

Planning Committee: 06/02/2019

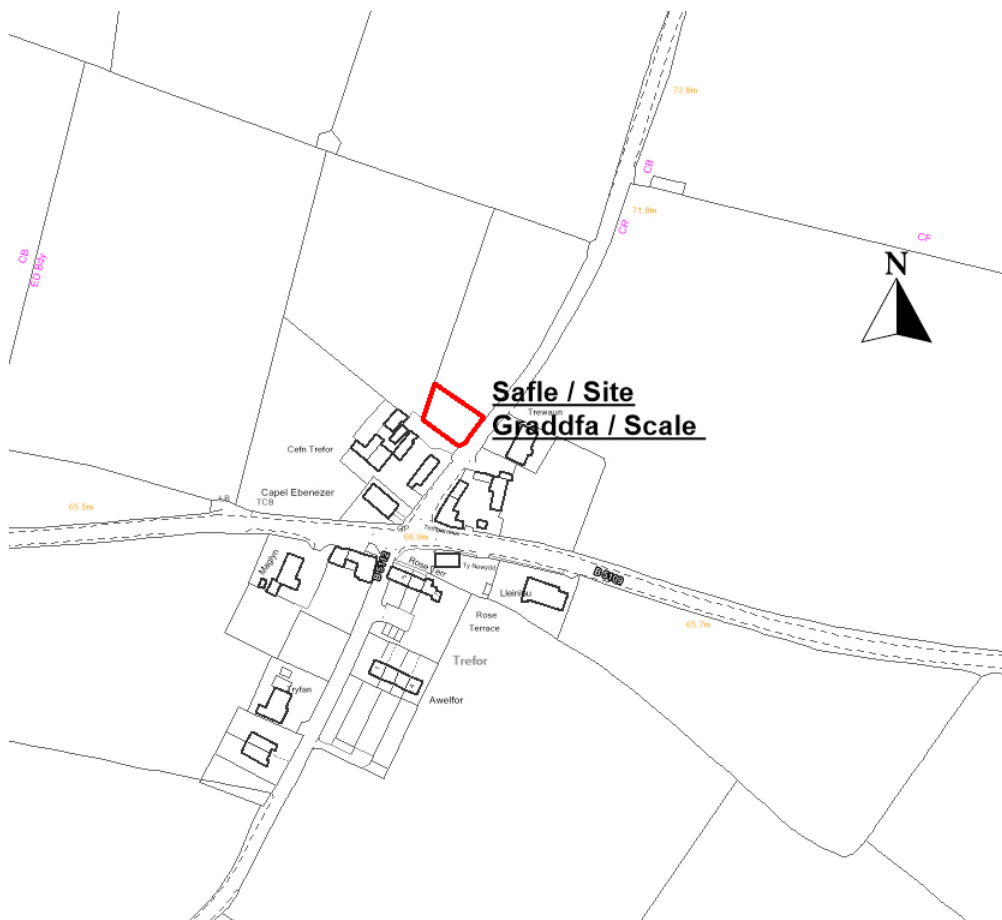
6.1

Application Reference: 14C257

Applicant: Mr Gavin & Mrs Rachel Evans

Description: Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all other matters reserved on land adjacent to

Site Address: Cefn Trefor, Trefor



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Refused

Reason for Reporting to Committee

The purpose of the report is to define the term 'Local Need' and suggest conditions to be appended to the decision notice as the Planning and Orders Committee resolved to approve the application at its meeting held on 5th December 2018 subject to a S106 agreement to ensure the dwelling is developed as an

affordable dwelling, contrary to the recommendation of officers to refuse permission as the application is contrary to policy TAI 6.

Main Planning Considerations

The applicant has provided a statement with regards to the definition of 'Local Need':

"If the term local person is interpreted too restrictively as, for example, limiting the occupant to a native of Trefor, the development is un-mortgage-able, as no Lender will take the risk of lending because the pool of buyers, in the event of a forced sale, is too limited.

Under past policies, local was taken to mean Anglesey-local which, as we all know, itself posed borrowing difficulty with only a select number of Lenders willing to lend, but at higher rates of interest, than normal.

Members may wish to consider that the JLDP is the adopted policy framework for the whole of Anglesey and Gwynedd so, local in this sense means Anglesey and Gwynedd".

Joint Local Development Plan's definition of 'Local Need'.

Policy TAI 6 in the Plan is clear that only 'local need' affordable housing should be provided in Clusters. The Plan is clear in its definition of 'local need' in relation to different types of applicable settlements. In relation to Clusters 'local need' is defined as being:

"people in need of an affordable house who have resided within the Cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past."

Any variation from this definition would mean a development that would not align with the Plan.

Also, contrary to the statement presented on behalf of the applicant, the occupancy is not restricted (in this case) to residents 'native' to Trefor. It provides for a wider area and provides for residents who were born in the area and those who lived in the area for 5 years in the past, who wish to return to the area, i.e. persons with a strong local connection.

There is no evidence to suggest that the definition of 'local need' in itself restricts the availability of mortgages.

Planning consent will be subject to S106 Agreement, which will be tailored to each individual application, depending on a number of factors, but will include specific elements in order to facilitate the delivery of the affordable housing. The elements will include:

- Protection mechanism for future re-sales (such as pre-emption rights);
- A description of the future re-sales cascade procedure.

The future re-sales cascade procedure will vary in accordance with the type of settlement / proposal in question.

The local policy context has changed with the adoption of the JLDP, in order to align with national planning policy (which has changed since the adoption of the dated Local Plan and un-adopted Unitary Development Plan). Contrary to the applicant's statement the former approach did deliver (build) 220 affordable housing units just in the period 2011 – 2018.

Not only would extending the definition of 'local' in this instance to include the whole Plan area create a dangerous precedent, it would also clearly undermine the Plan's Strategy, objectives and affordable

housing policies. It isn't supported by robust evidence that has been subject to public consultation or independently scrutinised.

The Committee is reminded of the following;

"Clusters are characterised by an ***extremely sensitive social character and environment*** as well as a limited level of services and facilities. In accordance with the intention of the Plan to maintain and strengthen local indigenous communities, this policy only permits affordable houses for local need (as defined in the Glossary of Terms) and only on suitable sites."

The Plan gives priority to households in genuine need of homes that are genuinely 'local' to different categories of settlements. Market housing provides for the demands of other households within the Plan area. Policy TAI 6 provides for the needs of the immediate community and does not seek to promote the movement of households from a larger catchment into much smaller less sustainable communities. For this reason, given the sensitive nature of 'Clusters' and in order to promote sustainable communities and sustainable development, the area within which need for affordable housing will be considered 'local' must be defined as including the Cluster and the surrounding rural area.

A map could be prepared with the Section 106 to show what is meant by the area surrounding the cluster.

Recommendation

To attach the conditions to the planning permission

(01) Details of the appearance, landscaping, layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is for outline planning permission.

(02) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(03) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To prevent the accumulation of planning permission: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990

(04) Natural slates of uniform colour shall be used as the roofing material of the proposed buildings.

Reason: To ensure a satisfactory appearance of the development

(05) Any application for the approval of the layout of the development under condition (01) above shall include details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason: In order to ensure that the development is adequately drained.

(06) The scale of the development shall not exceed the upper limits as indicated in the Design and Access Statement dated 11th May, 2018.

Reason: To define the scope of this permission

(07) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan - Revised 1/10/18
- Block Plan - Revised 28/9/18

Reason: To ensure that the development is implemented in accord with the approved details.

(08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

(09) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include:

- (i) The routing to and from the site of construction vehicles, plant and deliveries, including any Temporary Traffic Management Measures and Traffic Regulation Orders necessary to facilitate safe construction of the scheme including any advance, preparatory and demolition works;**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Identification of the routing strategy and procedures for the notification and conveyance of indivisible "out of gauge" loads. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal of street furniture;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for storage of plant and materials and the loading and unloading of plant and materials**
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The construction of the development shall be completed in accordance with the approved plan .

Reason: To ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety.

(10) The car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(11) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(12) The landscaping details approved under condition (01) above shall be completed before the dwelling is occupied and thereafter retained for the lifetime of the development.

Reason: In the interests of the amenity of the area.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF1, PCYFF2, PCYFF3, PCYFF4, TAI6, TAI8, TRA2

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.