

## Appendix 3

### Consideration of a Windfall Allowance for Uttlesford – June 2014

#### Summary

1. This is an update of the report originally presented to Members of the LDF Working Group on 14 June 2013, taking into account windfall completions in 2012/13 and 2013/14.
2. 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 positive approach of local and national policies.
3. The report concludes that there is evidence to justify including a windfall allowance of 50 dwellings per annum in the housing trajectory and 5-year supply, and the overall housing supply.

#### National Planning Policy Framework

4. 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

5. 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.
6. 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.

7. 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

**Historic Windfall delivery rates**

8. 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 Utlesford. 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. A breakdown of the figures is set out in appendix 1.

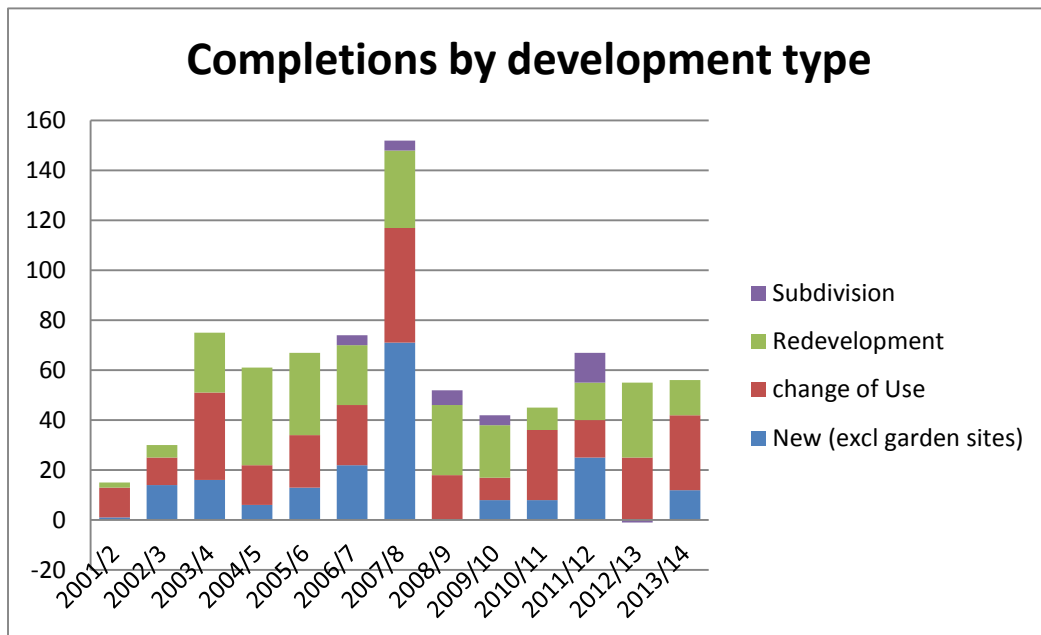
| Year   | No. of dwellings permitted on windfall sites (net) & excluding garden sites | No. of dwellings built on windfall sites (net) & excluding garden sites |
|--|---|---|
| 2001/2   | 114   | 8   |
| 2002/3   | 134   | 20  |
| 2003/4   | 60  | 62  |
| 2004/5   | 152   | 32  |
| 2005/6   | 77  | 50  |
| 2006/7   | 170   | 43  |
| 2007/8   | 48  | 128   |
| 2008/9   | 59  | 37  |
| 2009/10  | 75  | 30  |
| 2010/11  | 93  | 32  |
| 2011/12  | 68  | 54  |
| 2012/13  | 290   | 53  |
| 2013/14  | 70  | 49  |
| TOTAL  | 1410  | 598   |
| Annual average   |   | 46  |
| Percentage of windfall dwellings permitted which are built |   | 42%   |

9. The above table shows that since 2001 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, the average number of windfall dwellings completed annually is 46. Over the 13 years 42% of windfall sites permitted have been developed.
10. The figure for 2002/03 excludes 23 units at Carver Barracks, Debden when former service personnel accommodation was sold on the open market.
11. 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

12. 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.
13. The following table and chart show that most windfall sites arise from changes of use and redevelopment. Very little development arises from the subdivision of properties. Gross figures have been used as the loss does not always occur in the year of completion. New dwellings in gardens have been excluded from the figures.

| 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          |
| 2012/13                                       | 0                           | 25            | 30            | -1          |
| 2013/14                                       | 12                          | 30            | 14            | 0           |
| <b>TOTAL</b>                                  | <b>196</b>                  | <b>290</b>    | <b>275</b>    | <b>29</b>   |



### Completion Rates

14. The following 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.

| Consent Date | Year of completion (gross figures) |        |        |        |        |        |        |        |         |         |         |         |         |
|--------------|------------------------------------|--------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|---------|
|              | 2001/2                             | 2002/3 | 2003/4 | 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 |
| 2001/2       | 15                                 | 25     | 12     |        |        |        |        |        |         |         |         |         |         |
| 2002/3       |                                    | 8      | 60     | 24     | 6      | 2      | 3      |        |         |         |         |         |         |
| 2003/4       |                                    |        | 8      | 31     | 16     | 8      | 30     | 1      | 0       |         |         |         |         |
| 2004/5       |                                    |        |        | 10     | 47     | 35     | 25     | 5      | 0       | 1       |         |         |         |
| 2005/6       |                                    |        |        |        | 2      | 31     | 41     | 5      | 1       | 5       |         | 1       |         |
| 2006/7       |                                    |        |        |        |        | 9      | 68     | 28     | 13      | 3       | 1       | 0       |         |
| 2007/8       |                                    |        |        |        |        |        | 1      | 26     | 26      | 5       | 0       | 0       |         |
| 2008/9       |                                    |        |        |        |        |        |        | 10     | 22      | 8       | 14      | 5       |         |
| 2009/10      |                                    |        |        |        |        |        |        |        | 1       | 22      | 21      | 8       | 7       |
| 2010/11      |                                    |        |        |        |        |        |        |        |         | 4       | 36      | 19      | 10      |
| 2011/12      |                                    |        |        |        |        |        |        |        |         |         | 13      | 34      | 28      |
| 2012/13      |                                    |        |        |        |        |        |        |        |         |         |         | 8       | 28      |
| 2013/14      |                                    |        |        |        |        |        |        |        |         |         |         |         | 4       |

### Completion Rates of Windfall and non-Windfall Small Sites

15. The Council's housing trajectory and 5-year supply specifically identifies sites of 6 or more dwellings. Anticipating the number of dwellings being provided on small sites of 5 or less dwellings can be covered by a windfall allowance.
16. The definition of windfall sites excludes certain types of development, such as those allowed on appeal, those superseded by other applications and dwellings in gardens, as explained above. However some of these developments will be built and contribute towards the overall housing stock.

17. The council has recorded the number of completions on sites of 5 or less dwellings since 2005/6 as set out below, which demonstrates that over the last 9 years an average of 80 dwelling are built on small sites.

| Year    | Completions |
|---------|-------------|
| 2005/6  | 84          |
| 2006/7  | 88          |
| 2007/8  | 111         |
| 2008/9  | 100         |
| 2009/10 | 56          |
| 2010/11 | 64          |
| 2011/12 | 85          |
| 2012/13 | 62          |
| 2013/14 | 68          |
| Average | 80          |

### **National and Local Policy Context**

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

- Policy HO3 allows for the subdivision of dwellings;
- Policy HO5 allows for small scale development on sites in settlements without development limits;
- Policy HO8 allows for the provision of affordable housing on exception sites which can include market housing to ensure the viability of the development;
- Policy HO9 allows the provision of rural workers dwellings;
- Policy C2 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.

19. 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**

20. 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 and other small sites will continue to be permitted and built in the future.

21. With an annual average completion rate of 46 dwellings on windfall sites and 80 dwellings on all small sites, a windfall allowance of 50 dwellings based on rounding the windfall completion rate is considered conservative but realistic.

Appendix 1

|         | Permitted (gross) | losses | Permitted net | dwellings permitted in gardens | Total permitted excluding garden sites |
|---------|-------------------|--------|---------------|--------------------------------|--|
| 2001/2  | 150               | 27     | 123           | 9                              | 114                                    |
| 2002/3  | 180               | 32     | 148           | 14                             | 134                                    |
| 2003/4  | 97                | 20     | 77            | 17                             | 60                                     |
| 2004/5  | 199               | 26     | 173           | 21                             | 152                                    |
| 2005/6  | 134               | 29     | 105           | 28                             | 77                                     |
| 2006/7  | 245               | 37     | 208           | 38                             | 170                                    |
| 2007/8  | 96                | 19     | 77            | 29                             | 48                                     |
| 2008/9  | 101               | 15     | 86            | 27                             | 59                                     |
| 2009/10 | 116               | 24     | 92            | 17                             | 75                                     |
| 2010/11 | 138               | 26     | 112           | 19                             | 93                                     |
| 2011/12 | 106               | 23     | 83            | 15                             | 68                                     |
| 2012/13 | 337               | 24     | 313           | 23                             | 290                                    |
| 2013/14 | 112               | 2      | 110           | 40                             | 70                                     |
|         | 2011              |        |               | 297                            | 1410                                   |

|         | Built (gross) | actual losses on windfall sites | net built | dwellings built in gardens | Total built excluding garden sites |
|---------|---------------|---------------------------------|-----------|----------------------------|------------------------------------|
| 2001/2  | 15            | 7                               | 8         | 0                          | 8                                  |
| 2002/3  | 33            | 10                              | 23        | 3                          | 20                                 |
| 2003/4  | 80            | 13                              | 67        | 5                          | 62                                 |
| 2004/5  | 65            | 29                              | 36        | 4                          | 32                                 |
| 2005/6  | 71            | 17                              | 54        | 4                          | 50                                 |
| 2006/7  | 85            | 31                              | 54        | 11                         | 43                                 |
| 2007/8  | 168           | 24                              | 144       | 16                         | 128                                |
| 2008/9  | 75            | 15                              | 60        | 23                         | 37                                 |
| 2009/10 | 63            | 12                              | 51        | 21                         | 30                                 |
| 2010/11 | 48            | 13                              | 35        | 3                          | 32                                 |
| 2011/12 | 85            | 13                              | 72        | 18                         | 54                                 |
| 2012/13 | 75            | 12                              | 63        | 10                         | 53                                 |
| 2013/14 | 77            | 10                              | 67        | 18                         | 49                                 |
|         | 940           |                                 | 734       | 136                        | 598                                |