

<b>PLANNING COMMITTEE</b>	<b>DATE: 22/03/2021</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

**Number: 3**

**Application**                      **C20/0986/45/LL**  
**Number:**

**Date Registered: 15-12-2020**

Application Type:	Full
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**Community:** Pwllheli

**Ward:** Pwllheli

**Proposal: Demolition of public house and erection of six houses and associated works**

**Location:** Black Lion, Abererch Road, Pwllheli, LL53 5LE

**Summary of the Recommendation:** **TO REFUSE**





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SPG: Housing Mix

SPG Change of use of community facilities and services, employment sites and retail units

SPG: Maintaining and Creating Distinctive and Sustainable Communities

## 2.4 **National Policies:**

Planning Policy Wales (Edition 11 - February 2021)

Future Wales: The National Plan 2040

Technical Advice Note 12: Design

Technical Advice Note 18: Transportation

Technical Advice Note 2: Planning and affordable housing

Technical Advice Note 20: Planning and the Welsh language

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 15: Development and Flood Risk

Technical Advice Note 24: The historic environment

## 3 **Relevant Planning History:**

C08D/0395/45/LL - replacement of patio and installation of a shelter with integrated lighting - approved 16/10/18

## 4 **Consultations:**

Community/Town Council: Not received

Transportation Unit: No objection, but suggest modifications to the boundary and pavement

Natural Resources Wales: No observations

Dŵr Cymru: Standard conditions and advice

Public Protection Unit: Not received

Language Unit: More information is needed about the likely market price of the houses and the evidence of the need for the type of houses proposed, before full observations can be submitted.

Biodiversity Unit: Need to submit a preliminary roost assessment for bats

Land Drainage Unit: Object. The site is within zone A but due to the risk from surface water flooding, a concise flood impact assessment would be required

Fire Service: No observations

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Gwynedd Archaeological Planning Service: Although it is not listed or within a designated area, no survey of the condition of the building was submitted; it has historical features and it would be an unfortunate loss of this type of building. It is suggested that a condition is imposed to conduct a photographic inspection.

## **Public Consultation:**

A notice was posted on the site and nearby residents were notified. The advertising period has ended and no response has been received.

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

- 5.1 The site is within the development boundary of the town of Pwllheli as noted in the Gwynedd and Anglesey Joint Local Development Plan. It is important to consider the principle of the development against Policy PCYFF 1 ('Development Boundaries'), Policy PS 5 (Sustainable Development), Policy TAI 1 (Houses in the sub-regional centre and urban service centres), and Policy TAI 15 ('Affordable Housing Threshold and Distribution'). In terms of policy PCYFF 1, it is believed that the proposal is acceptable in principle due to the site's location within the current development boundary. In the same manner, policy PS 5 encourages developments on previously developed sites and so, the principle is acceptable in relation to this aspect as well.
- 5.2 In the LDP, Pwllheli has been identified as an Urban Service Centre under policy TAI 1. This policy encourages a higher proportion of new developments within our urban centres, including windfall sites like this one, by providing a mix of open market housing and affordable housing. The indicative supply level of housing for Pwllheli over the Plan period, as noted in Appendix 5 of the Joint Local Development Plan, is 323 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.g. land ownership matters, infrastructure restrictions, etc.).

During the period 2011 to 2020, a total of 80 units have been completed in Pwllheli. The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, in April 2020, was 68 units.

It is noted that another two sites have specifically been designated for housing in Pwllheli, that were not the subject of planning permission in April 2020. An indicative figure of 164 units for these two sites is included in the Plan (T28, Land near Caernarfon Road = 150 units; T29, Cae Deneio = 14 units).

These figures collectively are higher than the indicative supply figure noted in the Plan for Pwllheli, without considering this proposal.

As the settlement will see its expected growth level on windfall sites through units completed in the period from 2011 to 2020 and complete the current land bank, there will be a need for justification with this application, outlining how the proposal will address the needs of the local community. This could be done by: - submitting any market research work they have undertaken i.e. demonstrating the need for this type of development in the area; - confirming that the proposal meets local recognised need for affordable housing; - confirming that the proposal provides for specialist housing needs e.g. units for the elderly; - that the housing designation in the settlement is likely to be brought forward during the Plan's lifetime; - that the units in the land

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bank are not likely to be developed in the Plan period. No information was submitted with the application in the form of justification for the plan and no pre-application enquiry was submitted, when these matters could have been highlighted at the time. Consequently, the proposal is not considered to meet the relevant requirements of policy TAI 1.

- 5.3 In terms of affordable housing, policy TAI 15 states that housing developments that propose two or more residential units as part of a development, must make a contribution towards affordable housing, in line with the threshold figures. The information submitted with the application does not note any affordable provision. SPG Affordable Housing (paragraph 7.2.2) notes that when the affordable housing requirement is calculated, a proportion of the total houses that need to be affordable are rounded-up to the nearest whole number (where half will be rounded upwards). In the case of this current application, therefore, the expectation is for at least 30% of the units to be affordable, which equates to 1.8 affordable units. This means that it would be expected for this proposal to provide 2 affordable units, but as already noted, no formal proposal that designates affordable housing is included as part of the proposed development. Consideration must also be given to the relevant requirements of the SPG Affordable Housing, in relation to the size of affordable units and in the case of 2 two-bedroom houses, the total would be 83m<sup>2</sup>, whilst it is expected for three-bedroom houses to measure 94m<sup>2</sup>. This development refers to 2/3 bedrooms but regardless of whichever it may be, the measurements show a total floor area over the three-storied to be approximately 116m<sup>2</sup>, which is higher than the relevant measurements. On these grounds, it is not considered that the proposal meets the requirements of policy TAI 15 or the SPG Affordable Housing.
- 5.4 The applicant has submitted information in relation to considerations relating to the viability of the development and whether the provision of the expected affordable element would affect considerations regarding this element. Criterion 3i of Policy TAI 15 states that each development is expected to achieve an appropriate mix based on the tenure, type and size of affordable housing, to contribute to the variety of housing. It is not considered that any information or evidence has been submitted as part of the application to convince or explain why no affordable element has been included as a part of the application, nor the grounds or evidence for the lack of mix in the types of units being provided, as per the requirement in Policy TAI 8 of the SPG Housing Mix. On these grounds, it is not possible to support the proposal as submitted as it fails on the basic requirements of policy TAI 8 and TAI 15, as well as the Supplementary Planning Guidance relating to Affordable Housing and Housing Mix.
- 5.5 In addition, and in relation to assessing the principle of the proposal, consideration must be given to the current and established use of the building as a public house. The information submitted with the application notes that the owners have found it difficult to secure tenants to operate the public house, and that the public house has been closed since the beginning of the Covid-19 pandemic in March 2020. It is also noted that there is competition from other public houses and that the distance from the public house to the town centre has affected the viability of the business. Policy ISA 2 aims to protect existing community facilities and the explanation to this policy notes that community facilities are defined as facilities used by local communities for leisure, health, social and educational purposes. It is noted that this includes public houses and any other facility that undertakes the role of serving the community, and to this end, it is therefore believed that the existing use is considered to be a community facility. Policy ISA 2 notes that the loss or change of an existing community facility should be resisted, unless: -
- 5.6 A suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or -

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- 5.7 It can be demonstrated that the facility is inappropriate or surplus to requirements, or -
- 5.8 In the case of a commercially operated facility: there is evidence that the current use has ceased to be financially viable, and -
- that it could not reasonably be expected to become financially viable, and - no other suitable community use can be established, and -
- there is evidence of genuine attempts to market the facility, which have been unsuccessful.
- 5.9 It is acknowledged that a letter has been submitted with the application, noting the circumstances for attempting to dispose of the use as a public house, nevertheless, it does not appear that detailed information has been submitted to justify the loss of the facility, in line with the information in Policy ISA 2. The SPG 'Change of use of community facilities and services, employment sites and retail units' states that evidence would be needed that an attempt has been made to suitably market the property for a period of one year. Therefore, as this information has not been forthcoming, it is not believed that the proposal is acceptable on the grounds of part 2 of policy ISA 2 or the relevant SPG.

### **Visual amenities**

- 5.10 Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that they limit the risk and danger of flood water run-off and prevent pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and lively environments taking into account the health and well-being of future users.
- 5.11 The proposal involves erecting six three-storey terraced housing on a site which currently includes a two-storey building, along with ancillary open space to the side and rear. Buildings near the site vary in terms of design and height, including relatively recent residential developments along Abererch Road. The plan shows that the height of the roof of the proposal would be higher than the height of the roof of the existing building, and substantially larger in terms of its length and bulk. It is realised that the site is located within an urban streetscape and setting, where the density of development is normally larger. However, it must be realised that the proposed building would be very prominent in its location on the side of the public road and that it would be excessive in terms of its elevations and scale for the site. It is felt that it would create a visible and prominent feature from the street when travelling towards the town from the east and north.
- 5.12 It is noted that the applicant has submitted a Design and Access Statement with the application. In this, he states that an intensive development needs to be created in order to reduce the loss of heat and maximise land use. In addition, it is noted that it would be of a similar size to recent houses erected nearby and that the finishes would be in keeping with nearby houses.
- 5.13 It is realised that the site is located in the middle of buildings of a different size and appearance, and consequently, they would be viewed in that context. The current site is very

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visible in the streetscape and would create a new and prominent feature that would be visible within the local area and when travelling to the town, and for that reason, it is difficult to see how it would be in keeping with the local area due to its size and location; therefore, it is believed that the proposal would have a substantial impact on the streetscape for this reason.

- 5.14 The proposal would involve exchanging an existing building of a comparative size and appearance, with other nearby buildings with a terrace of new buildings that would be substantially larger in height, bulk and mass, with design forms and features that have not managed to consider the context of the size and the surrounding built environment. Criterion 1 of policy PCYFF 3 notes specifically that proposals will be approved when they add to and improve the character and appearance of the site, the building or the area in terms of setting, appearance, scale, height, mass and elevation treatment. It is not believed that this has succeeded in this case as it would involve erecting buildings that would not be in keeping in terms of size and existing elevations, as well as nearby existing buildings and elevations. It is acknowledged that there is a variety of local developments and specific reference is made to a nearby residential development that conveys features that are similar to what is proposed as part of this application. However, as paragraph 6.2.10 of policy explanation PCYFF 3 notes, "the proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality". It is not considered that the proposal has succeeded in this case, and it is considered that the proposal is contrary to the relevant requirements of policy PCYFF3 of the LDP.

#### **General and residential amenities**

- 5.15 The application was advertised on the site and nearby residents were informed. The proposal involves erecting six terraced houses within the site where its current form is much less in terms of density. The houses are located in the northern end of the site, abutting the western boundary with a vehicular access to be created off an existing access road to the public car park to the south of the site. The proposed buildings would be a three-storey design with the main windows on the northern (front) and southern (rear) elevations.
- 5.16 The form and scale of the proposal would mean that the exterior amenity space for the residents of the houses would be very restricted, it cannot be seen that much garden space is provided as expected for a new residential development of this type. Although this is an urban location with nearby terraced housing also restricted in terms of amenity space, it is believed that there is an opportunity in this case to secure amenity space and a better setting to that shown. It can be seen that criterion 4 in policy PCYFF 2 requires the inclusion of appropriate amenity space to serve existing and future occupants. The requirements of policy PCYFF 3 notes that good design assists to provide a sense of place, creates or reinforces local distinctiveness, promotes social cohesion and social well-being. It is not believed that this has been achieved in this case and that the proposal would be an over-development as sufficient amenity space cannot be secured for individual housing.
- 5.17 It is noted that the Transportation Impact Assessment states that one external parking space for a vehicle will be located to the rear of the houses, with an internal parking space within the garage also. Nevertheless, the Design and Access Statement notes that the garage can be converted for use as a craft workshop to encourage the residents of the houses to run a business from home. This contradiction poses some confusion and assurance about the orderly development of the site



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in the form as submitted in future. It is not considered that the proposal reflects a high standard of development for the site.

- 5.18 It is realised that the site's previous use as a public house and the level of assumed activity that would subsequently arise and could be more than what would be associated with residential use. Nevertheless, it is not believed that this is a way to justify the development of the site to such an intensive degree as proposed and it is felt that having assessed the application and the site's circumstances as it is, rather than an estimate of any previous use which does not now exist, the proposal as submitted would be an over-development of the site.
- 5.19 In the above circumstances, it is felt that the proposal would have a substantially negative impact on nearby amenities as a result of its setting, its size and form and that it would, consequently, be unacceptable on the grounds of criteria 4 and 7 of policy PCYFF 2 and criterion 1 of policy PCYFF 3.

#### **Transport and access matters**

- 5.20 The proposal involves building 6 houses on a narrow site in terms of its location with a busy road immediately in front and other land uses abutting the rear and sides of the sites. The plan shows a proposal to create six parking spaces within the site, with a garage each for the individual houses. It is intended to close the existing access and create a new access to the side by using the existing access road to a public car park. It is not believed that the principle of this arrangement is acceptable and it can be seen that the Transportation Unit does not have an objection, however, it does request minor changes to the boundary wall. Although it is unclear regarding the future parking provision on the site, this is mainly attributable to the orderly development of the site, rather than transport-related requirements. The urban location of the site means that the current parking standards do not have to be realised in full and so this element is acceptable in relation to the relevant requirements of policies TRA 2, TRA 4.

#### **Biodiversity Matters**

- 5.21 The Biodiversity Unit has noted in its response to the consultation that a preliminary protected species survey should be submitted in order to identify whether the current building is used by protected species. Normally, a request would have been submitted to the agent to provide this information should it appear that the development is acceptable in each relevant aspect. But, due to fundamental concerns about elements of the development as submitted, the presentation of this information would not resolve the other matters and so, in this case, it is not believed that it would be fair or reasonable to prepare the information at the applicant's cost. Consequently, it is impossible to fully assess the proposal in relation to the demolition of the buildings and clearing of the site would affect the presence or current activity of protected species or provide any proposal to improve local Biodiversity. And so, in accordance with the requirements of the adopted policies and relevant advice, it is believed that the proposal is contrary to the requirements of policy AMG 5, as well as the advice given within TAN 5 which states that it should be ensured that planning applications are submitted with sufficient information, by means of early discussions, check-lists, ecological surveys and appropriate consultation.

#### **Flooding and Drainage Matters**

- 5.22 The Land Drainage Unit has noted in its response to the consultation that the site lies within zone A and it is therefore considered that it faces some or no risk of flooding. However, it is shown that the site is at risk of flooding on the latest surface flooding maps. Consequently, they are of

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the opinion that flooding is a material consideration in accordance with section 11.1 of TAN 15. Normally, a request would have been submitted to the agent to provide this information should it appear that the development is acceptable in each relevant aspect. But, due to fundamental concerns about elements of the development as submitted, the presentation of this information would not resolve the other matters and so, in this case, it is not believed that it would be fair or reasonable to prepare the information at the applicant's cost. Nevertheless, the proposal cannot be assessed in full in line with the requirements of adopted policies and relevant advice, and therefore, it is believed that the proposal is contrary to the requirements of policies PS 5 and PS 6, along with advice given within TAN 15 which states that where a development is a flood risk, the developer must state what measures are being taken to ensure that the consequences of the flooding are managed to an acceptable level.

### **Language Matters**

- 5.23 This site proposes to erect new houses on a site within the development boundary; the site is not designated for the proposed use and so it is believed to be a windfall site. Criterion 1c of policy PS 1 notes, if a development for 5 housing units or more on a designated site or windfall site within development boundaries that do not address the evidence of need and demand for housing recorded in a Housing Market Assessment, on the Housing Register, Tai Teg Register or Local Housing Survey, the impact of the development on the Welsh language in the community needs to be considered within a Welsh Language Statement. It is acknowledged that what is referred to as a Community and Linguistic Statement has been submitted with the application but it is not believed that the content responds to the relevant requirements of policy PS 1 as noted above. The Language Unit has noted that more information is needed about the likely market price of the houses and evidence of the need for the type of houses being proposed before it can submit full observations. It is also noted, as the settlement will see its expected level of growth on windfall sites through units completed during the 2011-2020 period and the completion of the existing land bank, justification would be needed with this application, outlining how the proposal would address the specific needs of the local community. There is no reference to this in the statement. It is also noted that this statement is contradictory as it notes in paragraph 3.1 that whilst it is hoped that the location of the houses as well as the resources to work from home would appeal to local residents who wish to remain in the area, it also notes that it could appeal to newcomers who intend to live and work in the area.
- 5.24 Therefore, it is not believed that the proposal has satisfied the relevant requirements to PS 1 or the relevant SPG by submitting robust evidence that meets the requirements of the local community and protect the Welsh language and that it is, consequently, contrary to the requirements of this policy.

### **The historic environment**

- 5.25 Observations were received from the Gwynedd Archaeological Planning Service although the building is not listed or within a protected area, it does have historical features. It is suggested that a condition should be imposed to hold a survey of the building and record it formally through photographs.
- 5.26 Policy AT 3 notes the need for development to safeguard and seek opportunities to improve buildings, structures and areas where there are transportation assets that have not been designated as being of local or regional significance that will create a local sense of place, identity and diversity across the plan area, whilst paragraphs 1.14 and 1.15 of TAN 24 note:

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*"every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...Heritage impact assessment is a structured process that enables the significance of a designated asset to be taken into account when considering proposals for change."*

- 5.27 Therefore, considering that this building is not listed or within the conservation area of the town of Pwllheli, it is not believed that the site cannot be completely protected from re-development in this case. Nevertheless, and should the application be acceptable in all other aspects, it is believed reasonable to include a standard condition to ensure that a formal recording programme is held of the building and its location within the townscape.

## **6. Conclusions:**

Having considered the proposal in the context of all relevant matters including the local and national policies and guidance, as well as all the observations received, and based on the above assessment, it is not considered that the proposal is acceptable and therefore, it is recommended that the application is refused for the reasons noted.

## **7. Recommendation:** To refuse

- 7.1 To delegate powers to the Senior Planning Manager to refuse the application:

- 1 - Considering the scale, design and number of proposed dwellings, it is not considered that the development would be in keeping or of an acceptable appearance within the local area. In addition, considering the narrow nature of the site, the number of units included in the plan and the lack of amenity space associated with the individual houses, it is believed that it would be an over-development of the site and harmful to residential amenities. Therefore, it is considered that the proposal is contrary to the relevant requirements of policies PCYFF 2 and PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan.
- 2 - On the grounds of an appropriate mix of housing, lack of justification outlining how the proposal will address the needs of the local community or any provision of affordable housing as a part of the application, the Local Planning Authority does not consider that the proposal is acceptable. Consequently, it is believed that the proposal is unable to meet the requirements of policies TAI 1, TAI 8 and TAI 15 within the Anglesey and Gwynedd Joint Local Development Plan, along with the relevant advice given within the Affordable Housing and Housing Mix SPG.
- 3 - Although the document noted as a Community and Linguistic Statement was submitted as part of the application, it does not include sufficient information and as a result, it is not believed that sufficient information is available to assess whether the proposal is in accordance with criterion 1c of Policy PS1, which requests a Welsh language statement that would show how the proposed developments protects, promotes and strengthens the Welsh language. On the basis, the Local Planning Authority has not been convinced that the proposal would not affect the Welsh language in the plan area
- 4 - It is not believed that sufficient information has been submitted which justifies the loss of facility on the grounds of the relevant requirements of policy ISA 2 as well as the advice

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given in Supplementary Planning Guidance: Change of use of community facilities and services, employment sites and retail units; which states that evidence would be needed that an attempt has been made to suitably market the property.

5. The site lies within an area that is at risk of surface water flooding and as no Flood Consequence Assessment was submitted that would have considered the safe development of the site and show that the proposed development would not divert surface water towards other properties, it is not believed that the proposal is acceptable based on flood risk and that it is, consequently, contrary to criterion 8 of policy PS 5, criterion 4 of policy PS 6 as well as the instruction given in paragraph 11.1 of Technical Advice Note 15.
6. No preliminary survey for protected species within the site and buildings was submitted and no biodiversity improvements are included as part of the proposal. Consequently, it is not possible to ensure protection and improvements to local biodiversity and as a result, it is not believed that the proposal is unacceptable in terms of the requirements of the criteria of policy AMG 5, along with the advice given within TAN 5.