**Revised 20/1/16**

**Planning Committee – 21 January 2016**

**Addendum to Item 8. 15/2230/FUL - Construction of 48 residential apartments with car parking, open space, landscaping and associated works, at Former Gas Works, Wharf Lane, Rickmansworth, Hertfordshire**

Update in relation to Affordable Housing

The planning application was accompanied by a viability assessment which concluded with regard to Development Plan policy CP4, the scheme would be unviable if required to contribute towards the provision of affordable housing. The viability assessment undertaken on behalf of the Council by its instructed consultants: David Coate of Adams Integra accepted this conclusion, however, Mr Coate concluded that the scheme should be subject to a review mechanism and discussions have been on-going between the LPA and applicant regarding the wording of such mechanism.

Having considered the received representations made by the applicant with regard to the Councils current suggested sec 106 viability mechanism, officers are of the view that the proposed section 106 viability mechanism utilised for the Long Island development be recommended with regard to this proposal rather than that currently advocated. This mechanism is accepted by the applicants. This alternative section 106 mechanism also acknowledges that the currently accepted viability position represents a snapshot of the financial position at the time leading up to the Council's resolution and is time limited but recommends that if within 21 months from the date of the grant of this planning permission, completion of the construction of the Development is not completed up to and including first floor slab of Building B, then there be a requirement  for a new updated viability appraisal to be undertaken with a view to establishing whether an affordable housing commuted sum would be viable and if so, secures its payment to the Council.

As such, the recommendation at 8.1 on page 58 should be updated to read;

That the decision be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to:

1. the completion of a S106 Agreement/Unilateral Undertaking containing an agreed mechanism which requires an updated appraisal of financial performance to be undertaken to assess whether a commuted sum should apply to make up the under provision if the development is not completed up to and including first floor slab of Building B within 21 months from the date of the grant of planning permission. If such a sum is viable, the deed is to secure its payment to the Council and
2. subject to the following conditions: (conditions as set out in Committee Agenda)

An additional informative noting the S106 Agreement is also suggested;

The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

An additional recommendation (8.2) is also required to be added in the event that a S106 Agreement is not completed. This should read:

That in the absence of the completion of a satisfactory Section 106 Unilateral Undertaking/Agreement the APPLICATION BE DELEGATED TO THE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES TO REFUSE PLANNING PERMISSION for the following reasons:-

R1 The proposed development fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011). The scheme is for market dwellings, no contribution has been made towards the provision of affordable housing and no satisfactory section 106 has been completed containing an agreed mechanism which requires an updated appraisal of financial performance to be undertaken to assess whether a commuted sum should apply to make up the under provision if the development is not completed up to and including first floor slab of Building B within 21 months from the date of the grant of planning permission and if such a sum is viable, secures its payment to the Council

INFORMATIVES:

I1 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to be acceptable.