

Cabinet Planning and Parking Panel  
21 July 2022

WELWYN HATFIELD COUNCIL

\* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 21 July 2022 at 7.30 pm in the Council Chamber, Campus East, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors A.Hellyer (Chairman)  
S.Bonfante, S.Kasumu, G.Michaelides, L.Musk,  
R.Platt, J.Quinton, D.Richardson, P.Shah, C.Stanbury,  
S.Thusu, F.Wachuku and J.Weston

OFFICIALS C.Dale, Head of Planning  
PRESENT: S.Tiley, Planning Policy and Implementation Manager  
M. Wilson, Principal Planner  
A.Marston, Governance Services Manager  
K.Houston, Information Governance and Member Support Assistant

---

7. SUBSTITUTIONS

The following substitution of Committee Members had been made in accordance with Council Procedure Rule:

Councillor S. Kasumu for Councillor S. Boulton  
Councillor J. Weston for Councillor M. Holloway

8. APOLOGIES

Apologies of absence were received from Councillors S. Boulton and M. Holloway.

9. MINUTES

The Minutes of the meeting held on 23 June 2022 were approved as a correct record.

10. DECLARATION OF INTERESTS BY MEMBERS

Councillor S. Thusu declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being a Member of Hertfordshire County Council.

11. PUBLIC QUESTION TIME AND PETITIONS

Five questions were received from the public. The Chair gave responses to all.

Cabinet Planning and Parking Panel  
21 July 2022

**The following question was received from Paul Taylor:**

*"I ask members of the Council Cabinet Planning and Parking Panel to consider reinstating the planning capacity of the Shredded Wheat site to '1,403 dwelling equivalents', per the extant planning approval granted in 2019.*

*I ask this because significant, incorrect information was provided by the Planning Department to Council members before Council members originally decided to include '2,003 dwelling equivalents' as the capacity for this site for the purposes of the emerging Local Plan.*

*Before making their decision on the 2,003 dwelling equivalents at the Shredded Wheat site, Council members had been provided with the Planning Department's "Housing and Economic Land Availability Assessment, December 2020", which stated on page 4, "...it is considered that an increase of a single storey/approximately 600 dwellings (resulting in a total of 2,003 dwelling equivalent on site) would not have a significant impact on the heritage assets in this location." I attach a copy of this report.*

*Council members duly endorsed this figure of 2,003 dwelling equivalent, but the Planning Department's statement was wrong at the time it was written.*

*The 2019 planning approval for the Shredded Wheat site permitted 1,454 units in 10 blocks with an average height of 8 storeys, so the average number of units per storey was 182. No lawful amount of reduction in bedrooms per dwelling or in room sizes could have possibly created 600 extra units from 'a single storey'. It was physically impossible.*

*So, the critical sentence in the HELAA 2020 statement was wrong from the beginning, and this has been borne out by subsequent events:*

- 1. At the Shredded Wheat "North Site", the 2019 planning approval permitted 811 units in four blocks ranging between 7-8 storeys, with a few isolated 'turrets' rising to 9 stories. In its 2021 application, the developer applied to build 1,220 units in blocks typically increasing by at least two storeys and with much greater use of the upper storeys.*
- 2. At the Shredded Wheat "South Site", the 2019 planning approval permitted 643 units in six blocks ranging between 7-8 storeys and MTVH's 2021 application sought to increase this to 929 units by adding between two and three storeys to four of the six blocks to reach 10 storeys.*

*So, the truth is, that to achieve '2,003 dwelling equivalents', the site needed between two and three extra storeys and a major amount of upper-storey infill, i.e., extending the size of the upper storeys from very small areas (I'd call them turrets) to become major storeys.*

*The advice from the Planning Department that "an increase of a single storey/approximately 600 dwellings (resulting in a total of 2,003 dwelling equivalent on site)" was wrong when it was written, and I believe Council members were incorrectly advised. For this reason, I ask the Cabinet Planning and Parking Panel to revert to the previous planning capacity of the Shredded Wheat site of '1,403 dwelling equivalents', in line with the extant approval"*

Cabinet Planning and Parking Panel  
21 July 2022

Answer

The 2020 HELAA assessment identified a partial increase in height over the consented scheme would not result in a significant impact on the heritage assets. The HELAA assessment refers to pre-application discussions taking place. The 2019 consented scheme is not the baseline that an additional storey has been applied to which resulted in the identified uplift of 600 dwellings. Notwithstanding this, the report on the Local Plan being considered by Members this evening is to consider a reduction at the Wheat Quarter back to the consented scheme of 1,403 dwellings

**The following question was received from Amanda Andrews:**

*“Residents, councillors and experts have repeatedly discussed the historical and environmental significance of Dig 1 - as well as the fact the land is much-loved by residents and visited by tourists for views of the historic viaduct and other significant architecture such as the Tewin Water Estate. Furthermore, wildlife such as badgers, are regularly seen on the site, and Natural England has recently ensured the building of thousands of homes in the New Forest and Chilterns is prevented to prevent the impact on wildlife.*

*Have you asked for a recent opinion from Historic England or Natural England (or any other notable organisation) about the inspector’s apparent preference for a scaled-down version of Dig1 – and has Historic England or Natural England been shown any updated plans for the site, or asked for comment?”*

Answer

A moratorium on determining planning applications for new housing has been put in place covering zones of influence around the Chilterns Beechwood Special Area of Conservation and New Forest Special Area of Conservation. Special Area of Conservations are protected under the Habitats Regulations, which set a high legal conservation standard that planning authorities must adhere to. The Local Plan Habitats Regulation Assessment, prepared to support the draft Local Plan, has concluded that there will be no adverse effects on integrity on any European Sites within 10km of the Borough. Natural England is a consultee and has raised no objection the draft Local Plan. Further consultation will take place with Natural England through the Main Modifications consultation.

The Council has engaged with Historic England throughout the plan making process and the selection of suitable sites.

Dig1 was one of several sites selected for examination by the Inspector that had not been formally submitted to the Examination. The inspector has stated that built development could be restricted to the area below the ridge crest, without harming the setting of heritage assets. If accompanied by appropriate mounding and planting, a larger development could eventually be appropriately screened from the wider countryside Green Belt and the historic park.

The Council has been advised by our Heritage Consultant and Historic England that the development of the site will be harmful (less than substantial) to Tewin Water Registered Park and Garden. It is considered that through careful design

Cabinet Planning and Parking Panel  
21 July 2022

and placement, there is potential to remove harm to Digswell Viaduct but this depends on maintaining views of the viaduct across the site and making best use of the site topography in the placement of development. The harm to the Registered Park and Garden can be mitigated but not removed entirely.

**The following question was received from Howard Dawson:**

*At its meeting on 13 January 2022 the CPPP recommended;*

*“That Members recommend to Cabinet and Full Council the proposed dwelling numbers agreed and recommended by the Cabinet Planning and Parking Panel on 17 November 2020, specifically that a strategy is put forward for 13,277 dwellings.”*

*At the full Council meeting on 27 January 2022 the Council resolved to accept the recommendation from CPPP:*

*For the Local Plan period 2016 to 2036 this would represent 664 dwellings per annum.*

*Subsequent to the Council’s meetings in January 2022, the Inspector wrote to the Council stating that he would allow the Council to limit site allocations to the next ten year period on the basis that the Council should deliver an estimated 9,400 dwellings during that period, being an average of 940 dwellings per annum.*

*In the absence of the Council publishing its report to this CPPP meeting until after it is too late to submit this question, I am informed that the Council has itself assessed its housing need for the next ten year period to be circa 9,700 dwellings which is an average of 970 dwellings per annum.*

*The first year of the ten-year period identified by the Inspector includes 2022, which will have passed before the new Local Plan is likely to be adopted. As such, any shortfall in 2022 will have to be made up during the remaining nine years.*

*In the absence of the Council publishing its Report for this CPPP meeting in a timely manner, it is reasonable to assume that the housing delivery for 2022 will be circa 470 dwellings, leaving a shortfall of 500 dwellings to be made up over the ten-year period.*

*This would require the Council to deliver approximately 9,250 dwellings over the remaining nine years, which is 1,025 dwellings per annum.*

*When this is compared with the Council’s resolution in January 2022 at 664 dwellings per annum, the necessary requirement to make the submitted Plan sound would be an additional 550 dwellings per annum at circa 1,025 dwellings per annum. Furthermore, the Inspector also requires a review of the Plan to deliver additional dwellings for the period 2032 to 2036 to make up the full housing need of 15,200 dwellings. This review will incur an enormous amount of cost and resource in addition to all of the time and cost already expended.*

*There is presently a vacuum of Government housing policy with every prospect that housing distribution in next National Planning Policy Framework will be*

Cabinet Planning and Parking Panel  
21 July 2022

*rewritten with a significantly lower housing requirement in the southeast and a more sensible distribution of housing throughout the nation.*

*In view of the current disarray in Government housing policy, it would be reckless for this Council to resolve to adopt a strategy that requires 9700 dwellings to be delivered over the next ten years when there are clearly alternative options that are likely to significantly reduce the number of dwellings which will be required in this borough.*

*Would Members please confirm that it would be prudent to at least pause the progress of the Local Plan or better still to withdraw the Plan and to wait for Government housing policy and housing distribution to become clear.*

Answer

Whilst the Levelling Up and Regeneration Bill has begun its passage through Parliament it is not expected to be enacted till 2023 and it is understood that the new planning system would not be implemented until 2024 as secondary legislation will also need to be introduced.

It is not yet known what the government's approach to calculating housing numbers will be and there is a lack of clarity as to whether the national 300,000 dwelling per annum target will be dropped as part of these changes. Until these changes are announced planning decisions have to be based on current government policy.

Without an up-to-date Local Plan planning appeals will be determined on the basis of the target set in the standard methodology currently 888 dwellings per annum meaning the Council will not have a five year land supply meaning that the presumption in favour of sustainable development will be applied.

Any review of the plan would be based on government policy in place at the time of the review and this is accepted in the Inspector's letter to the Council.

**The following question was received from the Welwyn Planning and Amenity Group:**

*In 2011, the census estimated that the population within WHBC was 110,535 people. Subsequent year-by-year ONS estimates of population growth put the population in mid-2020 at 123,893 people – an increase of 12.1% since the 2011 census figure.*

*However, the 2021 census put the population at 119,900 people – an increase of 8.5% since the 2011 census, and equivalent to where the ONS had predicted the population to be in early 2016 – ie five years earlier.*

*We can now see that the ONS estimates of the population of WHBC were, by 2021, five years ahead of themselves, and overestimating the population growth by more than 42%.*

*The total households in 2021 appears to be 48,200, up 5.9% (or 2,700) on 2011. However, it is down on the 2020 implied estimate of 49,850 homes.*

*The ONS data upon which the Local Plan's FOAHN has been based appears to substantially over-estimate the size of the population and housing stock. The*

Cabinet Planning and Parking Panel  
21 July 2022

*actual number of homes in 2021 was around 48,247, whereas the 2020 estimate was 49853 – an overestimate of 1,600.*

*All of this suggests that the ONS projections upon which the FOAHN has been forecast might be exaggerating the size of the housing need around the borough. An overestimate of 1,600 homes means that an equivalent number should come off the housing target being set via the new Local Plan.*

*What implications for the Local Plan does the council see arising from these inaccurate prior forecasts?*

Answer

Appendix E to the Committee report includes a note on the 2021 Census results, which showed that Welwyn Hatfield's population at the time of the Census was 119,900 persons, while the number of households was 46,200. The note compares the Census results to the 2018-based alternative variant projections, which do appear to have overestimated Welwyn Hatfield's population in 2021. The mid-year population estimate for 2020 for Welwyn Hatfield was also higher than the 2021 Census population.

The timing of the Census on 21st March 2021 means that the coronavirus pandemic may have had some impact on where people lived at the time of the Census - this is particularly relevant for Welwyn Hatfield given the large student population. It is understood from the Higher Education Statistics Agency (HESA) analysis that there was an increase in the number of students who were not at term-time accommodation in the 20/21 academic year. It is likely that this could have had an impact on the population of Welwyn Hatfield at the time of the Census.

Data on vacant dwellings also potentially supports this as the proportion of vacant properties in Welwyn Hatfield increased in October 2020 compared with October 2019. Looking at the difference between the Census results and projections by age group, the population for the 20-29 age groups saw the largest over-estimation (by over 4,570 persons). However, it is unlikely that such a huge difference in numbers can be entirely due to the effects of the pandemic and could also potentially point towards the previous issues with estimating emigration of students after they complete their studies, or changes in international migration. However, without further detailed data it is difficult to draw such conclusions at this stage.

The population and household projections are the 'starting point' for the calculation of future housing needs and a reduction in projections would not automatically mean a reduction in the OAN. The Inspector identified affordability as an ongoing concern which resulted in an uplift being added to the FOAHN. Whilst there was some levelling off in Welwyn Hatfield's affordability ratio in recent years, this once again saw a sharp increase in 2021 - with median house prices now 12.37 times annual workplace based earnings. The Census data also implies that household size has increased to 2.60 persons per household in 2021 from 2.53 in the 2011 Census.

A further uplift to the 'starting point' was also applied due to a surplus of jobs in the borough relative to the resident workforce and the employment strategy in

Cabinet Planning and Parking Panel  
21 July 2022

the Local Plan. This is intended to prevent any further increase in net inward commuting to the borough. The 2021 Census data indicates that the working age population is lower than was projected which could potentially result in an increase to inward commuting if the gap between the number of jobs and the resident workforce increased.

Whilst the Census data does seem point towards a reasonable overestimation of the population and number of households in the borough, until we have more detailed information available from the ONS which provides an explanation of any differences to the mid-year estimates, and makes any necessary revisions to previous estimates, it is difficult to draw any firm conclusions, particularly given the possible impact that the coronavirus pandemic may have had on where people lived at the time of the 2021 Census. If further analysis indicated that the demographic starting point is lower than previously forecast, this may not necessarily mean an equivalent reduction in the OAN if a further uplift was required in relation to the employment strategy or/and worsening affordability.

**The following question was received from Alan Perkins:**

*“The Inspector has indicated in his letter of 16 February 2022 (EX283) that he would be sympathetic to the Council adopting a housing trajectory that seeks to only meet the housing requirement for the next ten years, subject to a future review of the Plan to make up the full housing need of 15,200 new homes.*

*Members of CPPP might welcome this apparent concession by the Inspector but, in reality, this will not allow the Council to defer site allocations for ten years. In order to deliver new homes in year eleven, it would be necessary for sites to be allocated by the end of year seven. This is because it generally takes two years anywhere in the UK to obtain planning permission and to resolve the statutory and legal obligations that run with any planning permission for 30 or more homes on any potential site. It then takes at least one year to actually build those homes.*

*Therefore, if sites must be formally allocated by the end of year seven in order to meet housing need beyond year ten, it follows that the Review of the Plan must commence at least three or possibly four years prior to the seventh year. This is because a Review of the Plan will have to include a Call for Sites, an updated evidence base, full compliance with the Duty to Cooperate, public consultation at both Regulation 18 and Regulation 19 stages and a Public Examination of the reviewed Plan to establish its soundness. From the above, Members of CPPP will appreciate that a Review of the Plan, ready to allocate additional sites and deliver new homes after year ten, will actually need to commence within three from now, with all the time, effort and extra cost involved.*

*So, kicking the can down the road does not achieve anything positive. The Council will face the same questions, the same challenges and, for the most part, the same sites will be advanced for allocation as were considered by CPPP on 27 January and full Council on 2 February 2022. That whole process will simply start again in about three years time. The government does require a review of all Local Plans every five years, but this would only lead to significant changes to an adopted Plan if housing delivery was falling behind schedule. However, the reason for an early review of this Council’s Local Plan would be for*

Cabinet Planning and Parking Panel  
21 July 2022

*an entirely different reason. The review would be a specific requirement that the Inspector will impose upon this Council as a condition of finding the Plan sound now. That will unavoidably trigger all the associated time and costs of a review.*

*Would CPPP please confirm that it will act in the best interest of the whole borough to ensure the prudent and careful use of public money, which would not be best served by a review of this Plan.*

Answer

This evening, Members are to consider a report that sets out the Inspector's housing requirement and identifies the additional sites that could be put forward to the Local Plan Examination for reaching a sound plan which would be subject to an early review. There are now insufficient sound sites to deliver 15,200 dwellings across the plan period or which would assist with housing land supply during the last three years. The early review would be carried out in the context of national policy on housing numbers existing at the time of the review.

12. LOCAL PLAN - INSPECTOR'S LETTER AND PROPOSED MODIFICATIONS TO THE PLAN

Report of the Assistant Director (Planning) on Members received a presentation which set out the background to the Local Plan including the key stages and consultation; the Council's January 2022 Strategy and the Inspector's response; the housing requirement; performance of the January 2022 housing against the requirement(s); the additional sites required to meet the housing requirement; timetable and next steps; and, considerations.

The Inspector had advised that the Local Plan requirement of 15,200 was still appropriate. He had advised an approach based on identifying sites for the year period following adoption could be sound with a commitment to a review, to be undertaken in the context of housing need and national policy. The Inspector had advised that the plan can only move forward if the Council accepted the conclusions and carried out consultation on Main Modifications. He had asked for the supply of housing to meet the requirements for the ten years post adoption, including the residual amount not achieved between 2016-22.

Additional dwellings were required to be allocated from sites considered by the Inspector. The presentation set out options to meet the housing need while meeting the Inspectors tests.

**Recommendation 1:**

Consider the implication of different approaches to managing the shortfall over the remaining plan period set out in the report and the appendices.

**Recommendation 2:**

Agree to recommend to Cabinet and Council that the additional sites set out in Table 6 of the report (and the updated site capacity of the January 2022 Member agreed sites, Appendix A Table 1) and which offers the best opportunity for reaching a sound plan be submitted to the examination as modifications to the Local Plan, and;



**Recommendation 3:**

Recommend to Cabinet and Council that public consultation take place on Main Modifications to the Local Plan at the earliest opportunity once the Inspector has confirmed the content of the Main Modifications required to make the Plan sound.

**If Members do not agree to recommendation 2 and 3 above**

**Recommendation 4:**

Agree to recommend to Cabinet and Council that the additional sites set out in Table 4 of the report (and the updated site capacity of the January 2022 Member agreed sites, Appendix A Table 1) that responds to the relationship of the Full Objective Assessment of Housing Need to the Employment Strategy and the need for housing to be provided alongside new jobs.

**Recommendation 5:**

Members recommend to Cabinet and Full Council that public consultation take place on Main Modifications to the Local Plan at the earliest opportunity once the Inspector has confirmed the content of the Main Modifications required to make the Plan sound.

The following points were raised and discussed:

- At a recent planning appeal it was noted that a lack of a 5-year housing supply was not a reason to approve a development.
- Developments are built with the profits of the developers in mind, not the need of the local people.
- The sites selected in Welham Green effectively surround the existing village; phasing could be introduced to minimise disruption if all the sites were to come forward at the same time.
- Other authorities in Hertfordshire have withdrawn their Local Plans, some Members commented that our current plan protects the greenbelt whilst recognising the need to build. Continuing to defend that plan would keep developments out of high harm areas and deliver 8,517 homes in the first ten years of the plan. This would demonstrate the council is listening to residents, whilst acknowledging that we are not going to create a plan that pleases everyone.
- When questioned about the feasibility of going forward with the previously submitted proposal, officers confirmed that as the inspector has twice refused those numbers he is likely to find the plan unsound.
- It was noted that the population of the borough is unlikely to not continue to grow as there is continual migration from the capital to commutable areas and people are living longer. House prices will continue to increase if we do not have enough homes, there will continue to be a struggle for people to get on to the housing ladder.

Cabinet Planning and Parking Panel  
21 July 2022

- A Member commented that the plan has a higher proportion of development in Cuffley and Welham Green than Brookmans Park, despite the latter being a more sustainable location.
- Concern was expressed about the climate change implications arising from new development, particularly in the Green Belt.

Councillors asked for their thanks for officers to be put on record for all the work they have done over the many years of the Local Plan process.

RESOLVED:

- 1) (UNANIMOUS IN FAVOUR)  
Panel members considered the implication of different approaches to managing the shortfall over the remaining plan period set out in the report and appendices.
- 2) (UNANIMOUS AGAINST)  
Panel Members agree to recommend to Cabinet and Council that the additional sites set out in Table 6 of the report (and the updated site capacity of the January 2022 Member agreed sites, Appendix A Table 1) and which offers the best opportunity for reaching a sound plan be submitted to the examination as modifications to the Local Plan,
- 3) (NOT VOTED ON AS IT RELIED ON ACCEPTANCE OF (2) ABOVE)  
Recommend to Cabinet and Council that public consultation take place on Main Modifications to the Local Plan at the earliest opportunity once the Inspector has confirmed the content of the Main Modifications required to make the Plan sound
- 4) (UNANIMOUS AGAINST)  
Agree to recommend to Cabinet and Council that the additional sites set out in Table 4 of the report (and the updated site capacity of the January 2022 Member agreed sites, Appendix A Table 1) that responds to the relationship of the Full Objective Assessment of Housing Need to the Employment Strategy and the need for housing to be provided alongside new jobs
- 5) (NOT VOTED ON AS IT RELIED ON ACCEPTANCE OF (4) ABOVE)  
Members recommend to Cabinet and Full Council that public consultation take place on Main Modifications to the Local Plan at the earliest opportunity once the Inspector has confirmed the content of the Main Modifications required to make the Plan sound.

It was moved by Councillor S. Thusu and seconded by Councillor C. Stanbury

- 6) (8 voting FOR, 3 voting AGAINST, 2 voting to ABSTAIN)  
Agree to recommend to Cabinet and Council the proposed sites agreed and recommended by the Special Council on 27 January 2022 and their updated dwelling numbers specifically as shown in table 3 of the report and Appendix A Table 1 of the report giving a total updated capacity of 12,775 with 8,517 in the first ten years.

Cabinet Planning and Parking Panel  
21 July 2022

Note: Members requested the vote for (6) above be recorded.

For: Cllrs Hellyer, Kasumu, Michaelides, Platt, Richardson, Stanbury,  
Thusu and Wachuku

Against: Cllrs Musk, Shah and Weston

Abstain: Cllrs Bonfante and Quinton

Meeting ended at 9.55 pm  
AM