

# **Examination of the Welwyn Hatfield Local Plan**

**Council's Statement for the  
Stage 3 Hearing on  
20<sup>th</sup> to 22<sup>nd</sup> February 2018**

**Session 10**

**SP7 Type and Mix of Housing and  
SADM9**



## SP 7: Type and Mix of Housing

### 33) Given the evidence base on housing need, shouldn't more than 50% of overall housing provision be provided as affordable housing?

#### ***Welwyn Hatfield Response:***

- a) No. The Plan's provision for affordable housing as a proportion of the overall level of housing provision is justified by the evidence, and consistent with the NPPF and the view of the Courts.
- b) One representor has suggested that 50% would be achievable, but this representation relates to a specific (omission) site. The representation does not demonstrate that a 50% affordable housing policy approach would be routinely viable and deliverable across the borough. Neither does it demonstrate that its proposed "*considerable focus on market starter homes*", will meet the locally identified need for affordable housing.
- c) The 2017 SHMA Update (HOU/21) concluded that a considerable proportion of households have insufficient incomes to afford the annual cost of Starter Homes<sup>1</sup>, which are most likely to provide an alternative option for those currently renting in the private sector, i.e. where needs are already met by the market.
- d) Further, the Council's Combined Policy Viability evidence (VIB/5) indicates that the inclusion of Starter Homes does not necessarily improve scheme viability. In some cases, it would result in the delivery of less affordable housing overall and lower amounts of "traditional" affordable housing tenures. This is largely attributable to the impact of the Starter Home value cap of £250,000, regardless of the size of the unit.
- e) The Housing and Planning Act 2016 has inserted a new Affordable Housing definition into the T&CP Act 1990, and this includes Starter Homes. Whilst the Act demonstrates the Government's intentions, the mechanism for introducing the revised definition is reserved for secondary legislation. Whilst there are now two definitions of Affordable Housing, until secondary legislation is passed, the current NPPF Annex 2<sup>2</sup> definition continues to take supremacy in the application of policy.
- f) The Government has consulted<sup>3</sup> on broadening the definition of affordable housing within the NPPF. There will be no mandatory requirement for Starter Homes, instead the proposal is that they may form part of "*... mixed package of affordable housing of all tenures that can respond to local needs ....*"
- g) Whilst the Council has no objection in principle to sites delivering in excess of the affordable housing requirements in Policy SP7, no robust evidence has been submitted to justify that an alternative (50% or otherwise) affordable housing policy approach that meets existing NPPF definitions and addresses local need, would be routinely viable and deliverable across the borough. The Council has assessed the

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<sup>1</sup> Paragraph 5.28 (HOU/21) household income of circa £44,000 required to afford entry level LQ Starter Home and 61% of the borough's households have an annual income of less than £40,000

<sup>2</sup> At the time of writing, Annex 2 of the NPPF defines Affordable Housing as: "*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market*".

<sup>3</sup> Through the White Paper "*Fixing Our Broken Housing Market*".

viability of development within the borough in the context of the affordable housing and other plan requirements (VIB/6). This concludes that the majority of developments will be able to come forward in line with the 25-35% SP7 requirement. Please also refer to the Council's response to Q35 below on this matter.

**34) Does the Council's affordable housing delivery estimate marry with is objectively assessed need for affordable housing?**

**Welwyn Hatfield Response:** No, the affordable housing delivery estimate does not marry with the assessed need for affordable housing.

- a) **Objectively assessed need for affordable housing:** As set out in the Council's Statement to the Stage 2 Hearings (Matter 2), the 2014 SHMA and subsequent updates have applied the methodology set out in the PPG to identify the scale of affordable housing need in Welwyn Hatfield. The most recent assessment in the 2017 SHMA Update (HOU/21) supersedes the previous calculation in the 2015 Partial Update (HOU/15).
- b) A need for 818 affordable homes per annum over the next five years (from 2016), falling to 602 affordable homes per annum thereafter is currently indicated, suggesting a total need for **11,314** affordable homes in Welwyn Hatfield over the assessment period 2015-2032.
- c) **Affordable Housing delivery estimate:** Paragraph 9.19 of the Plan indicates the Council's estimate that affordable housing secured through the implementation of Policy SP7 will account for around 20% of all new homes built in the borough over the plan period. In numerical terms, this would deliver an additional **2,400** affordable homes over then plan period.

**35) If not why doesn't it, and what steps does the Council propose to take to ensure that sufficient housing is built and available to meet the needs of all households?**

**Welwyn Hatfield Response**

- a) The affordable housing delivery estimate does not marry with the assessed need for affordable housing for a number of reasons - consistency with the NPPF, Planning Practice Guidance, Court decisions and Ministerial statements, deliverability, viability, site thresholds, and the ability of the Council to seek affordable housing provision in light of other national policy objectives.
- b) **NPPF, PPG and the Courts:** Paragraph 47 of the NPPF should use their evidence base to ensure that their Local Plan meets the full objectively assessed need (OAN) for market and affordable housing.

- c) The SHMA evidence has consistently identified the complex relationship between affordable housing provision and market housing<sup>4</sup> following the calculation prescribed in the PPG for arriving at an estimate of affordable housing need. The SHMA evidence then considers this estimate when concluding on the OAN for housing alongside other indicators.
- d) The importance of considering affordable housing needs in determining the OAN has been considered by the High Court, acknowledging that neither the NPPF nor the PPG require affordable housing need to be met in full<sup>5</sup>.
- “The Framework makes clear these needs should be addressed in determining the... [FOAN] but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. This is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed”.*
- e) This is the case in Welwyn Hatfield, where the indicated need for affordable housing in the context of open-market delivery, would imply an overall housing figure, which this planning authority has no prospect of delivering in practice and would be significantly in excess of any demographic projection.
- f) Consistent with national PPG, assessing need is the first stage in plan development<sup>6</sup>. Having assessed need, local planning authorities then assess land availability taking account of constraints such as the Green Belt, which may indicate that it is not possible to meet the OAN in full. Other matters may also directly affect the delivery of affordable housing as set out below.
- g) **Viability and deliverability:** The Council's evidence demonstrates that not all parts of the borough are as viable as other areas and accordingly, on-site affordable housing targets vary in Policy SP7, from 25% to 35% depending upon location.
- h) The *Development Economic Study 2010* (VIB/1), highlighted significant differences in residual values across the borough and a three way policy split to reflect those differences was first set out in the *Emerging Core Strategy 2012* (LPD/4).
- i) Subsequent to this, the Council has updated its viability evidence. The *Combined Policy Viability Study Update 2016* (VIB/5) reflects more up to date market conditions and tests the ability of development to meet the policy requirements in the Draft Local Plan 2016 and remain viable.
- j) This is consistent with the NPPF, which states (paragraph 173) that plans and development should be deliverable with careful attention to viability in plan making. Further, paragraph 174 of the NPPF states that the cumulative impact of policies and standards should not put the implementation of the plan at serious risk and should facilitate development throughout economic cycles.

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<sup>4</sup> HOU/21, paragraph 6.24

<sup>5</sup> [2015] WHC 2464 (Admin): Borough Council of Kings Lynn and West Norfolk v Secretary of State for Communities and Local Government; ELM Park Holdings Ltd

<sup>6</sup> Paragraph: 045 Reference ID: 3-045-20141006: <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

- k) VIB/5 concludes<sup>7</sup> that in most cases, development can accommodate the 25-35% policy requirement, ensuring that the majority of developments will be able to come forward. The last bullet point on page 5 states:
- “This study demonstrates that the Council’s flexible approach to applying its affordable housing and other policy requirements will ensure an appropriate balance between delivering affordable housing, sustainability objectives, necessary infrastructure and the need for landowners and developers to achieve competitive returns, as required by the NPPF. Maintaining this approach will lighten the ‘scale of obligations and policy burdens’ (Para 174 of the NPPF) to ensure that sites are, as far as possible, able to be developed viably and thus facilitate the growth envisaged by the Council’s plans throughout the economic cycle without jeopardising the delivery of the LPPS.*
- l) **Site thresholds and the Ministerial statement:** Not all sites will attract an affordable housing policy requirement, as some sites will fall below the policy threshold of 11 or more new dwellings. A ministerial statement<sup>8</sup> sets out the Government’s policy for affordable housing; specifically that *“Due to the disproportionate burden of developer contribution on small scale developers, for sites of 10-units or less ... affordable housing ... contributions should not be sought.”*<sup>9</sup> Policy SP7 is consistent with the ministerial statement.
- m) **Other national policy objectives:** Securing affordable housing provision is restricted by the application of the Vacant Building Credit<sup>10</sup> (VBC); a national policy incentive to help bring forward brownfield development on sites with vacant buildings. At the planning application stage, a ‘credit’ is applied to the gross floorspace of a vacant building (either being brought back into use or demolished) making it exempt from affordable housing policy requirements. An affordable housing policy requirement can only be applied where an increase in floorspace is also proposed.
- n) Affordable housing supply is also affected by the ‘*Right to Buy*’, sales of which have increased in recent years, resulting in a diminishing stock. The council uses its RTB receipts to help replace lost stock but it is limited by the amounts that can be used to fund re-provision and a strict time limit exist for either spending the capital receipts or returning them to the Exchequer. (Losses and supply are assessed in the SHMA).
- o) **What steps does the Council intend to take to ensure that the needs of all households are met?** In the context of this string of questions on *affordable housing*, and as noted above, the Courts have considered this issue and there is no requirement for the Local Plan to ensure that the *affordable housing* needs of all households are met.
- p) As discussed at an earlier Hearing Session, the SHMA assessed the OAN, which includes an uplift of 10% above the adjusted demographic scenario to respond to market signals of worsening affordability. In accordance with the PPG, this is

<sup>7</sup> Paragraph 1.9, 4<sup>th</sup> bullet point

<sup>8</sup> Rt Hon Brandon Lewis MP, 28 November 2014: <https://www.gov.uk/government/speeches/small-scale-developers>

<sup>9</sup> The approach was challenged by two planning authorities and considered by the High Court [2, 016] EWCA Civ 441, the judgement was in favour of the Housing Minister: <http://www.bailii.org/ew/cases/EWCA/Civ/2016/441.html>

<sup>10</sup> Planning Practice Guidance: Planning Obligations: <https://www.gov.uk/guidance/planning-obligations>

intended to counter the implications of an historic imbalance between the supply and demand for housing. The PPG implies that providing higher levels of housing growth would be expected to improve affordability issues, thereby indirectly assisting households in being able to access housing affordably alongside the direct provision of new affordable homes to meet households' individual needs.

- q) The direct delivery of 2,400 new affordable homes (20% of the overall plan target of 12,000) would approximately double the level of affordable housing delivered annually over the past five years (Page 11, Figure 2.3, HOU/22).
- r) The Council recently updated its overall housing land supply to 12,474 (Hearing Statement for Matter 2 - Q7 *Targets for Growth*, page 8). In light of this and other more up to date information, the Council has updated its affordable housing trajectory, and this would suggest an overall delivery rate of 23% (equivalent to 2,867 new affordable homes). However, this assumes that all sites above the policy threshold will deliver the on-site policy requirements, whereas lower on-site delivery rates could occur where applicants robustly demonstrate at planning application stage that scheme viability cannot be achieved.
- s) ***The Council's Affordable Housing programme:*** In addition to affordable homes secured through S106 agreements in the determination of planning applications, the Council has its own Affordable Housing Programme. This is a combination of development opportunities on sites in the Council's ownership (delivering between 75% to 100% affordable housing), remodeling/redevelopment of existing schemes and open market purchase. The Council's ambition is to deliver around 600 affordable units by 2025. Where development sites are sufficiently progressed, these are already either accounted for in completions, commencements or awaiting permission, or in site allocations data. Other sites will come forward as windfalls.
- t) ***Empty Homes:*** There is limited scope for the Council to help bring back into residential use empty housing (para 51 of NPPF) beyond the offer of advice and assistance it already provides. The number of long term empty homes in the borough has been in decline since 2012. Only 84 properties were vacant for one year or more in 2016<sup>11</sup> (less than 0.2% of the borough's entire dwelling stock<sup>12</sup>). Other properties empty for less than a year but more than 6 months (86) include properties owned by the Council awaiting decommissioning and redevelopment, or privately owned properties being renovated and awaiting occupation (transactional empties). A certain percentage of empty properties allows for turnover in the market and the level of empty homes in Welwyn Hatfield gives no cause for concern.
- u) ***Other matters:*** It is relevant to note in the context of this question that affordable housing supply is not simply a planning matter; it is a national housing, social and fiscal issue, which successive governments have attempted to grapple with. As a result, the broad policy landscape is rarely static. The planning system cannot, be solely accountable for meeting the nation's affordable housing needs but it does play its part as does the Welwyn Hatfield Local Plan.

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<sup>11</sup> A snapshot - derived from Council Tax data

<sup>12</sup> 45,531 dwellings at Census 2011 plus 2,007 completions (net) to 2016/17 = 47,538

**36) In that context, are the Council's affordable housing targets justified?**

- a) ***Welwyn Hatfield Response:*** Yes, as set out in the Council's responses to the relevant questions above, the Council's affordable housing targets are justified by the evidence and consistent with national planning policy and practice guidance, and the findings of the Courts.

**37) Is the rural exceptions sites policy compatible with paragraph 86 of the National Policy Framework in as far as it relates to Green Belt villages?**

***Welwyn Hatfield Response***

- a) Paragraph 55 of the NPPF indicates that in rural areas, local authorities should be responsive to local circumstances and plan housing development to reflect local need, including through rural exception sites (RES) where appropriate.
- b) Annex 2, *The Glossary*, of the NPPF defines Rural Exception Sites as: "Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding."
- c) Paragraph 89 of the NPPF indicates that, "limited affordable housing for local community needs under policies set out in the Local Plan" would not be inappropriate [development] in the Green Belt.
- d) The NPPF does not define either "small sites" or "limited", so this falls to be addressed in a Local Plan.
- e) Policy SP7 defines small sites as schemes of up to "4 new dwellings", which will limit the scale of development for affordable housing in the Green Belt provided it is robustly demonstrated<sup>13</sup> that such development will help address the identified needs of the local community. This approach is consistent with paragraphs 55 and 89 and Annex 2 of the NPPF (subject to other relevant policies of the Plan).
- f) Paragraph 86 of the NPPF is not concerned with "limited affordable housing" or "rural exception sites". Paragraph 86 is concerned with a wider issue, that is, whether or not as a matter of principle, a village should be included in the Green Belt because it is necessary to prevent development, primarily because of the important contribution the open character of a village makes to the openness of the Green Belt<sup>14</sup>.

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<sup>13</sup> Paragraph 9.20 of the Plan explains that such need should be evidenced through rural housing survey, which could be prepared as part of a Parish or Neighbourhood Plan.

<sup>14</sup> During a round-up session on 27<sup>th</sup> October 2017, the Inspector indicated the need to review of the borough's Green Belt villages in light of Paragraph 86 of the NPPF.

- g) It is perfectly possible to have a Rural Exception Site policy that is compatible with paragraph 86, where villages are washed-over by the Green Belt.

**38) Are the housing mix policies too restrictive?**

***Welwyn Hatfield Response***

- a) Consistent with paragraph 50 of the NPPF, local planning authorities should seek to deliver a wide choice of homes, creating sustainable, inclusive, mixed communities in light of demographic and market trends and the needs of different groups in the community. They should identify the range of housing that is required and where affordable housing is needed, set policies for meeting this need on site (unless off-site provision or a financial contribution is robustly justified). Policies should be sufficiently flexible to take account of changing market conditions over time.
- b) Policy SP7, together with any tables and supporting text to the policy, is not intended to be “*too restrictive*” but it does seek to ensure that a wide choice of homes is delivered over the plan period. The Council has proposed a minor modification to the *Housing Mix* sub-section in Policy SP7 (page 66). This will replace “*will reflect*” with “*has had regard to*” in order to clarify that proposals are not expected necessarily, to mirror evidence of the various needs and demands for housing and other accommodation. Proposals should however demonstrate how they will contribute to the creation of sustainable, inclusive and mixed communities in light of the prevailing evidence throughout the plan period.
- c) The Council has also proposed a minor modification to paragraph 9.19 of the Plan as set out below. This is to clarify that the precise mix may vary from site to site based on the evidence and other relevant information. However, early discussions will be encouraged to avoid the submission of proposals which take little or no account of the evidence and fail to address locally identified need:
- “Proposals should take account of the Council’s latest evidence of need and information available in relation to the Council’s own affordable housing programme and should include a mix of dwelling sizes; not just one size of affordable housing. The precise mix may vary through negotiation and the evidence supporting such variations”. Landowners/developers are strongly advised to contact the Council at the pre-application stage to discuss the likely requirement for affordable housing (including tenure and size mix).”***
- d) Smaller sites, comprising 10 new dwellings or less, will not generally engage the broader *Housing Mix* policy requirement, but sites involving 5 or more new dwellings will be required to make a contribution to the delivery of accessible and adaptable dwellings. The *Affordable Housing* policy requirement is subject to viability, therefore where it is robustly demonstrated that viability is compromised, proposals may still be permitted and be policy compliant.

**39) Does the plan sufficiently cater for the needs of older people, particularly in villages?**

***Welwyn Hatfield Response***

- a) The SHMA evidence has considered the implications of an ageing population, and its impact on the need for suitable housing. The 2017 SHMA (HOU/21) provides the latest update. The older population (75+) of Welwyn Hatfield is projected to increase by approximately 4,600 people over the plan period, with the majority expected to live in private households. The separate need for bedspaces in communal accommodation is considered in the Council's response to Q41 below.
- b) In recognition of the projected increase in the number of older households, Policy SP7 *Housing Mix* requires proposals for 11 or more new dwellings to demonstrate how the housing mix proposed will meet the needs of older people (as well as the housing needs of others). Larger sites should be able to deliver a broader mix.
- c) Policy SP7 also requires a percentage of homes to be built to *accessible and adaptable* standards. Consistent with PPG<sup>15</sup> advice, this will help people to live independently and safely in their homes for as long as possible when their circumstances change over time.
- d) The SHMA also recognised that growth in the older population will generate demand for specialist older persons' accommodation. It estimates that demand for approximately 725 specialist housing units (Use Class C3) will be generated over the plan period, with this included within the OAN.
- e) The plan supports the provision of *around 715* homes to help meet the varied needs of an ageing population (based on previous SHMA data). The Policy states that this could include a range of housing options such as sheltered housing, flexi-care, extra-care, assisted living and other forms of supported housing. Specifically, the Strategic Development Sites should deliver around 5% of housing, which is specifically designed for older people, accounting for around 285 units.
- f) The policy is not exhaustive, and does not intentionally exclude the provision of certain dwelling types, e.g. bungalows/flats. However, the Council acknowledges that this is not as explicit as it could be. A minor amendment is therefore proposed to Policy SP7 to clarify this point (responding to a representation that bungalows are often converted to houses reducing the availability of certain types of dwellings from the general stock, which are suitable for older people).  
  
*"Housing for older people: .... through the provision of a range of housing **types and options** such as ...."*
- g) Minor amendments are also proposed at paragraphs 9.3 and 9.17, to clarify that development should make a positive contribution to the delivery a mix of housing types to meet the varying needs of the population including for older people (in response to representations).

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<sup>15</sup> Paragraph: 021 Reference ID: 2a-021-20160401: <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

- h) **In villages:** The borough's large and small excluded villages are identified in the settlement hierarchy (Policy SP 3) as those that are served by rail and (or) bus services, and are accessible to a range of services and facilities. They are suitable for development where this is compatible with their scale and character and the maintenance of Green Belt boundaries. Policy SP7 supports the delivery of housing specifically designed to meet the varying housing needs of an ageing population "*in accessible locations*" so there is no reason to believe that the general support in this policy does not apply to the borough's large and small excluded villages.

**40) Does the plan adequately cater for the needs of younger households?**

***Welwyn Hatfield Response:***

- a) The NPPF makes no specific mention of the needs of *younger households* although paragraph 50 is not limited in its intent.
- b) The Council's SHMA evidence has specifically acknowledged that historic worsening in affordability – both in Welwyn Hatfield and more widely – has had particular impacts on younger households. The SHMA identified historic suppression in the rate at which younger households form, and allowed for a recovery in younger household formation rates in establishing the OAN.
- c) The Local Plan proposes a significant increase in the overall supply of housing in the borough, and part of this growth will help meet the need for housing for younger households. Policy SP7 requires proposals to demonstrate how the proposed mix will contribute to meeting the varied needs of different households in light of evidence on housing need and demand.
- d) Where younger households' needs cannot be met within the wider housing market, there will be a number of alternative housing options; e.g. through the delivery of affordable housing, across a range of social rented, affordable rented and intermediate housing tenures, which includes homes for sale at below market levels, e.g. shared ownership.
- e) The Government has also reinforced its support<sup>16</sup> for people to buy their own homes through schemes such as *Help to Buy* and *Starter Homes*, with the potential for Starter Homes to form part of a mixed package of affordable housing that can respond to local needs. Data from the Home Builders Federation (November 2017) indicates that 123 individuals have registered their interest for a Starter Home in Welwyn Hatfield<sup>17</sup>.
- f) Boosting the range of housing tenures available for households, including younger households is supported through the Plan but for clarification, minor modifications are proposed at paragraphs 9.3 and 9.17 of the Plan to specifically reference the housing needs of young (and other) households, as follows:

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<sup>16</sup> In the Housing White Paper "*Fixing Our Broken Housing Market*" 2017

<sup>17</sup> data available for Hatfield only

**“Paragraph 9.3: “... and the needs of different groups in the community including young households, families with children and older person households”.**

**“Paragraph 9.17: “... to meet the needs of different groups in the community including young households, families with children and older person households.”**

- 41) **Has the plan made the correct assumptions concerning the proportion of both the young and the elderly population requiring communal housing and by default market and other affordable housing?**

***Welwyn Hatfield Response***

- a) **Elderly population requiring communal housing:** The SHMA has consistently recognised the strong projected growth in older people, and identifies a component of the population assumed to require accommodation in communal establishments, which is in addition to the concluded OAN.
- b) The latest modelling of the projected change in the population (SHMA 2017 - HOU/21), indicates an additional need for 339 bedspaces in communal accommodation with care provided (Use Class C2). The Policy supports the provision of around 330 bedspaces (based on previous SHMA data).
- c) Monitoring already indicates high levels of new C2 provision during the early parts of the plan period, with 267 additional C2 bed-spaces already completed, under construction or with planning permission since 2013.
- d) Whilst the SHMA uses a demographic modelling methodology, which is consistent with the DCLG’s household projections to estimate the need for communal accommodation, it is acknowledged that it is difficult to be precise about the overall level of need for new specialist accommodation. As noted in the PPG<sup>18</sup>, many older people may not want to move to care accommodation and paragraph 9.8 of the Plan recognises that other people including young[er]<sup>19</sup> people with physical disabilities or sensory needs, people with learning difficulties and other vulnerable people may also require specialist accommodation. In order to clarify that the 330 in Plan is not necessarily a maximum where evidence demonstrates an on-going need for additional provision, a minor modification is proposed to paragraph 9.23.
- “... is good. *Proposed delivery in excess of the stated net increase in Policy SP7 must be supported by evidence to robustly demonstrate the need for additional provision. However, wWhere a proposal ....”***
- e) This is a complex area heavily influenced by the Government’s social care policy, local levels of private/public service provision, private/public funding and the inspection and regulation of services by the Care Quality Commission. Such specialist accommodation usually falls into Use Class C2, and not C3 dwellings

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<sup>18</sup> Paragraph: 021 Reference ID: 2a-021-20160401: <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

<sup>19</sup> Minor modification proposed

(housing) and no specific planning policy requirement is applied for *affordable* care and *market care* provision (neither the NPPF nor PPG requires or advises that this is a role for a Local Plan).

- f) **Young requiring communal accommodation:** Welwyn Hatfield has two universities located within the borough (the University of Hertfordshire and the Royal Veterinary College). PPG advises<sup>20</sup> that local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock.
- g) Policy SP7 supports the provision of purpose built student accommodation (PBSA) on-campus in accordance with a master-plan that has been agreed by the Council<sup>21</sup>. Policy SP7 also supports the provision of PBSA off-campus<sup>22</sup> where this is highly accessible to a main university or college campus within the borough. This is consistent with national Planning Practice Guidance.
- h) No specific planning policy requirement is applied for *affordable* and *market* PBSA (neither the NPPF nor PPG requires or advises that this is a role for a Local Plan).
- i) The SHMA has reviewed the need for student accommodation at various stages. The latest review is contained in the SHMA Update 2017 (HOU/21). It notes that students cannot be explicitly isolated within official demographic datasets. Most of the student population is therefore included within the OAN, (other than those assumed to live in communal accommodation).
- j) The SHMA identified the relatively stable *younger population* projected over the short-term by the 2014-based SNPP, which appears reflective of the universities' short-term ambitions, which do not suggest significant growth in student numbers.
- k) The 2017 SHMA also considered the completion of additional C2 student accommodation in the borough since 2011 and concluded that there was no justification to re-base the demographic projections of need.
- l) It is however considered reasonable to assume that the provision of additional communal student accommodation (provided from the base-date of the plan), will offset the assumed need for housing to accommodate student households in the private housing market (as captured within the OAN).
- m) Accordingly, and consistent with national [Planning Practice Guidance](#)<sup>23</sup>, student accommodation can contribute to the housing requirement '*based on the amount of accommodation it releases in the housing market*'. This is monitored in the Council's Annual Monitoring Reports, applying a ratio of 5:1, between new student bedrooms and dwelling equivalents (based on the average number of bedrooms in Houses of Multiple Occupation in Welwyn Hatfield). The delivery of PBSA therefore contributes

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<sup>20</sup> Paragraph: 021 Reference ID: 2a-021-20160401: <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

<sup>21</sup> The University of Hertfordshire's 2020 Estates Vision was endorsed by the Council's Planning Control Committee in 2012 and is a material consideration in decision making: <http://www.welhat.gov.uk/estatesvision>

<sup>22</sup> Minor Modification from "off-site" to "off-campus"

<sup>23</sup> Paragraph: 038 Reference ID: 3-038-20140306

towards meeting the OAN and the housing target, on the assumed basis that the delivery of five student bed spaces frees up (or provides for) a single dwelling.

- g) Between 2011 and 2016 there has been a net gain of 313 dwelling equivalents as a result of PBSA completions. Alongside this, has been a loss of 389 student HMOs (2011-2017<sup>24</sup>). In 2011, all-student HMOs represented 10.3% of Hatfield’s general dwelling stock, reducing to 7.0% by 2017<sup>25</sup>.

Purpose built student accommodation		Dwelling equivalents	Reduction in student HMOs (2011-2017)
PBSA units completed 2011-2016 (net)	1568	313	389
PBSA approved but not yet completed (gross)	308	62	-

- h) As the provision of PBSA also coincides with a more recent fall in student numbers, this would suggest that the Council’s approach to ‘dwelling equivalents’ in the housing completions data is a reasonable approximation of the relationship between the provision of PBSA and the response to this within the market.

**42) Should residential development proposals have to demonstrate how the mix of tenure, type and size of housing on a site has had regard to and will reflect the latest available evidence of housing need and market demand?**

***Welwyn Hatfield Response:***

- a) Paragraph 50 of the NPPF states that planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- b) The SHMA 2017 has reviewed the size and type of housing likely to be required (Section 5, **HOU/21**). Figure 5.1 (HOU/21) indicates the projected change in household type over the plan period and Table 5.2, the size of housing required as implied by the analysis, providing an illustration of the mix of housing, which is likely to be needed across the borough and over the plan period.
- c) As noted in paragraph 5.19 and 5.20 of the SHMA, the modelling exercise provides an estimate of the size of housing likely to be required whilst recognizing that market demand will affect market response at any one point in time. The SHMA recommended that the analysis should be used for guidance, and in the monitoring of development over the plan period. On this basis, it also suggested that policies should not be overly prescriptive in their application of the identified mix on a site-by-site basis.

<sup>24</sup> 1,432 all-student HMOs in Hatfield in 2011 compared to 1,043 all-student HMOs in 2017

<sup>25</sup> 1,043 all-student HMOs as part of the overall dwelling stock in Hatfield of 14,811

- d) The policy approach in Policy SP7 is consistent with the NPPF, setting out the range of housing types that will be required over the plan period to meet the varied housing needs of the population. Further information is provided in the supporting text on matters such as the estimated size (by number of bedrooms) of dwellings likely to be required, with paragraph 9.17 explaining that the tales are not intended to perform as a prescriptive policy requirement but such indicators of need and demand should be taken into account at the planning application stage.
- e) Minor modifications are proposed to tables 4 and 5 to update the data in light of the most up to date evidence in the SHMA.
- f) The Council has also proposed a minor modification to Policy SP7 (second paragraph, first sentence) in response to representations to delete the words “**will reflect**” and replace with “**has had regard to**”.
- g) The Council accepts that a requirement for proposals to *reflect* the evidence could be viewed as overly prescriptive. The intention is that the evidence should be the starting point for consideration. The proposed modification will allow for greater flexibility in the application of the policy whilst maintaining the importance of having due regard to the need to plan for the housing needs of different groups in the community and to ensure that a range of housing is delivered in terms of size and tenure.
- h) For people who wish to build their own homes, demand is measured by reference to the Council’s Self Build and Custom Housebuilding Register. At the time the Draft Local Plan proposed Submission document was prepared in 2016, there was very limited evidence of demand. However, the Council now has the benefit of demand evidence from two base periods covering between them the period 1 April 2016 to 30 October 2017. At the end of the second base period, there were a total of 253 individuals on the register (but no associations). The third base period concludes on 30 October 2018 and the demand data will be updated at that time.
- i) The Council has a duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, with reference to the number of entries added to the authority’ register during a base period<sup>26</sup>. To date, no *permissions* have been granted.
- j) Policy SP7 currently requires four Strategic Development Sites to make provision for “*a proportion of serviced plots*” but in order for the plan to be sound, it is considered that this policy now needs to be modified as follows:
- “Strategic Development Sites SDS1 (WGC4), SDS2 (WGC5), SDS5 (Hat1) and SDS6 (Hat15) should make provision for a proportion of On sites of 100 or more new dwellings, 2% of dwelling plots should be provided of land to contribute towards meeting the evidence demand for Self-build and Custom Housebuilding in the borough. Serviced plots of land .... Council’s supply/demand evidence.”***

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<sup>26</sup> Paragraph: 023 Reference ID: 57-023-201760728: Planning Practice Guidance: *Self-build and Custom housebuilding*

- k) Further modifications are proposed to paragraph 9.21 of the supporting text (in the Implementation section) as follows:

***Self Build and Custom Housebuilding:*** *The Council has a Self-Build and Custom Housebuilding Register which commenced on 1 April 2016. ~~and as such it is too soon to draw conclusions on the evidenced demand for serviced plots in Welwyn Hatfield over the plan period. However, it~~ is already apparent from the ~~limited number of applicants who have registered their interest~~ Register that the demand for plots is often directed at multiple search locations and not solely for plots of land within Welwyn Hatfield. The demand for serviced plots will be monitored to inform the implementation of this policy ~~at strategic Development Sites and on other~~ allocated or windfall sites. Measures will be put in place, either through the use of planning conditions or planning obligations, so that where plots have been made available by the developer and marketed appropriately for at least 12 months and no evidence of demand at a realistic market value can be demonstrated, plot(s) may either remain on the open market for Self-Build and Custom Housebuilding, or be offered to the Council or a Registered Housing Provider for affordable housing, or be built out by the developer to the open market.*

- l) Using a trajectory of sites proposed for allocation, this indicates that sites over 100 new dwellings would collectively make provision for around 122 self-build plots<sup>27</sup>. Whilst this is below the total number of applicants on the register, the PPG advises that plan-makers will need to make reasonable assumptions to avoid double counting. Applicants are not obliged to inform the Council if they are seeking a plot in Welwyn Hatfield or elsewhere but the Council's register does ask this question.
- m) By way of example, in the second base period, of the 109 registered applicants, only ten applicants indicated that they were seeking a plot only in Welwyn Hatfield. This means that the vast majority of applicants (over 90% in this base period) would consider a plot either in Welwyn Hatfield or elsewhere, with many selecting multiple areas of search. In all probability, it is highly unlikely that all applicants on the Register will ultimately deliver a project within the borough.
- n) The proposed policy approach is considered to be a proportionate response to the latest evidence of demand. Without the amendment, it may prove difficult for the Council to meet its duty.

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<sup>27</sup> Not including two high density urban developments, where this objective may not be possible to deliver due to the nature of the developments proposed.

**43) Should nationally derived dwelling space standards be included in the policy?**

**Welwyn Hatfield Response**

- a) Policy SADM11 Amenity and Layout requires all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated this would not be feasible or viable.
- b) Consistent with advice in PPG, in order to use the NDSS at the local level, an LPA must demonstrate there is a clear-evidenced need for the NDSS to be applied locally and consider the impact upon viability within a Local Plan viability assessment.
- c) Analysis undertaken by the Council in its Nationally Described Space Standards Study (**ED46**), indicates that recent residential completions in the borough granted permission under the current Local Plan, were generally deficient, when compared to the NDSS.
- d) These past deficiencies and the clear national policy objective to improve internal space in homes, demonstrates a need for the introduction of standards in Welwyn Hatfield to ensure future developments are appropriately designed.
- e) In line with national guidance, the viability of this approach has been assessed in the Combined Policy Viability Update, 2016 (**VIB/5**) and is considered viable in Welwyn Hatfield. To provide flexibility, policy SADM11 allows for non-compliance with NDSS if there are robust feasibility and viability issues.
- f) Representations to the Local Plan are mixed on this issue. One comment considers that the NDSS has not been adequately addressed by the Local Plan, whilst another states that the requirement to comply with standards should only be good practice.
- g) The approach proposed in Policy SADM11 seeks to promote a good standard of amenity for internal and external spaces in and around new buildings, and is justified by the evidence. Reference to dwelling space standards is most appropriate within policy SADM11 and not SP7.
- h) A minor modification is proposed to paragraphs 11.12 and 11.13 to delete the details of the background evidence. This is no longer necessary as the Study is available as part of the Council's evidence base.

Proposed modifications:

Delete the last sentence and the bullet points from paragraph 11.12 "*The analysis ....below the NDSS*".

Delete the first sentence of paragraph 11.13 "*Regarding room ...sampled.*"

**44) Is the requirement for gypsy and traveller accommodation founded on a robust evidence base that is fit for purpose?**

***Welwyn Hatfield Response***

- a) National *Planning Policy for Traveller Sites (PPTS) 2015* indicates that local planning authorities should make their own assessment of need for the purposes of planning. No specific guidance is provided on how assessments should be carried out and this is an area that is evolving.
- b) However, PPTS advises that to support their planning approach, local planning authorities should pay attention to early and effective community engagement with both settled and traveller communities, including discussing accommodation needs with travellers themselves; cooperate with travellers, representative bodies and support groups to understand accommodation needs; and use a robust evidence base to inform plan preparation.
- c) The Council has carried out focused and wider community engagement in relation both accommodation needs and the provision of sites from an early stage of plan preparation, working with travellers, representative bodies and service providers where appropriate. The existing evidence base has evolved over a period of time. The following timeline sets out the range of related activities.
  - i. **2006:** Northern and Eastern Hertfordshire Gypsy and Traveller Accommodation Assessment. Carried out on behalf of Broxbourne, East Herts, North Herts, Stevenage and Welwyn Hatfield. Identified a need for 35 permanent pitches and 10 transit pitches but with no evidence that sites should be provided in one district over any other, or that sites should be in close proximity to any one particular transport corridor. The need applied to the whole study area.<sup>28</sup>
  - ii. **2009 - Core Strategy Issues and Options Paper (LPD/1):** Consultation with relevant consultation bodies and the wider community. Existing sites were not considered suitable for expansion. Over 1,000 responses received. 965 ranked making provision for new sites within areas identified for urban expansion as the most preferred option. 936 ranked a 'rural exception site policy' as their second option, and 925 ranked limited alterations to the Green Belt as their least preferred option. (SUB/1f, pages 97/98).
  - iii. **2009 – Core Strategy Issues and Options Paper (LPD/1) – Q2:** Criteria to guide the allocation of sites. Five responses were received. The Hertfordshire Constabulary agreed there was a need for pitches in appropriate locations together with adequate service provision. Sites with 5 to 15 pitches would assist in effective site management. (SUB/1f, page 98).
  - iv. **2009 - Consultation with the local Gypsy and Traveller community.** Participants considered that there was need for additional sites and existing sites were not suitable for expansion. All participants indicated that sites should be able to co-exist with the settled community, either on the edge of existing settlements or alongside new housing. Eighty seven percent of

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<sup>28</sup> This assessment was considered by EERA. Policy H3 (revision to the Regional Spatial Strategy for the East of England Plan 2009) assigned a target of **17 pitches** to Welwyn Hatfield 2006-2011. Beyond 2011, an annual 3% compound increase was applied across the East of England Region. A target of 20 additional transit pitches was allocated to Hertfordshire.

participants considered that a site in the countryside was the worst option (SUB/1f, pages 145-147).

- v. **2011 - Accommodation Needs Assessment (HOU/3):** The Council worked with the local Gypsy and Traveller community, traveller community representatives and service providers, and achieved a high participation rate. The lack of access to local amenities, especially for residents without a vehicle was highlighted as an issue. Access to good bus services, GP and dental surgeries, schools and shops was also noted. Smaller sites of between 10 and 20 pitches were considered easier to manage than larger sites. The importance of children having access to education was noted, but integrating within society can be problematic due to prejudice frequently encountered. A need for 25 pitches (2011-2016) plus 29 pitches (2016-2026) was identified, (**total 54 pitches**, plus the possibility of 1 plot for travelling Showpeople post-2021).
- vi. **2012 - Emerging Core Strategy Consultation (LPD/4):** Consultation with relevant consultation bodies and the wider community. Policy CS7 indicated the provision would be made for additional pitches in light of the latest assessment of need. Sites would be allocated including at Broad Locations for Growth (specific references in draft policies CS15 and CS18). The County Council Gypsy section also worked with residents on the borough's largest Gypsy and Traveller site to help residents take part in the consultation event.
- vii. **2013 – "Call for Sites":** The Council worked with groups representing the interests of Gypsies and Traveller to publicise the *Call for Sites*. The Council also contacted the local Gypsy and Traveller community, public sector bodies, landowners, parish councils and the County Council to explore the availability of potential sites. A Land Availability assessment was published in 2014 (HOU/13). Subsequently, sites were included in the HELAA (HOU/19).
- viii. **2015 - Local Plan Consultation (LPD/5):** Consultation with relevant consultation bodies and the wider community. Confirmed no sites were available in urban areas, and the pressing need for additional pitches meant that sites would need to be allocated in the Green Belt (CS4). Mention was made of pitch provision at [Strategic] Sites WGC4, WGC5, Hat1, Hat2 and at other smaller sites at Oaklands and Mardley Heath, and Welham Green. Paragraph 3.5 indicated that household growth may result in an overall need for **71 pitches** (2011-2031).
- ix. **2016 – Needs Assessment (HOU/16):** Consistent with the national PPTS (2015), those who have ceased to travel permanently no longer fall under the national planning definition of a *Traveller*. This had caused some concern amongst the Traveller community (see response to Q41 below). Notwithstanding repeated efforts to engage with the Gypsy and Traveller community, a lower response rate was achieved in the 2016 assessment, compared to the previous assessment in 2011. The assessment indicates a need for **61 pitches** (no need identified for plots for Travelling Showpeople).
- x. **2016 - Draft Local Plan Proposed Submission (SUB/6):** Consultation with relevant consultation bodies and the wider community. Proposes site allocations or pitch provision in association with Strategic Development Sites. The Reg. 22 Consultation Statement provides a summary of responses received (SUB/1).

- d) As noted above, the latest assessment was carried out in 2016. In advance of the fieldwork, visits were made to all authorised sites and sites where unauthorised development was known to be present and where access could be gained. Advance notice was provided on the purpose of the assessment, what the fieldwork would entail and when it would take place, the benefits of taking part and what could be achieved. Posters/leaflets were delivered to all sites and publicity material distributed to members of the Gypsy and Traveller community living in bricks and mortar. Site visits were carried out every week throughout February 2016. Multiple visits were made to sites to maximise participation rates. Fieldwork was completed at the transit site located in Hertsmere and service providers also carried out interviews with Gypsy and Traveller households living in bricks and mortar.
- e) Interviews sought to gather information on matters such as household size and composition, levels of over-crowdedness, newly forming households, type of accommodation needed (preferred), where households would need to live, whether households still travelled, the main reason for travelling, reasons for ceasing to travel, length of anticipated stay, and reasons preventing future moves.
- f) The assessment concluded that a pitch requirement exists to meet accommodation needs arising from:
- i. Existing adult and newly forming households living on existing sites intending to, or likely to, travel again and who need a settled base to travel from and return to;
  - ii. The South Mimms Transit site (in Hertsmere) to allow one household to cease travelling temporarily on ill health grounds and to meet the needs of a newly forming household with a local connection, who meet or are likely to meet the PPTS definition;
  - iii. A transit pitch for a visiting young household where it is not known if the household meets the PPTS definition but where doubling up/over-crowdedness is regularly noted at the biannual Census counts;
  - iv. The regular occurrence of unauthorised development on sites noted at the biannual Census counts (including where temporary permission has expired) but where it was not known if households meet the PPTS 2015 definition.
  - v. The Herts County Council Waiting List where information on meeting the PPTS 2015 definition is unknown (including moves from bricks and mortar, from other sites in or outside Hertfordshire, and for households with no place to stay who are typically living on the roadside);
  - vi. Likely further household growth in the latter part of the plan period.
- g) The Plan recognizes at paragraph 9.25 that the accommodation needs assessment will need to be reviewed during the plan period. An MoU (DTC/5) indicates (paragraph 6.12) that East Herts DC and Welwyn Hatfield BC have agreed that a shared evidence base would be useful at the plan review stage to take into account the needs for a wider area, particularly to address transit requirements. (An existing site within Welwyn Hatfield is located close to the borough boundary with East Herts and Policy SP19 indicates the provision of a site as part of the Birchall Garden Suburb proposal to meet needs arising in both East Herts and Welwyn Hatfield, reinforcing the future approach to a shared evidence base). In the meantime, the

overall existing evidence base is considered to be proportionate and justifies the approach proposed in the Plan.

**45) What reliance should be placed on the estimate that only 61 new pitches are required?**

***Welwyn Hatfield Response:***

- a) There are currently 57 pitches on existing permanent authorised Gypsy and Traveller sites in Welwyn Hatfield<sup>29</sup>. The latest assessed need (HOU/16) for 61 pitches, is one of the highest levels of assessed pitch requirements in Hertfordshire and in Welwyn Hatfield, represents an increase in pitch provision of 107%.
- b) However, at the time of the latest needs assessment in 2016, many Gypsy and Traveller representatives were of the view that the recently introduced National Planning Policy definition was an attack on the community's ethnicity and culture, and a threat to their way of life. Hence, engagement was more challenging to achieve at this time.
- c) The Plan recognises that the accommodation needs assessment will need to be reviewed during the plan period. An MoU (DTC/5) indicates (paragraph 6.12) that East Herts DC and Welwyn Hatfield BC have agreed that a shared evidence base would be useful at the plan review stage to take into account the needs for a wider area.
- d) In the meantime, the overall existing evidence base is considered to be proportionate and justifies the approach proposed in the Plan, which will enable additional pitches to be provided to address the identified need.

**46) Does the policy address the immediate rather than the long term need for gypsy and traveller pitches?**

***Welwyn Hatfield Response:***

- a) It addresses both. The assessment estimates the need for pitches in the 5 years from assessment (2016 to 2021) and then to 2026 in light of information provided around newly forming households.
- b) For longer term household growth, it recognises (at paragraph 5.13) that it is very challenging to predict at this point in time, as it is unknown if households that may form as a result of demographic growth, will choose to lead a nomadic habit of life and meet the national Planning Policy definition. National guidance does not indicate how this should be addressed, although it is generally accepted that an estimate of future need should be made.
- c) For the purposes of the WH assessment, beyond 2026, the estimated need for pitches has been projected forward, consistent with the same rate of household formation and other need identified for earlier years. On this basis, it is assumed that

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<sup>29</sup> A small site (Emmanuelle Farm) has temporary permission for 1 pitch until 2019

a further 23 pitches may be required over the last 6 years of the plan period (at a rate of 3.8 pitches p.a.).

- d) Other studies apply an annual percentage growth rate, e.g. 3% in previous studies, but market specialists have challenged the statistical robustness of this approach. The Minister for Communities and Local Government (Brandon Lewis MP) confirmed<sup>30</sup> that growth rate of 3% p.a. does not represent national planning policy and the Government does not endorse or support the 3% growth rate figure. It falls to local assessments to consider the need for future demographic growth.
- e) Other technical notes<sup>31</sup> conclude that a national growth rate of 1.25% to 1.5% p.a. is likely to be more realistic where demographic data is unknown and a 2.5% growth rate has been accepted where evidence exists of a relatively youthful population<sup>32</sup>.
- f) For comparison, the application of a range of annual percentage household growth rates would result in the following pitch requirements in the borough (2022 to 2032):
- 1.5% growth p.a. - 15 pitches (where demographic data is unknown);
  - 2% growth p.a. - 23 pitches (compared to 24 pitches in HOU/16);
  - 2.5% growth p.a. - 30 pitches (where evidence exists of a youthful population);
  - 3% growth p.a. - 37 pitches (not endorsed by CLG and considered unrealistic by market specialists).
- g) The Census 2011 indicates that 17%<sup>33</sup> of the borough's Gypsy or Irish Traveller population are dependent children aged between eight and eighteen. A further 12% are aged seven and younger. The Census provides a useful indication that dependent children represent around 29% of the borough's Gypsy and Traveller population. This compares to around 21% of the borough's total population, indicating a slightly more youthful population within the Gypsy and Traveller community.
- h) However, the Census is a snapshot at one point in time (as are most types of surveys) and its role is not to capture any information on travelling. On the balance of information available, the estimated level of future household formation used to inform the Plan is considered to be reasonable in the context of approaches used elsewhere.
- i) However, Paragraph 9.25 of the Plan recognises the need to review the needs assessment during the plan period and pitch delivery in the last 5 years of the plan will be brought forward where the need continues to be demonstrated.

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<sup>30</sup> In a letter to Andrew Selous MP, placed in the House of Commons library on March 26th 2014

<sup>31</sup> ORS: Maldon District Council December 2016: Appendix B, page 28:

<https://www.maldon.gov.uk/publications/LDP/pre-submission/4%20Housing/EB007c%20Maldon%20District%20Gypsy%20and%20Traveller%20Accommodation%20Assessment%20Need%20Summary%20Report%20Dec%202016.pdf>

<sup>32</sup> Doncaster (Ref: APP/F4410/W/15/3133490)

<sup>33</sup> ONS Table QS201EW – Ethnic Group by rural/urban areas

**47) Should tables 4 and 5 be complementary?**

***Welwyn Hatfield Response:***

- a) No. Consistent with the advice in PPG, different methodologies are applied to calculate the overall OAN, and the specific need for affordable housing. The methodologies applied to estimate the size of housing required also therefore differ, and cannot be directly compared.
- b) Table 4 is based on the type of households projected to form over the period assessed in the SHMA – reflecting household typologies incorporated in the modelling – and the size of housing in any tenure typically occupied by these household types in Welwyn Hatfield.
- c) Table 5 incorporates Housing Register evidence on the number of bedrooms required by existing households in need of affordable housing, in accordance with required bedroom standards for this tenure of housing. It also applies evidence-based assumptions on the number of bedrooms that may be needed by households occupying affordable housing in future.