



Phase 2

**Proof of Evidence of Mike Spurgeon BSc (Hons), MSc, MRTPI
On behalf of Welwyn Hatfield Borough Council**

Biopark, Broadwater Road, Welwyn Garden City, Hertfordshire, AL7 3AX

Appeal Ref: APP/C950/W/22/3294860

June 2022

Our Ref: C22044

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SUMMARY

- i. This proof of evidence relates to matters of housing need and housing land supply which are the main considerations underlying Reason for Refusal 1 of planning application: 6/2020/34230/MAJ.
- ii. The primary basis for the Local Planning Authority's case for withholding planning permission under Reason for Refusal 1 is the unacceptable mix of dwellings and more specifically the over-concentration of smaller dwellings (one-bedroom and two-bedroom dwellings), as part of the proposed development. This does not reflect, nor has it had sufficient regard to the latest evidence of housing need, and the extent of the disparity between the proportions of smaller dwellings that would be provided as part of the development, relative to what would be provided if the mix reflected the need for housing across the Borough is significant.
- iii. The assertion that the shortfall in the provision of larger dwellings will be provided for by a range of sites across the Borough and that the indicative mix of dwelling sizes (as defined by the number of bedrooms), will contribute to perceived unmet demand and make the "most effective use of land", does not provide a justification for the absence of a sufficient number of larger dwellings suitable for families, or the absence of homes to meet the specific needs of other groups including older people. Indeed, in the context of a highly constrained housing land supply, the majority of which is comprised of one-bedroom and two-bedroom dwellings, the absence of an appropriate mix of dwelling sizes and types would further exacerbate the anticipated shortfall of larger homes, which is of particular concern given that the need for three-bedroom dwellings is higher than for any other size of property. While the proposed development might provide for a specific element of housing need, it would further exacerbate the shortfall in the delivery of three-bedroom dwellings and other larger properties where the current supply pipeline suggests that the shortfall is most significant.
- iv. Both the fact that an appropriate mix of dwellings is not provided, and the extent of the discrepancy between what is proposed and what is needed, are factors which lead the Local Planning Authority as the decision maker to conclude that there are harmful impacts, chiefly the failure of the development to contribute towards the creation of mixed, sustainable and inclusive communities. For the reasons given below, I concur with the Local Planning Authority's views.
- v. Alongside the other harm identified as a result of insufficient vehicle parking provision, and the excessive form, height, bulk, scale and massing of the proposed buildings, the Local Planning Authority, I consider that significant and demonstrable harm would be caused as a result of the proposed development, which would outweigh the benefits of housing provision and the re-use of previously developed land. In applying the planning balance as required by the NPPF, the Local Planning Authority respectfully maintains that planning permission should be refused and that the appeal should be dismissed.

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1. Qualifications and Experience

- 1.1 This Proof of Evidence has been prepared by Mike Spurgeon. I am a Chartered Town Planner and have been a member of the Royal Town Planning Institute (RTPI), since October 2007.
- 1.2 I have a Master of Science (MSc), degree in City and Regional Planning from Cardiff University having graduated in July 2005, prior to which I obtained a Bachelor of Science degree in Geography (Upper Second Class Honours), from the University of Southampton.
- 1.3 I have worked in a wide range of roles as a planning professional since 2004 and currently hold the position of Associate planning consultant at Phase 2 Planning. I have worked continuously as a planning consultant since August 2013, prior to which I have held roles in Development Management, Planning Enforcement and Policy and Information at Wandsworth Council, while in addition to other private sector roles in planning practice I have worked for the (former) Regional Planning Body for the North East of England on policy development for the Regional Spatial Strategy.

2. Scope of Evidence

- 2.1 This proof of evidence relates specifically to Reason for Refusal 1 (RfR1) of the Decision Notice for planning application: 6/2020/3420/MAJ which was issued by Welwyn Hatfield Borough Council on 16th September 2021. This reason for refusal relates primarily to the housing tenure and mix of the proposed development and the conflict with Policy SP 7 of the emerging Local Plan.
- 2.2 My evidence reflects the position of the Local Planning Authority in relation to these matters and substantiates this reason for refusal. It adopts but does not repeat the matters set out in the Council's statement of case. My evidence is to be read alongside the evidence of Mr Powers and Ms McLarney who speak to reasons for refusal 2 and 3.
- 2.3 The evidence which I have prepared and provide in this proof of evidence for appeal reference APP/C950/W/22/3294860 is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

3. Reason for Refusal

3.1 The full wording of Reason for Refusal 1 is as follows:

The proposed housing tenures and mix (including affordable housing) would fail to meet the objectively assessed need (OAN) for housing in the borough and would not contribute to creating a sustainable, inclusive and mixed community. As such, the application is contrary to Policy SP 7 of the emerging local plan.

3.2 This reason for refusal cites the conflict with Policy SP 7 of the emerging Local Plan. The relevant text of this policy, which is entitled: Type and Mix of Housing reads as follows:

“In order to deliver a choice of homes and help create sustainable, inclusive and mixed communities, provision will be made for a range of housing to support the needs and requirements of different households.

***Housing mix:** Proposals for 11 [10] or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect [have regard to] the council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households including single person households, couples, families with children, older people, people with disabilities and people wishing to build their own homes. For larger sites, there should be a greater opportunity to deliver a broader mix.”*

3.3 The ongoing examination of the Local Plan has resulted in Minor Modifications to this policy being published which relate to this policy. The text in brackets above replaces the underlined text in the Minor Modifications published by the Local Plan Inspector in January 2020.

4. Evidence

- 4.1 Although the reason for refusal refers to ‘tenure’ it is not considered that this remains a matter in dispute or that the Local Planning Authority seeks to maintain as part of the reason for refusal of planning permission. However, the ‘mix’ (in terms of the sizes and types), of dwellings proposed remains an area of conflict with specific areas of planning policy and to the wider objectives of the planning system which seeks primarily to deliver sustainable development.
- 4.2 It is also evident from the planning application submission and the material submitted as part of this appeal that the Appellant has not demonstrated that regard has been had to the latest evidence of housing need when formulating the proposals.
- 4.3 As to whether the refusal of the application on the basis of the proposed mix of dwelling types and sizes is justified, it is maintained that the mix of dwelling sizes and types does not correspond with the latest evidence of housing need. In refusing planning permission on the basis of the conflict with Policy SP 7, the Local Planning Authority does not consider that the mix of dwellings that would be provided in the proposed development reflects or has had regard to the latest evidence of housing need.
- 4.4 While Policy SP 7 does not have the status of Development Plan policy, this has been the subject of public examination following which there have only been two minor modifications to the wording of the policy. This policy is consistent with the NPPF and should be afforded weight in the determination of planning applications. The degree of weight to be attached to this is a matter for the decision-maker.
- 4.5 The fact that the mix of dwellings in the proposed development represents a significant departure from the implied mix as set out in the latest evidence of housing need is of particular concern to the LPA.
- 4.6 Policy SP 7 effectively sets two tests that new development must meet in respect of the mix of development. The application of these tests to the planning application is set out below.
- 1. Does the proposed mix of dwellings reflect/has it had regard to the latest evidence of housing need and market demand?**
- 4.7 As set out above, the proposed mix of dwellings does not reflect the implied mix of dwelling sizes in the implied mix derived from the latest evidence of housing need.
- 4.8 The justification for the proposed mix of dwellings which is heavily skewed towards the provision of one-bedroom and two-bedroom flats, relies on assertions and caveats that the implied mix of dwelling sizes based on the latest evidence of housing need¹ should not be

¹ As set out in the Technical OAN Paper 2019.

applied rigidly, and it is assumed that other sites should come forward to compensate for the absence of a sufficient number of larger units (particularly three-bedroom dwellings), within this scheme.

- 4.9 There is also an assumption that the higher proportion of younger, economically-active individuals in the Borough relative to the national average, translates into a demand for smaller homes. This appears to be an overly simplistic assumption about the housing choices and options available to this group. The greater affordability of smaller dwellings is cited in the Appellant’s evidence as a justification for providing a greater proportion of one-bedroom and two-bedroom dwellings and significantly fewer three-bedroom dwellings as a justification for providing predominantly one-bedroom dwellings than would be the case if the proposed development reflected the implied mix.
- 4.10 Even if it were the case that the younger age profile of the population resulted in a directly proportionate increase in demand for one and two-bedroom homes and a corresponding reduction in the need for three-bedroom or four-bedroom properties, this is not reflected in the proposed mix of dwelling sizes, with the proportion of one-bedroom and two-bedroom dwellings still significantly higher than that required to account for the age profile of the Borough.
- 4.11 The Appellant’s evidence suggests that 28.7% of the resident population is aged 20 – 39, which significantly higher than is 11.1% higher than the national average (17.6%). If this assumption had been used to inform the dwelling mix, it could reasonably be expected that the proportion of one-bedroom and two-bedroom dwellings would be 11.1% higher than those set out in the latest evidence of objectively assessed need. Instead, as demonstrated in Table 1 below the proportion of one-bedroom and two-bedroom dwellings are 30% and 21% higher respectively.

	1 bed	2 bed	3 bed	4+ bed
Housing Mix (OAN)	14%	23%	41%	22%
Appeal Proposal	44%	44%	9%	3%
Difference (%)	+30%	+21%	-34%	-18%
With 11% Uplift/Reduction Applied to OAN	25%	34%	30%	11%
Difference with 11% Uplift/Reduction Applied	19%	10%	-23%	7%

Table 1: Relationship between Housing Mix in OAN, and in the proposed development, having applied the assumed uplift in demand for smaller properties arising from a higher proportion of the resident population aged 20 – 39 than the national average.

- 4.12 While this is an overly simplistic assumption, it serves to highlight the fact that the mix of dwellings provided bears no relationship to the extent of need for larger properties and what is proposed remains heavily skewed towards the provision of one-bedroom and two-bedroom dwellings.
- 4.13 It must also be noted that the OAN is itself based on the best available evidence of the estimated demand arising from the anticipated growth in particular types of households. The Implied Size of Housing Required – Methodology Note² (Included within Core Documents),

² Welwyn Hatfield Borough Council Implied Size of Housing Required – Methodology Note (June 2022)

explains how the forecast growth in household types between 2016 and 2036 would be reflected in a need for different sizes of housing. The output from the modelling exercises results in requirements for new housing by type (number of bedrooms), which bears a very close relationship to the OAN on which the implied mix in planning policy is based. This is illustrated in Table 2 below.

	1 bed	2 bed	3 bed	4+ bed
Housing Mix (OAN)	14%	23%	41%	22%
Implied Housing Requirement (%) based on estimated size of new housing required (based on forecast growth in household type)	14.5%	23.2%	40.9%	21.4%

Table 2: Comparison between Housing Mix in the latest evidence of housing need, and that based on the estimated size of new housing required based on the latest forecasting.

- 4.14 The fact that the output from the latest modelling exercise has produced such a similar set of results as far as the implied mix is concerned indicates that this reflects an established and persistent picture of need for these types and sizes of housing in the Borough.
- 4.15 As to whether it is appropriate for the appeal site to provide predominantly one-bedroom and two-bedroom dwellings despite the implied mix indicating that a different mix would better reflect what is required, it is evident that while this would provide for a specific element of housing need, it would further exacerbate the shortfall in the delivery of three-bedroom dwellings and other larger properties where the need is greatest and the shortfall in supply is most significant.
- 4.16 Analysis of the Housing Trajectory provided in the latest Annual Monitoring Report³ (AMR), indicates that between **76% and 89%**⁴ of the dwellings identified as part of the five-year housing land supply are either one-bedroom or two-bedroom properties. The majority of the housing likely to be delivered in the short-term will therefore be comprised of on a disproportionate number of smaller dwellings which does not reflect the latest evidence of need.
- 4.17 The Appellant has suggested in the topic-specific Statement of Common Ground that there are a number of sites within the five-year housing land supply where the anticipated rate of housing delivery is disputed. The Local Planning Authority have commented on each of these areas of dispute, (which includes the Windfall Allowance), at Appendix 2. Whether or not these sites are considered deliverable would determine whether the supply land amounts to 1.65 or 2.46 years supply, or whether it falls within this range.
- 4.18 Regardless of where within the range the actual figure lies, it is clear that there is an undersupply of deliverable housing sites in the Borough. However, it is the components of the housing land supply, particularly where this is comprised of consented developments, that is of greater relevance to the question of whether it is necessary for the proposed development to reflect or have regard to housing need.

³ Annual Monitoring Report (AMR), relating to the period 2020/21, published February 2022.

⁴ Please see **Appendix 1** where a breakdown of the supply pipeline by dwelling size and type is provided.

- 4.19 In the context of a heavily-constrained supply of housing across the Borough, it is imperative that where new development is approved and new housing is delivered, the imbalance between the delivery of smaller properties where delivery has largely kept pace with identified need⁵ in recent years, and larger properties where there has been a significant undersupply needs to be addressed. As a minimum, it is imperative that the apparent disparity between the delivery of smaller (one-bedroom and two-bedroom) dwellings, and larger (three-bedroom and four-bedroom) dwellings, in the Borough is not exacerbated.
- 4.20 In other words, were the proposed development to be approved in its current form, the opportunity to provide an appropriate and policy-compliant mix which reflects the need for housing of all sizes and types would be lost, and this would result in a greater imbalance within the supply of housing between smaller (one-bedroom and two-bedroom), dwellings which are over-represented in the existing pipeline.
- 4.21 Therefore, by not providing an appropriate mix of development that accords with Policy SP 7, the proposed development would fail to provide a mix of housing that contributes towards creating sustainable communities. A housing supply pipeline which is heavily-skewed towards the provision of smaller dwellings does not achieve the objective of creating sustainable development that is inclusive and which meets the requirements of particular groups. This would instead result in an over-concentration of smaller dwellings which are currently over-represented in the housing trajectory. Policy SP 7 has been drafted in order to prevent such a situation arising, and notwithstanding the clear and pressing aggregate need for housing of all types across the Borough, it is not appropriate to disregard the policy requirement for major developments to reflect and have regard to the latest evidence of housing need.
- 4.22 The justification for the proposed mix of dwellings provided in this scheme provided by the Appellant is based almost entirely on the assertion that there is unmet demand for smaller (one-bedroom and two-bedroom). dwellings and that providing a greater proportion of these would be appropriate in the context of the demographic profile of the area and the nature of the local housing market. However, as set out above, the proportion of 'younger' residents is only 11% higher than the national average, and even if this were to translate directly into a need for smaller dwellings, the proposed development would still provide a higher proportion of these than that required to satisfy the need of this entire group.
- 4.23 No compelling justification has been provided by the Appellant as to why the type and size of housing proposed differs significantly from the 'implied mix'. The Appellant's case in this respect rests on whether or not the development is considered viable on the basis that the developer profit is already lower than that permitted. It is claimed that were the scheme to provide a greater proportion of larger units (which would lead to it better reflecting and providing for established housing need), this would further reduce the developer profit. While the assessment of viability provided by the Appellant is not disputed, it is maintained that this does not provide a justification for failing to provide a policy-compliant mix of dwellings.

⁵ As suggested in Table 15 of the Lambert Smith Hampton report enclosed at Appendix 10 of the Appellant's Statement of Case.

4.24 The over-concentration of smaller dwellings and the significantly higher proportion of one-bedroom and two-bedroom dwellings that would be provided as part of the proposed development than the implied mix, therefore indicates the appeal scheme does not reflect and has not had regard to the latest evidence of housing need.

2. Does the proposed mix of dwellings contribute towards meeting the varied needs of different households?

4.25 In considering whether the proposed mix of dwellings meets the varied needs of different households it is necessary to consider what a desirable mix would provide in terms of dwelling size and the nature of the likely occupants.

4.26 The fact that the proposed mix of dwellings is heavily-skewed towards the provision of smaller households, results in a significant shortfall in the proportion of homes provided that would be suitable for occupation by families. The latest demographic information⁶ indicates that the greatest growth in household type between 2016 and 2036 will be in households with dependent children. It is estimated that this will amount to household growth of 4,677 during this period which amounts to 41% of the total household growth. As set out in the Methodology Note (see Footnote 3), Census data has been used to establish the household composition by number of bedrooms, and this reveals that 49% of households with dependent children require three-bedroom homes, while 22.8% of these households would require a home with four or more dwellings.

4.27 With such a significant proportion of these new households requiring larger properties, the absence of these within the proposed development strongly suggests that the needs of families with children are not being met by the mix of development. This directly contradicts the requirement in Policy SP 7 for major development proposals to contribute towards meeting varied needs of different households.

4.28 While it is not considered that sufficient regard has been had to meeting the needs of families in the composition of the proposed development, it is evident that even less regard has been had to providing homes suitable for older people. It is notable that Policy SP 7 requires that around 5% of all new housing delivered at Strategic Development Sites should comprise housing which is specially designed for older people. Following its recognition as a residential site in the emerging Local Plan, this can be considered a Strategic Development Site, yet there is evidently no provision made for this form of housing (i.e. housing specially designed for older people), as part of the proposed mix of housing. Therefore, as a result of the omission of any provision of this form of housing there is a clear conflict with this aspect of Policy SP 7.

4.29 The absence of any larger properties suitable for occupation by families or of any accommodation specifically designed for older people, does not meet the requirement for

⁶ As set out in Table 1: Forecast Growth in Household Type 2016 – 2036 in the Core Document: Implied Size of Housing Required – Methodology Note.

major development proposals to be inclusive or for these to contribute towards achieving sustainable communities.

- 4.30 It is not disputed that the proposed mix of dwellings would provide accommodation or single person households, while couples will also be well provided for by the proposed mix of dwellings.
- 4.31 It is also relevant to consider whether the proposals would provide the type of facilities which facilitate occupation by families and/or those with particular needs in terms of access to and from their homes, and the type of space that surrounds the properties. The design of the proposed dwellings does not provide spaces that could be easily-accessed or navigated by families with young children, particularly for parents with prams or pushchairs.
- 4.32 As outlined above, the Appellant has sought to provide a justification for a scheme which provides mostly (88% of the proposed dwellings), one-bedroom and two-bedroom flats on the basis that providing smaller homes makes the most effective use of the site and that this is appropriate given the demographic profile of the area and unmet demand for smaller dwellings. However, this does not in itself, or in combination with other aspects of the evidence submitted by or on behalf of the Appellant, provide an acceptable justification for the fact that the mix of dwelling sizes is significantly different from the implied mix of dwelling sizes established in Policy SP 7 that is considered provides for the needs of wide range of groups.

5. Conclusion and Comments on the Planning Balance

- 5.1 In my professional opinion I do not consider that the Appellants have demonstrated that the proposed mix of dwellings would meet the objectively assessed need for housing in the Borough nor that a sufficiently robust or acceptable justification has been provided or the mix of dwellings that is proposed.
- 5.2 While this relates to an area of planning policy that does not have the primacy of the Statutory Development Plan, the conflict with the emerging planning policy position is such, and to such an extent that the Local Planning Authority is entirely justified in refusing planning permission on the basis that the proposals do not adequately address the areas where the need for housing is greatest, most notably in the form of three-bedroom dwellings.
- 5.3 The proposed mix of dwelling types and sizes bears no relationship to the proportions of housing (by bedroom size), that are required to meet the objectively assessed needs of the Borough. The proposed development therefore fails to reflect or have regard to the latest evidence of housing need as required by Policy SP 7.
- 5.4 The adverse impact that would arise from the failure of the proposed development to provide a sufficiently well-balanced mix of housing types or sizes of dwellings, is considered both in its own right and alongside the other harm arising through insufficient car parking provision and the excessive form, height, bulk, scale and massing of the development, to significantly and demonstrably outweigh the benefits of housing provision.
- 5.5 The harm is significant in that the proposal does not optimise the potential of the site. While it is agreed that the site is suitable for providing housing, and while this would represent an appropriate use of the site, providing the number and mix of new homes as proposed in this application would not contribute towards achieving sustainable, inclusive and mixed communities.
- 5.6 Furthermore, it would be demonstrably harmful to the objective of achieving sustainable communities to provide an over-concentration of smaller dwellings which would mean that the development would effectively exclude groups for which a specific housing need exists including families and older people, thus failing to contribute effectively towards the full range of housing needs in the Borough.
- 5.7 The evidence provided by Mr Powers and Ms McLarney in relation respectively to parking and highways, and design also highlight that significant and demonstrable harm arises as a result of the pressure on the availability of parking arising through insufficient provision within the development, along with the fact that the proposed buildings are excessive in its form, height, bulk, scale and mass so that they fail to make a positive contribution to the townscape in a prominent gateway location in Welwyn Garden City.

5.8 I therefore respectfully request that the Inspector dismisses the appellant's appeal on the basis of this reason for refusal (as well as on the others spoken to by Mr Powers and Ms McLarney).

APPENDIX 1: Breakdown of Sites in Housing Trajectory by Size and Type

Settlement	Site	Planning Permission Reference	Total 5YLS	Notes	Flats			Houses		
					1 bed	2 bed	3 bed	2 bed	3 bed	4 bed+
Brookmans Park	75 Oaklands Avenue	6/2020/0456/FULL	7		2	7				
Brookmans Park	101 Brookmans Avenue	6/2019/2313/FULL	5							6
Cuffley	12 Tolmers Gardens	6/2018/3125/FULL	8		1	7				
Cuffley	36 The Ridgeway and land to the rear	6/2018/2863/FULL	5							6
Digswell	63-65 New Road	6/2019/1569/FULL	7			8	1			
Hatfield	High view (Hilltop) SPD Site	6/2019/1067/MAJ	140		51	72			23	
Hatfield	Former Volkswagen Van Centre Comet Way	6/2020/3222/MAJ	118		51	67				
Hatfield	Minster House	6/2019/2086/FULL	90	Sheltered accomodation for over 55s	69	21				
Hatfield	Land at Onslow St Audrey's School, Howe Dell	6/2017/1641/MAJ	86		13	11		46	15	2
Hatfield	Link Drive	N/A	80		30	50				
Hatfield	1-9 Town Centre	6/2019/2430/MAJ	71		21	50				
Hatfield	Plot 6000, Hatfield Business Park	6/2017/0550/MAJ	45	C2						
Hatfield	87 Great North Road	S6/2014/1541/MA	20			20				
Hatfield	36 Salisbury Square (1st and 2nd floor conversion)	6/2020/0918/PN11	16		16					
Hatfield	Garages at Hollyfield	N/A	12	unknown						
Hatfield	24 The Common	6/2020/3226/PN32	10		10					
Hatfield	1 Burfield Close	6/2020/3257/MAJ	10	unknown						
Hatfield	1 Roe Green House	6/2019/1699/FULL	8		2	6				
Hatfield	Andre House, 19-25 Salisbury Square	6/2018/0688/PN11	8		1	8				
Hatfield	41-43 Town Centre, Hatfield, AL10 0JJ	6/2021/1805/FULL	6		6					
Hatfield	14-16 Bishops Rise	6/2018/1883/FULL	5		4	3				
Hatfield	36 Salisbury Square	6/2017/1902/FULL	5		2	3				
Welwyn	Guessens 6 Codicote Road	6/2018/3140/FULL	7					2	3	4
Welwyn Garden City	Broadwater Road West SPD Site	6/2018/0171/MAJ	616		302	277	37			
Welwyn Garden City	North east of Welwyn Garden City	6/2018/0873/OUTLIN	150	unknown						
Welwyn Garden City	29 Broadwater Road	6/2019/3024/MAJ	128	1 and 2 bed	64	64				
Welwyn Garden City	Norton Building, Bridge Road East	6/2019/0018/PN11	122	unknown						
Welwyn Garden City	Ratcliff Tail Lift Site, Bessemer Road	6/2018/3110/MAJ	108		12	42		7	20	27
Welwyn Garden City	Land adjacent to 45 Broadwater Road	6/2018/3292/MAJ	58	C2						
Welwyn Garden City	Accord House, 28 Bridge Road East	6/2020/1067/MAJ	34		29	5				
Welwyn Garden City	26 Stonehills	6/2019/1452/MAJ	27		18	9				
Welwyn Garden City	37 Broadwater Road	6/2018/2387/MAJ	24			22	2			
Welwyn Garden City	YMCA, 90 Peartree Lane	N/A	29	C1/C3						
Welwyn Garden City	Accord House, 28 Bridge Road East	6/2020/0461/PN11	17		13	4				
Welwyn Garden City	Units 1,1a, 3 Swallow End	6/2018/0231/PN11	10		12					
Welwyn Garden City	Units 1,1a, 3 Swallow End	6/2019/1172/FULL	8		8					
Welwyn Garden City	Land behind 140 Ludwick Way	6/2019/1616/FULL	6						6	
Woolmer Green	Entech House	6/2017/0848/MAJ	48		4	22			8	15
Rural South	Northaw House, Coopers Lane, Northaw	6/2019/0217/MAJ	23		6	5			5	9
Rural South	Mill Green Mill, Green Lane	6/2018/0717/MAJ	9						4	5
Rural North	St Andrews Care Home	6/2020/1249/FULL	7	C2						

Breakdown of sites in Five Year Housing Land Supply according to dwelling size (sites providing 5 or more dwellings)

Note: the mix of dwelling sizes is not known for all sites, however, the schedule above accounts for a significant majority of the housing land supply.

APPENDIX 2: Response to areas of the Housing Land Supply disputed by the Appellant.

Areas of Dispute between both parties			
	Council	Appellant	
Windfall Allowance	278	60	<p>Various work has been undertaken on historic levels of windfall which was discussed at the stage 9 Local Plan Hearing sessions and the Local Plan Inspector subsequently concluded an allowance of 139 dpa in EX276 –</p> <p>Microsoft Word - Windfall letter to Council (002).docx (welhat.gov.uk)</p> <p>No windfall allowance is made for the first three years, as it is expected that these sites would already be known about, therefore the allowance of 139 dpa was applied to the last two years of the five-year period, amounting to 278 dwellings.</p> <p>The basis Appellant’s of 60 dwellings is unclear. This is significantly below the average historic levels of windfall for Welwyn Hatfield, and there is no reason to suggest that this would be lower than the number of windfall sites that have come forward in recent years.</p>
Broadwater Road West SPD Site -	616	321	<p>The site has permission for 1,340 C3 dwellings plus 114 C2 dwellings under planning reference 6/2018/0171/MAJ, which was granted in February 2019. The NPPF definition of deliverable states that:</p> <p><i>“...all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans)”.</i></p> <p>Not all of the site is expected to come forward within the five years. Whilst new applications have now been submitted for this site, work has commenced at the South side of the site under the extant permission 6/2018/0171/MAJ - with 208 units under construction and now expected to complete in 22/23.</p>
Link Drive	80	0	<p>This site is the Council’s own scheme and had permission granted subject to s106 agreement in July 2020. Amendments to the scheme were submitted and considered at Development Management committee in January 2022. Permission was granted subject to s106.</p> <p>The scheme is expected to fully complete by September 2024 (now slightly later than was expected when the AMR was written but still well within the five years).</p>

			This site was also found suitable in the Council's Housing & Economic Land Availability Assessment 2019 (HELAA 2019), which indicated a deliverability timescale within 1-5 years. The site is considered to have 'realistic prospect' of delivering in five years. This site is also included on the Council's Brownfield Land Register.
Garages at Hollyfield	13	0	This site is the Council's own scheme and is included on the Brownfield Land Register. The site is also allocated in the Draft Local Plan. It is a small urban site and considered to have 'realistic prospect' of delivering within five years. A planning permission has also now been submitted for this site and is currently under consideration. Although this is for a lower number of 8 dwellings. The figure included in the supply could be revised down slightly.
29 Broadwater Road	128	0	This site had full planning permission granted in September 2021 - 6/2019/3024/MAJ. This site was found suitable in the Council's HELAA 2019 for a capacity of 128 dwellings. The HELAA 2019 indicated a deliverability timescale within 1-5 years.
Norton Building, Bridge Road East	122	0	This site had prior approval for 59 dwellings (6/2019/0018/PN11), although this has now lapsed. This site was found suitable in the Council's HELAA 2019 for a capacity of 122 dwellings. The HELAA 2019 indicated a deliverability timescale within 1-5 years. A planning application has been submitted for 138 dwellings and is awaiting determination (6/2021/1647/MAJ).