

PLANNING COMMITTEE	DATE: 13/01/2020
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 6

Application Number: C19/0995/11/LL

Date Registered: 25/10/2019

Application Type: Full - Planning

Community: Bangor

Ward: Deiniol

Proposal: Revoke condition 3 of planning application C19/0323/11/LL which restricts two out of the eight units as affordable units

Location: 233-235, High Street, Bangor, LL57 1PA

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application to revoke condition 3 of planning permission C19/0323/11/LL which restricts two out of the eight units as affordable units. The condition states:-
'The development shall not begin until a scheme for the provision the 2 affordable units as part of the development has been submitted to, and approved in writing by the Local Planning Authority. The affordable units shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Planning Policy Wales, Technical Advice Note 2: Planning and Affordable Housing, or any future guidance that replaces it. The scheme shall include:
- i) the timing of the completion of the 2 affordable units;*
 - ii) the arrangements for the management of the affordable units;*
 - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable units; and*
 - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.'*
- 1.2 The condition was imposed as clear and definitive information had not been submitted (specifically the open market price), as part of the previous application for the affordable provision. Nevertheless, it was considered that there was sufficient information to ensure that the Local Planning Authority could assess the application from the perspective of being able to ensure provision/an appropriate number of affordable housing as part of the application and in order to address the need. On these grounds, a planning condition was imposed to agree on a plan to provide and ensure that two out of the eight units were affordable initially and in the long-term.
- 1.3 In order to support the application, the following documents were submitted:- A Supporting Planning Statement, Viability Assessment Proforma, Property Valuation Report from a competent Chartered Surveyor company, as well as quotations for undertaking the conversion work.
- 1.4 The site is located on the High Street in Bangor and the associated planning permission is application number C19/0323/11/LL, which related to converting the first and second floors of the building into residential units. The Committee approved this application in July 2019.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

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2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

Policy PS18 - affordable housing

Policy TAI15 - threshold of affordable housing and their distribution

Supplementary Planning Guidance (SPG): Affordable Housing (2019).

2.4 **National Policies:**

The Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006).

Planning Policy Wales, Edition 10, (2018).

3. **Relevant Planning History:**

- 3.1 Planning application number C19/0323/11/LL - convert the first and second floors of the building into residential units, approved in July 2019.

4. **Consultations:**

Community/Town Council: Object on the grounds that no material changes have been made which would allow for the discharge of this condition. There is a real need for affordable housing in Bangor and the original application was based on this need.

Strategic Housing Unit: In this case, confirmation was received of the open market price of the affordable housing that are based on the requirements of the Red Book (2017) of £60,000 and if the Local Planning Authority agrees with this price (considering that it is based on the requirements of the Red Book), it should be noted that this price is lower than the affordable level for the area and consequently, they would not require a discount.

Tai Teg: No response

Public Consultation: A notice was posted on the site and the advertisement period has expired but no response was received from the public to this proposal following this statutory notification period.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy PS18 of the LDP states that opportunities have been identified within the LDP to provide a minimum of 1,572 new affordable housing units in Gwynedd. Policy TAI 15 states that there will be a need to ensure an appropriate level of affordable houses in the Plan's area and housing developments will be expected to make a contribution towards affordable housing in accordance with the threshold figures included in the LDP itself. In the Bangor Sub-regional Centre, the threshold for providing affordable housing is two units or more and in order to comply with this policy, the previous application included two affordable units (out of a total of eight). This was the justification for imposing the condition referred to in this application.
- 5.2 Criterion number (iii) of Policy TAI15 outlines the circumstances where the proposed provision of affordable units in a plan can be lower than the policy's requirements. This particular criterion states that where the viability of individual schemes fall short of the policy requirements specified, the onus will be on the applicant/ developer / landowner to clearly demonstrate in a viability assessment pro-forma the circumstances justifying a lower affordable housing contribution.
- 5.3 In this case, the applicant has submitted information which includes a viability assessment proforma, Property Valuation Report from a competent Chartered Surveyor company along with quotations for undertaking the conversion work. The applicant has presented an argument regarding the viability of the proposal and also, critically, he has submitted the open market price for the units. Normally, this information is submitted with the application to convert or build and this is considered early in the process. Occasionally, in particular in town centre locations or less favourable locations, the open market prices presented show that the unit price is affordable in any case, without a further discount by means of a condition or 106 Agreement (subject to the situation). The applicant submitting the first application did not act in this way, and instead stated that he would accept the condition in order for this to be considered after permission was granted.
- 5.4 In order to support this application to revoke the condition, an assessment of the value of the units was presented by a company of Chartered Surveyors, based on the requirements of the Red Book (2017). The open market value of the units would vary from £45,000 to £60,000 and the monthly rent of the units would vary between £425.00 and £475.00. Appendix 4 of SPG: Affordable Housing, regarding the prices anticipated for intermediate housing for sale in the Deiniol ward in Bangor (2018), confirms that the value of an intermediate house is £67,876, which means that the proposed units are within reach of occupiers on a moderate salary. The open market prices of the units are naturally restricted due to the nature and scale of the site and the size of the units themselves. The Council's Strategic Housing Unit has confirmed that the valuation of the proposed residential units is lower than the affordable price level (intermediate) for the Deiniol ward in Bangor. Therefore, when considering the open market value of the residential units, the proposal would provide affordable units even without a further restriction by means of a condition or 106 Agreement.
- 5.5 Considering the information submitted by the applicant, it is believed, in this case, that sufficient evidence has been submitted to justify the revocation of condition 3 of planning permission C19/0323/11/LL in relation to submitting details for the two affordable units, based on the open market value of the affordable units themselves. If this information would have been submitted with the original application, it is not

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considered that such a condition would have been imposed as it would not have been necessary to do so to ensure a provision of affordable units, i.e. based on their open market price, they would be affordable in any case.

- 5.6 Therefore, when considering this application to revoke the condition, the general criteria for the validity of planning conditions must be considered. The Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management states that ' In addition to the Courts, the Welsh Government considers that conditions should be necessary, precise and enforceable, ensuring that they are effective and do not make unjustifiable demands of applicants. Conditions should only be imposed where they satisfy all of the tests...

In summary, conditions should be:

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects.'

- 5.7 As already explained above, as the applicant has proved that the units would be affordable in any case (and as the Strategic Housing Unit has confirmed this), it is not considered that the condition meets the necessary tests noted above. Specifically, the condition is not necessary or reasonable in order to secure affordable units as all the units (8 in total) will be affordable in any case.

6. Conclusions:

- 6.1 With reference to the above assessment and the observations received as a result of the statutory consultation process, it is believed that the application is reasonable based on the requirements of relevant local and national policy and advice and subject to the inclusion of the condition noted below.

7. Recommendation:

- 7.1 To approve - condition:-

1. Need to comply with the remaining conditions of planning permission number C19/0323/11/LL.