

Committee:	LDF Working Group	Agenda Item
Date:	14 June 2013	3
Title:	Residential Windfall Allowance	
Author	Sarah Nicholas, Senior Planning Officer Ext 454	Key decision:

Summary

1. The purpose of this report is to consider whether it is realistic to include an allowance for windfall sites in the housing supply and calculation of 5-year land supply. The number of windfall dwellings consented and built has been recorded since 2001 and therefore it is possible to look at the historic rates of windfall development over a whole plan period. Analysis of future trends is more difficult but consideration can be given to the Strategic Housing Land Availability Assessment, and the positive approach of local and national policies.

Recommendations

2. That a windfall allowance of 50 dwellings per annum is included in our 5-year and overall housing supply.

Financial Implications

3. None

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Uttlesford Residential Land Surveys

Impact

Communication/Consultation	Will influence Local Plan which will be subject to public consultation
Community Safety	n/a
Equalities	Will influence Local Plan which will be subject to Equalities Impact Assessment
Health and Safety	n/a
Human Rights/Legal	n/a

Implications	
Sustainability	Will influence Local Plan which will be subject to sustainability appraisal
Ward-specific impacts	All
Workforce/Workplace	n/a

Situation

National Planning Policy Framework

- Paragraph 48 of the Framework states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Definition

- Residential windfall sites are those housing sites which have not been specifically identified as being available through the operation of the local plan-making process. They comprise sites that have unexpectedly become available over time, and which were not anticipated by the planning authority when local plans were in preparation. Windfall sites have been granted planning permission by the local planning authority and are in accordance with adopted local plan policies or national guidance. These could include for example, large sites such as might arise from a factory closure or very small changes to the built environment, such as a residential conversion, change of use of a small office to a new home, or a new flat over a shop.
- Windfalls have been recorded as they occur as from the 1st April 2001 on a "this day forward basis". From that base-date, all such sites have been recorded irrespective of their dwelling capacity (i.e. from 1 dwelling unit upwards). No historic analysis of such sites before this base-date has been possible within the resources available.
- Windfall sites do **not** include any of the following,
 - DCLG/Planning Inspectorate appeal decisions.
 - New local plan allocations made by a local plan review in site-specific terms as a proposal on the Local Plan Proposals Map.
 - New planning permissions on an already identified housing site which has an existing planning permission (such as where the dwelling capacity is being increased from 12 to 20 units). Any permissions which supersede others on an existing housing site do not count.
 - New planning permissions involving an existing building which already has an existing planning permission for new housing. Any permissions which supersede others do not count.

- An expired planning permission which time-lapses and is then added into the list of sites without planning permission
- Any site with or without planning permission which was specifically identified in the previous year's April survey

Historic Windfall delivery rates

9. Information on the delivery of windfall sites has been collected since 2001. Windfall sites have consistently made a contribution to the delivery of housing in Uttlesford. The National Planning Policy Framework specifically excludes any development in residential gardens from being counted in any windfall allowance. The following table therefore excludes the erection of new dwellings within gardens.

Year	No. of dwellings permitted on windfall sites (net) & excluding garden sites	No. of dwellings built on windfall sites (net) & excluding garden sites	% of dwellings permitted which are built	All completions (net)	Windfalls as a % of all completions
2001/2	114	8		182	4
2002/3	134	20		396	11
2003/4	60	62		241	26
2004/5	152	32		344	9
2005/6	77	50		541	9
2006/7	170	43		326	13
2007/8	48	128		538	24
2008/9	59	37		437	8
2009/10	75	30		522	6
2010/11	93	32		298	11
2011/12	68	54		521	10
TOTAL	1050	494	47	4346	12

10. The above table and chart show that over the period of the Local Plan the number of dwellings permitted and built can vary considerably from year to year. This is inevitable by the very nature of windfall sites as larger sites unexpectedly become available for development. However, over the 11 years, 47% of windfall site permitted have been developed and this

comprises 12% of all completions. The average number of windfall dwellings completed annually is 45.

11. The figure for 2002/03 excludes 23 units at Carver Barracks, Debden when former service personnel accommodation was sold on the open market.
12. The unusually high completions in 2007/8 reflects the completion of a number of large windfall sites -28 at Kiln Court, Thaxted Road, Saffron Walden; 20 at Vicarage Mead, Thaxted; 19 at Bowker Close, Newport; and 10 at Counting House Lane, Great Dunmow.

Types of Windfall Sites

13. Uttlesford is a large rural district with two market towns and about 60 villages enabling significant potential for windfall development through the conversion of rural buildings and the redevelopment of previously developed sites.

TYPE OF DEVELOPMENT COMPLETED (gross figures)				
Year	New (excludes garden sites)	change of Use	Redevelopment	Subdivision
2001/2	1	12	2	0
2002/3	14	11	5	0
2003/4	16	35	24	0
2004/5	6	16	39	0
2005/6	13	21	33	0
2006/7	22	24	24	4
2007/8	71	46	31	4
2008/9	0	18	28	6
2009/10	8	9	21	4
2010/11	8	28	9	0
2011/12	25	15	15	12
TOTAL	184	235	231	30

15. The above table shows that the majority of completions take place in the second and third year following consent. The figures are gross figures and have not been adjusted to take account of dwellings built in gardens.

Strategic Housing Land Availability Assessment (SHLAA)

16. The source of sites identified in the SHLAA is set out in the Assessment's methodology. Sites not currently in the planning process and would therefore be considered as windfall sites include vacant and derelict land and buildings, surplus public sector land, land in non-residential use which may be suitable for re-development. The assessment identified sites from the National Land Use Database; the former Urban Capacity Study; employment land reviews; and the Council's gazetteer of land holdings.

17. The minimum site size threshold applied in the SHLAA is 6 dwellings (net) or 0.2 ha. The SHLAA does not therefore identify smaller developments such as conversion of non-residential properties, intensification of residential areas and redevelopment schemes.

18. The 2012 SHLAA currently considers 311 sites and concludes that about 5400 houses are deliverable in the early part of the plan period and about 3200 are developable in the latter part of the plan. The majority of sites are housing opportunities adjoining settlements but beyond development limits. The number of these sites being permitted as windfall sites is dependent upon the existence of an up to date local plan and a 5-year supply of deliverable sites.

19. A number of the sites identified in the SHLAA have progressed to planning consent and come forward as windfall sites. However it is considered that there are other sites which could still come forward in line with policy and would contribute in the order of 300 dwellings.

National and Local Policy Context

20. The Council is proposing a number of policies which positively encourage windfall development. Subject to meeting certain criteria:-

- Policy HO1 allows for small scale development on sites in settlements without development limits;
- Policy HO2 allows for the subdivision of dwellings;
- Policy HO7 allows for the provision of affordable housing on exception sites which can include market housing to ensure the viability of the development;
- Policy HO8 allows the provision of rural workers dwellings;
- Policy C3 allows for the reuse of rural buildings for residential if other types of use are demonstrably non-viable;
- Policy HE2 allows alternative uses of listed buildings as a way of preserving the building; and
- Policy EMP2 allows for the redevelopment/change of use of employment uses if it can be demonstrated that the employment use is no longer viable.

21. The Government has introduced permitted development rights to enable change of use from commercial to residential properties. There are a

number of office buildings across the district in settlements and rural locations which could be viable to convert to residential and which would contribute to the windfall supply.

Conclusions

22. Historical evidence shows that windfall sites make a contribution to the number of annual completions. It is also considered that in the light of available sites and planning policy windfall sites will continue to be permitted and built in the future.
23. Over the past plan period 12% of completions have been on windfall sites. The Council is currently committed to preparing a plan to provide 6255 dwelling between 2011 and 2026. 12% of this requirement would provide 750 dwellings through windfall sites. 750 dwellings on windfall sites equates to an average of 50 dwellings per year which is consistent with the historic annual rate.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the windfall allowance is found unsound	Little risk if the allowance is supported by evidence	That the Local Plan would be found unsound or the Council's calculation of 5-year land supply is questioned at appeal.	Annual assessments and monitoring to take place to ensure the council knows the number of windfall units permitted and constructed within its area.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.