

Public Document Pack



PLANNING COMMITTEE

Tuesday, 23rd April, 2024 at 7.00 pm
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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MEMBERS

Councillors: Sinan Boztas (Chair), Mahym Bedekova (Vice-Chair), Josh Abey, Kate Anolue, Lee Chamberlain, Peter Fallart, Thomas Fawns, Ahmet Hasan, Bektas Ozer, Michael Rye OBE, Jim Steven and Eylem Yuruk

N.B. Involved parties may request to make a deputation to the Committee by contacting Democracy@enfield.gov.uk before 10am on the meeting date latest

SUPPLEMENTARY AGENDA – THE ROYAL CHASE HOTEL

9. **23/02493/VAR - THE ROYAL CHACE HOTEL, 162 THE RIDGEWAY, ENFIELD, EN2 8AR (Pages 1 - 16)**

RECOMMENDATION:

1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL, and to reflect the resulting changes to the shared ownership provisions within the current Section 106, the Head of Planning & Building Control be authorised to **GRANT** full planning permission subject to conditions.
2. That the Head of Planning & Building Control be granted delegated authority to agree the final wording of the deed of variation and conditions to cover those matters recommended in this report.

WARD: Ridgeway

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LONDON BOROUGH OF ENFIELD**PLANNING COMMITTEE****Date: 23 March 2024****Report of**Head of Planning & Building
Control : Karen Page**Contact Officers:**

Sharon Davidson

Category

Major

Ward

Ridgeway

Councillor Request

No Councillor request

LOCATION: The Royal Chace Hotel, 162 The Ridgeway, Enfield, EN2 8AR**APPLICATION NUMBER:** 23/02493/VAR**PROPOSAL:** Variation of conditions 2 and 69 (affordable housing) of application 21/01816/FUL to allow amendment in the tenure of the affordable housing provision to include Affordable Rent to Buy (Rentplus).**Applicant Name & Address:**Ms Fiona Flaherty,
Bellway Homes Ltd (North
London) & Signature
Senior Lifestyle**Agent Name & Address:**

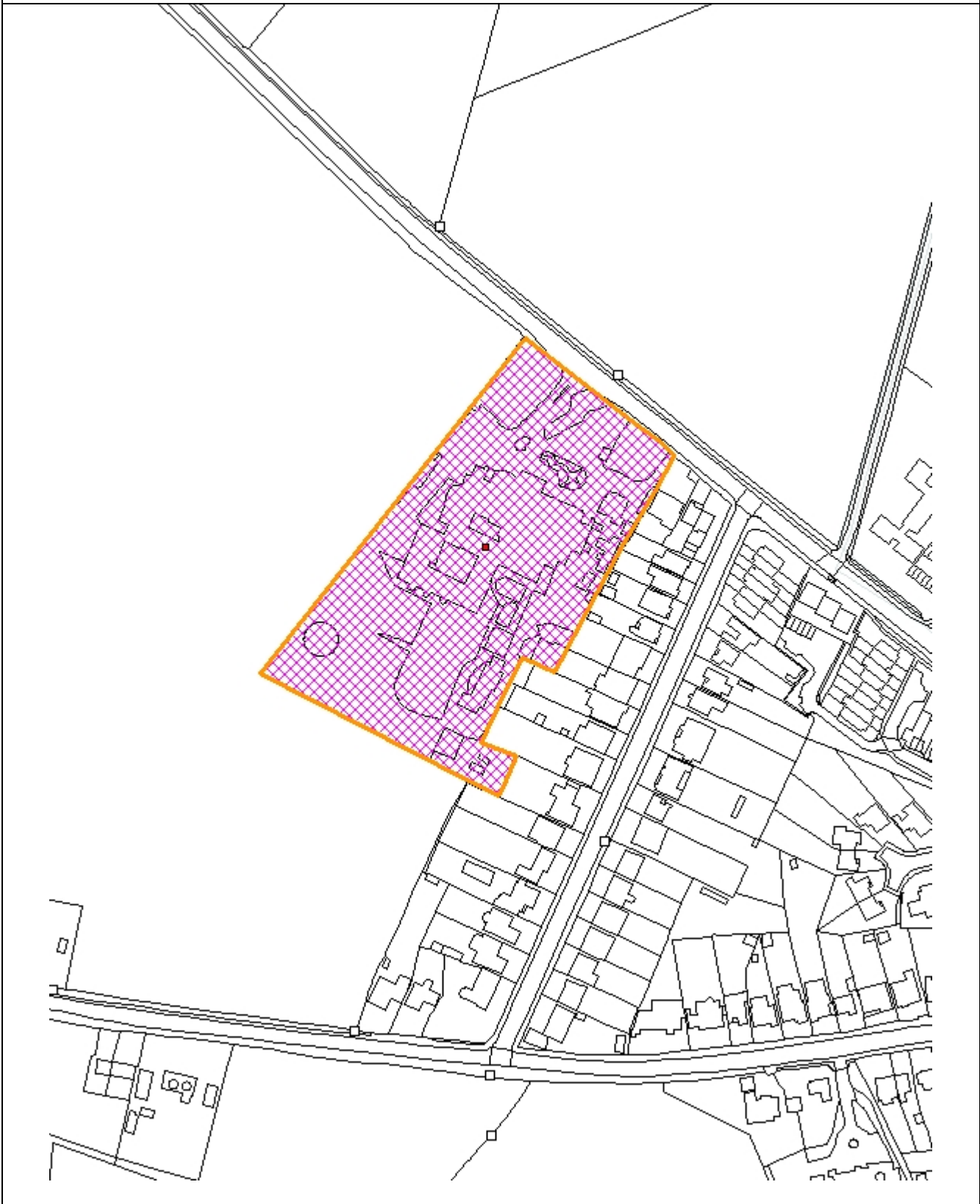
Mr James McConnell, McConnell Planning

RECOMMENDATION:

1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL, and to reflect the resulting changes to the shared ownership provisions within the current Section 106, the Head of Planning & Building Control be authorised to **GRANT** full planning permission subject to conditions.

2. That the Head of Planning & Building Control be granted delegated authority to agree the final wording of the deed of variation and conditions to cover those matters recommended in this report.

Ref: 23/02493/VAR LOCATION: The Royal Chace Hotel, 162 The Ridgeway, Enfield, EN2 8AR



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North



1. Members

- 1.1 This application is reported to the Planning Committee as it comprises a 'major' development, involving more than 10 residential units.

2. Recommendation:

- 2.1. That subject to the completion of a deed of variation to link the development to the Section 106 Agreement previously secured for 21/01816/FUL and to reflect the resulting changes to the shared ownership provisions within the current Section 106, the Head of Planning & Building Control be authorised to **GRANT** full planning permission subject to conditions:

~~1. Time limit (This is no longer required as the previous permission has been implemented)~~

2. Accordance with plans
3. Bat Licence
4. Construction environmental management plan (CEMP)
5. Construction Waste Management Plan
6. Demolition Management and Logistics Plan
7. Lighting Plan
8. Biodiversity Enhancements
9. Arboricultural Method Statement with Tree Protection Plan
10. Nesting season
11. Land Contaminated (1)
12. Land Contaminated (2)
13. Piling
14. Green procurement Plan
15. Access and sight splays
16. Noise from construction equipment
17. Drainage strategy
18. Mechanical equipment
19. Plant and equipment
20. Building or ground re-profiling
21. Hours of construction
22. Materials for care home
23. Acoustic fencing for care home
24. Finished floor levels for care home
25. Landscaping for care home
26. CO2 emissions for care home
27. Zero / low carbon technologies for care home
28. Refuse storage for care home
29. Construction Management Plan for care home
30. Construction Waste Management Plan for care home
31. Thames water (1) – Foul sewage for care home
32. Thames Water (2) Water infrastructure for care home
33. Secure cycle parking for care home
34. Operational / Service Management Plan for care home
35. Restrict use of care home

36. Sound insulation for care home
37. Dementia room threshold for care home
38. Acoustic report for care home
39. Secure by Design for care home
40. Water consumption for care home
41. Car Parking Management Plan for care home
42. Car parking for care home
43. Operational Management for care home
44. External materials for residential units
45. Acoustic fencing for residential units
46. Play space / communal amenity space for residential units
47. Privacy screens for residential units
48. Finished floor levels for residential units
49. Landscaping for residential units
50. Zero / low carbon technologies for residential units
51. CO2 emissions for residential units
52. Energy Performance Certificate
53. Car Parking Management Plan for residential units
54. Refuse storage for residential units
55. Construction Management Plan for residential units
56. Construction Waste Management Plan for residential units
57. Secure cycle parking for residential units
58. Electric vehicle charging points for residential units
59. Part M units
60. Fibre connectivity infrastructure for residential units
61. Secure by Design for residential units
62. Removal of Part E permitted development rights
63. Water use for residential units
64. Sustainable Drainage System for residential units
65. Design details for residential units
66. Parking and refuse layout plan for residential units
67. Thames water (1) – Foul sewage for residential units
68. Thames Water (2) Water infrastructure for residential units
69. Affordable housing

- 2.2. That the Head of Planning & Building Control be granted delegated authority to agree the final wording of the Deed of Variation and conditions to cover those matters recommended in this report

3. Executive Summary

- 3.1. This application seeks to amend conditions 2 and 69 for the development approved by planning permission 21/01816/FUL granted in May 2022 and amended by 22/03700/VAR, granted in August 2023. This would have the effect of changing the affordable housing provision. Under application ref 22/03700/VAR a total of 26 affordable housing units were to be provided split 7 London Affordable Rented units, 8 London Living Rent units and 11 shared ownership units.
- 3.2. The application proposes that the 8 London Living Rent and 11 shared ownership units

across the site would be replaced with 19 Affordable Rent to Buy units. This is simply a change to the tenure of part of the affordable housing provision for the development. The 7 London Affordable Rented units would continue to be provided as previously approved and the overall number and size mix of affordable would remain as per the current requirements of the S106 agreement as amended by the deed of variation pursuant to application 22/03700/VAR. There are no physical changes proposed with the remainder of the development unchanged so that the only relevant material planning consideration to be assessed through this application is the proposed change to the affordable housing tenure.

- 3.3. This change will require an amendment to drawing ref 062001-BEL-NL-04-G Tenure Layout, which would be replaced by drawing ref 062001-BEL-NL-04-H. A deed of modification will be required to link the provisions of the Section 106 legal agreement for 21/01816/FUL (as amended by the deed of variation pursuant to application 22/03700/VAR) to this application. The same conditions would need to be imposed as this would technically be an independent grant of planning permission and therefore the conditions listed in Para 2.1 would reflect those on the original planning permission.

4. Site and Surroundings

- 4.1. The site lies to the west of The Ridgeway on the edge of the built -up area to the north of Oak Avenue. It was previously occupied by the Royal Chace Hotel. The hotel closed in March 2020, following which planning permission 21/01816/FUL was granted for re-development of the site. The hotel buildings on site have been demolished and construction of the residential component of the previously approved development completed.

5. Planning History

- 5.1. 21/01816/FUL Granted 10 May 2022
Redevelopment of site involving demolition of existing hotel and erection of a three-storey care-home (C2 use) with 92 rooms and 64 residential dwellings.
- The Section 106 Legal Agreement included contributions towards employment, car club, carbon offset, play space, parks, and education. There was also provision for a travel plan, parking restrictions, highway works and considerate construction.
 - A minimum of 23 residential units were secured as affordable housing including 8 shared ownership units (8 x 3-bed houses), 8 London Living Rent Units (2 x 1-bed flats and 6 x 2-bed flats), and 7 London Affordable Rented Units (2 x 1-bed flat and 5 x 3-bed houses).
- 5.2. 22/03700/VAR Granted 30 August 2023 subject to a deed of variation.
- Variation of condition 02 and condition 69 of application 21/01816/FUL to allow amendment in the shared ownership affordable housing and replacement of rooflights on rear elevation with dormer windows to the Walker house type. This resulted in a minimum of 26 residential units to be secured as affordable housing including 11 shared ownership units (4 x 1-bed flats and 7 x 2-bed flats), 8 London Living Rent Units (2 x 1-bed flats and 6 x 2-bed flats), and 7 London Affordable Rented Units (2 x 1-bed flat and 5 x 3-bed houses).

6. Proposal

- 6.1. The proposal is to vary conditions 2 and 69 of planning permission ref 22/03700/VAR. These conditions refer to drawing ref 062001-BEL-NL-04-G showing the location by tenure of the affordable housing for the development. This application seeks variations to the affordable housing offer, specifically the shared ownership units and London Living Rent units. It is proposed that 11 shared ownership flats and 8 London Living Rent flats would be delivered as Affordable Rent to Buy flats (Rentplus).
- 6.2. Whilst the proposed development relates specifically to the affordable housing provision, the effect of granting the application would be to grant planning permission for the entire development afresh. Members should note that construction has commenced on the approved development with the residential units now largely completed in accordance with planning permission ref 22/03700/VAR.

7. Consultations

Statutory and Non-statutory Consultees

- 7.1. The nature of the proposed amendment to affordable housing did not raise issues that required statutory consultation to be undertaken. In addition, the consultees on the original planning application did not raise comments that would be affected by the proposed amendment.

8. Public Consultation

- 8.1. A site notice was displayed and press notice was published to advertise the development.
- 8.2. Letters were sent to 305 neighbouring properties on 29 August 2023.
- 8.3. In response to this, no representations were received.

9. Relevant Policy

- 9.1. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).
- 9.3. National Planning Policy Framework (2023) (NPPF)
The National Planning Policy Framework sets out at Para 11 a presumption in favour of sustainable development. For decision taking this means:
 - “(c) approving development proposals that accord with an up-to date development plan without delay; or,
 - (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting

permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”

- 9.4 The related footnote (8) advises that “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.
- 9.5 The most recent Housing Delivery Test (HDT) for 2022 showed the Council delivering 73% of its housing requirement under the London Plan so that the “presumption in favour of sustainable development” applies to the Council.
- 9.6 The NPPF states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole - which also includes the Development Plan.
- 9.7 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.
- 9.8 London Plan (2021)

The London Plan (2021) was adopted on the 2nd of March 2021.

Pertinent Policies in the London Plan 2021 are outlined below:

- H4: Delivering Affordable Housing
- H5: Threshold Approach to Applications
- H6: Affordable Housing Tenure

9.9 Enfield Core Strategy (2010)

- CP3: Affordable housing

9.10 Enfield Development Management Document (2014)

- DMD1: Affordable Housing on sites capable of providing 10 units or more

- 9.11 Having regard to the commentary on the NPPF para 11, it should be noted that the London Plan provides the most up to date policy context on affordable housing and for the purposes of the determination of this application, the Enfield Core Strategy and Development Management Document should be considered out of date.

9.12 Enfield Draft New Local Plan

9.13 Work on a New Enfield Local Plan has commenced so the Council can proactively plan for appropriate sustainable growth, in line with the Mayor of London's "good growth" agenda, up to 2041. The Enfield New Local Plan will establish the planning framework that can take the Council beyond projected levels of growth alongside key infrastructure investment.

9.14 The Council has published the Enfield Local Plan 2019-2041 for Regulation 19 Consultation between 28 March and 20 May 2020. The Enfield Local Plan is at an advanced stage of preparation and is considered by the council to be sound and will not be modified significantly prior to examination. NPPF 2023 Paragraph 48 states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the London Plan and NPPF 2023. At present, the emerging Enfield Local Plan policies carry little weight. Nevertheless, it is worth noting the emerging policy H2 (Affordable housing) which sets out a strategic target that 50% additional housing delivered across the borough throughout the life of the plan will be affordable; policy H4 (Housing mix) which identifies the borough's needs for homes of different sizes and tenures; and H5 (Private rented sector and build-to-rent) which sets out that the Council will seek to maximise the supply of housing in the borough by, amongst other things, supporting proposals for standalone build to rent developments.

9.15 As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.

10. Analysis

10.1. This report sets out an analysis of the issues that arise from the proposed development. Given that the proposed development specifically concerns a change to an affordable housing product, with no other physical changes to the development, the analysis focusses upon this specific change.

Context – Section 73 application

10.2. The application seeks to vary conditions 2 and 69 of planning permission 22/03700/VAR. Condition 2 requires the development to be carried out in accordance with a list of approved plans and documents, including drawing ref 062001-BEL-NL-04-G identifying the location of the various affordable housing tenures, whilst condition 69 specifies that the affordable housing should be provided as shown on drawing 062001-BEL-NL-04-G.

10.3. The drawing submitted by the applicant, ref 062001-BEL-NL-04-H, shows a change to the proposed tenure of the affordable housing with Affordable Rent to Buy (Rentplus) units replacing the 19 London Living Rent and Shared Ownership units. It should be noted that approval of this application will result in a new planning permission and so this should include relevant planning conditions that were applied to the original planning permission for the entire development.

Housing mix / Affordable housing

- 10.4. The affordable housing mix by unit size would not be altered by the proposal, but the tenure mix would be changed. This is illustrated in the table below.

Approved under 22/03700/VAR:

| TYPE | LONDON AFFORDABLE RENT | | LONDON LIVING RENT | | SHARED OWNERSHIP | | TOTAL | |
|---------------|------------------------|-----------|--------------------|-----------|------------------|-----------|-----------|------------|
| | Units | HR | Units | HR | Units | HR | Units | HR |
| 1b Flat | 2 | 6 | 2 | 6 | 4 | 12 | 8 | 24 |
| 2b Flat | - | | 6 | 24 | 7 | 28 | 13 | 52 |
| 3b House | 5 | 30 | - | | - | | 5 | 30 |
| Total | 7 | 36 | 8 | 30 | 11 | 40 | 26 | 106 |
| % (HR) | | 34 | | 28 | | 38 | | 100 |

Proposed:

| TYPE | LONDON AFFORDABLE RENT | | AFFORDABLE RENT TO BUY (RENTPLUS) | | TOTAL | |
|---------------|------------------------|-----------|-----------------------------------|-----------|-----------|------------|
| | Units | HR | Units | HR | Units | HR |
| 1b Flat | 2 | 6 | 6 | 18 | 8 | 24 |
| 2b Flat | - | - | 13 | 52 | 13 | 52 |
| 3b House | 5 | 30 | - | - | 5 | 30 |
| Total | 7 | 36 | 19 | 70 | 26 | 106 |
| % (HR) | | 34 | | 66 | | 100 |

Definition of Affordable Housing and the Rentplus Model

- 10.5. The definition of affordable housing within the NPPF is set out below:

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) 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).

b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning

Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

- 10.6. Rentplus is an affordable rent to buy provider fully funded by institutional investment, making no draw on the public purse through grant. Rentplus deliver affordable housing for rent and other affordable routes into home ownership. It had its first tenanted properties in 2016 and first 5 year sales in 2021. The Rentplus affordable housing product that is now proposed in place of the London Living Rent and Shared Ownership units is therefore a relatively new model of affordable housing provision.
- 10.7. Rentplus buy affordable homes from developers that have been secured through section 106 agreements and work with the local authority to determine how the properties are let to tenants, enabling the Housing Team to engage with regard to waiting lists. Applicants for the housing will enter into a 5, 10, 15 or 20-year purchase plan with Rentplus at a rent of no more than 80% of market rent. During the period of rent, Rentplus covers all service charges and ground rents for the properties, with the intention of enabling the tenants to make savings towards their deposit. For this specific development, Rentplus will engage Greenhill Housing Association to manage the units. Greenhill has considerable experience of working with Rentplus and are a GLA preferred partner. Greenhill will work with the Council to ensure the lettings process is carried out in accordance with the Local Lettings Plan agreed between the Council and the Housing providers, thereby enabling homes to be allocated to residents on the housing waiting list who want to own their own home. Rentplus have advised that 30% of their residents have moved out of social housing and a further 30% have come off local authority choice-based lettings schemes.
- 10.8. At the end of the tenancy period, applicants can buy 100% of their home at the market value with Rentplus. When this occurs Rentplus gift tenants 10% of the value of the property to boost their deposit, enabling them to go to any High Street lender rather than a limited pool on Shared Ownership. The period of rent enables tenants to put down roots in communities, whilst benefiting from an affordable rent. If the home is not acquired by the tenant then a cascade mechanism applies whereby the unit is then offered to another qualifying tenant within the development on the same discounted terms, or if none, then offered to the Registered Provider, again, at a 10% discount, and in default

of all of the above, sold on the open market. If the home is sold on the open market the Council receives 7.5% of the price to invest in new affordable homes.

- 10.9. Rentplus re-invest receipts where units are sold on the open market, thereby allowing them to replace those affordable homes that are sold. It should be noted that this would not happen with a more traditional Registered Provider. It should also be noted that Rentplus do not receive any grant and therefore this is not recyclable. Also, there is no draw on the public purse.
- 10.10. Rentplus has submitted an Affordability Assessment for both the 1 and 2 bed units, which show that the 1 bed units would be affordable to households with an annual income of £45,000 and the 2 beds to households with an annual income of £65,000 should they wish to pursue the option to purchase after the initial 5 year rental term. Rentplus have advised that the model works well in higher value areas, for the middle group of people who do not qualify for traditional affordable rent and have limited opportunity of saving to have a deposit for shared ownership due to high private rents. Given that it is the intermediate component of the affordable housing package that is to be acquired by Rentplus, this fits well with the delivery of the affordable housing for this development.
- 10.11. The principal of the Rentplus model is similar to that of traditional affordable rented units, except this is not in perpetuity, however perpetuity no longer exists as a requirement within the NPPF.
- 10.12. As part of the application, the applicants provided a legal opinion that had been sought by Rentplus from Rupert Warren KC to consider whether the form of housing provided pursuant to the Rentplus model constituted an affordable housing as defined by the NPPF. The Opinion states that the NPPF is explicit that a product may fall within one or more parts of the definition, and the Rentplus model complies with the term "affordable rented" in part (a) of the NPPF definition as the units are let at a maximum of 80% market rental level and also meets the definition of the "Rent to Buy" aspect of part (d) through the way that Rentplus facilitates a transition from a product which is 'affordable rented' housing to discount home ownership (with the 10% gifted discount).
- 10.13. Officers considered it appropriate to seek additional advice on whether the Rentplus model is compliant with the NPPF having regard to this Opinion and sought advice from a barrister, Wayne Beglan (Cornerstone Chambers), and from Simon Bird KC (Francis Taylor Buildings). Their advice expressed the collective view that the Rentplus model does not meet either the 'affordable housing for rent' definition (a) as there is no subsidy recycled when the units cease to be "affordable" or the 'other affordable routes to home ownership' (d) definition as the discount is not at least 20% (Rentplus offer a 10% discount on sale).
- 10.14. Whilst there is inconsistency within the legal advice received on the Rentplus model, the exercise in seeking this advice has proved useful in that it has enabled the validity of the Rentplus model as a form of intermediate affordable housing to be considered in detail. On balance, whilst there remain differences of opinion about whether the Rentplus model does squarely fall within the NPPF definition of affordable housing, there are circumstances in this particular instance that lead officers to the conclusion that the proposal should be supported:
 1. Bellway Homes, who have acquired and constructed the residential development, have submitted details to confirm that they received very little interest from Registered Providers (RPs) to acquire the affordable units. Following the approval of

the S73 application to vary the shared ownership units, Bellway approached 12 RPs to acquire the 26 affordable units to be provided within the development and received only three offers from these RPs, which were at a level significantly below that necessary for Bellway to achieve what is recognised by the industry and planning policy as a reasonable level of commercial return from the delivery of these affordable units. This reflects the deterioration of the housing market, as evidenced by the rise in interest rates since the original planning permission was first granted, a situation which has also impacted on the RPs who have been reporting sharp falls in open market sales and their capacity to invest in shared ownership housing.

2. Bellway has discussed this matter with the Council, and this has resulted in Enfield Housing making an offer to Bellway to acquire the 7 London Affordable Rent units, leaving the London Living Rent and Shared Ownership units to be disposed of, again with little commercial interest from the RPs. Rentplus have offered to acquire these units at a commercially viable level, thus enabling occupation and avoiding the units remaining unoccupied.
3. If through the cascade mechanism the homes were to be sold on the open market, the Local Authority receives 7.5% of the sale to invest in future affordable housing.
4. Rentplus have advised that they are currently delivering in over 64 local authority areas. There does therefore seem to be support from other local authorities towards the Rentplus model in the delivery of intermediate affordable housing.
5. The affordable units are now complete and will be ready imminently for occupation.

Viability Testing

- 10.15 The original planning application was not subject to a viability assessment as it secured 37% of habitable rooms as affordable and London Plan Policy H5 permits a fast track approach subject to major development proposals meeting a minimum threshold level of affordable housing on gross residential development of 35% of habitable rooms. This percentage of affordable housing did not change through planning application 22/03700/VAR, with the application keeping the number of affordable habitable rooms constant as more, smaller shared ownership units were being provided.
- 10.16 Policy H5 further states that Section 73 applications for schemes approved under the fast track approach are not required to submit viability information, providing the resultant development continues to meet various criteria, with the relevant criteria in this case being the required tenure split of:
- 1) a minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low Incomes;
 - 2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership;
 - 3) the remaining 40 per cent to be determined by the borough as low-cost rented homes or intermediate products based on identified need.
- 10.17 The development will continue to meet criteria 1, delivering all the LAR units originally secured. There is a question over whether criteria 2 and 3 are still met given the inconsistency in legal advice on the validity of the Rentplus model, and therefore whether the Fast Track approach still applies. If officers were to take the view that Rentplus was not an affordable product, therefore triggering the need for a viability review, there is a

significant risk that scheme is no longer able to deliver the 35% affordable housing level committed to when the planning permission was originally granted given the change in market conditions. Furthermore, this process would delay occupation of available units, for which there is a significant demand in the borough.

For these reasons, and those cited in paragraph 10.14 above, officers consider that a pragmatic approach to the consideration of this proposal is required in this particular instance.

Other Matters

- 10.16 Planning Conditions - The planning conditions applied to the two previous consents listed in the planning history that concern the residential component of the re-development of the site (as opposed to those relating to the Care Home) and have already been discharged. Whilst they will be imposed again should planning permission be granted, they will be amended accordingly so they do not need to be discharged for a second time.
- 10.17 Section 106 / Planning obligations - The obligations within the Section 106 legal agreement remain relevant and would need to be reimposed through a deed of variation. The exception to this would be to amend the obligations on affordable housing, as described above.
- 10.18 Community Infrastructure Levy - The Mayoral and Enfield CILs have been paid for the approved development. The proposed change to the development would not incur any further CIL charges as this change applies specifically to the affordable housing component, which is subject to full CIL relief.

11 Public Sector Equalities Duty

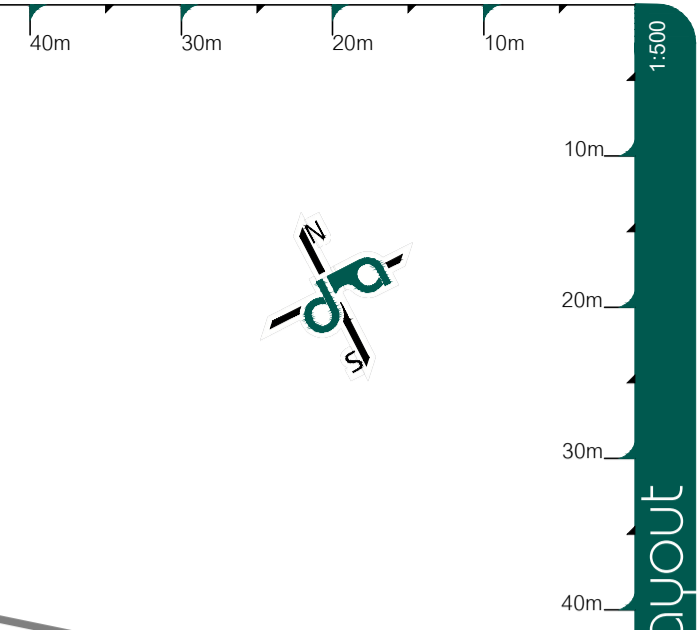
- 11.1 In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. Section 149 of the Act requires public authorities to have due regard to several equality considerations when exercising their functions including decision making on planning applications. These considerations include: Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; Advance equality of opportunity between persons who share a relevant protected characteristic (explained in detail below) and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The main objective of the duty has been to ensure public policies and programmes are implemented fairly, in particular with regard to their impact on the protected characteristics identified above. In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, marriage / civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- 11.3 When considering this planning application, the Council has considered the potential effects of the proposed development on those with protected characteristics as defined under the Equality Act 2010. In doing this, the Council has had due regard to equality considerations and attribute appropriate weight to such considerations. In providing the recommendation to Members that planning consent should be granted, officers have

considered equalities impacts in the balance, alongside the benefits arising from the proposed development. The Council has also considered appropriate mitigation to minimise the potential effects of the proposed development on those with protected characteristics.

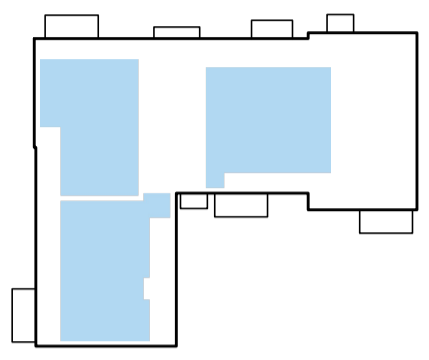
- 11.4 There are no statutory or regulatory requirements for the form or content of an equalities assessment. The scale and significance of such impacts cannot always be quantified, and it is common to address this through descriptive analysis of impacts and identifying whether such impacts are adverse or beneficial. Officers do not consider there would be a disproportionate equalities effect.

12 Conclusion

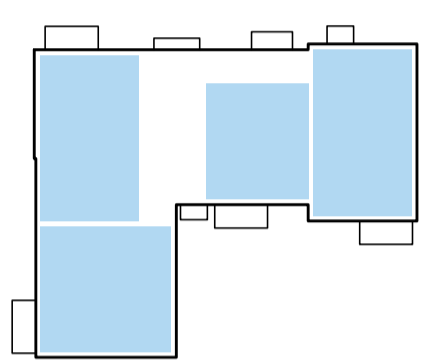
- 12.1 The proposed change to the affordable housing provision relates specifically to the intermediate component of the affordable housing to be delivered through this development with no physical change to the previously approved development. Whilst the Rentplus model is a relatively new approach to affordable housing delivery, Officers' have looked very carefully at the model, and are satisfied that it will deliver housing at an affordable rent that then offers an affordable route into home ownership. This is further substantiated by the re-investment by Rentplus of receipts from sales of homes into the acquisition of additional affordable homes.
- 12.2 The specific impact of the proposal would therefore be minimal with the affordable housing provision being comparable to what was previously approved through planning permission 22/03700/VAR. Given the lack of interested RPs to deliver this intermediate affordable housing, this provides a valuable opportunity to ensure that a form of affordable housing can be secured with the units becoming ready for occupation in a matter of weeks.
- 12.3 Accordingly, it is recommended that planning permission be granted subject to (i) the conclusion of a Deed of Variation to link this new permission to the Original Section 106 as amended by the DOV pursuant to 22/03700/VAR and to reflect the resulting changes to the affordable housing provisions and (ii) to apply planning conditions similar to those imposed on the original planning permission.



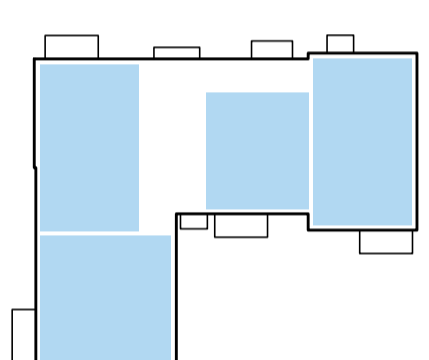
tenure layout



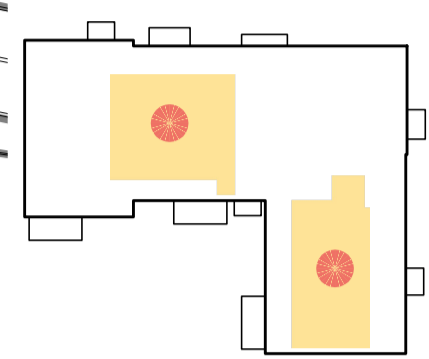
Block 1 - Third Floor



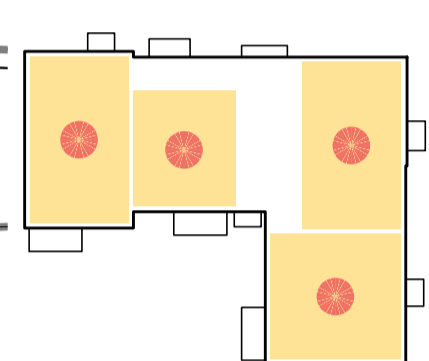
Block 1 - Second Floor



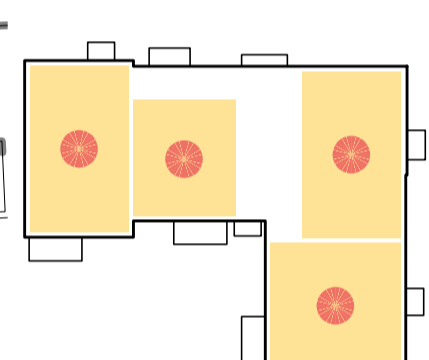
Block 1 - First Floor



Block 2 - Third Floor



Block 2 - Second Floor

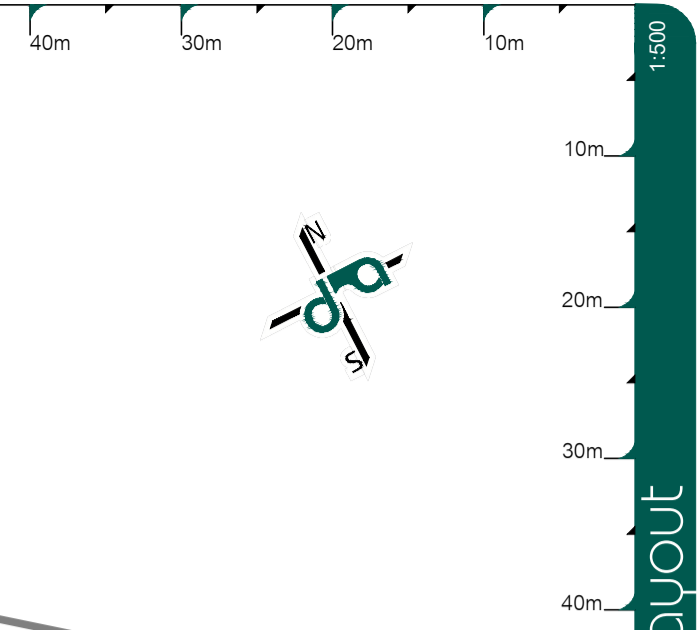


Block 2 - First Floor

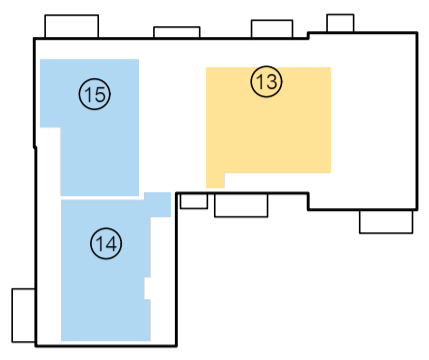
LEGEND - TENURE

- Private
- Affordable Rented
- Affordable Shared Ownership

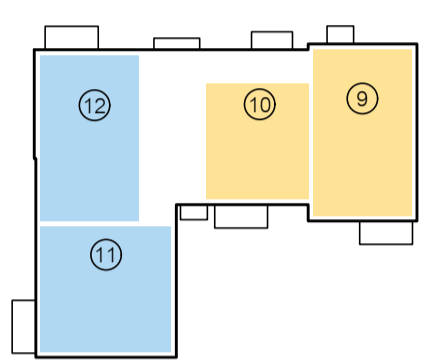




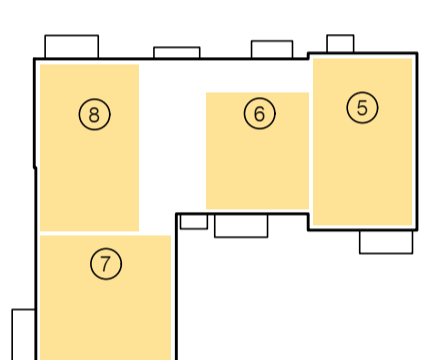
tenure layout



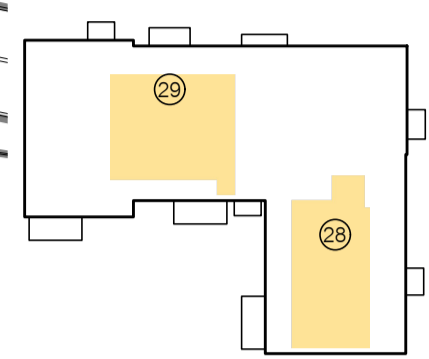
Block 1 - Third Floor



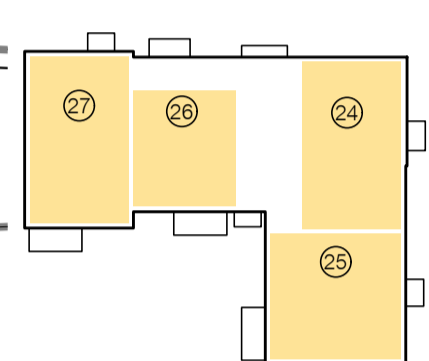
Block 1 - Second Floor



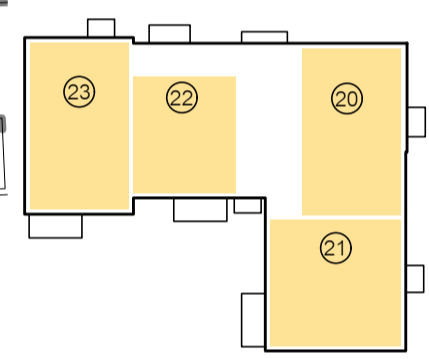
Block 1 - First Floor



Block 2 - Third Floor



Block 2 - Second Floor



Block 2 - First Floor

④ - Apartment plot numbers shown circled

LEGEND - TENURE

Private

Affordable Rent to Buy

