

13 August 2025

Planning Department
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

Our Ref: 4922
Planning Portal ref: PP-14251976

Dear Sir/Madam,

Application to vary condition 19 attached to planning permission ref. 19/02201/S73 for ‘Addition of Condition 19 (mortgage exclusion clause relating to all affordable housing dwellings) to Planning permission 09/02366/1 granted 28/03/2011 for Demolition of existing industrial units to allow residential development comprising 2 x 4-bed houses, 5 x 3 bed houses, 2 x 2 bed houses, 2 x 2 bed flats, 6 x 1 bed flats and 15 x 1 bed supported independent living flats together with associated parking, bin and cycle storage’.

1-12 (Inclusive), And 14-33 (Inclusive) Napier Close Hitchin Former: Units 6 And 7 : Sharps Way: Hitchin: SG4 0JA

We act on behalf of Amplius (the ‘Applicant’), regarding the abovementioned proposal at 1-12 (Inclusive), And 14-33 (Inclusive) Napier Close Hitchin Former: Units 6 And 7 : Sharps Way: Hitchin: SG4 0JA (the ‘Site’). The application is made pursuant to section 73 of the Town and Country Planning Act 1990 (as amended) (the ‘TCPA’) and seeks to vary condition 19 of the permission associated with ref. 19/02201/S73.

The application comprises the following documents:

- This letter;
- Application forms (duly completed);
- A copy of planning permission reference 19/02201/S73; and
- The application fee (£2,000, excl. service charge)

Site description

The Site comprises a residential development situated on Napier Close, Hitchen. To the north, the Site borders Walsworth Common and to the south it abuts Cooks Way, which effectively forms the Site's access from the A505. To the west the Site adjoins dense vegetation which separates it from a railway. To the east, the Site is neighboured by residential development situated on Common Rise. **Figure 1** shows an aerial photo of the Site and its surroundings.



Figure 1: Aerial plan showing the approximate location of the Site (encircled in red) and its surroundings.

The host permission to which this application relates is Ref. 19/02201/S73.

This permission sought to vary the original planning approval for the development (Ref. 09/02366/1) by introducing a new condition (Condition 19), which included a mortgage exclusion clause applying to all affordable housing dwellings.

It should be noted that Ref. 19/02201/S73 was preceded by a separate variation application (Ref. 19/01676/S73), which similarly sought to amend Condition 18. Although the variation to Condition 18

was granted under Ref. 19/01676/S73, the subsequent permission (Ref. 19/02201/S73) issued pursuant to Section 73 of the Town and Country Planning Act ('TCPA') did not carry forward the revised wording of Condition 18.

Relevant planning history

The Site's planning history is set out in the table below.

Reference and Description	Decision and Date
19/02201/S73 – Addition of Condition 19 (mortgage exclusion clause relating to all affordable housing dwellings) to Planning permission 09/02366/1 granted 28/03/2011 for Demolition of existing industrial units to allow residential development comprising 2 x 4-bed houses, 5 x 3 bed houses, 2 x 2 bed houses, 2 x 2 bed flats, 6 x 1 bed flats and 15 x 1 bed supported independent living flats together with associated parking, bin and cycle storage	08 Nov 2019
19/01676/S73 – Variation of Condition 18 to application number 09/02366/1 granted 28/03/2011 for Demolition of existing industrial units to allow residential development comprising 2 x 4-bed houses, 5 x 3 bed houses, 2 x 2 bed houses, 2 x 2 bed flats, 6 x 1 bed flats and 15 x 1 bed supported independent living flats together with associated parking, bin and cycle storage	04 Sep 2019
17/01869/1DOC – Confirmation that all conditions requiring prior approval have been discharged in relation to Planning Permission 09/02366/1 granted permission 28 March 2011.	15 Sep 2017
13/00552/1DOC – Conditions 12(d) and 12(e) - Summary of Remedial Requirements (as discharge of condition to planning reference 09/02366/1 granted permission on 28/03/11)	22 Mar 2013
09/02366/1 – Demolition of existing industrial units to allow residential development comprising 2 x 4-bed houses, 5 x 3 bed houses, 2 x 2 bed houses, 2 x 2 bed flats, 6 x 1 bed flats and 15 x 1 bed supported independent living flats together with associated parking, bin and cycle storage	28 Mar 2011

Purpose of This Application

North Hertfordshire District Council (the Local Planning Authority, or 'LPA') granted planning permission for Ref. 19/02201/S73 on 8 November 2019. This development has since been implemented and is now built and occupied.

Following the granting of that permission, it has become necessary to amend certain conditions related to on-site affordable housing provision. This need arises from changes to Homes England's requirements. We propose to amend Condition 19, with the proposed amendment set out below (changes included in red, and wording to be omitted struck through):

*Condition 6 and Condition 18 and any affordable housing provision relating to this Property shall not be binding on a mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of the whole or any part of the affordable dwellings or any successors in title to such mortgagee or chargee or receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to **complete a disposal** dispose of the affordable dwellings to another **Registered Provider** ~~registered social landlord~~ or to the Council for a consideration not less than the amount due and outstanding to the mortgagee or chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable dwellings free from the affordable housing provisions in this Planning Permission which shall determine absolutely.*

Summary and Conclusions

This Covering Letter has been prepared by Smith Jenkins Planning & Heritage, on behalf of Amplius, in support of an application to vary Condition 19 of planning permission Ref. 19/02201/S73.

Condition 19 governs the affordable housing element of the development. The proposed amendment does not alter the amount of affordable housing delivered, nor does it undermine the condition's intended purpose. Instead, it is a necessary update to reflect the latest requirements issued by Homes England.

Given the alignment with national housing policy, updated regulatory expectations, and the absence of any material considerations to the contrary, we respectfully request that the LPA approve this application in accordance with statutory timescales.

If you require further information or wish to discuss this matter, please contact me directly.

Yours faithfully

A solid black rectangular box used to redact a signature.

Chris Walton MRTPI

Principal Planner

Enc.

CC - Geoff Evans, Amplius Living