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**LOCAL PLAN SUB-COMMITTEE****MINUTES**

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Wednesday 25 September between 7pm and 8.10pm.

**Councillors present:**

Sara Bedford (Chairman)

Sarah Nelmes (Sub for Matthew Bedford)

Chris Lloyd

Stephen Cox

Reena Ranger

Marilyn Bulter (Sub for Alison Wall)

Phil Williams

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Also in attendance: Councillors

Officers Present: Claire May, Head of Planning Policy and Projects  
Marko Kalik, Senior Planning Officer  
Jo Welton, Committee Manager

**LPSC50/19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Matthew Bedford and Alison Wall with the substitute Members being Councillors Sarah Nelmes and Marilyn Butler. The Chairman announced that Councillors Stephen Giles-Medhurst and Steve Drury were unable to attend the meeting.

**LPSC51/19 MINUTES**

The Minutes of the Local Plan sub-committee meeting held on 2nd September 2019 were confirmed as a correct record and were signed by the Chairman.

The Chairman advised that all the policies approved would go out to public consultation and that they were only draft proposals at this stage.

**LPSC52/19 NOTICE OF OTHER BUSINESS**

The Chairman ruled that the following item of business had not been available 5 clear working days before the meeting:

**HIGH QUALITY HOUSING  
AFFORDABLE HOUSING**

They were both of sufficient urgency for the following reason:

to enable the Council to progress the work required for the Local Plan.

**LPSC53/19 DECLARATION OF INTERESTS**

None received.

## LPSC54/19 HIGH QUALITY HOUSING

This report set out the issues which the new Local Plan would need to address in relation to high quality housing pertaining to Residential Design and Layout and Accessible and Adaptable Buildings and proposed policy wording to be contained within the new Local Plan.

The Head of Planning Policy and Projects said the National Planning Policy Framework (NPPF) highlighted details on the use of residential gardens which could be subject to inappropriate development and was included in the existing Local Plan on whether their use was acceptable. The new policy now repeats this.

The report also highlighted details on the sub-division of dwellings which was a way of increasing densities in areas close to stations and local transport modes although the subdivision of dwellings could impact on the amenity of existing residents. There had been implications on residents with regard to sound when a property was sub-divided but Building Regulations now required a certain amount of sound proofing. By putting this into the policy as part of the new Local Plan it would make it clear to developers that they had to meet sound proofing requirements as required as part of Building Regulations.

The Chairman said if the sound proofing met the Building Regulation Standards the Council had no way of preventing the subdivision of semi-detached or terraced dwellings into two flats and putting a living room next to a bedroom. She had seen a number of dwellings where this had happened and however good the sound proofing was, it was unreasonable and unneighbourly as some people worked shifts and they would not want to hear their neighbour's television or music through the wall. The Council should look to not allow subdivision where it puts someone's living room next to their neighbour's bedroom.

A Member said with subdivision there could be very different parking requirements. In their Ward there were at least three or four houses that were Houses of Multiple Occupancy (HMO) with at least five cars and sometimes more instead of the two or three for a single household.

The Head of Planning Policy and Projects said the policy could include restricting living rooms next to a main bedroom in dwellings which were subdivided. On parking standards it would have to form part of the parking policy.

A Member asked when the sub-committee would consider the HMO policy as part of the Local Plan. At present we had six bedrooms allowed but other Councils had gone lower. Where a dwelling was converted to five bedrooms you can then have seven cars which could be agreed under permitted development. The Head of Planning Policy and Projects said she had not looked at a policy but would look to see if there was a need for one.

A Member said in other Councils they allowed for three unrelated adults as a maximum for a HMO which was not unreasonable as most houses could only accommodate two or three parking spaces if they had parking. The Head of Planning Policy and Projects asked if Members were thinking of limiting the number of rooms in an HMO. The Chairman said consideration should be given to looking at the number of people who would be living in an HMO when considering planning permission. Presently the number was six but in areas where HMOs were becoming more prevalent Councils had taken action to limit the number down to three. If a developer was looking to have three or more unrelated adults living in a household you would need planning permission for the HMO rather than this being done under permitted development and would then provide some control for the Council.

The Head of Planning Policy and Projects said that they had looked into this under the Article 4 Directive and the removal of permitted development rights but would need to have evidence to justify that it was an issue but it was something Officers could look into.

A Member asked if there were some Government rules which allowed you to convert houses into residential units for three unrelated adults as they felt this should be the threshold instead of six.

The Head of Planning Policy and Projects said with regards to the internal space standards the NPPF allowed the Council to have development standards and technical standards to make sure that the room sizes were of a suitable size. There was also other criteria around storage space which could be included in the Local Plan if there was evidence to support that it was needed. Officers had looked at the measurements as part of CIL (Community Infrastructure Levy) applications which had been submitted since 2015. Officers had checked which applications had met the space standards and which had not. Since April 2015 193 dwellings had been granted planning permission which were smaller than the national space standards requirements which gave the Council evidence that we can include technical space standards. There had been no reasons to refuse these applications at the time as there was no policy in place and we could only introduce the standards through the new Local Plan.

Officers were also looking at a new policy for accessible and adaptable dwellings which was missing from the last Local Plan. On speaking to the Housing Team around the lack of suitable dwellings for wheelchair users, the NPPF was quite clear that we can use Building Regulations to ensure we get the delivery of more adaptable housing although there were some limitations. The report also included findings from the Local Housing Needs Assessment study which projected changes in the population age in the District as the older people get the more likely that disability or mobility issues would arise throughout the Plan period. Based on the study findings the Council would need around 480 wheel chair accessible homes over the plan period. In the Building Regulations there were three categories for this:

- M4 (1) Category 1: Visitable Dwellings (mandatory<sup>1</sup>)
- M4 (2) Category 2: Accessible and Adaptable Dwellings (optional)

A new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.

- M4 (3) Category 3: Wheelchair User Dwellings (optional)

A new dwelling makes reasonable provision, either at completion or at a point following completion, for a wheelchair user to live in the dwelling and use any associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants

A Member said the Council was seeing more people coming forward requiring adapted housing and increasingly families were coming forward with the need for adaptable housing for their children who had mobility issues. The Council needs to be providing more of that type accommodation in the future.

The Head of Planning Policy and Projects said with regard to M4 categories we had the accessible and adaptable planning policy for developments of over 15 units. The Council would be looking for 10% to be built to this standard and 4% of affordable housing units. If you had a 50 dwelling development you would have 5 built to the M4(2) standard and one dwelling to the M4(3) standard. If it was a development of 175 dwellings you would have 18 M4(2) dwellings and 4 M4(3) standard.

A Member said that M4(2) standard would be to have a downstairs cloakroom which was wheelchair accessible. At the moment most downstairs cloakrooms were too small for access in a wheelchair. The Head of Planning Policy and Projects advised that the Building Regulations provided a description of what those requirements were.

A Member asked about Paragraph 2.5 of the report which talked about the NPPF acknowledging that development should take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), and that there may be a case for policies to resist inappropriate development of residential gardens for example where development would cause harm to the local area or provide overlooking. The Head of Planning Policy and Projects advised that all of those issues were covered in other policies which would be included as part of the new Local Plan. It was advised that it was not possible to remove the development of garden land unless you could prove the harm that would be caused by the development.

The Head of Planning Policy and Projects reminded Members that where they were looking at policies which may impose a cost on a development it would have an effect on other policies and the amount of sustainable and affordable housing that could be provided. The whole plan viability assessment would assess all planning policies such as carbon emissions standards and technical standards to make sure that it did not stop development.

On being put to the Committee the recommendations were declared CARRIED the voting being unanimous.

RESOLVED:

That the contents of the report be noted and recommend to the Policy and Resources Committee the Draft Residential Design and Layout and Accessible and Adaptable Buildings Policy as set out in Appendix 1.

## **LPSC55/19 AFFORDABLE HOUSING**

This topic paper set out the issues which the new Local Plan would need to address in relation to affordable housing and proposed policy wording to be contained within the new Local Plan.

The Senior Planning Officer said that Draft Local Housing Needs Assessment was now in an advanced stage and was a key piece of our evidence base which looked at different types of housing across South West Hertfordshire with one of the areas being affordable housing. The assessment identified a very high need for affordable housing across the District with a figure of 373 homes a year which was about 60% of our 620 homes a year target. The recommendation in the housing needs assessment was to seek as much affordable housing as was possible. At this stage the Council had not completed the whole plan viability assessment but was based on Officer's professional judgement. Officers considered a realistic affordable housing target to seek of 50% of all new dwellings splitting to 40% affordable rent and the new Government requirement of 10% affordable home ownership. The Council would then look to split the

affordable rent housing down. The Local Housing Needs Assessment recommends, based purely on affordability, 80% social rent and 20% affordable rent but it does then have a caveat that this may not be realistic. The target was very hard to achieve and when you take benefits into consideration it made the figures difficult to achieve. Through the viability assessment Officers would be testing three scenarios which were the recommended 80% social housing versus the 20% affordable rent, a 50:50% scenario and then 20% social rent and 80% affordable rent to see which approach would be most viably possible. The Council would expect the need for affordable housing to be met on site but in the case when there was 9 or fewer dwellings it was believed that there should be the potential for a commuter payment towards affordable housing. This would go against the NPPF and policy guidance but if it had been demonstrated that we had exceptional circumstances for the local need for the delivery of affordable housing this could be considered. This could, though, be called into question at the examination stage but the Council believed that the need was exceptional this could stand up in our affordable housing policy. This would though not be applied to the 10% of affordable home ownership because of the need for affordable rent housing in the District.

A policy had been included on rural exception sites which was in the previous National Planning Framework and within the new NPPF which was for smaller sites within the Green Belt such the villages of Sarratt and Bedmond although this would be subject to a Green Belt review.

On the setting of the prices for the affordable rent the Local Housing Needs Assessment had looked at what would be considered living rent in the District but this fell well below LHNA so it was recommended in the policy that we set the affordable rent at the lower level of the LHNA or 80% of the market rent as per the national policy. In terms of affordable home ownership the Local Housing Need Assessment had looked at the price range of what people can afford for private rent and who were unable to afford to buy. Officers had also looked at indicative prices as a guidance which again fell well below the 20% discounted rent originally recommended by the Government. The Council would use the prices as guidance for being able to see whether we had truly affordable housing. The Council had to consider viability as part of the whole Local Plan so a lot of viability work was being done in advance rather than for previous plans leaving it to the application stage. There were going to be windfall sites and there were going to be some sites which could demonstrate exceptional circumstances where they would still need a viability assessment that stated they could not provide affordable housing.

A Member wondered why there was a switch that shared ownership seemed to have been pushed further down the list. The Chairman advised that it seemed that discounted market housing now tended to appeal to people who had higher incomes than shared ownership which seemed to be the wrong way to go. The Senior Planning Officer said that this was within the Government policy as part of the NPPF.

A Member said that new two bedroom dwellings were up for sale in the District with a half a million pound price tag which was not an available property for 99.9% of the people who were looking for two bedroom dwellings. If it was a shared ownership they would have a small hope of buying it. Do we have an ability to say that our market conditions do not make that an available property that anyone can purchase? The Senior Planning Officer said we do refer to the discount housing and provided guide prices for 1, 2, 3 and 4 bedroom dwellings in the report at Paragraph 2.30 which could be used as a guideline.

The Head of Planning Policy and Projects said that the starting point would be to ask for the accommodation to be on the site unless they can prove there were

exceptional circumstances. Certainly through the allocations in the Local Plan it should be provided on site. There had to be some element where we can say we prefer to have the money to build the dwellings somewhere off the site. A Member asked if it was possible in the policy to revisit viability when we are told a development was unviable. Officers advised that the review mechanism would cover this.

A Member asked if Officers could clarify the points in Paragraph 2.14 on social rent. The Senior Planning Officer said it was based on past performance in the current market and being able to deliver social rent housing to high levels based on the viability assessments. There was no historic evidence that showed we can actually achieve the 80% social rent dwellings. A Member said Home England had been told by the Government that they can only use their funding as a loan for a development if there was a commitment to having a higher rate of affordable rent. Housing Associations were unable to fund a development in this way so would only take it on if they were getting the return to pay the loan they took out.

A Member referred to Paragraph 2.17 of the report and sought clarification as they did not believe that all Housing Associations were trying to re-provision the amount of affordable housing tenure that had been lost. They were keen to have something included in the policy otherwise the Council could end up with a charter which enabled them to get around the existing provision. The Senior Planning Officer said that the 40% was for social rent of the 50 total and 40% of the total new dwellings. There was then 10% on top of that for affordable home ownership so the total was 50% affordable housing. When those houses were built we can include in the policy that a condition be included in the planning permission so that they then keep the social housing perpetuity but there would still be a right by law to acquire the property from the Housing Association. The Senior Planning Officer said in the draft affordable housing policy point 3 states that where a development would affect existing affordable plans permission would only be granted where it would not result in a net loss of affordable housing, and where the proposed tenure mix would meet affordable housing needs of the community.

The tenure should meet the affordable housing needs of the community so at the point in time where the application comes in there would be discussions with the housing department to see what housing tenure was required. On planning policy the Council were bound by Government policy regarding the provision of affordable housing in whatever form and this would take precedent. The Council can have a policy to give us as much control as possible over what we can provide but it would need to be viable under the Government rules but we can try to maximise this.

### **Councillor Chris Lloyd in the Chair**

Councillor Chris Lloyd moved the recommendation, duly seconded, and it was declared CARRIED the voting being 6 For and 1 Abstain.

RESOLVED:

That the Local Plan Sub Committee note the contents of this report and recommend to the Policy and Resources Committee the Draft Affordable Housing Policy as set out in Appendix 1

**CHAIRMAN**