

GWYNEDD AND ANGLESEY JOINT LOCAL DEVELOPMENT PLAN (2011 – 2026)

PUBLIC EXAMINATION:

Hearing Session 2 – Housing Provision



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Action Point (S2/PG6), Action Point (S2/PG9) and Action Point (S2/PG10)

1] Action Point (S2/PG6) - Policy X

Introduce a Matters Arising Change in order to remove Policy TAI X

2] The Councils' Response

- 2.1 The intention of Policy X was to submit a framework to identify various mechanism that the Councils could use to control development on sites so as not to drown communities or to ensure that developments happen in a timely way. It was submitted as a Focussed Change (NF 62). Nevertheless, it is agreed that doing so duplicates other policies in the Plan, e.g. Policy PS 1. Therefore, the Councils believe that the Policy and its explanation need to be disposed of through a Matters Arising Change. Associated changes will need to be made to Policy TAI 1 as seen below (changes shown in Red):

New Policy TAI-X

In order to ensure that different communities are able to accommodate residential development, the Councils will, where appropriate, seek a phased release of housing in relation to allocated sites or in relation to windfall sites.

In order to improve delivery of homes as set out in Policy PS13 and Policies TAI 14 to TAI 18:

1. Short planning permissions will be issued at the discretion of the Councils; or
2. Housing development may be conditioned with completion dates; or
3. Outline, reserve matters and full consents will not be renewed except with strong justification.

Explanation:

7.4.12a Planning Policy Wales states that development may need to be phased, where appropriate in consultation with the relevant utilities/ infrastructure providers, to allow time to ensure that the provision of utilities/ infrastructure can be managed in a way consistent with general policies for sustainable development. Development may also need to take the ability of different communities to accommodate the

development without eroding their character, including their linguistic character.

7.4.12b The first part of the Policy sets out that allocated sites and significant windfall sites may be granted permission in a number of stages. This staged approach will allow some control in ensuring that infrastructure and communities are able to absorb development. The number of stages appropriate for each allocated site or windfall site will be determined at the pre application stage in discussion with the applicant taking into account current commitments and delivery within the settlement along with any specific requirements in relation to the delivery of the allocated site in question. The Councils recognise that there will be sites where phased release will not be necessary, appropriate or relevant and that early discussion with the Councils prior to submitting any application will help establish whether phased release is to be applied. This phased approach does not preclude the need, where appropriate, for a clear masterplan to be submitted by the applicant upfront regarding the overall layout of the whole site. Policy TAI X is intended to improve delivery of completed housing rather than of planning consents. There has been a tendency to secure planning consents in settlements in the past without the clear intent to implement or deliver the units in the foreseeable future. This has often resulted from a pressure to secure a planning permission before the 'build quota' for a village is used up. Some planning consents have also been preserved as being extant by virtue of 'technical starts' which support the motivations, in some instances, for obtaining planning consent rather than secure a commercial intention to build. All these factors are tending to hamper genuine housing delivery and responsiveness to immediate needs.

7.4.12c The policy will aid the Councils in securing a genuine five year land supply as required by the Joint Housing Land Assessments published by the Councils in response to national planning policy.

POLICY TAI1: APPROPRIATE HOUSING MIX

The Councils will work with partners to promote sustainable mixed communities by ensuring that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community. Proposals should contribute to creating sustainable mixed communities by:

1. Maximising the delivery of affordable housing (including for local need) across the Plan area in accordance with Strategic Policy PS14;
2. Contributing to redress an identified imbalance in a local housing market;
3. Ensuring the sustainable use of housing land, ensuring an efficient density of development compatible with local amenity in line with Policy PCYFF2;
4. Ensuring the correct mix of housing unit types and tenures to meet the needs of the Plan area's current and future communities; and where appropriate be subject to a phasing requirement.
5. Making provision, as appropriate, for specific housing needs such as student accommodation, homes for the elderly, Gypsy & Travellers, supported

- accommodation, nursing, residential and extra care homes, needs of people with disabilities;
6. Improving the quality and suitability of the existing housing stock;
 7. Ensuring high standards of design that create sustainable and inclusive communities in line with Policy PCYFF2.

3] Action Point (S2/PG9) - Policy TAI 2 - Sub-dividing Existing Property to Self-contained Flats and Houses in Multiple Occupation :

Revise the wording of this policy with regard to criterion 1, in relation to the reference to two-storey terraced houses and ensure that any spatial element is included in the Policy and not in the explanation.

4] The Councils' Response:

- 4.1 The intention of Criterion 1 was to ensure that there was no unacceptable impact on the amenities of nearby properties due to the overuse of two-storey terraced housing. Although the Criterion would have been relevant throughout the Plan area, as noted in Topic Paper 16 Student Accommodation, high levels of the local housing stock are mainly used as Houses in Multiple Occupation / Self-contained Flats in Bangor. The supply includes two-storey terraced houses within the City.
- 4.2 Considering the discussion during the Hearing into the Plan, regarding why two-storey terraced housing are treated differently to semi-detached houses, and that this type of development could assist to provide housing for people who cannot afford to create a single household (in particular young people), the Council proposes the following changes to Policy TAI 2.
- 4.3 Changes to Policy TAI 2:
 - Remove Criterion 1 from the policy;
 - Amend Criterion 3 by including a reference to the different percentages of houses in multiple occupation in various Wards that will be considered as an excessive concentration;
 - Change paragraph 7.4.13 by including a reference to the Amendment to the Use Classes Order 2016 that creates Use Class C4 for Houses in Multiple Occupation;
 - Divide the current paragraph 7.4.13 to create paragraph 7.4.13A for the section that refers to the possible benefit of self-contained flats/ houses in multiple occupation;
 - Remove the reference to Two-Storey Terraced Houses from paragraph 7.4.14;

- Add wording to paragraph 7.4.18 to confirm that bespoke student accommodation will not be counted within the relevant percentages of residential properties in different wards;
- Change the second sentence in paragraph 7.4.18 so that it reads better and to refer to Supplementary Planning Guidance rather than the Topic Paper;
- Remove the reference to shared housing in paragraph 7.4.19 to be consistent with the policy;
- Note that the Plan's final editorial work to ensure consistency within the policies could lead to further minor changes to the Policy.

4.4 In light of this, the Councils wish to make the following changes to policy TAI 2 and the Explanation as a Matters Arising Change to the Plan (changes shown in **Red**):

POLICY TAI2: SUBDIVISION OF EXISTING PROPERTIES TO SELF-CONTAINED FLATS & HOUSES IN MULTIPLE OCCUPATION (HMOs)

The sub-division of existing properties to self-contained flats and HMOs that require planning permission will be granted provided they conform to the following criteria:

A: For Property within a development boundary or is a coloured building within an identified Cluster

1. **The proposal doesn't involve a two-storey terraced house;**
2. The property is suitable for conversion to the number and type of units proposed without the need for significant extensions and external adaptations;
3. It will not result in **an excessive concentration of such uses to the detriment of a residential area; licensed houses in multiple occupation exceeding 25% of all residential properties in the electoral wards of Menai (Bangor) and Deiniol, and 10% in the remaining wards in the Plan Area;**
4. It will not have detrimental impact on residential amenity. In this regard, each proposal must demonstrate the adequacy of car parking, refuse storage space;
5. Where dedicated car parking cannot be provided the proposal must not exacerbate existing parking problems in the local area.

B: For Property in the Open Countryside

6. Consideration has been given to commercial / tourism / care accommodation in the first instance;
7. Property is of a size suitable for conversion and it is not viable to retain it as an individual dwelling;
8. The proposal does not have a detrimental impact on residential amenity;
9. Dependent upon viability evidence an affordable housing provision is given on an increase above one extra unit;
10. The site is located in a sustainable location.

Explanation:

7.4.13 Planning permission is required to convert a house, flat or other properties into

separate flats or bedsits or to build new properties of this kind, unless the proposal involves the provision of one flat above a shop. Where no more than 6 people are sharing the facilities (i.e. bathroom and kitchen) and the management of the household (i.e. paying rent and eating together), then this is deemed to be a 'shared house' and will not normally require planning permission. This may in some cases include households, where some care is provided or where a number of students live together. The Use Classes Amendment Order 2016 amends class C3 (residential houses) and introduces a new class - C4 (houses in multiple occupation). This change will increase the number of housing in multiple occupation that could require planning permission. The change to the General Permitted Development Order means that planning permission is not required to change a house in multiple occupation (C4) to a residential house (C3).

- 7.4.13A Self-contained flats or houses in multiple-occupation can help to address the needs of those wanting to purchase or rent small units of accommodation, as well as providing a relatively affordable housing option for those wishing to purchase their first property. In addition vacant / under used buildings could be one of the options to contribute towards meeting part of the need for temporary construction workers' accommodation. Proposals for new build Flats /HMOs will be dealt with under policies TAI3 and TAI14 to TAI18 [allocations and windfall policies] with consideration given to the potential impact upon the character and amenity of the locality including cumulative impact under Policy PCYFF1.
- 7.4.14 The provision of self-contained flats or HMOs can affect the residential amenity of adjoining properties. The accumulative effect or overprovision of these types of properties can affect the social character of an area and lower its environmental quality, thus detrimentally affecting the standard of living of other inhabitants. The situation can further worsen as families move out in order to seek a better living environment. The Council does not wish to see this happen (or continue in some areas). Therefore, it will not permit the conversion of two storey terraced houses into flats or HMOs on the basis that this type of development is likely to fully compromise the residential amenity of adjoining properties. The conversion of other properties will be refused unless proposals conform in full to the policy.
- 7.4.15 The pressure for this type of development, as well as its consequences, can be clearly seen in Bangor and pressure also exists in other parts of Gwynedd and Ynys Môn where there are large houses e.g. Pwllheli, Abermaw, Caernarfon and Menai Bridge. The situation is manifest in Bangor, since this type of accommodation is ideal as student accommodation and consequently whole streets of houses are used in this way. Very often these buildings suffer from lack of maintenance and they do not contribute positively to the appearance of the street or area. This presents a significant challenge not only to the Planning Service but also to developers, landlords, students, local residents, the academic institutions and the various agencies that provide services in the area. This Plan will not, in itself, resolve all these issues. Continuing joint working with other parties will be imperative if the issues are to be fully addressed.

- 7.4.16 HMOs in Bangor have traditionally been more concentrated in the Deiniol, Hirael and Menai wards. In order to create more balanced communities within Bangor, it is important to control the change of use of residential properties into HMOs.
- 7.4.17 The cumulative impacts of HMOs can have adverse environmental and social impacts such as the accumulation of residual waste and increased traffic congestion due to high levels of on-road parking. Therefore, the cumulative impacts of clusters of HMOs can be considered to be a material consideration in the decision-making process.
- 7.4.18 Criterion 4 refers to the effect on a residential area. The following datasets will be used to determine the proportion of properties not used as a 'shared house' housing in multiple occupation as a percentage of all households. Data is included in Topic Paper 16 Student Accommodation, 'Conversion of buildings to flats self-contained flats or houses of multiple occupancy' Supplementary Planning Guidance. The data will be updated on a yearly basis to ensure that changes over time are captured and that the latest data can be used in determining planning applications. Applicants will need to take account of the current data on the date of their application. The Councils consider that non shared residential accommodation should not exceed 25% of residential properties in the electoral wards of Menai (Bangor) and Deiniol and 10% in the remaining wards in the Plan area. For the purposes of calculating the percentage of housing in multiple occupation within the Ward, bespoke student accommodation flats will not count towards these figures.
- i. Licensed HMOs – records from the Council’s Licensing Team;
 - ii. The number of extant planning permissions for HMOs
 - iii. Council Tax exempt student properties (“shared housing homes”)
- 7.4.19 In circumstances where an applicant disagrees with the Council’s assessment of the number of HMOs/ shared housing in a given area, then the applicant will be afforded an opportunity to provide evidence and demonstrate otherwise.
- 7.4.20 Where a dwelling is located in an open countryside location evidence will be required to show that consideration has been given towards commercial usage prior to subdivision for residential use. The building should be of a sufficient size to be subdivided e.g. an old mansion, and that it is not viable to be retained as a single unit. Consideration will be given towards the impact on the residential amenity of other residential properties in the vicinity of the development. Supplementary Planning Guidance will be published to provide advice on the matter.
- 7.4.21 If the proposal would create more than a single additional unit to the number of units on the site at the base date of the Plan then the development would be expected to contribute towards Affordable Housing in line with policy TAI9.
- 7.4.22 For development in the open countryside the site should be located in a sustainable location being close to a service centre or on a public transport route.

5. Action Point (S2/PG10) - Policy TAI 7 - Replacement Dwellings

Revisit criterion 5 and the Policy explanation in relation to a reference to buildings with a short lifespan.

6. The Councils' Response

- 6.1 Accept that the wording of criterion 5, Policy TAI 7 should be amended, along with the relevant explanatory paragraph (7.4.47) in order to remove the reference to buildings constructed from short-life materials. This part of the criterion, as suggested in paragraph 7.4.47, refers to units such as prefabricated houses and it is accepted that it would be suitable to rebuild such units if all relevant considerations are complied with.
- 6.2 It is believed that it is important for the policy to continue to prevent house building to take the place of caravans and holiday chalets with legal residential use. With this in mind, the first section of criterion 5, which refers to rebuilding temporary residential accommodation, should be kept; however it is suggested that the wording is amended so that it is clearer about its purpose. Likewise, it is suggested to amend explanatory policy 7.4.47.
- 6.3 In addition to Minor Change NB13 (relevant to the Welsh version only), in light of the above, the Councils would like to offer the following changes to policy TAI 7 and the Explanation as a Matters Arising Change to the Plan (changes shown in **Red** or with a **strike-through**):

POLICY TAI7: REPLACEMENT DWELLINGS

Proposals for the replacement of a dwelling that meet the following criteria, where appropriate, will be granted:

1. **Outside development boundaries or identified clusters, the present dwelling has a lawful residential use;**
2. **The building is not listed;**
3. **The existing dwelling is of no particular architectural and/ or historic and/ or visual merit, for which it should be conserved;**
4. **Outside development boundaries the existing dwelling is not capable of retention through renovation and extension and/ or it is demonstrated that the repair of the existing building is not economically feasible;**
5. **Outside development boundaries, the proposed dwelling is not a replacement for a caravan or holiday chalet that has a legal residential use temporary residential**

accommodation or a building constructed of short-life materials;

6. Outside a Coastal Change Management Area, the siting of a replacement dwelling should be within the same footprint as the existing building unless it can be demonstrated that relocation within the curtilage lessen its visual and amenity impact in the locality;
7. Outside development boundaries, the siting and design of the total new development should be of a similar scale and size and not create a visual impact significantly greater than the existing dwelling in order that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances a larger well designed dwelling that does not lead to significant greater visual impact could be supported;
8. In areas at risk from flooding and outside a Coastal Change Management Area:
 - i. A flood consequence assessment has been undertaken for the development and satisfactory risk mitigation has been identified;
 - ii. The dwelling will incorporate flood mitigation and resiliency measures in accordance with Community and Local Government (CLG) publication Improving the flood performance of new buildings: flood resilient construction;
 - iii. The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/ overtopping of the tidal defences;
 - iv. A flood warning and evacuation plan has been prepared for the property and is to be displayed on site.
9. Exceptionally, when a recently inhabited or habitable dwelling is destroyed by accident, planning permission may be granted for a new dwelling, in situ. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Planning permission for a replacement dwelling may be subject to a condition to ensure:

10. The demolition of the original dwelling and where appropriate the demolition of outbuildings on the completion of the new dwelling, and/ or
11. That permitted development rights are removed.

Explanation:

7.4.45 For sites unrelated to the settlement hierarchy, and thereby identified as open

countryside, stricter control is required over replacement dwellings in relation to its existing use right, replacement of a temporary structure and its visual impact.

- 7.4.46 In open countryside locations the existing dwelling must have an established use as a residential unit otherwise it would be considered to create a new dwelling in the open countryside contrary to National Policy. Preference will be given towards the renovation of buildings with new build only being permitted when it is unviable to undertake such renovation work.
- 7.4.47 This policy will not permit the ~~building of a house to replace replacement of a temporary residential accommodation such as caravans, a caravan or chalets that have a legal residential use (see definition of 'caravan' and 'holiday chalet' in Policy TWR3 etc. or buildings constructed from short life materials such as prefabricated houses.~~
- 7.4.48 The proposed new dwelling would be expected to incorporate the footprint of the existing building unless it can be demonstrated that its relocation within the curtilage lessens its visual impact and it would not lead to an impact upon the amenity of adjoining uses. For sites located within a Coastal Change Management Area Policy ARNA1 would carry greater weight than this policy.
- 7.4.49 In open countryside the proposed new build should reflect the size and scale of the existing building unless it can be demonstrated that the proposal would not lead to a significant greater visual impact and that the proposal would lead to a better designed dwelling.
- 7.4.50 New build is directed away from flood risk areas, however, proposals for replacement dwellings that incorporate flood mitigation and resilient measures can be permitted.