

PLANNING COMMITTEE – 13 DECEMBER 2018

PART I – DELEGATED

5. **18/1313/FUL – Variation of condition 10 (Affordable Housing) pursuant to outline planning permission 16/2076/OUT: To vary the tenure and tenure split of the affordable housing provision at FAIRWAYS FARM, BUCKNALLS LANE, GARSTON, WD25 9NE**

Parish: Abbots Langley

Ward: Leavesden

Expiry of Statutory Period: 16 November 2018
(Agreed Extension)

Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be granted subject to the completion of a Deed of Variation.

Reason for consideration by the Committee: The application has been called in by Abbots Langley Parish Council.

Update

The application was deferred at the November Planning Committee meeting to allow further negotiations in relation to the affordable housing provision proposed. The agent has confirmed that they agree to a 6 month mortgagee in possession clause however no further amendments to the affordable housing provision is proposed. In relation to any further changes to the affordable housing provision the agent stated the following:

'My Client is willing to accept a 6 month mortgagee clause, as requested directly by Members.

In relation to the affordable housing offer, my Client wishes to confirm that the position remains as proposed in the current Affordable Housing Statement (attached), comprising 33 affordable rent dwellings and 12 shared ownership dwellings.

This position, and scheme, is wholly consistent with Policy CP4 of the Core Strategy, as set out below:

- *Provides 45% affordable housing on site, incorporating a mix of tenures.*
- *The affordable housing provided reflects the mix of size and type required for future housing, as identified in the SHMA, providing for family sized dwellings to meet the most urgent housing needs in the District*
- *Importantly, the Policy states that "In assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability."*
- *It is also important to state that CP4 states "as a guide, seek 70% to be social rented and 30% to be intermediate".*

Further, the proposal is also consistent with the NPPF, and the definition of affordable housing for rent.

Our proposal to amend the condition, which has been agreed and confirmed as acceptable by the Council's own Viability Consultant, as well as our Client's own qualified Viability Consultant; supported by the Council's Housing Officer; and finally recommended for approval by Officers should therefore be approved. Indeed, we consider, that on the basis of the above, there is no valid reason to refuse the application.'

To clarify the application seeks to vary Condition 10 of planning permission 16/2076/OUT; the proposed variation seeks to secure the following tenure mix and unit sizes:

	Shared Ownership	Affordable Rent	Total
1 bed 2 person flat	3	7	10
2 bed 3 person flat	8	11	19
2 bed 4 person house	0	8	8
3 bed house	0	6	6
4 bed house	1	1	2
Total	12	33	45

The proposed wording of the revised condition (now Condition 8) has been amended however there have been no other changes to the content of this report or recommendation following the November Planning Committee meeting.

1 Relevant Planning History

- 1.1 16/2076/OUT – Outline Application: Erection of up to 100 new residential dwellings (appearance, landscaping, layout and scale reserved) – Permitted – 13 April 2017.
- 1.2 17/2549/AOD – Approval of Details: Details pursuant Condition 1 of Outline Permission 16/2076/OUT comprising layout, appearance, landscaping and scale for 100 residential units – Permitted – 13 March 2018.

2 Description of Application Site

- 2.1 The application site consists of the land which has been granted permission for the construction of 100 residential units. The works in relation to planning consents 16/2076/OUT and 17/2549/AOD have commenced.

3 Description of Proposed Development

- 3.1 This application seeks a variation of Condition 10 of outline planning permission 16/2076/OUT to vary the tenure and tenure split of the affordable housing previously secured.
- 3.2 Under planning permission 16/2076/OUT 45% affordable housing provision was secured with a tenure mix of 69% social rented properties and 31% shared ownership properties. As part of the discharge of Condition 10 the following tenure and unit sizes were secured:

	Shared Ownership	Social Rent	Total
1 bed 2 person flat	3	5	8
2 bed 3 person flat	8	13	21
2 bed 4 person house	0	8	8
3 bed house	3	3	6

4 bed house	0	2	2
Total	14	31	45

- 3.3 The proposed variation would seek to change all of the social rent tenure to affordable rent. As a result of these changes the following tenure mix and unit sizes are now proposed to be secured:

	Shared Ownership	Affordable Rent	Total
1 bed 2 person flat	3	7	10
2 bed 3 person flat	8	11	19
2 bed 4 person house	0	8	8
3 bed house	0	6	6
4 bed house	1	1	2
Total	12	33	45

- 3.4 The variation of Condition 10 seeks to secure the provision of 45% affordable housing with a tenure split of 73% affordable rent (in place of 69% social rent) and 27% shared ownership. The following rent levels are proposed for the different unit sizes for the affordable rent accommodation:

Unit Type	Average affordable rent per month	Affordable rent as % of market rent
1 bed flat	£533	46%
2 bed flat	£668	49%
2 bed house	£827	52%
3/4 bed house	£1,201	63%

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbotts Langley Parish Council: [Objects]

Councillors are appalled at this application to reduce the number of affordable rented dwellings and baffled by the applicant's statement, for which they have provided no evidence of support, that there is less need for this type of rentable housing. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.

4.1.2 Housing Officer: [Originally advised]

I am in agreement with the Affordable units proposed and the mix of property sizes. However, Affordable rent at 80% or at LHA rates is not affordable to many of our clients on the housing register. Therefore we would look to secure Affordable rent at a lower percentage.

Officer response: Following the submission of these comments the tenure split, size of units proposed to be provided as affordable rent and rent levels have been revised. The Housing Officer has raised no objections to the revised scheme.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 457 No of responses received: 4 objections received

4.2.2 Site Notice: Expired: 9 August 2018 Press notice Expired: 10 August 2018

4.2.3 Summary of Responses:

- Concerns over the access proposed;
- The use of Bucknalls Lane is already over congested and parking is restricted by double yellow lines. Where there are no parking restrictions the road is partially blocked by parked cars which restricts space on the road for cars to pass each other. Proposed development would exacerbate the existing problems along Bucknalls Lane and double yellow lines should be implemented along the length of Bucknalls Lane;
- Site entrance is very dirty;
- Additional traffic caused by the development would result in a highway safety risk;
- An additional access on the estate should be provided to alleviate the existing pressures on Bucknalls Lane.

Officer comments: The concerns raised by residents in relation to the use of Bucknalls Lane to access the site and the impact the development would have on highway safety and congestion along Bucknalls Lane has been assessed in full under application 16/2076/OUT. The current application seeks to vary Condition 10 of planning permission 16/2076/OUT in relation to affordable housing provision; the variation of this condition would not result in any implications on highway safety than that already assessed and approved.

5 Reason for Delay

5.1 Due to ongoing discussions.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM5, DM6, DM7, DM8, DM9, DM10, DM11, DM13 and Appendices 2, 4 and 5.

The Site Allocations Local Development Document was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and Site H(34) is relevant to this application.

6.3 Other

Supplementary Planning Document 'Affordable Housing' (approved June 2011 following a full public consultation).

The Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The principle of the construction of 100 dwellings has been previously approved under outline planning permission 16/2076/OUT and subsequent reserved matters application 17/2549/AOD. The current application seeks to vary Condition 10 of outline planning permission 16/2076/OUT which sought to approve details in relation to the type, size, siting and delivery of the approved affordable housing provision. The variation of Condition 10 would not result in any changes to the permitted scheme in terms number of overall units, size, siting and design of the units and access. Thus, the proposed variation would not result in material changes to the previously permitted scheme in terms of impact on highways, impact on character of the area and neighbouring properties and, with the exception of the affordable housing provision, all of the material planning considerations assessed under applications 16/2076/OUT and 17/2549/AOD would still be applicable and will not be repeated within the assessment of this Section 73 application.

7.1.2 Where an application is submitted under section 73, the effect of an approval is the issue of a new planning permission, sitting alongside the original permission. Where the original permission was subject to a planning obligation, it is necessary to enter into a deed of variation. Planning permission 16/2076/OUT was approved subject to a Section 106 Agreement for the introduction of MOVA traffic signal controls at the junction of the A405 and Bucknalls Lane prior to occupation. A deed of variation is currently being drawn up to ensure that the same MOVA traffic signal controls at the junction of the A405 and Bucknalls Lane are secured. Thus, the application will be approved following the completion of the Section 106 Agreement.

7.2 Affordable Housing

7.2.1 Policy CP4 of the Core Strategy and supported by the approved 'Affordable Housing' SPD sets out that 45% of new residential development should be provided as affordable housing, which in relation to the current application would be the provision of 45 units. As a guide, the affordable housing tenure split should be 70% social rented and 30% shared ownership. Policy CP4 of the Core Strategy stipulates that in assessing affordable housing requirements including the amount, type and tenure mix the Council will treat each case on its merits, taking into account financial viability.

7.2.2 45% affordable housing provision with a tenure split of 69% social rented and 31% intermediate was approved under planning permission 16/2076/OUT. The current application seeks to vary Condition 10 of planning permission 16/2076/OUT to vary the tenure and tenure split. There would be no changes to the provision of 45% affordable housing however the social rent accommodation would be provided as affordable rent. The tenure split proposed would represent 73% (33 units) affordable rent and 37% (12 units) shared ownership.

7.2.3 Policy CP4 of the Core Strategy sets out that there is a requirement for 70% social rent provision; affordable rent is not included within the provisions of Policy CP4 of the Core Strategy. However, the Core Strategy was adopted prior to the publication of the National Planning Policy Framework (published March 2012). The NPPF (2012) identified new forms of affordable housing provisions including affordable rent. Affordable rent is therefore a nationally recognised form of affordable housing. The recently revised NPPF (2018) further brackets social rent and affordable rent under the same affordable housing definition:

Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

7.2.4 It is identified that there is a need for social rented accommodation within Three Rivers however it is also a material consideration that the NPPF identifies alternative methods of affordable housing provision. However, as the proposed revision would not meet the requirements of Policy CP4 of the Core Strategy a Viability Appraisal was submitted setting out the viability reasons as to why the inclusion of social rent units would not be viable. In relation to why they are now seeking a change to the tenure mix following securing policy compliant affordable housing at outline stage the Agent confirmed the following:

'At the time the outline planning permission was approved assumptions were made by Inland on build costs and sales values (Ref: 16/2076/OUT – determined in April 2017). Inland did not have a definitive scheme with regard to affordable units (design etc.) at the outline stage, that a Registered Provider (RP) would offer against. The affordable units have now been refined, and are known. Undertaking the detailed design of the scheme (at Reserved Matters (Ref: 17/2549/AOD) stage) has allowed accurate cost plans to be priced and valued. Inland have had numerous offers from RP's and therefore now have accurate prices associated with the proposed units. The number of units has not changed (45), albeit, the tenure has had to be amended to ensure the scheme remains viable.'

7.2.5 Outline application 16/2076/OUT sought permission for the principle of the provision of 100 dwellings where access was the only matter to be considered. Only indicative details showing the layout, scale, appearance and landscaping were submitted in support of the application. Thus, at the time of the submission of the outline application the development of the scheme would have been in the early stages, with limited detailed consideration of the scale of the buildings or design features. As such, it is reasonable to assume that at the outline stage no detailed viability appraisal would have been carried out and only assumptions on build costs and sale values would have been considered. Furthermore, without the detailed design of the scheme it is unlikely that the Registered Providers (RPs) would have been able to provide accurate prices associated with the affordable housing units.

7.2.6 The agent has therefore confirmed that the viability of the development was only apparent following the completion of the detailed design stage and following submission to RPs.

7.2.7 In response to the details set out within the viability appraisal Adams Integra (the Council's Viability Assessor) concluded that:

It is our opinion that the scheme, based on our assumptions above can provide a policy compliant scheme of 31 Social Rent and 14 Intermediate units on site. If for any reason the Council is minded to accept affordable rent in place of social rent then it is our opinion that the affordable rent should be let at a maximum of 60% of market rent.

7.2.8 Initially the applicant sought the provision of 45% affordable housing with the following tenure split and unit sizes:

Unit Type	Shared Ownership	Affordable Rent	Total
1 bed/ 2 person flat	3	7	10
2 bed/ 3 person flat	8	11	19
2 bed/ 4 person house	3	5	8
3 bed house	4	2	6
4 bed house	0	2	2
Total	18	27	45

7.2.9 The initial submission for the variation of Condition 10 proposed a 60/40 affordable rent/shared ownership split. No rent levels for the affordable units were indicated and it was assumed that the affordable rent accommodation would have been provided at 80% of market rent. The Housing Officer raised objections to this proposed tenure split and rent levels as the rent levels would not be affordable. However, following receipt of the response from the Local Planning Authority's (LPA's) viability appraiser the following tenure split and unit sizes (with associated percentages of market rent) are now proposed:

Unit Type	Shared Ownership	Affordable Rent (affordable rent as % of market rent)	Total
1 bed/2 person flat	3	7 (46%)	10

2 bed/3 person flat	8	11 (49%)	19
2 bed/4 person house	0	8 (52%)	8
3 bed house	0	6 (63%)	6
4 bed house	1	1 (63%)	2
Total	12	33	45

7.2.10 The application now proposes a 73/27 affordable rent/shared ownership split where the affordable rent levels for the 1 and 2 bed units would be below 60% of market rent and the 3 and 4 bed units would be slightly higher at 63% of market rent. The LPA's viability appraiser has advised that the revised affordable housing provision would be acceptable from a viability perspective. The Housing Officer has also raised no objections to the revised affordable housing provision and rent levels. The table below sets out how the current provision differs from the affordable housing provision secured under planning permission 16/2076/OUT and the subsequent discharge of Condition 10:

Unit Type	Shared Ownership Permitted	Shared Ownership Proposed	Difference	Social Rent Permitted	Affordable Rent Proposed	Difference
1 bed/2person flat	3	3	=	5	7	+2
2 bed/2 person flat	8	8	=	13	11	-2
2 bed/4 person house	0	0	=	8	8	=
3 bed house	3	0	-3	3	6	+3
4 bed house	0	1	+1	2	1	-1
Total	14	12	-2	31	33	+2

7.2.11 The current proposal would secure two additional affordable rented properties in comparison to the previous scheme for the provision of social rented properties. The proposed provision of affordable rent in place of social rent accommodation would also result in a net gain of three additional family sized three bedroom properties. This net gain is viewed positively as there is a need for the provision of family sized units to meet the current needs of the people on the Housing Register.

7.2.12 It is noted that the proposed development would result in the loss in the provision of social rented accommodation however the rent levels would be set significantly below that of open market rent. Twenty six of the affordable rent properties would be set below the 60% level as advised by the LPA's viability appraiser. The Housing Officer also raised no objections to the revised proposal. Thus, taking into consideration the low rent levels of the proposed affordable rented units, the net gain in the number of affordable rented units (in comparison to the number of social rented units secured under planning permission 16/2076/OUT) and the net gain in the family sized units, no objections are raised to the variation of Condition 10 of planning permission 16/2076/OUT. Furthermore, following the submission of further information and revisions to the number of affordable units and rent

levels the LPA's viability appraiser raised no objections to the revised affordable housing provision in terms of viability. Thus, Condition 10 of planning permission 16/2076/OUT will be varied to read as:

'The affordable housing shall be provided on site in accordance with the Affordable Housing Statement (reference 17/3709), dated November 2018 and shall meet the definition of affordable housing in the NPPF of any future guidance that replaces it. The Statement confirms:

- i. The numbers, type and tenure of the affordable housing provision to be made which shall consist of 45% of the total number of units proposed, of which 73% shall be constructed and provided as affordable rented dwellings and 27% shall be constructed and provided as shared ownership dwellings.*
- ii. The monthly rental amount for each type and size of dwelling to be provided as affordable rented dwelling expressed as a percentage of the open market rent for that type and size of dwelling in the locality.*
- iii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.*
- iv. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if not RSL involved).*
- v. The arrangement to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and*
- vi. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which occupancy criteria shall be enforced.*

The dwellings shall not be used for any other purpose than as Affordable Housing in accordance with the Affordable Housing Statement (reference 17/3709), dated November 2018,

subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;*
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;*
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).*
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
 - (i) the Chargee has first given the Council and the Registered Provider (as appropriate) 6 (six) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and*
 - (ii) the Chargee has first given the Council or the Registered Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable**

Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

(iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Registered Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.

(iv) If the Council or the Registered Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the circumstances described above within the said period of 5 (five) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.'

7.2.13 A number of the other conditions attached to planning permission 16/2076/OUT have been revised and reworded to reflect the fact that they have been discharged or approved and the wording has been amended to state that the works shall be carried out in accordance with the approved details. Condition 2 (Time) of planning permission 16/2076/OUT has been removed as works have commenced on site.

8 Recommendation

That the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION IS GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement:

C1 The development hereby approved shall be carried out only in accordance with the details approved by reserved matters application 17/2549/AOD.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The access hereby permitted shall be carried out in accordance with the following approved plans: 15009/OPAA-01B, 102719/001 Rev B, INL20005-01, PP-01 Rev C, PP-07 Rev C, PP-08 Rev C. The plans are approved only in so far as they relate to the siting of the access.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

C3 The works shall be carried out in full accordance with the details set out within the Construction Management Plan and Noise and Vibration Addendum as approved pursuant to approval of details application 18/0745/DIS, dated 23 May 2018. The approved details shall be adhered to throughout the construction period.

Reason: To protect the residential amenities of neighbouring properties and in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October

2011) and Policies DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C4 The access shall be constructed and maintained in accordance with the details shown on Plan VD17618/P-01 as approved pursuant to approval of details application 17/1969/DIS, dated 13 November 2017.

Reason: To provide an acceptable development and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 The works shall be carried out in accordance with the details set out within the Construction Method Statement as approved pursuant to approval of details application 18/0135/DIS, dated 12 March 2018.

Reason: In order to ensure the structural integrity of the Highways England asset and to ensure that the M1 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and Policy CP10 of the Core Strategy (adopted October 2011).

- C6 The drainage of the development shall be carried out in accordance with the details set out within the Drainage Strategy and SuDs Statement and as shown on Plans INL/E4378/401, INL/E4378/402A and INL/E4378/403A as approved pursuant to approval of details application 18/0135/DIS, dated 12 March 2018.

Reason: In order to ensure that Highways England can be satisfied that the proposed development would not be detrimental to the Strategic Road Network drainage system and that the integrity and maintenance of the M1 motorway would not be compromised in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C7 The development shall be carried out in accordance with the programme of archaeological works set out in the within the Written Scheme of Investigation and document titled 'An Archaeological Evaluation' approved pursuant to approval of details applications 17/1678/DIS, dated 25 September 2017 and 18/0135/DIS, dated 12 March 2018.

Reason: To ensure that an appropriate scheme of archaeological investigation and recording is undertaken and that a suitable contingency exists for the rapid investigation of any archaeological remains in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C8 The affordable housing shall be provided on site in accordance with the Affordable Housing Statement (reference 17/3709), dated November 2018 and shall meet the definition of affordable housing in the NPPF of any future guidance that replaces it. The Statement confirms:

- i. The numbers, type and tenure of the affordable housing provision to be made which shall consist of 45% of the total number of units proposed, of which 73% shall be constructed and provided as affordable rented dwellings and 27% shall be constructed and provided as shared ownership dwellings.

- ii. The monthly rental amount for each type and size of dwelling to be provided as affordable rented dwelling expressed as a percentage of the open market rent for that type and size of dwelling in the locality.
- iii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- iv. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if not RSL involved).
- v. The arrangement to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and
- vi. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which occupancy criteria shall be enforced.

The dwellings shall not be used for any other purpose than as Affordable Housing in accordance with the Affordable Housing Statement (reference 17/3709), dated November 2018,

subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
 - (i) the Chargee has first given the Council and the Registered Provider (as appropriate) 6 (six) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
 - (ii) the Chargee has first given the Council or the Registered Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
 - (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Registered Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
 - (iv) If the Council or the Registered Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the

circumstances described above within the said period of 5 (five) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: To meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011).

- C9 The surface water drainage scheme shall be fully implemented and thereafter managed and maintained, in accordance with the timing / phasing arrangements embodied within the Drainage Strategy and SuDs Statement and additional information as set out in the letter with the reference TRS/INL/E4378/17011 and as shown on Plans INL/E4378/401, INL/E4378/402A and INL/E4378/403A, approved pursuant to approval of details application 18/0135/DIS dated 12 March 2018.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C10 The Travel Plan, approved pursuant to approval of details 18/0357/DIS, dated 12 April 2018, shall be implemented upon the first occupation of the development. An updated Travel Plan shall be submitted to the Local Planning Authority for written approval on the first, third and fifth anniversaries of the first occupation for full evaluation and support.

Reason: To deliver an acceptable development and to promote alternative modes of travel to the private car in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C11 The development hereby permitted shall be carried out in accordance with the Approved Flood Risk Assessment (reference TRS/INL/E4378/16168) and drawings INL/E4378/202A, INL/E4378/203A and INL/E4378/206.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To ensure that compensatory storage of flood water is provided to prevent flooding on site and elsewhere in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C12 If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 The development hereby approved shall be implemented only in strict accordance

with the Construction Environmental Management Plan, by ACD Environmental approved pursuant to approval of details application 17/1817/DIS, dated 26 October 2017.

Reason: In the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C14 The development shall be carried out in accordance with the Site Waste Management Plan approved pursuant to approval of details application 17/1679/DIS, dated 25 September 2017.

Reason: To promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- C15 The boundary treatment as shown on Plan INL20005-13A approved pursuant to approval of details application 17/2605/DIS, dated 13 February 2018, shall be maintained along the boundaries with No's 63, 65 and 71 Bucknalls Lane and No's 1 to 4 Lodge Close during the course of the works.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean

you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any land forming part of the highway. Prior to commencement of any works the applicant is advised to contact the County Council Highways via either the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or telephone 0300 1234047 to enter into the necessary agreement with the Highway Authority to enable works in the highway to proceed.

14 The applicant is advised that the Hertfordshire Crime Prevention and Design Advisor has made the following comments on the proposed development:

a. In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

- iv. Into a dwelling from outside
- v. Into parts of a building containing flats from outside
- vi. Into a flat from the common parts of the building

Achieving the Secured by Design award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award.

Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

15 The applicant is advised of the following comments from Thames Water:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 16 Affinity Water have advised that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Bricketwood Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information you are referred to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

- 17 The following terms (and those related to them) referred to at Condition C8 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings and Shared Ownership Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Choice Based Lettings Scheme means the Council's allocations policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Grant means means national affordable housing programme funding allocated by the Homes and Communities Agency.

Homes and Communities Agency means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Net Proceeds means any receipts or consideration received by a Registered Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the registered Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and

Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Registered Provider means a registered provider registered with the Homes and Communities Agency (HCA) or other body registered with the HCA under the relevant Housing Act or other body approved by the HCA to receive social housing Grant such Registered Provider in any event to be approved by the Council.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Dwellings as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.

Affordable Rented Dwellings means a dwelling provided through a Registered Provider let to households who are in Housing Need subject to rent controls that require a rent of no more than 46% of the local Open Market Rent (including any Reasonable Service Charge) for the seven one bedroom flats, 49% of the local Open Market Rent (including any Reasonable Service Charge) for the eleven two bedroom flats, 52% of the local Open Market Rent (including any Reasonable Service Charge) for the eight two bedroom dwellinghouses and 63% of the local Open Market Rent (including any Reasonable Service Charge) for the six three bedroom dwellinghouses and one four bedroom dwellinghouse.

Target Rent means a rent which does not exceed the guideline rent determined through the national rent regime set from time to time.

Shared Ownership Lease means a lease substantially in the form approved or published by the HCA whereby:

- (a) the initial share sold to the leaseholder
 - (i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and
 - (ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property; and
- (b) the annual rent:
 - (i) does not initially exceed 2.75% (two point seven five per cent) of the full Open Market Value (assessed in accordance with the HCA's Capital Funding Guide) of the Registered Providers retained share of the equity in the relevant Shared Ownership Dwelling
 - (ii) is not at a level which is in conflict with any applicable Homes and Communities Agency successor restrictions relating to charges payable by the tenant; and
- (c) the tenant:
 - (i) pays no more than a Reasonable Service Charge (where applicable) and
 - (ii) may in successive tranches purchase the remainder of the equity in the dwelling.

Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and the Local Planning Authority engaged in pre-application discussions and the Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments. This results in a form of development that maintains/improves the economic, social and environmental conditions of the District.