



# Housing Delivery Test Action Plan



**August 2019**

## Executive Summary

1. The [National Planning Policy Framework](#) (NPPF) requires councils to prepare an action plan where housing delivery has fallen below their housing requirement.
2. This Action Plan seeks to identify the main issues associated with housing delivery in the borough and the main actions that can be taken by the Council and other parties to speed up delivery.
3. The plan reviews Government guidance, considers the views of relevant stakeholders and analyses existing data and other knowledge in order to identify a series of actions that will be taken over the coming months and years to help increase housing delivery.
4. In summary these actions are:
  - Continue to determine planning applications for housing schemes as fast as reasonably possible.
  - Continue to consider the necessity of planning conditions for housing permissions.
  - Continue to discharge planning conditions for housing schemes as fast as reasonably possible.
  - Continue to prepare Section 106 agreements as fast as reasonably possible.
  - Work with Hertfordshire County Council to prepare Section 106 agreements involving contributions for their services as fast as reasonably possible.
  - Progress the adoption of the Local Plan ~~and the release of land from the green belt to enable urban extensions to come forward for development around towns and villages.~~
  - Review the determination of minor applications, particularly those that are refused, to see whether there is more than can be done to get them approved.
  - ~~Review the scope for technology and modernisation to improve pre-application advice and the handling of planning applications.~~

## Introduction

5. Paragraph 75 of the [National Planning Policy Framework](#) (NPPF) states that “*Where the housing delivery test indicates that delivery has fallen below 95% of the authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.*”
6. The [housing delivery test](#) is an annual measure of housing delivery which compares ‘total net homes delivered’ against ‘number of homes required’. Because the Council does not have a recently adopted Local Plan the number of homes required in Welwyn Hatfield is taken from the Government’s local housing need figures.
7. The Government published the housing delivery test results in November 2018. It confirmed that Welwyn Hatfield had built 1,493 homes in the period 2015/16 - 2017/18 against a target of 1,701 homes. This equates to 88%.
8. The Council therefore needs to prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years.
9. The Council also needs to add a 5% buffer to its five year housing land supply.
10. It is worth noting that if housing delivery was below 85% then the Council would need to add a 20% buffer to its five year housing land supply and that if housing delivery was below 25% then the Council should apply the presumption in favour of sustainable development to planning decisions.
11. It is also important to note that the housing delivery test will become more challenging in future years, so the presumption in favour of sustainable development will apply if delivery is below 45% in 2019 and below 75% in 2020.

## Guidance

12. The Government’s [Planning Practice Guidance](#) contains useful guidance on the housing delivery test. It advises that action plans should be transparent and publicly accessible documents. It is up to each council whether they consult on their action plan but they should be prepared with the involvement of relevant stakeholders such as developers, land promoters, land owners, infrastructure providers, neighbouring authorities and county councils. They should be produced in a timely fashion, within six months of the test results (by 19 August 2020). It identifies issues that councils might want to consider and actions that councils and other stakeholders might want to take.

## Consultation

13. The Council included an article about the requirement to prepare an action plan in its May 2019 newsletter to everyone registered on the Local Plan consultation database (which currently contains to about 2,000 statutory bodies, businesses and individuals).

### **Housing Delivery Action Plan**

The Government has recently published its housing delivery test figures for the three year period 2015/16 to 2017/18.

They show that Welwyn Hatfield needed to build 1,701 homes, but actually built 1,493 homes (equivalent to 88%). It means that the Council must now publish an action plan which identifies the reasons for under-delivery, ways to reduce the risk of further under-delivery and measures to improve levels of delivery.

Government guidance encourages the Council to collaborate with key stakeholders such as land promoters, developers and infrastructure providers to produce the action plan. We therefore welcome comments on how the Council can reduce under-delivery and improve housing delivery rates in future years. Useful comments will be incorporated into a draft action plan that will be presented to Cabinet Planning and Parking Panel (CPPP) later this year, in order to be published by the 19 August 2019 deadline.

14. The Council received one response to this article, which made the following observations:

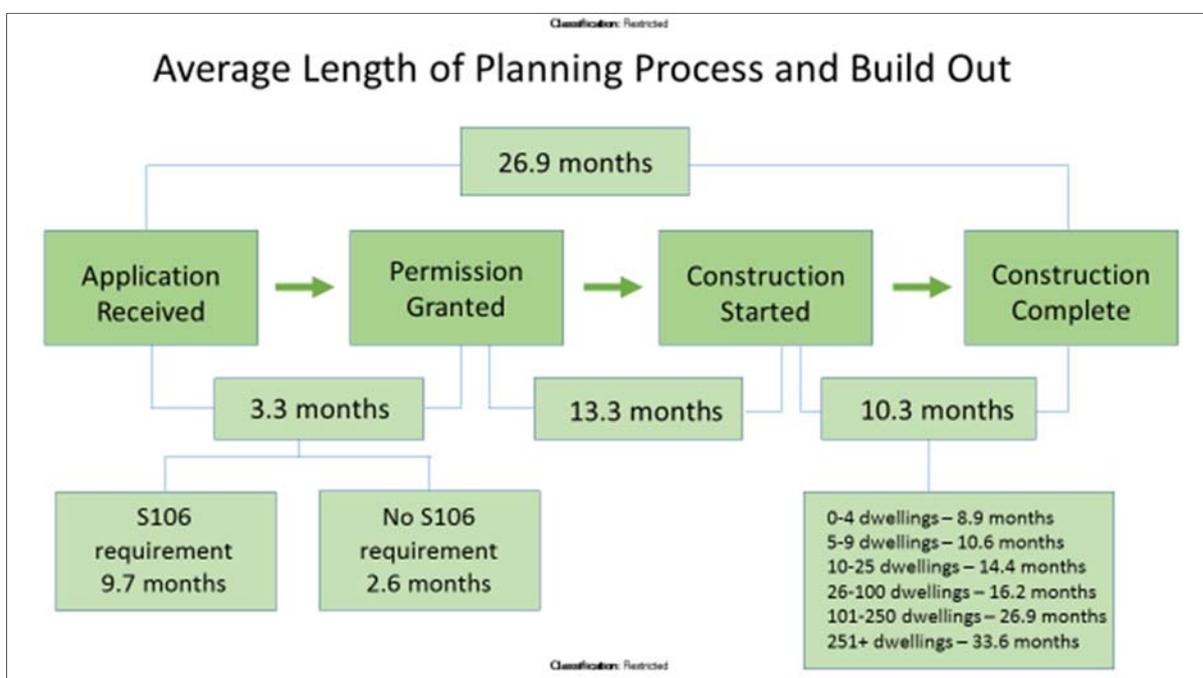
*“In our opinion, the key component to reducing the under-delivery of housing within the Borough is to ensure that you have an adopted Local Plan that allocates sufficient deliverable and developable sites to enable targets to be met throughout the adopted plan period. During the public examination, the Inspector indicated that the development strategy was not sound because, in part, there was insufficient justification for the failure to identify sufficient developable sites within the green belt to accommodate the identified need. Notably, for a site to be developable there should be a reasonable prospect that it will be available and could be viably developed at the point envisaged and, in our opinion, the Council has not previously taken viability into account sufficiently in selecting sites.*

*Consequently, in selecting sites following the call-for-sites consultation we support the Council undertaking viability assessment in accordance with the NPPF and PPG, which will ensure better delivery by allocating sites that are developable.*

*In addition to ensuring a sufficient supply of developable sites are allocated in an adopted Local Plan, the Council should also consider whether the densities of proposed developments can be increased to provide additional housing on site. Furthermore, the Council should look to ensure conditions attached to decision notices are not onerous in requiring details prior to a commencement of development, unless it is wholly necessary. This will subsequently improve delivery rates.”*

Data and Analysis

15. The Council has analysed a sample of just over 600 planning applications for housing received in the period 2000 - 2015 in order to understand the length of the planning application determination process and build-out rates once permission is granted.
16. On average it takes 2.6 months to determine an application without a Section 106 agreement and 9.7 months to determine one that requires a Section 106 agreement.
17. On average it takes 10-14 months after permission is granted for construction to start. This is pretty consistent regardless of how many dwellings have been granted for the site.
18. Thereafter schemes of 0-4 dwellings take on average 8 months to complete, schemes of 5-9 dwellings take on average 11 months to complete, schemes of 10-25 dwellings take on average 14 months to complete, schemes of 26-100 dwellings take on average 16 months to complete, schemes of 101-250 dwellings take on average 27 months to complete and schemes of 251+ dwellings take on average 33 months to complete.
19. On this basis it is possible to state that it takes on average 26.9 months from the date that a planning application is received to the date that construction is completed, although as indicated above this depends on the size of the site and whether a Section 106 agreement is needed.



20. The Council has separately analysed the timescales for Hatfield Aerodrome, as this is the only strategic site (for 2,200 dwellings) that has been built in the borough in the last twenty years. In summary it took 13 months to determine the planning application and 11 years for the scheme to be constructed, at an average rate of delivery of 201 dwellings per year, with a high point of 435 dwellings in 2003/04, but some delays after the 2008/09 recession.

21. This knowledge has fed into the Submitted Local Plan which projects that strategic sites at Panshanger, Birchall Garden Suburb, Stanboroughbury and Symondshyde will be built-out at an average rate of 150 dwellings per year.
22. At the time of writing, the [Welwyn Hatfield Brownfield Land Register 2018](#) contains 63 sites with a combined capacity for 2,758 dwellings.
23. At the time of writing, the [Welwyn Hatfield Self-Build and Custom Housebuilding Register 2018](#) contains 32 individuals who are seeking a self-build serviced plot.
24. As part of the Local Plan process, the Council is currently updating the Housing and Employment Land Availability Assessment (HELAA). This will be used to determine which sites it might be possible to present to the examination inspector for inclusion in the Local Plan.
25. The [Welwyn Hatfield Annual Monitoring Report 2017-2018](#) records that there were 315 net new homes built in the borough and that is 3.63 years of housing land supply against the 2016-based household projections. The average house price has increased to £384,500 and is 12.22 times the average lower quartile income.
26. As a result of a planning inquiry into the Entec House site in Woolmer Green which took place in September 2018 the Council accepts that it does not have a five year housing land supply and that a presumption in favour of sustainable development exists.

### Performance

27. The Government sets monitoring targets for 70% of 'major' applications to be determined within 13 weeks and for 60% of 'minor' and 'other' applications to be determined within 8 weeks, although these timescales can be extended in agreement with the applicant. Councils can be designated as failing if they do not meet or exceed these targets over a rolling two year period.
28. For clarification, 'majors' are schemes of 10+ homes or 1,000+ sqm of new floor area, 'minors' are schemes of up to 9 homes or 999 sqm of new floor area and 'others' include householder, listed building and advertisement proposals. The planning team also deals with a significant number of 'non-countable' applications such as prior approvals, discharge of conditions, etc and Welwyn Garden City estate management applications.
29. In the two year period from March 2017 to March 2019 the Council determined 94% of majors, 76% of minors and 88% of others within these set timescales or by extension.
30. The table below shows that performance was strong for major and other applications, irrespective of whether they were approved or refused. It is noted however that performance is high for the approval of minor applications but weaker for their refusal, at 63%. The Council offers a pre-application advice service that is usually taken up by applicants submitting major applications, but not always by those submitting minor applications. Minor housing and commercial schemes often raise local concerns, get called-in by ward councilors for determination by Development Management Committee and then get refused. It is also because minors sometimes

generate small but challenging issues that officers and applicants seek to overcome, but often find that they are too great.

For period: March 2017 March 2019	Determined		Approved		Refused		Declined to determine
	Total	Within timescale	Number	Within timescale	Number	Within timescale	Number
Majors	71	94%	58	95%	12	92%	1
Minors	331	76%	237	84%	90	63%	4
Others	1,747	88%	1,347	90%	396	83%	4

### Local Plan

31. The [Welwyn Hatfield Local Plan](#) was submitted for public examination in May 2017. It contained a target to build 12,000 homes in the period 2013-2032, of which about half were on brownfield land and half on green belt land.
32. At the time of writing, the Local Plan is still at public examination stage. The inspector has expressed concern that the plan does not meet the objectively assessed need for housing and may not be found sound. He has asked the Council to undertake various pieces of work to identify additional housing sites, including a further green belt review and another call-for-sites exercise. The Council is currently analysing evidence and reviewing public responses to these new and re-promoted sites. It is intended that results will be reported to councillors **later in 2019** and that examination hearing sessions will take place in **December 2019 and February 2020**. This should lead to main modifications consultation and adoption **later in 2020**.
33. The Council considers that it is doing all it reasonably can to progress the Local Plan.
34. A new call-for-sites exercise and public consultation on those sites has ensured that the process remains open and democratic.
35. Adoption of the plan and its policies **will may** release land from the green belt and enable planning applications to be submitted and approved for allocated sites.
36. In the meantime however the Council is resisting and is likely to continue to resist the early consideration of green belt sites. This is because the inspector has yet to reach a view on the merits of proposed green belt sites and to allow all interested parties to debate the merits of new and re-promoted sites and understand the cumulative implications of sites on their towns, villages and communities. The Government has confirmed that housing need alone is not sufficient to justify development in the green belt. Any planning applications that come forward before the Local Plan is adopted will therefore need to demonstrate 'very special circumstances' in order to justify development within the green belt, even if that land is proposed for release.

## Other Actions

37. Policy SP7 of the Submitted Local Plan states seeks affordable housing ratios of 25% in Hatfield, 30% in Welwyn Garden City and 35% in villages. These targets are based on viability evidence that will continue to be updated over the plan period.
38. Policy SP7 of the Submitted Local Plan states that affordable housing will be sought on all sites of 11+ new dwellings or 0.5+ hectare sites, subject to viability appraisal. This means that market housing can continue to be delivered where the particular circumstances of the site make some or all affordable housing unviable. The Council is willing and has recently worked with applicants where there are viability challenges but an associated opportunity to secure Homes England funding for affordable housing.
39. Policy SP7 of the Submitted Local Plan states that on sites of 100+ dwellings, 2% of dwelling plots should be provided to contribute towards meeting the evidence demand for self-build and custom housebuilding.
40. The Council is developing its own land holdings in order to increase the supply of all types of housing. This includes the redevelopment of ageing council housing stock and underused garage sites.
41. The Council is in the process of creating a housing company that will be better able to delivery other forms of social rent that are desirable and affordable for local residents.
42. WHBC is part of Hertfordshire One Public Estate initiative which seeks to make best use of all publicly owned land, including for housing development.
43. The Council has secured £10.6 million of Homes England accelerated construction funding to help deliver housing projects in Welwyn Garden City and Hatfield town centres.
44. The Council is part of the [Hatfield 2030+ Renewal Partnership](#) which has prepared a Development Framework and other documents to help identify suitable sites for new housing and other types of development. As an outcome of this work the Council has prepared or is preparing planning applications for a number of sites, including High View neighbourhood centre for 146 new homes, 1 Town Centre site for 71 new homes and Link Drive car park for 80 new homes.
45. The Council is in the process of updating the [Welwyn Garden City Town Centre North Supplementary Planning Document](#) and is looking at the potential to deliver up to 400 new homes on town centre sites.
46. The Council has allowed taller buildings and higher densities in sustainable locations, such as the Wheat Quarter in Welwyn Garden City, which has been granted planning permission for 1,454 homes in blocks of up to eight storeys tall.
47. The National Planning Policy Framework (NPPF) states that “*Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions*” but clarifies that “*Planning conditions should only be imposed where they are necessary, relevant to planning, relevant to*

*the development to be permitted, enforceable and reasonable in all other respects.”*  
 The Council does its best to ensure that it only applies planning conditions that meet these five tests, in response to issues identified by officers or raised by statutory or non-statutory consultees. Officers will continue to think carefully before applying planning conditions to housing permissions.

48. The analysis above indicates that it takes on average 9.7 months to determine a planning application that requires a Section 106 agreement (compared to 2.6 months without one). The need for a Section 106 agreement normally arises because the size or impact of the proposed development warrants affordable housing and/or contributions to transport, education, healthcare, etc. The Council has contract arrangements with a legal firm to help progress agreements in as timely a manner as possible. Further complexity can arise where the applicant prepares a viability appraisal to seek to demonstrate that the scheme cannot afford its full policy obligations. The Council therefore has contract arrangements with a viability consultant so that appraisals can be independently tested. All of these efforts seek to balance the need for speed with the need to ensure that applicants make valid contributions to services that will be impacted upon by their developments. The Council will continue to work closely with Hertfordshire County Council to prepare Section 106 agreements that involve contributions to their services in as timely a manner as possible.
49. As an on-going exercise as part of the production of the Annual Monitoring Report, officers will seek to engage with developers who have secured planning permission to understand why schemes haven't come forward as quickly as anticipated.
50. **The Council will explore the scope for technology and modernisation to improve the provision of pre-application advice and the handling of planning applications. Officers are aware of IT applications for example that make it easier to potential applicants to understand whether their proposal is permitted development, whether they require planning permission and what information needs to be submitted in order to make their application valid.**
51. Irrespective of all of the above, officers, councillors, communities and residents all want to ensure that housing development is sustainable, high quality and respects adjoining land uses and its surroundings.

Projected Results for 2019

52. Based on initial housing completions data for the April 2018 – March 2019 monitoring year (which is still being reconciled by Hertfordshire County Council) it is estimated that housing delivery test results for 2019 will be about 72%.

	Measured Against	Target	Actual Completions
2016-17	2012-based household projections (annual average 2016-2026)	543.5	671
2017-18	2014-based household projections (annual average 2017-2027)	622.8	315

2018-19	Standard methodology	867	468
<b>Total</b>		<b>2,033</b>	<b>1,454</b>

53. This indicates that the Council will have to prepare another action plan by August 2020 and apply a 20% buffer to our five year housing land supply.