

Cabinet Planning and Parking Panel
17 November 2020

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Tuesday 17 November 2020 at 7.30 pm via Zoom .

PRESENT: Councillors S.Boulton (Chairman)
S.Kasumu (Vice-Chairman)
A.Chesterman, B.Fitzsimon, G.Hayes, T.Kingsbury,
J.Quinton, D.Richardson, A Rohale, P.Shah and
P.Zukowskyj

OFFICIALS Corporate Director (Public Protection, Planning and Governance) (N.Long)
PRESENT: Head of Planning (C Haigh)
Planning Policy Implementation Manager (S.Tiley)
Governance Services Manager (A.Marston)

97. MINUTES

The minutes of the meeting held on 29 October 2020 were deferred for approval at the next meeting of the Panel.

98. DECLARATION OF INTERESTS BY MEMBERS

Councillors S. Boulton and P. Zukowskyj declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being Members of Hertfordshire County Council.

99. PUBLIC QUESTION TIME AND PETITIONS

Question from Mr. Howard Dawson

At the CPPP meetings on 23RD January and 29th January 2020, Members of this Panel made clear they required all sites of High Harm to the Green Belt and Symondshyde to be deleted from the Local Plan.

The Inspector made clear at the examination and in writing that sites which are High Harm to the Green Belt should not be allocated unless sites of lesser harm to the Green Belt have been allocated first. The allocation of Symondshyde should only be a last resort.

The position of the CPPP at its January 2020 meetings and the position of the Inspector is therefore consistent in stating that the allocation of Symondshyde and High Harm sites should be a last resort, or not at all.

The grounds for deleting Symondshyde and the High Harm sites from the Plan are justified by the fact that the Inspector himself required the Council to

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undertake the Stage 3 Green Belt Review in 2018 which was after the Plan had been submitted. This is new evidence which justified the deletion of the High Harm sites and Symondshyde from the submitted Plan.

Given the above facts please would the Chair of CPPP please explain why the Council's planning officers presented such a strong and robust case to the stage 7 and 8 Hearing Sessions to promote and support the allocation of Symondshyde and all High Harm sites, against the wishes expressed by Members in January 2020?

Response from the Chairman

At the beginning of the Stage 7 Hearing Sessions the Head of Planning gave a statement to the Hearing Sessions explaining the situation. The Proposed Submission Local Plan 2016 was agreed for submission by Full Council in 2017. In January 2020 Cabinet Planning and Parking Panel recommended to Cabinet that the Council should consult which included proposing their removal. This was agreed for consultation by Cabinet. In accordance with legislation it is Full Council which agrees the submission version of a Local Plan or any substantive changes. Full Council have not yet considered the results of the consultation on these proposals or decided on the approach to be taken with regards to sites in the Local Plan. Until such a decision is taken by Full Council, the Submitted Local Plan remains the Council's policy and officers have a duty to defend its soundness at the Hearing Sessions.

Question from Mr. Peter Miller, Waterend Residents Group

This Local Plan is moving, like Titanic, towards the iceberg.

We currently have site HS22 allocated at Brookmans Park, which we now know from a report requested by the Inspector after the plan was submitted, to be High Harm and surrounded by Very High Harm Green Belt.

This site is now inexorably increasing in size, like the iceberg, potentially doubling in size.

Because the Inspector disallowed what he called 'a beauty parade', he refused to acknowledge or examine alternative sites.

Consequently, we now have the utterly bizarre situation of the largest and most harmful to the Green Belt site in Brookmans Park remaining allocated with the Council unable to remove it, whilst other Brookmans Park sites that are significantly less harmful are not allocated.

Will the Council stand by its position in January 2020 and request that all High Harm sites are removed from the Plan to be replaced by sites of a lesser harm?

Response from the Chairman

The Council has consulted on a strategy which would result in the Council advocating to the Inspector that this site be removed. This Panel now needs to consider the results of that consultation and decide what recommendations it wishes to make to Cabinet and Full Council with regards to this issue.

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Question from Mr. Nigel Matthews, Chairman North Mymms District Green Belt Society

The Local Plan inspector appears to be justifying his pressure for Welwyn Hatfield to meet their OAN, despite clear green belt constraints, by quoting political statements and bowing to pressure from national government to allocate sites on current greenbelt to meet that 'need'.

Will the Committee confirm that the Local Plan is driven by their vision for the future of Welwyn Hatfield, in response to the genuine needs of Borough residents and not the application of central government policy at one remove, with targets unrelated to local need and heedless of the damage caused to local communities by over-expansion and the irreparable loss of Green Belt.

Response from the Chairman

The Local Plan is allowed to set a vision and that it what is done in the strategic policies of the submitted document. Whilst the Council can set its own vision for the borough and its settlements, its policies and strategy for growth must still be found "sound" by the planning inspector in order to be adopted. Only when it is adopted does the plan have any significant weight when it comes to making decisions on planning applications.

If the plan is found unsound, then the Council would need to start the Local Plan process all over again.

The 2012 National Planning Policy Framework (NPPF) defines soundness as comprising four tests. These include being positively prepared and consistent with national policy.

Positively prepared means that it must seek to meet objectively assessed development needs where it is reasonable to do so and consistent with achieving sustainable development. The methodology for calculating those needs is set out in national planning guidance and is based on evidence of local needs.

National policy requires there to be exceptional circumstances before Green Belt boundaries can be altered. The Inspector has already concluded that exceptional circumstances do exist. The Council has consulted on a strategy which maximises opportunities on brownfield land and it will now consider the results of that consultation before deciding what if any additional sites to submit to the examination.

Question from Mr. Neil Bedford

The Council proposes Brookmans Park should now only be allocated for 16 homes in the new Local Plan.

There is undeveloped land either side of Bluebridge Road, Brookmans Park, sites BrP6, 9 & 10, within a couple of minutes walk of the railway station, that the Inspector describes as putting them among the most sustainable locations within the Borough from a movement perspective. When the proximity of shops, doctors and dentist surgeries, junior and senior schools are also considered these must be the most sustainable sites bar none. They are all deliverable

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within five years and site BrP6 along with site BrP12 are already considered suitable alternative sites in the submitted Draft Local Plan. Site BrP9 was also proposed for Self Build Housing which can meet the need for the affordable housing requirement.

The Inspector has specifically stated the Council should not exclude sites within close walking distance of excluded villages without justification, therefore please explain why once again the most sustainable sites have not been chosen or even proposed to be safeguarded?

Response from the Chairman

The Submitted Local Plan proposed 274 dwellings for Brookmans Park. The Council has consulted on a strategy that would add an additional 104 dwellings at BrP1 Bell Bar and advocates the removal of HS22 because it would result in high harm to the Green Belt.

BrP6, 9 and 10 would also result in high harm to the Green Belt but are further away from the station and shops than HS22. BrP1 would result in only moderate harm to the Green Belt and is closer to the secondary school than any of the alternative sites.

Question from Mr. Alan Perkins

In January 2020, the Report to CPPP contained an assessment of 'Completions, Commitments Windfall and Small Sites' at 4035 dwellings.

The Report to CPPP on 17 November 2020 contains an assessment of 'Completion, Commitments Windfall and Small Sites' at 4,688 dwellings. This is an increase in 653 dwellings.

Would the Chairman please provide a precise and detailed breakdown of where the additional 653 dwellings have come from in the ten month period between the CPPP meeting in January 2020 and the CPPP meeting tonight?

Response from the Chairman

The figures published in the January 2020 committee report were based on 3 years of completions and commitments data from the monitoring year 2016/17 to the year 2018/19. Table 5 in the November 2020 report updates this data with another year of commitments and completions which will be published as part of this year's Annual Monitoring Report. It is also based on an updated windfall assessment which takes account of the new permitted development rights introduced this summer.

As indicated in the table the biggest single change is in recorded completions of 673 dwellings for the monitoring year 2019/20. These would have previously been identified within the commitments figures but also include a reclassification of the development at the former Comet Hotel from C2 student accommodation contributing 123 dwelling equivalents to 272 self-contained C3 dwellings all of which have been completed in 2019/20. The reclassification is in accordance with the guidance set out in the Government's Housing Flows Reconciliation Guidance.

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The commitments data presented in January 2020 was based on commitments as at 30 September 2019. Any new permissions granted in the 12 months since this date and up to 30 September 2020 have now been included within the commitments figure presented in the November 2020 CPPP report, whilst those dwellings which have been completed have been removed from this category. This results in an overall reduction of 126 dwellings from the January figure. Since publishing the November committee papers it has become apparent that there is some double counting between 3 sites in the commitments figure and sites identified in the preferred strategy for additional sites. If those sites are excluded from the commitments figure the number reduces from 1,141 to 961.

The windfall allowance has also been increased by 98 dwellings from 1,304 dwellings identified in the HELAA 2019 to 1,402 dwellings in order to account for increased windfall from the new Permitted Development Rights.

A more detailed breakdown will be published on the Council's website.

100. LOCAL PLAN - OBJECTIVE ASSESSMENT OF NEED AND FINAL SITE SELECTION

Members received a presentation from the Head of Planning. This set out what the Local Plan has to do and the legal requirements. The submitted version included provision for 12,000 homes, but the Inspector is concerned this does not meet the Objectively Assessed Need (OAN). In January, members received a report from officers that would deliver just under 16,000 in accordance with the OAN at that time. This was debated and Members ultimately selected additional sites totalling 14,011 homes for public consultation. Tonight's report takes account of this consultation, the Inspector's interim report and additional site information.

The consultation received around 770 comments. These were well split between agreeing or disputing legal compliance and soundness. Site PB1 received the most (88) representations.

The report records that 2121 completions have taken place, with 961 commitments (not the 1141 shown in the report) and an estimate of 1402 windfall. There are also some new assumptions on capacity on some sites.

The Inspector's interim report says that the Council should align its housing and economic strategies. The Inspector's OAN is 16,000 but he recognises that this may fall as a result of 2018-based household projections, though a substantially lower figure wouldn't meet national policy. He proposes two possible courses of action; (i) to propose additional sites to try to meet the OAN; or (ii) withdraw the plan. A number of deadlines set out are contained in the report. If these are not met, he will determine that the Plan is unsound.

Recommendation 1: Determination of Objectively Assessed Need (OAN)

Members need to identify an appropriate precise figure including annual rate for the period 2016-2036. Usually this is one definitive figure but the ONS has published multiple projections. Best practice guidance does not specify how this should be addressed. The Head of Planning set out a number of projections and consequent figures:

- i) Turley Associates Five Year Alternative Projection: 715 homes/year = 14,300
- ii) ONS 10 Year Projection: 690 homes/year = 13,800
- iii) ONS 2 year principal projection: 507 homes/year = 10,140

The current standard methodology = 875 homes/year. The proposed standard methodology (still in draft format and subject to consultation) = 667 homes/year

Recommendation 2: Selection of Sites

Members consider whether to change the proposed 14,011 homes selected for consultation in January based on consultation responses, the Inspector's interim report and new site information. This new figure of 13,277 homes does not include sites proposed for removal and assumes 2,000 at the Wheat Quarter and 250 at Biopark. It also removes 700 homes at Birchall Garden Suburb South and 160 at PB1 East of Potters Bar.

Whatever is decided at this meeting, the Head of Planning will write to the Inspector with an agreed OAN figure. Sites selected will be considered by Cabinet and then Full Council, and then those selected will be presented as a request to the Inspector as main modifications.

The Head of Planning set out a number of risks: Judicial challenge, the plan being declared unsound, the lack of a 5 Year Land Supply, continued difficulty in resisting applications on employment land and Green Belt, speculative applications, planning by appeal and costs, Government instructing another body to prepare a plan.

In respect of Recommendation 1, the Objectively Assessed Need (OAN), the panel raised and discussed the following points:

- How windfall had been calculated and why it wasn't higher. The Head of Planning replied that the more detailed work is done, the more likely that these numbers will be moved to be against specific sites, e.g. Biopark or the Wheat Quarter. Also, the recent Article 4 Direction along with the proposed future ones will restrict windfall numbers.
- A lower OAN will mean lower numbers of social housing. Homes will continue to be unaffordable.
- 2014 might have been a high anomaly instead of 2016 being a low anomaly as Turley suggest.

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- It is important to get the right balance and ensure that any figure can be justified.
- All members have been inundated with different analyses of the OAN. Developers generally favour a higher figure, whereas residents generally favour a lower figure. The Government hasn't yet confirmed the shift of development towards the north, so any draft figures have no weight. The standard methodology is not good for the borough.
- The surroundings of Welwyn Hatfield are attractive to people living in London so there will always be demand for housing.
- There is a need for housing but we shouldn't bow to government pressure. We shouldn't satisfy the Government at the expense of residents. We should protect the Garden City and not overload infrastructure.
- Where is our vision? That should determine the number of homes. Affordability will not change no matter how many homes are built.
- The flow of people to the South East may reduce under Government rebalancing but there is pressure on the South East to build more as people want to live here.
- Why are we not going with a lower number in line with soundings from Government on a revised standard methodology? The Head of Planning replied that officers will advocate whatever members decide and a case can be made for the ten-year projection. If a new standard methodology is adopted, there may be scope for officers to discuss this with the Inspector.
- It is convenient to blame the Government for a decision. The Inspector has made it clear that less than 16,000 homes won't meet the national need. These numbers won't concrete over the borough. A figure needs to focus on local and national need and be justified.
- The new standard methodology is just a draft and is still subject to change. The Plan being thrown out is a big risk.
- An increased figure means sites previously proposed for removal being added back in. Which Green Belt sites should go back in?
- High harm sites in the Green Belt should stay out.
- Unplanned development through a rejected Local Plan is nobody's vision for the borough and a figure needs to be a justified one.

It was moved by Councillor T.Kingsbury and seconded by Councillor D.Richardson.

(8 voting FOR, 2 voting AGAINST, 1 ABSTENTION) (CARRIED)

That the Panel recommends that an OAN of 690 homes per year equivalent to 13,800 homes over the plan period 2016-2036 based on the ten-year projection is identified.

The Head of Planning clarified that he would write to the Inspector with the agreed OAN figure.

Recommendation 2 – Selection of site to meet OAN.

Head of Planning reiterated introductory points advising that the strategy can deliver 13,277 dwellings.

- The 13,277 dwellings which the current strategy could achieve is not far from the OAN as agreed.
- Members note that PB1 could be safeguarded.
- Urban areas are in danger of being overburdened with not enough infrastructure or open space. Cannot assume brownfield sites can take an increasing number of dwellings.
- Concerns were raised regarding the scale of development on the Wheat Quarter. The Head of Planning clarified that the assumptions for this site are based upon pre-application discussions and a reasonable assumption for what this site could deliver dependant on the planning application process. Further information received through the development management process may lead to a different view on numbers.
- Members noted that the Wheat Quarter site will be discussed at Development Management Committee and it is important not to prejudge that discussion.
- Brownfield sites need to be maximised to protect the Green Belt but there is a need for infrastructure to meet demand.
- More infrastructure will be required on Broadwater Road to meet demand, given the scale of development.
- The Inspector's Report notes the imbalance of distribution, particularly around the villages. Taking sites out of the villages would not adhere to comments made by the Inspector.
- Members note that there is a need to reach a decision on this Plan, at this stage there is little scope to significantly change the strategy.
- Concerns raised regarding loss of dwellings at Birchall Garden Suburb may mean school is not delivered. Need to work with developers to make sure vital facilities (such as school and doctors surgeries) are delivered.
- Need to be aware of sustainable methods of transport are evolving – electric car use means there will need to be provision in town centre developments for parking.
- More development is needed in villages, many are unaffordable but have railway stations, primary schools etc.

It was moved by Councillor T.Kingsbury and seconded by Councillor D.Richardson.

(5 voting FOR, 0 voting AGAINST, 6 ABSTENTIONS) (CARRIED)

That the Panel recommends that a strategy is put forward for 13,277 dwellings plus allocating site PB1 for safeguarding.

The Head of Planning clarified that this is to be presented to Cabinet on the 19th November and Full Council on the 23rd November.

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RESOLVED:

- (1) That the Panel agrees an OAN figure of 13,800 based on the ten-year projection. The Head of Planning will inform the Inspector of this decision.
- (2) That the Panel recommends to the Cabinet and to Council that the strategy is put forward for 13,277 dwellings; with site PB1 allocated for safeguarding.

Meeting ended at 9.19 pm
AM