

WELWYN HATFIELD DISTRICT COUNCIL

DRAFT LOCAL PLAN  
EXAMINATION IN PUBLIC

STAGE 3 GREEN BELT REVIEW  
STAGE 5 HEARING SESSIONS ON 6 & 7  
NOVEMBER 2018

SUBMISSIONS MADE IN RESPECT OF SITE  
WEG1  
UNITS 1-3, 51 WELHAM MANOR, AL9 7EL

ON BEHALF OF NICON DEVELOPMENTS  
LIMITED AND HEATHBUSH LIMITED

*gfplanning Limited*  
*1 Woodlands Avenue Wanstead*  
*LONDON E11 3RA*  
*Tel: 020 8530 1306 Mobile: 07890 478970*  
*Email: gfplanning@hotmail.com*

## 1 INTRODUCTION

- 1.1 These representations are made following the failure of the local planning authority (LPA) to allocate the above site for residential development in the Local Plan Submission Document (LP), and in the context of the Welwyn Hatfield Green Belt Study Stage 3, also known as the Green Belt Review (GBR).
- 1.2 The representations demonstrate that the site is suitable for allocation as a housing site. They show that the failure of the LPA to do so is unsound, particularly in the context of the GBR.
- 1.3 The LP was submitted for examination on 15 May 2017. In July 2018, the National Planning Policy Framework (NPPF) was revised. However, paragraph 214 of the 2018 Framework advises that the policies in the previous Framework (issued in 2012) will apply for the purpose of examining local plans, where those plans are submitted on or before 24 January 2019.
- 1.4 Paragraph 182 of the NPPF (2012) requires a local planning authority to submit a local plan for examination which it considers is “sound” – namely that it is:
  - Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 1.5 Paragraph 178 adds that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

## 2 SITE WEG1: UNITS 1-3, 51 WELHAM MANOR, AL9 7EL

- 2.1 A full description of the site and its surroundings is set out in the representations dated October 2016, but the key site attributes are summarised below:
- It is bordered by existing housing development on its northern and western sides.
  - The site is less than 500m from the centre of Welham Green,
  - The site is located close to local bus stops and within 1 km of Welham Green Railway Station
  - The site is occupied by a number of buildings, all of which are poor in appearance and are used for various commercial purposes
  - The site falls within the definition of previously developed land as set out in the NPPF (2012)

## 3 CURRENT LOCAL PLANNING POLICY

- 3.1 The Welwyn Hatfield District Plan, 2005 designates the site as green belt. It is not subject to any other planning designations or constraints.

## 4 THE NATIONAL PLANNING POLICY FRAMEWORK, 2012

- 4.1 The provisions of the NPPF (2012) insofar as they relate to the following matters are set out in the representations dated October 2016
- Previously Developed Land
  - Green Belt
  - Local Plans

## 5 DRAFT LOCAL PLAN PROPOSED SUBMISSION DOCUMENT (LP) - SUMMARY

- 5.1 The Spatial Vision on page 29 explains that 12,000 new homes will be built on a range of sites, two thirds of which will be within and adjoining Welwyn Garden City and Hatfield. It adds that opportunities for development within settlement boundaries will be maximised but a planned release of a limited amount of land from the Green Belt will take place to meet the need for 6,200 dwellings which cannot be provided for within the existing towns and villages.
- 5.2 Critically, paragraph 5.9 recognises that the proposed housing target falls short of the full Objectively Assessed Need range, which was 12,500 to 13,433 at the time of submission. In fact, the Strategic Housing Market Assessment update 2017, now suggests that 16,000 new homes are now required.

- 5.3 Welham Green is classified as a large village in the settlement hierarchy, the tier below the main towns. Policy SADM 30 provides for approximately 40,500sqm of Class B1 employment floorspace and around 80 dwellings at the site known as 'WeG4b, Marshmoor'. This site lies to the east of the current settlement beyond the railway line.
- 5.4 Paragraph 20.6 explains that housing growth has been limited at Welham Green as the existing primary school, St Mary's, only has a one form of entry capacity. The education authority advises that this school has no expansion potential to increase its capacity. The LPA considers this to be a constraining factor as no suitable opportunity has been identified to address the need for increased primary school capacity within Welham Green alongside more significant levels of housing growth. The LPA subsequently introduced insufficient secondary school capacity in the area as a further reason not to provide for additional growth at Welham Green.
- 5.5 Table 2 of the LP sets out the proposed distribution of housing growth. Outside of Welwyn Garden City and Hatfield, the housing allocations from the current Green Belt, amount to 2,179 units. It is noted that Welham Green, despite being classified as a large village in the settlement hierarchy will accommodate just 4.22% of this housing growth. The other large villages accommodate the following percentages
- Welwyn 3.07%
  - Brookmans Park 12.57%
  - Cuffley 13.13%
- 5.6 Policy SP14 indicates that the Council's housing target for the plan period leads to a requirement for additional secondary education capacity equivalent to three new secondary schools for the borough and that locations for two new secondary schools are identified. It adds that the housing target also leads to a requirement for new primary education capacity. In the case of proposed new neighbourhoods locations for new primary schools are identified within the proposed new developments. Critically, it admits that other identified housing growth may lead to the requirement for a further new primary school at Welwyn Garden City, but no site is identified.

## 6 THE GREEN BELT REVIEW

- 6.1 In a memorandum in December 2016, the LP Inspector stated that the plan as submitted does not provide sufficient housing development proposals to enable sufficient dwellings to meet the Full Objectively Assessed Housing Need (FOAHN), (12,400 dwellings) prepared on behalf of the Council prior to its submission of the plan, to be built. It adds that subsequently, a revised FOAHN assessment based on the 2014 household projections, prepared by the Department for Communities and Local Government, suggests a much higher FOAHN (16,000 dwellings).

- 6.2 The Inspector has also stated that the acuteness of the need for housing in the borough is sufficient to justify exceptional circumstances to release land from the Green Belt. The Inspector also opined that that further evidence is required in terms of the harm to the Green Belt and to consider what parts are essential to retain. He indicated that the plan is unsound in its current form but is capable of being made sound if additional housing sites are identified.
- 6.3 On this basis, the Inspector requested that the LPA to carry out a further Green Belt Study to seek to identify additional sites for housing. The Welwyn Hatfield Green Belt Study Stage 3 was published in August 2018. This is known as the Green Belt Review (GBR).
- 6.4 The GBR builds on two previous green belt studies, by providing more comprehensive coverage of the land around the inset towns and villages. It also considers the harm to the Green Belt of releasing land and identifies which parts of the Green Belt are most essential to retain. It carries out a detailed assessment of parcels of land around the towns and larger villages and considers whether or not any of the washed-over villages should be released from the Green Belt and the potential harm to the Green Belt from new settlement locations.
- 6.5 Table 7.1 (Green Belt Assessment of Harm Ratings) indicates that the release of site WeG1 for housing would result in low harm to the green belt. Moreover, its release in conjunction with most other nearby sites would only occasion moderate harm.
- 6.6 Page 292 of the appendices to the GBR confirms the low harm of release and concludes that in relation to sites WeG1 and WeG2 that *'These sites are located in the northwest of the parcel adjacent to the urban edge of Welham Green. WeG1 includes a building and hardstanding associated with a vehicle repair shop surrounded by trees. WeG2 is an area of scrubland. Both do not make a significant contribution to Green Belt purposes and their release would not compromise openness or extend the existing settlement edge beyond the existing line to the west'*.

## 7 WELWYN HATFIELD PLANNING AND PARKING PANEL – 6 SEPTEMBER 2018

- 7.1 This meeting considered the findings of the GBR. The officers report set out two development scenarios as follows:
- **Scenario One:** extra capacity on some existing allocations, the loss of some employment land and the release of some land from the Green Belt
  - **Scenario Two:** extra capacity on some existing allocations, the retention of employment land and the release of more land from the Green Belt than the option above

- 7.2 The report also suggested three approaches to the LP process.
- 7.3 There was much debate at the meeting but there was no formal resolution tabled or vote taken. Members agreed that officers should inform the Inspector of the outcome of the debate, but that letter is yet to be published.
- 7.4 Members were concerned that any new housing allocations promoted the principles of sustainable development and that no land should be released where there would be more than moderate to high harm to the Green Belt.

## 8 SUBMISSIONS

### **Housing Need**

- 8.1 Whichever OAN figures are used, it is clear that there are insufficient housing allocations in the Local Plan. Therefore, the LP does not satisfy the requirements of paragraph 47 of the NPPF (2012) which requires that LPA's should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
- 8.2 Therefore, the plan is not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, and as such **is not positively prepared**.
- 8.3 Moreover, the plan does not enable the delivery of sustainable development in accordance with the policies in the 2012 Framework, and **is inconsistent with national policy**
- 8.4 The allocation of site WeG1 for housing (along with other green belt sites where low to moderate harm would occur) would assist in remedying this unsoundness.

### **Previously Developed Land/Sustainable Development**

- 8.5 The site is previously-developed land, located in a sustainable position near to the village centre in close proximity to the core of the settlement and local transport facilities.
- 8.6 Appendix G to the Housing Sites Selection Background Paper, June 2016 (HSS) confirms that for Site WeG1, the site makes limited or no contribution to Green Belt purposes, and that if allocated, the new green belt boundaries would be stronger than those existing, as clearly defined and defensible boundaries could be formed. This is confirmed in the GBR.
- 8.7 The LP rules Site WeG1 as unsuitable for allocation solely on the lack of school capacity in Welham Green, but fails to properly weigh this against the overwhelming advantages of allocating a previously developed site that is

located next to existing residential areas and which makes limited or no contribution to Green Belt purposes. These are clear strategic advantages in favour of the allocation of the site.

- 8.8 The failure of the LPA to allocate site WeG1 is contrary to the provisions of the NPPF (2012) on several accounts, as follows:
- Contrary to the 2012 Framework as a whole as it fails to promote sustainable development
  - Contrary to paragraphs 17 and 111, as it fails to give sufficient weight to the effective use of previously developed land
  - Contrary to paragraph 80, as it fails to adequately recognise that the site makes limited or no contribution to Green Belt purposes
  - Contrary to paragraph 83, as it fails to adequately recognise that the new green belt boundaries would be stronger than those existing
  - Contrary to paragraphs 84 and 151, as it fails to recognise that the proposed Green Belt boundaries in Welham Green fail to promote sustainable patterns of development.
  - Contrary to paragraph 152 it fails to consider alternative options which reduce or eliminate the significant adverse impacts of allocating Site WeG4b.
- 8.9 Therefore, the plan is not the most appropriate strategy and is **not justified**
- 8.10 Therefore, the plan does not enable the delivery of sustainable development in accordance with the policies in the 2012 Framework, and **is inconsistent with national policy**
- 8.11 The allocation of site WeG1 for housing (along with other green belt sites where low to moderate harm would occur) would assist in remedying this unsoundness.

### **Education Capacity**

- 8.12 In conjunction with the promoters of other sites in Welham Green, the owners of site WeG1 jointly promoted the provision of additional primary school capacity at Welham Green by a previously submitted Common Position Statement. This demonstrated that primary school capacity is not a barrier to further housing development at Welham Green.
- 8.13 The LPA, in conjunction with its partners, has failed to provide for the primary education requirements necessitated by its proposed overall pattern of housing growth, and has used education capacity constraints to unreasonably restrict additional housing growth at suitable sites in sustainable locations in Welham Green. By discounting the provision of additional education capacity in Welham Green, the LPA has failed to properly plan for the necessary infrastructure, including education capacity, which is required to meet the growth needs of the borough over the plan period.

- 8.14 Paragraph 16.7 of the Housing Sites Selection Background Paper, June 2016 Indicates that Hertfordshire County Council as the education authority would not object to a new two form entry primary school in Welham Green if a suitable site could be identified and delivered alongside housing growth.
- 8.15 Moreover, as indicated in earlier submissions, a development of 18 dwellings on site WeG1 is likely to result in occupation by some 5 primary school pupils, which is insufficient justification, given its other overwhelming strategic advantages, and its immediate availability, not to release the site for housing purposes.
- 8.16 Contrary to paragraph 157 of the NPPF (2012), the plan fails to plan positively for the development and infrastructure required and is not based on cooperation with site promoters.
- 8.17 Therefore, the plan is not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, and as such **is not positively prepared.**
- 8.18 Therefore, the plan is not the most appropriate strategy and is **not justified**
- 8.19 Moreover, the plan does not enable the delivery of sustainable development in accordance with the policies in the 2012 Framework, and **is inconsistent with national policy**
- 8.20 In addition, the LPA has **not met with its duty to cooperate** with the local education authority.
- 8.21 The allocation of site WeG1 for housing (along with other green belt sites where low to moderate harm would occur) would assist in remedying this unsoundness.

## 9 ALLOCATION FOR RETIREMENT HOUSING

- 9.1 If the site were allocated for retirement housing, then the educational demand from its development would be removed altogether.
- 9.2 LP Policy SP7 indicates that as part of the overall housing target, a net increase of around 715 dwellings will be supported to help meet the varied housing needs of an ageing population, through the provision of a range of housing options such as sheltered housing, flexi-care, extra-care, assisted living and other forms of supported housing, provided such developments are located in accessible locations.
- 9.3 Paragraph 9.7 provides the background to this: In 2011, around 15% of the borough's population was aged 65 and over. Forecasts indicate that there will be around 4,500 additional older people (aged 75+) living in the borough by the end of the plan period and evidence suggests that between 2012-2020

there will be a 13% to 14% increase in people aged 65 and over in Welwyn Hatfield who are unable to manage at least one self-care activity or domestic task on their own.

- 9.4 Clearly, 4,500 additional older people will not fit into 715 dwellings. Given elderly persons usually live as couples or alone, it seems reasonable to assume an occupancy rate of 1.5 persons per dwelling, so 715 dwellings will accommodate around 1072 persons.
- 9.5 In addition to the overall housing target, the plan (paragraph 9.8) supports a net increase of around 330 Use Class C2 bed-spaces in facilities such as nursing and care homes.
- 9.6 This leaves 3098 older persons to be accommodated, some 2065 units. Although some will continue to live in orthodox housing there is clear need for more sheltered/retirement housing than the plan provides for. This site is previously developed land in a sustainable location near to local facilities, which is ideal to accommodate some of this need.

## 10 CONCLUSIONS

- 10.1 The failure of the LPA to allocate Site WeG1 for residential development in the LP is unsound as its decision is contrary to the principles of positive preparation, unjustified and contrary to the provisions of the NPPF (2012). In addition, the LPA has not met with its duty to cooperate with the local education authority.
- 10.2 The above representations make the overwhelming case that the site should be allocated for either conventional or retirement housing whether or not additional primary school capacity is provided in Welham Green.