

**Application Number:** DM/2023/01115

**Proposal:** Modification of section 106 obligation for planning consent DC/2013/00304

**Address:** Riverside Court, 35 Swan Meadow, Monmouth Road, Abergavenny

**Applicant:** Sally Meyrick (MCC Housing)

**Plans:** No plans received

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham

Date Valid: 08.08.2023

**This application is presented to Planning Committee due to the original decision being made by Planning Committee**

### **1.0 APPLICATION DETAILS**

1.0 In June 2014 planning permission DC/2013/00304 was approved by members of the planning committee for the construction a block of 38 no. retirement apartments. That approval was subject to a 106 agreement requiring that two of the units were "golden share" apartments where either an elderly person or persons nominated by the Council as being unable to meet their housing need on the open market would be offered the property. "Elderly Person" is defined as being over 60 and/or a spouse of such person over 55. One of the units has been sold as such with the Council authorising the sale at the market value less a 30% discount. The owner, having received a 30% discount, is required to covenant to comply with the re-sale procedure. However, Monmouthshire County Council's Housing department have tried to sell the second property to a "Designated Person" but have had no success. Therefore it is proposed to amend the Section 106 legal agreement to provide a financial contribution to be used for the provision of affordable housing elsewhere in the locality. The current market value is £235,000 making the 30% share worth £70,500.

### **1.2 Proposal Description**

The original consent was granted for the demolition of the existing building and relocation of a sewer in order to develop the site for 38 McCarthy and Stone retirement apartments. These are centrally managed on site and only available to persons over the age of 60 (or in the case of a couple, where one of the occupants is over the age of 60 and the other is over the age of 55). The apartments are self-contained but linked by heated corridors from a secure entrance. There are also communal facilities in the form of a laundry, refuse room, guest suite and residents' lounge and kitchen.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/01517	To convert an equity share of one of the affordable units to a financial contribution.	Approved	12.10.2023
DC/2016/01424	Non material changes to the store/communal areas to provide one bedroom apartment within the ground floor of the main building.	Approved	30.12.2016
DC/2015/01360	Removal of condition 11, 12 and 13 relating to planning application DC/2013/00304.	Approved	13.11.2015
DC/2015/00389	Discharge of condition 10 (hard land soft landscaping) of previous application DC/2013/00304.	Approved	18.05.2015
DC/2015/00348	Minor Changes to single storey element due to existing drainage easement Minor Change to elevations.	Approved	10.04.2015
DC/2015/00315	Discharge of conditions 15 (site investigation and remediation works) , 16 (site contamination), 22 (car parking scheme), 23 (pedestrian routes for access) and 26 (site contamination) of planning permission DC/2013/00304.	Approved	14.01.2016
DC/2014/00673	DC/2013/00304 - Discharge of condition 14.	Approved	25.06.2014
DC/2013/00304	Redevelopment of the site to form 38 retirement apartments for older persons including communal facilities, car parking and associated landscaping (Revised scheme)	Approved	12.06.2014
DC/2013/00303	Demolition and removal of all structures on site and redevelopment of the site to form 38 retirement apartments for older persons including communal facilities, car parking and associated landscaping (Revised Scheme)	Approved	03.06.2014

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S4 LDP Affordable Housing Provision

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Abergavenny Town Council** - Recommends approval.

### 5.2 Neighbour Notification

No consultation undertaken due to nature of application.

### 5.3 Other Representations

None.

## **6.0 EVALUATION**

The only consideration in this case is the amendment of the Section 106 agreement requirement for an equity share of one of the apartments to be changed to a financial contribution made for Affordable Housing in the Local Area. Monmouthshire County Council Housing have marketed the property for sale as an affordable home (30% under market value) but have been unsuccessful in identifying a suitable purchaser. The financial contribution in lieu of the equity share will allow the Council's Housing Team to support the provision of affordable housing for which there is a documented need.

Given that there has been a sustained effort over many years to sell the unit without success, it is considered that the amendment to a financial contribution of £70,500 is acceptable and will still help with the provision of affordable housing in the local area in accordance with LDP Policy S4.

### **6.1 Well-Being of Future Generations (Wales) Act 2015**

6.1.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of

the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.2 Conclusion**

The amendment to the section 106 agreement to change from an equity share of a dwelling for a suitable person in need to a financial contribution of £70,500 is considered to be acceptable. The amendment will be made via a Deed of Variation to the original section 106 agreement.

## **7.0 RECOMMENDATION: APPROVE**

### **Deed of Variation to Section 106 agreement**

Financial contribution of £70,500 to be paid towards the provision of affordable housing in the local area.

### **Conditions:**

Not applicable.