

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

Ratification of 14th December 2016 Planning Committee Resolution on application no. 03/2016/0300/PF, erection of 95 dwellings, together with associated roads, open space and related works, land at Vicarage Road, Llangollen

1. PURPOSE OF REPORT

- 1.1. To update Members of Planning Committee on the additional information supplied by the applicant in relation to the resolution made by them at the 14th December 2016 Planning Committee. To seek Members ratification of their previous resolution having regard to the additional information.

2. BACKGROUND

- 2.1. At the 14th December 2016 meeting of Denbighshire's Planning Committee Members resolved to grant planning permission for the above development subject to an increased provision of affordable housing.
- 2.2. The original Officer Committee report is attached to this report as **Appendix 1**.
- 2.3. Councillor Parry proposed an amendment to the Officer recommendation that the applicant provide 10% affordable housing on the full 95 dwellings proposed. This proposition was seconded by Councillor Hilditch-Roberts.
- 2.4. During the debate at Planning Committee Members had also alluded to issues of a bond to secure any financial contributions and also the provision of a new parking area on site close to the existing Youth Club. It should be noted, however, that these issues **did not** form part of the final resolution outlined above. Officers will expand on these issues, however, as below.
- 2.5. Since the 14th December 2016 Planning Committee the applicant has submitted additional information covering the points raised by Members.

3. AFFORDABLE HOUSING

- 3.1. The applicant has confirmed that he will provide 10% affordable housing on the full 95 dwellings. This equates to 9 dwellings being provided on site and a commuted sum payment of £47,074.50 in lieu of the 0.5 dwellings. The affordable units are proposed to be shared ownership. Officers consider that this offer is acceptable and meets the resolution of Planning Committee. The provision of the affordable units on site and the commuted sum will all be controlled in the s.106 legal agreement.

4. SECURITY OF FINANCIAL CONTRIBUTIONS

- 4.1. As noted above the provision of the affordable housing will be controlled within the s.106 legal agreement. The development of the on-site affordable units will be controlled by agreed trigger points within the s.106 agreement. The same will apply to the payment of the commuted sum. This will mean a restriction will be in place to limit the further development of open market dwellings until such time as

affordable units and the commuted sum are provided. If the developer fails to meet such a requirement then enforcement action can be taken in the form of an injunction. As such, a bond is not considered necessary to control the affordable housing element of the scheme.

4.2. In relation to the provision of open space the developer has agreed to provide the small commuted sum payable on the signing of the s.106 agreement. The on-site open space will be provided and maintained by a Management Company and the s.106 agreement will move maintenance responsibilities to any successors in title. This means that the Council will not have responsibility for these areas in the event of problems with the private Management Company. Enforcement action could be taken should the responsibilities of the current management company of the open space not be fulfilled.

4.3. In relation to the provision of the financial contribution towards education the applicant has agreed to a clause within the s.106 legal agreement which would remove the legal right to challenge the required contribution of the basis of viability. The proposed clause reads as follows;

“The Owner covenants with the Council that it shall not seek to amend, discharge, vary or otherwise renegotiate the Education Contribution payable to the Council under this Agreement on the grounds of a viability appraisal and/or an application under Section 106A of the 1990 Act.”

4.4. Having regard to the above Officers do not consider that there would be a requirement for a financial bond to be entered into by the developer. There are developmental and payment controls which can be adequately put into, and, where necessary, enforced through the s.106 legal agreement.

5. PARKING AREA

5.1. Members should note that a landscaping condition was proposed within the original Officer report seeking further agreement to the precise details of the open space and landscaped areas on site. One such area close to the Youth Club could, if agreed, include additional parking space for vehicles. It will be for the developer to submit a landscape proposal for this area and Officers can liaise with the local Members on the final agreed scheme.

6. RECOMMENDATION

6.1. That Members ratify the 14th December 2016 Planning Committee decision and grant planning permission subject to the following:-

- The completion and signing of a s.106 legal agreement
- The Planning Conditions set out in the original Officer Report
- The revised developer offer of 10% affordable housing on 95 dwellings.