirely unwarranted.

- 18** As a consequence, a further review of windfall rates was undertaken and reported to the November 2020 meeting of the Cabinet Planning and Parking Panel, which resulted in a reduction of the windfall allowance to 1,402 dwellings.
- 19** The reduced rate is said to reflect the potential for higher dwelling capacity arising from pre-application discussions, which will be identified in individual allocations, rather than within the overall windfall allowance. The Estate is supportive of such an approach. However, it believes that very careful scrutiny needs to be given to the acceptability and delivery of increased allocation figures, particularly in relation to sensitive locations such as within Conservation Areas.
- 20** The Estate's separate representations in respect of OAN highlight the dangers of an over-provision of flatted accommodation within the overall housing supply, at the expense of a balanced supply of housing. It is vital that the Council pays adequate regard to the overriding need to provide sufficient family housing accommodation when considering proposed housing allocations and their appropriate densities.
- 21** It is also noteworthy that most of the new affordable housing provision delivered across the year was in the form of flats rather than much needed family accommodation⁷. This is a particular concern given that studios and flats accounted for 94% of gross completions in the Borough during 2019/20,⁸ which included 272 student accommodation completions at the Comet in Hatfield. Clearly, student flats meet a specialist, rather than more general housing need. This demonstrates the recent severe under provision of new family housing.
- 22** The Estate's earlier representations in October 2020 in respect of Matter 2 Symondshyde referred to pre-application discussions on proposals that would increase the number of homes from 435 to 747 on the southern side of the former Shredded Wheat Factory site, which have attracted strong opposition from Historic England because of the negative impact of the proposed higher storey buildings

⁷ Paragraph 5.27, Local Plan – AMR Report to WHBC Cabinet Planning and Parking Panel meeting on 14 January 2021

⁸ P.10, Local Plan – AMR Report to WHBC Cabinet Planning and Parking Panel meeting on 14 January 2021

upon the listed production hall, silos and neighbouring Welwyn Garden City conservation areas.

- 23** Regarding the demolition of vacant buildings (B1 use class) and replacement with housing, the Update refers back to 2013, when in the 12 months following the introduction of permitted development rights for change of use from office to residential, prior notifications received amounted to 98 dwellings. Consequently, it suggests that this would result in an increase in windfall supply from former offices to 484 dwellings, rather than the 386 dwellings previously identified in the HELAA ⁹.
- 24** The total projected windfall for the 13-year period 2023/24 - 2035/36 is identified as being 1,402 dwellings (108 dpa), 87 dwellings above the 1,315 windfall dwellings identified in the Submitted Local Plan. This figure is stated as being below the annual historic average of 173 dpa and the historic median of 132 dwellings¹⁰. However, we think it is important to note that past windfall provision is no guarantee of similar future provision. This is particularly important in the context of significant past spikes in provision caused by actions such as the introduction of permitted development rights for office conversions to housing.

⁹ Paragraph 2.5, EX221: Local Plan Windfall Allowance Update – November 2020

¹⁰ Paragraph 2.6, EX221: Local Plan Windfall Allowance Update – November 2020

25 The Plan Period Windfall Allowance – 2020 Update is set out in the following table:

	Residential Development	Business (Offices)	Agriculture and Rural Buildings	Other Uses	Total
2020/21	0	0	0	0	0
2021/22	0	0	0	0	0
2022/23	0	0	0	0	0
2023/24	26	103	4	0	133
2024/25	26	101	4	0	131
2025/26	26	70	4	0	100
2026/27	26	21	4	0	51
2027/28	26	21	4	0	51
2028/29	26	21	4	0	51
2029/30	26	21	4	0	51
2030/31	26	21	4	88	139
2031/32	26	21	4	88	139
2032/33	26	21	4	88	139
2033/34	26	21	4	88	139
2034/35	26	21	4	88	139
2035/36	26	21	4	88	139
Total	338	484	52	528	1,402

26 It is recognised that the new Class ZA permitted development rights potentially enable the demolition of either: a single purpose-built detached block of flats; or any other single detached building falling within use classes B1(a), B1(b) or B1(c). However, we would point that in relation to these new permitted development rights, there is a comprehensive list of criteria to which the existing site and building must adhere to benefit from Class ZA.

27 Consequently, the Estate is sceptical that the new Class ZA permitted development rights will be capable of delivering the predicted 103 dwellings for 2023/24, 101 dwellings for 2024/25 or even the 70 dwellings predicted for 2025/26.

- 28** We do not believe that there is any reason to assume that the new permitted development rights will be as popular as the original changes introduced in 2013. It must be recognised that those changes related to the conversion of existing buildings, whereas the proposed changes involve the complete demolition of existing buildings and the construction of brand-new replacement buildings. Such a process is likely to be far more complicated and expensive than the originally instigated permitted development changes.
- 29** Consequently, the Estate believes that it is highly doubtful that the new permitted development opportunities assumed from the demolition and redevelopment of former office sites will deliver the projected levels of windfalls claimed for 2023/24 (103 dwellings), 2024/25 (101 dwellings) and 2025/26 (70 dwellings).
- 30** It can be seen from the above that Welwyn Hatfield is projecting three-figure windfall completions in 9 of the 16 remaining years of the Plan period, and a total windfall supply figure of 1,402 dwellings. The Estate would point out that this figure is very high in comparison with other recently adopted Local Plans in Hertfordshire. The Adopted East Hertfordshire Local Plan (October 2018) only makes provision for 75 windfall completions per annum¹¹. Whereas the more recent Adopted Stevenage Borough Local Plan (May 2019) only makes provision for a total of 200 dwellings (20 dpa after 2021)¹².

Summary

- 31** The Estate believes that the Council's justification falls significantly below the tests of providing compelling evidence as set out in the NPPF¹³, which allow Local planning authorities to make an allowance for windfall sites in the five-year supply. It does not believe that the Council has put forward sufficient evidence to show that such sites have consistently become available in the local area, and most importantly, will continue to provide a reliable source of supply.
- 32** The Estate considers that the Council's anticipated windfall allowance rate in respect of the demolition and re-development of former office sites is very unlikely to result in similar increases to those experienced in 2013 when the original office to residential

¹¹ Paragraph 3.3.10, Adopted East Herts District Plan (October 2018)

¹² Policy HO1, Adopted Stevenage Borough Local Plan (May 2019)

¹³ Paragraph 48, NPPF (2012)

permitted development rights were introduced. Consequently, it considers that the predicted windfall figures from this source for 2023/24, 2024/25 and 2025/26 to be over-optimistic. Instead, it considers that this source is more likely to deliver at around the 21 dpa level predicted for the remainder of the Plan period.

- 33** The Estate also considers that the anticipated windfall allowance of 88 dpa arising from 'other uses' over each of the final six years of the Plan period lacks sufficient justification.
- 34** The identified total windfall provision of 1,402 dwellings is excessively high, particularly in comparison to the allowances included in other recently adopted Local Plans in Hertfordshire. The Council referred to a proportionate evidence base relating to the windfall allowance in its Matter 2 Hearing Statement,¹⁴ which was then 110 dpa (1,315 dwellings). The Estate disagrees and considers that its earlier objections as set out in its own Matter 2 Hearing Statement remain relevant. This is especially true regarding the Council's windfall assumptions in respect of years 4 and 5 of the Plan period, which were then 70 dpa for both years¹⁵, but which in the Update are now being increased to 133 dpa in year 4 and 82 dpa in year 5.
- 35** The Estate believes that once a new Local Plan is adopted, the amount of housing supply coming forward from windfalls will fall significantly, just as it has done previously.
- 36** The Estate will look to take a full and active role in the forthcoming Hearing Session scheduled to consider windfalls.

EX223 - Treatment of Green Belt Boundaries

- 37** In principle and in general terms the intended approach to the treatment of the proposed Green Belt Boundaries is logical in relation to the sites the Estate is promoting at HDS2 (WGC1) – Creswick, SDS5 (Hat1) – North West Hatfield, SDS6 (Hat15) – Symondshyde and SDS7 (WeG4b) – Marshmoor, notwithstanding its objection to the illogical definition of the eastern boundary to Symondshyde which is the subject of a separate response to the consultation on EX 228 – Note on SP24 (SDS6) Symondshyde.

¹⁴ Paragraph, 7.17, WHBC Matter 2: Overarching Strategy Hearing Statement (October 2017)

¹⁵ Paragraph 74, Gascoyne Cecil Estate's Matter 2: Overarching Strategy Hearing Statement (October 2017)

- 38** The Estate would however observe that the paper could go further by developing the very generalised design provisions and translating them into planning policy requirements for all new Green Belt boundaries. These could be incorporated into either Policies SP9, SP10 or SADM16 in the submission draft Local Plan and make it clear that landscape design criteria should be a key aspect in the layout, form, and urban design qualities of new development. In some situations, landscape criteria may well dictate the main form of a development proposal.
- 39** Whilst every Local Plan allocation is unique, it would be useful to make it explicit in relation to all sites that, developers together with their professional advisors, should:
- Consider existing important views from roads, paths, and public areas towards such features such as churches, historic buildings, or wider landscapes, including off-site views where these may be affected by the development; avoid spoiling fine views; and consider framing or creating new views,
 - Pay special attention to the edges of new developments, especially where they adjoin the countryside; avoid the clutter associated with boundary fences, bland or repetitive building compositions and large-scale building masses; aim to achieve well-designed compositions incorporating buildings / walls / landmarks/planting on the edges of development including the provision of effective hedge and woodland screens,
 - Reflect local landscape character, particularly in the treatment of development edges through the choice of appropriate native species, the pattern of woodlands/copses/hedgerows, the use of landform and avoidance of harsh lines and the use of local materials for buildings, and
 - Seek opportunities for biodiversity enhancement through SuDS (Sustainable Drainage Systems) native tree, hedgerow and shrub planting and appropriate management regimes.



- 40** The Estate considers that the application of these principles to all sites will ensure that new Green Belt boundaries are appropriately formed and that the potential impact of the proposed allocations upon the purposes of the Green Belt is mitigated in line with the provisions of paragraph 85 of the NPPF (2012) so that they are readily recognisable, permanent, and do not need to be altered at the end of the plan period.

JB/PC/NW/1282
8 February 2021

