

ITEM 5 – APPENDIX 1

LOCAL MARKET HOUSING SUPPLEMENTARY PLANNING GUIDANCE

CONSULTATION REPORT AND OFFICER'S RECOMMENDATIONS



CYNGOR SIR
YNYSS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

MARCH 2019

Contents

1.	BACKGROUND.....	3
	Purpose of Supplementary Planning Guidance (SPG).....	3
	The Policy Context.....	3
	The need for Supplementary Planning Guidance	3
	The Status of Supplementary Planning Guidance.....	3
2.	LOCAL MARKET HOUSING SUPPLEMENTARY PLANNING GUIDANCE.....	4
	Public Consultation	4
	APPENDIX 1 – SUMMARY OF COMMENTS RECEIVED AND OFFICERS’ RECOMMENDATIONS	5

1. BACKGROUND

Purpose of Supplementary Planning Guidance (SPG)

- 1.1 The Purpose of SPGs are to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers about how to apply relevant policies in the Joint Local Development Plan before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions that align with relevant policies in the Joint Local Development Plan.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan (JLDP) was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of SPGs to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

- 1.6 Supplementary Planning Guidance (SPG) will be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs cannot introduce any new planning policies or amend existing policies.

1.7 Once they have been adopted SPGs should, therefore, be given substantial weight as a material planning consideration.

2. LOCAL MARKET HOUSING SPG

2.1 This SPG aims to give more detail and additional information to assist both planning authorities to implement Policy TAI 5 ('Local Market Housing') of the JLDP, in order to ensure a consistent method of implementation. This guidance facilitates the appropriate provision of local market housing in the relevant settlements noted within the policy by addressing specific considerations and identifying the appropriate control mechanisms.

Public Consultation

2.2 A draft version of this SPG was approved for public consultation by the Joint Planning Policy Committee on the 21st September, 2018. This draft was prepared in consultation with relevant officers from both Authorities, such as the Development Management Section of both Authorities and the Legal Units. Prior to this the SPG was reviewed by the Joint Local Development Plan Panel on the 17th July, 2018.

2.3 The SPG was the subject of a public consultation exercise between the 11th October and the 22nd November, 2018.

2.4 Details of the public consultation were placed on both Council's websites and emails/ letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, neighbouring authorities and those who had declared an interest in the SPG. Details of the consultation were also sent to the specialists in the topic area (e.g. Registered Social Landlords, house builders, estate agents and mortgage lenders). Hard copies of the SPG were also available to inspect in all public libraries, Anglesey County Council's main office in Llangefni, and in Siop Gwynedd (Caernarfon, Dolgellau and Pwllheli).

2.5 A number of platforms were available for interested parties to respond to the consultation which were:

- Online word and pdf response form - available on both websites and paper copies were made available in all libraries, Isle of Anglesey County Council's main office and Siop Gwynedd. Paper copies of the response form were also available on request from the JPPU
- Email
- Letter

2.6 A total of 8 representations were received, which comprised of 7 objections and 1 comment of support.

2.7 The following section (Appendix 1) summarises the representations received, the Councils' response to them and where appropriate, recommends any changes required to the SPG in lieu of the comment. Any proposed change to the wording of the SPG is noted in a **bold font that has been underlined**.

APPENDIX 1 – SUMMARY OF COMMENTS RECEIVED AND OFFICERS’ RECOMMENDATIONS

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
1	01	Support	Porthmadog Town Council	General	Porthmadog Town Council are very supportive of the recommendations that are proposed for supplying local market housing. They are of the opinion that this is a major step forward in the right direction, especially locally in Borth y Gest and Morfa Bychan.	Comment noted
2	02	Objection	Penrhyndeudraeth Town Council	General	If the methodology for identifying house building within future local development plans prepared by Gwynedd Council is amended so that process of preparing the plan does not start by means of determining a county wide housing figure but rather by the means of undertaking research to determine the exact housing requirements of the County’s communities so that houses would only be built to meet local need from cheapest to the most expensive, and if the protectionist and credible regulations of the Local Market Housing Supplementary Planning Guidance (draft) are implemented to promote this, this would result in one of the most far reaching social favours that can be encouraged.	<p>Comment Noted</p> <p>This SPG relates to a specific policy in the JLDP, namely Policy TAI 5, which promotes local market housing in specific locations within the Plan area. This policy is based on paragraph 4.2.9 of Planning Policy Wales (Edition 10, December 2018), which specifically mentions that such a policy has to relate to ‘specific local housing needs for market housing’ based on robust evidence. This policy therefore does not relate to the housing market in its entirety throughout the Plan area.</p> <p>The methodology for identifying housing growth within the Plan area extends beyond the requirement and remit of this SPG.</p>

					We encourage Gwynedd Council to start the process of revolutionising the culture within the planning field by ensuring that the housing market in its entirety is local market. There is a great need to do so.	Recommendation No change required to the SPG in light of this objection.
3	03	Objection	Grŵp Cynefin	4.8	A comment regarding local – there would be a need for information regarding what is the connection – need to define this in order to make it easier to decide if a person has a connection or not i.e. family / lived in the area for X number of years.	Comment Noted ‘Local’ in this context is defined within the explanation to Policy TAI 5 (para. 6.4.30), which is further clarified in paragraphs 4.8-4.12 of the draft SPG. Recommendation No change required to the SPG in light of this objection.
4	03	Objection	Grŵp Cynefin	4.10	Who will ensure that there are satisfactory arrangements available to confirm connection with the ward in order to restrict the occupation of any local market house in the first place and in perpetuity to those that conform to the relevant occupation definition? Who will be monitoring this? The Planning Authority?	Comment Noted Paragraphs 5.1-5.4 of the draft SPG specifies how the occupancy of local market units is intended to be controlled. This will be controlled through section 106 legal agreements that facilitate how the policy works in practice. This considers the initial as well as future occupancy of the property and specifies the manner in which a cascading system should operate if there is evidence of unsuccessful marketing. Paragraph 4.15 of the draft SPG also states that a restriction is placed through the land

						<p>registry so that permission would have to be sought from the local authority to confirm the eligibility of the household that intend to occupy the property. This is specified in the section 106 agreement. Suitable evidence will have to be provided to prove that they conform to the requirements.</p> <p>The occupation of relevant properties will be monitored by the relevant local authority where the property is located. Enforcement action can be undertaken if there is a lack of compliance with the planning obligation.</p> <p>Recommendation No change to the SPG in light of this objection.</p>
5	03	Objection	Grŵp Cynefin	4.15	<p>Is it possible to mention Tai Teg where it mentions the appointment of an 'external body to assess'? This is so that individuals recognise the link and recognise that there is a need to register with Tai Teg.</p>	<p>Accepted</p> <p>Whilst this policy relates to providing local market housing as opposed to affordable housing (Tai Teg is a partnership initiative between housing organisations and developers whereby a register of people interested in homeownership who cannot currently afford to buy on the open market is identified), in assessing the evidence to ascertain whether a household conforms to the occupancy criteria, given their role in assessing 'local need' in terms of affordable housing, agree to identify Tai Teg within paragraph 4.15 as an example of a possible</p>

						<p>external body to undertake the relevant assessment.</p> <p>Recommendation In order to address the matter raised in the representation, include reference to Tai Teg as a possible source of undertaking the 'local' assessment in paragraph 4.15.</p> <p>"The Local Authority or any suitable external body appointed by the Local Authority, <u>such as for instance Tai Teg,</u> will assess whether the prospective residents are eligible on the basis of this evidence.</p>
6	03	Objection	Grŵp Cynefin	4.24	Who will be monitoring this? Will this need to be done regularly?	<p>Comment Noted</p> <p>Any intention to extend or increase the size of a property will be suitably controlled by the relevant local planning authority. They will also, through their enforcement function, be assessing any development that has not gained the necessary planning permission.</p> <p>Any increase to the size of a local market unit would have to be proportionate to the objectives of the policy. This would be assessed, monitored and regulated by the local planning authority in accordance with the guidance noted in paragraph 4.24 of the draft SPG. Restricting the permitted</p>

						<p>development rights on such properties would be important in this regard as it provides an opportunity for the local planning authority to assess the effect of extensions on the 'affordability' of the property in the long term as a local market house.</p> <p>Recommendation No change required to the SPG in light of this objection.</p>
7	03	Objection	Grŵp Cynefin	5.6, 5.7 & 5.10	<p>Is there an intention to limit the price of a local market house? Is there an intention to monitor how local market houses are marketed – there is a need for a guidance and 'a suitable way' is too vague. Unsuccessful marketing is too negative, this should be given as a guidance from the outset – the price, the marketing area, and the relevant means for their marketing - signs, posters, the internet, agencies etc.</p> <p>A suitable price must be agreed upon before it is marketed and who will be monitoring this to ensure that it is appropriate? Possible to get information regarding the need for a developer to discuss and agree an affordable price with the Council before Tai Teg start to market the property/properties. This will assist with the assessment process given that everyone will</p>	<p>Accepted in part</p> <p>Given that local market houses are not defined as affordable housing in relation to Technical Advice Note 2 by the Welsh Government, planning consent would not be subject to a mechanism to control their price. Any lowering of the price would be as an indirect result of the occupancy restriction. Therefore, there is no need to agree an affordable price before marketing any such property. The marketing price is influenced by the limitation on the size of local market properties. It is important however that local market units, as noted in paragraphs 5.9 and 5.10, are marketed at a price/rent that reflects this restriction. As such agree to amend paragraph 5.10 to ensure that a written confirmation will be</p>

				<p>have agreed upon the affordable price in the first place.</p>	<p>required from an Estate Agent, Letting Agent or a Chartered Surveyor who operate within the JLDP area that the price/rent of the unit reflects the occupancy restriction. Such valuation should confirm that it is undertaken in accordance with standard professional practice within the industry.</p> <p>Whilst paragraph 5.9 of the draft SPG states the evidence that is required to demonstrate that a property has been unsuccessfully marketed, agree that cross-reference should be made to this paragraph when mentioning marketing in a 'suitable way'.</p> <p>Agree that the requirements in paragraph 5.9 could be made clearer in order to ensure that units have been marketed adequately. Include reference to 'For sale/Letting signs' outside the property for the relevant 12 week period and that the sales or lettings particulars should clearly note the occupancy restriction relating to the property.</p> <p>Also a need to clarify that the type of newspaper in which it is appropriate to advertise the property (as stated in the third bullet point in paragraph 5.9) should be a widely circulated daily or weekly newspaper. Advertising only in community newspapers, for instance, is not appropriate.</p>
--	--	--	--	--	--

						<p>Recommendation</p> <p>Cross-reference any mention of marketing a property in a 'suitable way' with paragraph 5.9. This is applicable in relation to box 1 in Diagram 1 and in the first sentence of paragraph 5.8.</p> <p>Amend the wording of paragraph 5.9 to clarify the relevant steps that should be undertaken in order to provide evidence of unsuccessful marketing.</p> <p>Amend paragraph 5.10 to ensure that written confirmation is required to justify the price/rent of local market units on the basis of the occupancy restriction.</p> <p>Diagram 1 – Box 1: “Market the property in a suitable way (see paragraph 5.9) for a period of 12 weeks in accordance with the definition of 'local' noted in Policy TAI 5”.</p> <p>Para. 5.8: “It must be ensured that the property is marketed in a suitable way and at a reasonable price (see paragraph 5.9) during the relevant periods noted in Diagram 1”.</p> <p>Para. 5.9: “Evidence of Unsuccessful Marketing: A written confirmation will be required from an Estate Agent, Letting Agent</p>
--	--	--	--	--	--	---

						<p>or a Charter Surveyor who practises within the Joint Local Development Plan area that the unit has been marketed unsuccessfully either for sale or for rent (as applicable) for the 12 week period at a price/rent that reflects the restriction on who can occupy the property. Such confirmation must include the following:</p> <ul style="list-style-type: none"> • Copies of the sale or letting particulars <u>which clearly states the occupancy restriction in relation to the property</u> • Details of all viewings by those who are interested in buying/renting the property • Confirmation that the information about the property has been advertised on the agent's website for the 12 week period and/or that copies of advertisements regarding the availability of the property to purchase or to let have been placed in <u>daily or weekly</u> newspapers that are usually circulated in the local authority area where the application is located during the whole of the 12 week period. <u>A suitable 'For Sale' or 'To Let' sign also has to have been placed in front of the property for the duration of this period"</u>.
--	--	--	--	--	--	---

						<p>Para. 5.10: “The Local Planning Authority must be satisfied that the price of the property/rental cost is acceptable and there has been no relevant interest in the property within the defined time periods if the property is to be marketed more extensively. <u>Written confirmation will be required from an Estate Agent, Letting Agent or a Chartered Surveyor who practises within the Joint Local Development Plan area that the price/rent of the unit reflects the occupancy restriction applicable to the unit. Such valuation should confirm that it is undertaken in accordance with standard professional practice within the industry”.</u></p>
--	--	--	--	--	--	---

8	03	Objection	Grŵp Cynefin	General	<p>What about guidance for villages such as Abersoch, with regards to the Council looking at opportunities to prioritise affordable housing in such villages for local people?</p>	<p>Comment Noted</p> <p>This SPG relates to local market housing rather than affordable housing. There are other policies within the JLDP, such as TAI 15, and other strategies that promote and facilitate affordable housing in settlements such as Abersoch.</p> <p>Policy TAI 5 and therefore this SPG aims to support and complement affordable housing delivery by tackling imbalance within specific housing markets in the Plan area and to maintain and strengthen vulnerable communities.</p> <p>Recommendation</p> <p>No change required to the SPG in light of this objection</p>
---	----	-----------	--------------	---------	--	---