

Basildon Borough Council

Housing Supply Windfall Report

March 2017

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1 Introduction

Context and Policy

- 1.1 Windfall sites, as stated in the National Planning Policy Framework (NPPF), can be considered as a source of future housing supply, but must be supported by firm evidence in order to demonstrate that they are a reliable source of supply in the future.
- 1.2 The National Planning Policy Framework (NPPF, 2012) paragraph 48 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.
- 1.3 Windfall sites are defined in the National Planning Policy Framework (NPPF) as Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.
- 1.4 So, any sites identified in the local plan process as available for development in the Housing and Economic Land Availability Assessment (HELAA) or previously in the SHLAA or Urban Capacity Studies cannot be counted as a windfall as they have been specifically identified as available in the local plan process. Similarly any sites featuring as allocations in the 1998 Local Plan as identified on the 1998 proposals map cannot be regarded as windfall.
- 1.5 The aims of the assessment are:
 - To determine the historic windfall rate by assessing all residential developments between April 2009 and March 2016.
 - To draw conclusions as to what (if any) allowance should be made for housing from windfall sources in the Local Plan period.

Methodology

- 1.6 An assessment has been carried out by Basildon Borough Council on historic windfall delivery rates to determine expected future trends. The methodology included an assessment of all housing completions in the borough since 2009. A robust process has been applied using guidance from the NPPF and the Planning Practice Guidance to determine which sites contribute to windfall. The process involved analysing all the dwelling completions data within Basildon Borough.
- 1.7 Sites were analysed using a Geographical information System (GIS) to exclude:
Sites identified as available in the new HELAA database or the old SHLAA database.
Sites on housing allocations as identified on the 1998 Proposals Map.
- 1.8 Sites were further analysed using the council's planning applications database to exclude new planning permissions granted on previously expired permissions or permissions that have subsequently been extended. The previous permission set the principle for development and hence development on these sites is not considered as windfall.
- 1.9 The NPPF makes it clear that windfall allowance should not include development on residential gardens and as a result all developments on residential gardens have been excluded. These are developments within the curtilage of the existing property or properties but excluding the dwelling itself. Residential gardens for the purposes of this report includes front, side and rear gardens.

This includes:

- Gardens of houses;
 - Gardens of properties converted to flats.
 - Communal gardens to blocks of flats;
 - Communal land serving multiple dwellings;
 - Sites assembled from one or more gardens of existing dwellings
- 1.10 What is not considered residential garden development?
- There are however other residential developments that have not been considered as residential garden developments and have been included in the windfall assessment, these include:
- The redevelopment of an existing dwelling or group of dwellings to provide multiple replacement dwellings or flats on the same building footprint, with or without any appropriate enlargement within the footprint of any permitted extensions.
 - The conversion of an existing dwelling to flats or multiple dwellings, on the same building footprint with or without any appropriate enlargement within the footprint of any permitted extensions.

1.11 The final list of sites identified using the methodology above were put under further scrutiny using past trends and local circumstances to ascertain the sites that are likely to provide a future reliable source of supply. The remaining sites were found to offer compelling evidence that these sites have consistently become available in Basildon Borough throughout a variety of economic conditions and are likely to continue to do so.

2 Historic Windfall Analysis

2.1 After an initial analysis of all the dwelling completions from April 2009 to 2016, 1827 dwellings were found to qualify using the methodology above and are shown in table 1 below.

Table 1. Total All Windfall Sites

Total All Windfall Sites						
Year	Replacement dwelling	Not previously developed	Change of use	Intensification/subdivision	Previously Developed	Total
2009 - 2010	8	35	4	6	168	221
2010 - 2011	16	0	2	4	26	48
2011 - 2012	0	0	6	12	390	408
2012 - 2013	0	10	3	4	133	150
2013 - 2014	0	3	9	5	81	98
2014 - 2015	0	125	9	1	136	271
2015 - 2016	6	235	183	5	202	631
Total	30	408	216	37	1136	1827

Previously Developed Land - These are largely brownfield sites where an existing structure has to be cleared to make way for the new structure. 1136 dwellings were completed during the review period on windfall sites on brownfield sites.

The NPPF defines previously developed land as:

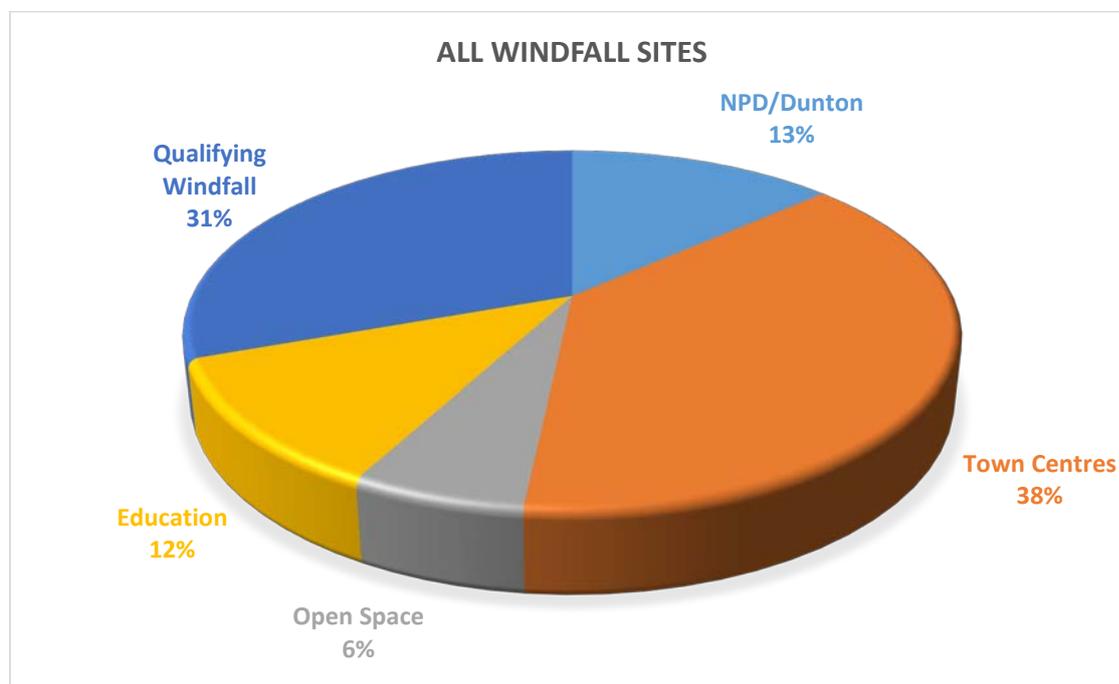
Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

- 2.2 **Not previously developed** – A total of 408 dwellings were completed on sites not previously developed. These are largely areas of undeveloped land that were not identified through the HELAA or allocated for housing in current or previous versions of the local plan. These include undeveloped infill plots or plots adjoining existing residential properties.
- 2.3 **Change of use** – 206 dwellings were completed as change of use using the methodology above. These are development on sites that involve the conversion of the use of the site to residential without a physical change to the existing structure, with most physical changes being limited to internal alterations.
- 2.4 **Replacement dwellings** - the redevelopment of an existing dwelling or group of dwellings to provide multiple replacement dwellings or flats on the same building footprint, with or without any appropriate enlargement within the footprint of any permitted extensions. Only those developments that resulted in a net gain in dwellings and are not considered as residential garden developments have been considered and a total of 30 dwellings were completed during the review period.
- 2.5 **Intensification / subdivision** - These are sites where there has been an intensification of development by subdividing the existing structure or by extending the existing structure to provide further dwellings within the footprint of any permitted extensions. Using the methodology above, 37 dwellings were completed during the review period.

3 Future Windfall Allowance

- 3.1 Windfall sites, as stated in the National Planning Policy Framework (NPPF), can be considered as a source of future housing supply, but must be supported by firm evidence in order to demonstrate that they are a reliable source of supply in the future.
- 3.2 The National Planning Policy Framework (NPPF, 2012) paragraph 48 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.
- 3.3 Further analysis was conducted on all sites to ascertain the ability of these sites to continue to provide a reliable source of supply. The council has excluded all categories within the initial sites that are not expected to provide a reliable future supply and these are identified in Chart 1 below.
- 3.4 The remaining sites are identified as qualifying windfall, and these are the sites that offer credible and compelling evidence to support inclusion as windfall allowance.

Chart 1. Categories of Sites contributing to All Windfall



- 3.5 Sites that were identified as not expected to provide a reliable future supply are summarised below:
- 3.6 **Town Centre Sites** - The results showed that a large proportion of the sites that were identified were located in the Town centres, with 38% of all sites identified located in Town Centres as shown in the diagram below. Basildon Council is undertaking Town Centre Regeneration work and as part of the master planning work, residential uses have been identified and are expected to be developed as part of the Town centre regeneration programmes and this has been reflected in the Basildon Council's Five year Land Supply report. Windfall sites that are in Town centres have therefore been excluded from the final windfall allowance as they have already been included within the councils Five year Land Supply.
- 3.7 **Public Open Space** - The NPPF defines open space as:
All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.
- 3.8 Although some of the developments were on sites that were formerly public open spaces, the council does not expect this to continue in the future. The council has a presumption against development within designated Public Open Spaces and hence public open spaces cannot be treated as a reliable future source and have been removed from the final windfall calculations.
- 3.9 **Education** - The NPPF places great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 72 states that local planning authorities are expected to take a proactive, positive and collaborative approach to promoting development that will widen choice in education by giving great weight to the need create, expand or alter schools. The Borough is currently well served by school provision.
- 3.10 However, the latest *Commissioning School Places in Essex (2015)* shows that many of the primary schools in the Borough are operating close to, or at, capacity and secondary schools in Billericay and Wickford are at capacity. There is some capacity within the secondary school provision in the Basildon urban area. This is a consequence of many pupils leaving the area to attend historically more successful schools elsewhere. However, efforts have been made by the schools in Basildon, through partnership working, to raise educational attainment in the town and most of the secondary schools are now on the path to achieving a good Ofsted rating and this will see a reduction in capacity of the secondary schools in Basildon to accommodate future growth.
- 3.11 Evidence demonstrates that the Borough will need to improve existing educational facilities or make new provision to cater for expected future growth. Therefore, education sites are unlikely to form part of the windfall supply.

- 3.12 **Developments on the Dunton Site** – The residential developments on the Ford Dunton site contributed a significant amount of development that had not been previously identified within the plan making process. They contributed 13% of all the residential developments that had not been previously identified. This was due to the decision by Ford Dunton to release some of their landscaped areas to residential development.
- 3.13 This cannot be justifiably expected to continue in the future as Policy E3 of the Draft Local Plan restricts the uses of the Ford Dunton Site to research and development uses falling within use class B1b.
- 3.14 In planning for meeting future demand Policy E1 of the Basildon Borough Council Draft Local Plan indicates that The Council will seek to deliver at least 8,600 additional full time equivalent jobs within the Borough over the period of the plan through sustainable growth of the local economy. This will be partly achieved by protecting and enhancing existing viable employment areas and premises in order to meet the needs of existing and new businesses.
- 3.15 The plan expects there to be some continual recycling of B-class land over the plan period as the Borough’s land supply and economy adjusts to the land demands of changing business sectors. Land is identified in policies E4 to E8 to provide new sites to meet the overall demand for B class uses projected during the plan period. Existing employment areas will also be protected from conversion to non B-class uses through policies E2 and E3, in order to conserve the supply of B-class employment land and premises, and to prevent the loss of employment space that would otherwise increase pressure on the Green Belt.
- 3.16 The council therefore does not expect a large amount of employment land to be released to residential uses in the future and as such this cannot be treated as a reliable future source and has been removed from the final windfall calculations.

Table 2. Qualifying Windfall Sites

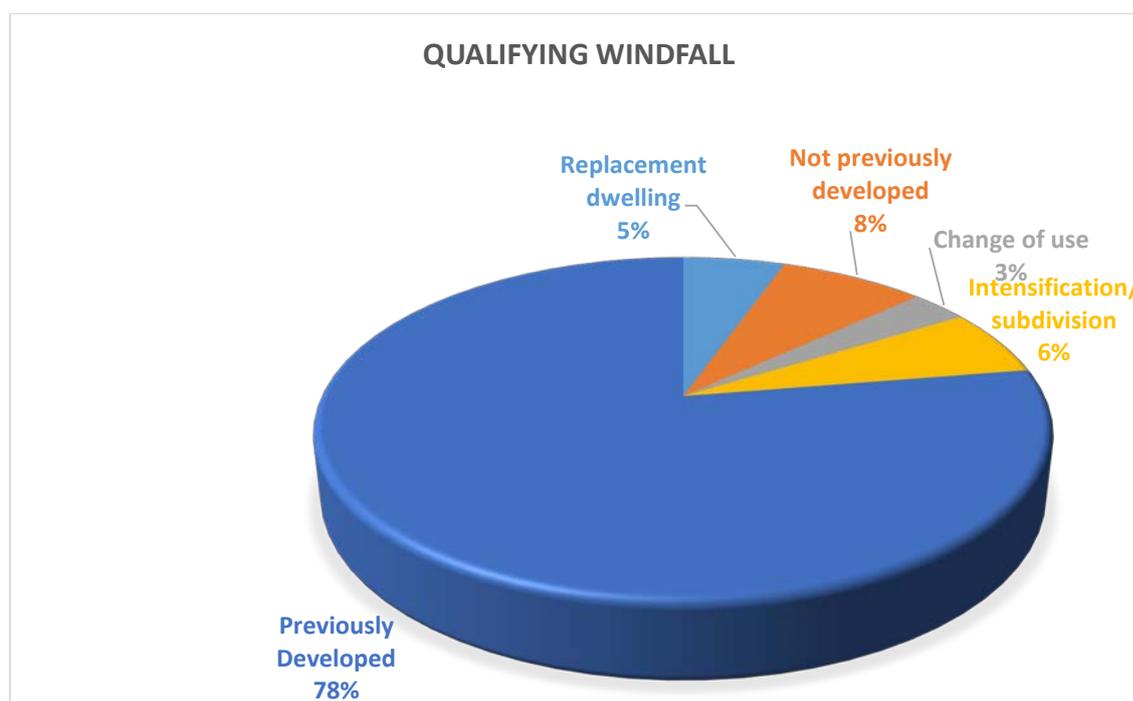
Qualifying Windfall Sites						
Year	Replacement dwelling	Not previously developed	Change of use	Intensification/ subdivision	Previously Developed	Total
2009 - 2010	8	27	1	6	81	123
2010 - 2011	16	0	0	4	13	33
2011 -2012	0	0	0	12	81	93
2012 - 2013	0	10	3	2	60	75
2013 - 2014	0	1	5	5	78	89
2014 - 2015	0	1	2	1	22	26
2015 - 2016	6	4	6	5	98	119
Total	30	43	17	35	433	558

- 3.17 The table above shows the qualifying windfall sites in Basildon Borough Council since 2009. Development on brownfield sites contributed the most significant source of windfall, even after discounting brownfield sites located in town centres. This has been complemented by other windfall sources with residential sites contributing a significant source of windfall, even when garden land is discounted. This category includes replacement dwellings on more or less the same footprint as the previous dwelling and also intensification or sub division of dwellings which are unlikely to cease in the foreseeable future.
- 3.18 Based in the data above, windfall sites have consistently become available throughout the review period with a noticeable dip during the recession. A total of 558 dwellings were developed on windfall sites providing an average of 80 dwellings per annum as windfall allowance.

4 Justification for Windfall Allowance

- 4.1 There is strong evidence that windfall sites have consistently come forward in Basildon. This is demonstrated by the evidence of past trends and the justification below which has taken into account local circumstances and policy to determine the likely hood of these offering a reliable future supply.

Chart 2. Categories of Sites contributing to Qualifying Windfall



Replacement Dwellings and Intensification/subdivision.

- 4.2 Historical data has indicated a small contribution from replacement dwellings and intensification/subdivision and this trend is likely to continue in the future and will continue to provide a reliable source of supply.

Not Previously Developed.

- 4.3 There are large areas of undeveloped land within the borough, and consequently some sites that have come forward for development have not been previously identified within the plan making process. Historical data shows that these have consistently come forward for development, and the council expects this trend to continue.

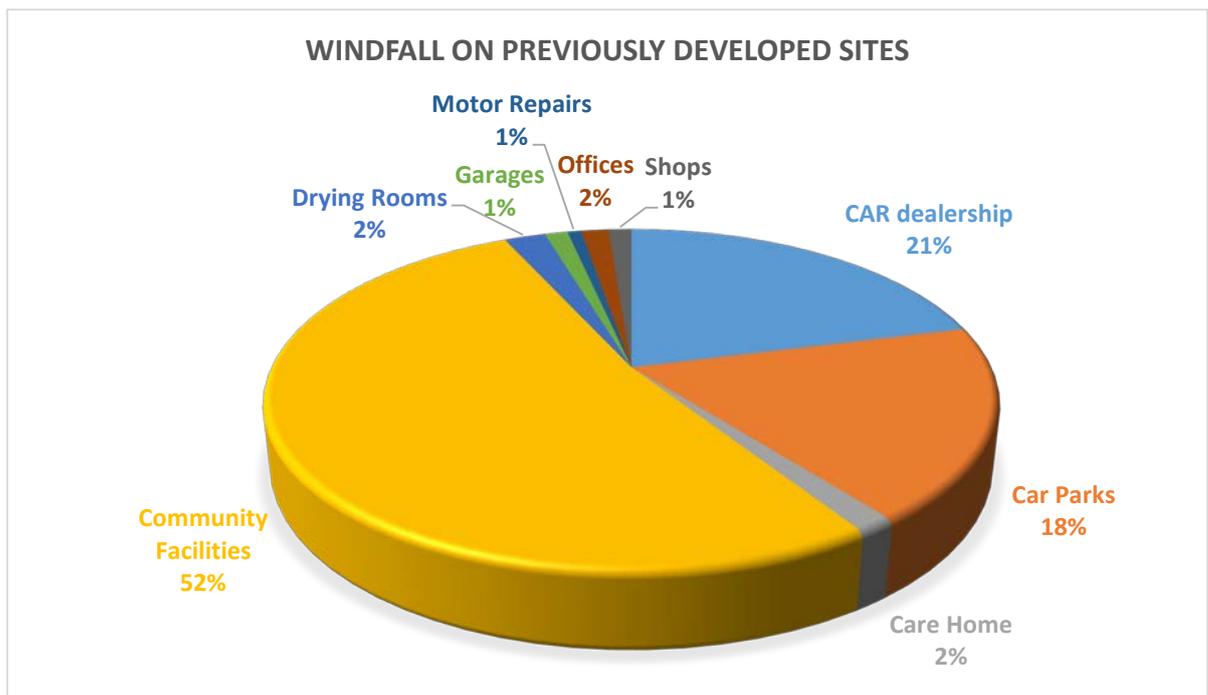
Change of Use

- 4.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”) was amended on 6 April 2016 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (SI 2016/332) and the Town and Country Planning (Compensation) (England) (Amendment) Regulations 2016 (SI 2016/331) to introduce, on a permanent basis, a permitted development right for office to residential conversions.
- 4.5 The new planning legislation introduced temporarily on 30 May 2013 and made permanent on 6 April 2016 allows change of use from office space to new residential dwellings without the need to obtain planning permission, following, instead, a new prior approval process. The council has identified an increase in the number office to residential conversions and together with other changes of use, this trend is likely to continue in the future with change of use providing a reliable future supply. The Council may however seek to restrict this in the future within the A127 Enterprise Corridor, and will at that time need to consider the implications for future windfall supply from this source.

Previously Developed Land

- 4.6 The majority of qualifying windfall sites have come from developments on previously developed land. Developments on previously developed land accounts for 78% of all the qualifying windfall sites. The evidence shows that there has been a good supply of windfall sites on previously developed land and these are preferable as they are often in sustainable locations and are supported by existing infrastructure.
- 4.7 In accordance with the aims of the NPPF, and a general desire to develop brownfield (PDL) rather than greenfield sites (as supported by Policy SD1 of the Draft Local Plan), the Council will optimise the use of previously developed land in urban areas where it is suitable for development purposes.
- 4.8 The previously developed sites included brownfield sites that had previously been occupied by offices, shops, car parks, garages, drying rooms, care home and car sales and dealership facilities.

Chart 3. Windfall on Previously Developed sites.



Community Facilities

- 4.9 The council will protect and enhance Community facilities as identified in the Draft Local plan Policy HC4. The policy states that proposals for redevelopment or change of use of any premises that provide facilities or services, to a community facility, will only be permitted where it has been satisfactorily demonstrated that:
- a. *The new or improved facility or use will provide greater community benefits; or*
 - b. *There is an identified surplus of the existing community service or facility in the area and it would be bring about broader benefits to provide an alternative community use.*
- 4.10 Basildon Borough Council has a portfolio of forty-four community buildings, according to the Council's Asset Management Plan (2014). An independent quality review undertaken in 2012 discovered that just over a third of these community buildings were either of a 'poor' or 'bad' condition suggesting that a number of these facilities are coming to the end of their design life unless they can be refurbished.
- 4.11 The council is also aware that other organisations e.g. Police, Essex County Council, East of England Ambulance Service, Essex Fire Service, are looking to make the best use of their assets to deliver modern, cost effective services. This may bring about the consolidation of assets providing future land availability for housing.

- 4.12 The Council seeks to protect and improve the provision of viable community facilities that play an important role in the social infrastructure of the Borough in order to ensure that community facilities can continue to cater for the needs and demands of the Borough's communities. Decisions will need to be taken during the plan period as to whether existing community facilities are appropriate or could be more effective if provided elsewhere in an alternative way
- 4.13 Although the Council would want to see them retained for community function, should the criteria of the policy be met and it is quite realistic that some sites may become available for residential development, and will continue to provide a realistic supply as the council recycles old community facilities and replacing them with new modern facilities often in new locations.

5 Conclusion

- 5.1 The above analysis demonstrates a compelling case for the inclusion of a windfall allowance in Basildon Borough Council's housing land supply.
- 5.2 There is compelling evidence that windfall sites have consistently become available in Basildon Borough throughout a variety of economic conditions and are likely to continue to do so. Although the majority of windfall supply is from brownfield sites, there is a diverse range of sources and is not limited to one form of supply.
- 5.3 This report has considered a wide range of past, present and future evidence, and It is concluded there is credible and compelling evidence to support a windfall allowance of 80 dwellings per annum.
- 5.4 The NPPF 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.
- 5.5 The NPPG guidance on housing and economic land availability assessment advises that Local Planning Authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area, using the same criteria as set out in paragraph 48 of the NPPF.
- 5.6 It is proposed not to include a windfall allowance for development within years 1-5 since many of the sites that come forward early would have been captured within the consented schemes. However, a full windfall allowance of 80 dwellings per annum will be made for years 6 – 15.