

<b>PLANNING COMMITTEE</b>	<b>DATE: 10/01/2022</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

**Number: 4**

**Application Number: C21/0431/45/LL**

**Date Registered: 29/07/2021**

**Application Type: Full**

**Community: Pwllheli**

**Ward: Pwllheli**

**Proposal: Demolition of existing public house and erection of six dwellings**

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

**Summary of the Recommendation: TO REFUSE**

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## **1. Description:**

- 1.1 This is a full application for the demolition of an existing public house and construction of 6 two or three-bedroom houses in a terrace. The houses would have three-storeys and include the following:
- Ground floor: hallway, toilet, utility room, garage/workshop, bedroom/office
  - First floor: living room, kitchen, bathroom
  - Second floor: two bedrooms (one en-suite)
- 1.2 The site is located in a prominent location in Pwllheli immediately parallel to Abererch Road (A497) and close to the busy Sand Street junction/roundabout, which includes access to a nearby supermarket. The northern elevation (front) would face the highway and existing adjacent commercial buildings whilst the southern elevation (rear) would face nearby residential housing and a public car park. Externally, it is proposed to provide a ridge roof of natural slate and mixed finishes to the walls, including render and timber cladding. The current site is served by an existing access off Abererch Road and the proposal is to close this access and create a new access from an existing access road to the car park at the rear of the houses. A single parking space would be provided for each house along with access to their own garages. To the front, it is intended to provide access/a small garden off the public pavement to the individual units.
- 1.3 The existing site includes the main public house building, as well as outbuildings and rear extensions, there is also an external seating area directly to the side of the existing building. The houses would be set back from the pavement at the front and adjacent to the building identified as a workshop on the western side.
- 1.4 The houses would be approximately 1m higher than the highest part of the existing building and would extend to approximately 18m long from the gable end of the existing building to the eastern side. The buildings within the local area vary in height, finish and design including fairly recent residential houses along Abererch Road.
- 1.5 The following information was submitted in support of the application:
- Design and Access Statement.
  - Community and Language Statement
  - Transport Impact Assessment
  - Protected Species Assessment
  - Flood Consequence Assessment
- 1.6 The site is located within the town's development boundary, outside, but adjacent to the town's Conservation Area and within the Llŷn and Bardsey Island Landscape of Outstanding Historic Interest
- 1.7 This is a re-submission of an application that was refused under reference C20/0986/45/LL. The development is the same as proposed previously only this time further information was submitted to support the development including a Protected Species Assessment and a Flood Consequence Assessment.

## **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.

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2.2 The Well-being of Future Generations (Wales) Act 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.

### 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026**

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PS 1: The Welsh Language and Culture

PS 4: Sustainable transport, development and accessibility

PS 5: Sustainable development

PS 6: Alleviating and Adapting to the Effects of Climate Change

PS 17: Settlement strategy

PS 18: Affordable housing

PS 19: Conserving and where appropriate enhancing the natural environment

PS 20: Preserving and where appropriate enhancing heritage assets

AMG 5: Local Biodiversity Conservation

ISA 2: Community Facilities

TRA 2: Parking standards

TRA 4: Managing transport impacts

TAI 1: Housing in the Sub-regional Centre and the Urban Service Centres

TAI 8: An appropriate mix of housing

TAI 15: Affordable housing threshold and distribution

AT 1: Conservation Areas, World Heritage Sites and Landscapes, Registered Historic Parks and Gardens

AT 3: Non-designated Heritage Assets that are of local or regional significance

Also relevant in this case is:

Supplementary Planning Guidance (SPG): Affordable housing

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 2: Planning and affordable housing

Technical Advice Note 5: Planning and Nature Conservation

Technical Advice Note 12: Design

Technical Advice Note 15: Development and flood risk

Technical Advice Note 18: Transport

Technical Advice Note 20: Planning and the Welsh language

Technical Advice Note 24: The historic environment

### 3. **Relevant Planning History:**

C20/0986/45/LL - Demolition of public house and erection of six houses and associated works - refused 22/03/21

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Reasons:

1. Over-development and detrimental to amenities
2. Lack of justification for the housing mix
3. Deficient Community and Linguistic Statement
4. Lack of justification for losing a community facility
5. No Flood Consequence Assessment
6. No Protected Species Survey

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

#### 4. Consultations:

Town/Community Council:	No objection - ask for recognition of the site's history as part of the development
Transportation Unit:	No objection - the scheme offers an opportunity to improve the footway and to widen a narrow part of Abererch Road by straightening the front of the development and amending the line of the nearby road network.
Biodiversity Unit:	Agree with the mitigation measures and the measures to enhance biodiversity noted in the protected species survey report - need to include mitigating conditions
Welsh Water:	No objection - but ask for conditions to protect the existing sewerage system and provide guidance for the applicant
Public Protection:	Not received
Housing Strategic Unit:	Not received
Land Drainage Unit:	<p><b>Initial Response:</b></p> <p>It is shown that the site is at risk of flooding on the latest surface flooding maps and therefore, flooding is a relevant consideration in accordance with section 11.1 of TAN 15.</p> <p><b>Second consultation:</b></p> <p>Further observations are awaited on the Flood Consequence Assessment.</p>
Natural Resources Wales:	<p><b>Initial observations:</b></p> <p>No objection</p> <p><b>Second consultation:</b></p> <p>Further observations are awaited on the Flood Consequence Assessment.</p>
Language Unit:	Not received
Gwynedd Archaeological Planning Service:	Express disappointment in losing a historic building that is in good condition and request detailed photographic records of the building before it is demolished

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Public Consultation: A notice was posted on the site and neighbours were consulted. The publicity period has ended and no correspondence was received regarding the proposed development.

## **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 Anglesey and Gwynedd 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. Similarly, 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 housing supply for Pwllheli over the Plan period is 323 units (181 on sites that have been designated for housing and 142 on windfall sites) (including a 10% 'slippage allowance'). During the period between 2011 and 2020, a total of 80 units were completed in Pwllheli (all on windfall sites). In April 2020, the land bank, i.e. sites with extant planning permission, was 84 units (15 on designated sites and 69 on windfall sites). Also, it is expected for sites that have been designated for housing but do not have planning permission to provide 164 residential units. Taking consideration of all the above information, it means that the development would exceed the indicative supply level for Pwllheli.
- 5.3 As the settlement has seen its expected growth level, through units completed in the period from 2011 to 2020, developing the units in the existing land bank and developing sites that have been designated for housing, there is a need to justify this application, outlining how the proposal will address the needs of the local community. The Design and Access Statement states that the Gwynedd Housing Market Assessment 2018-23 calls for 40% of housing to be 1 to 2 bedrooms, 30% to be 3 or 4+ bedrooms for new developments and this development would offer housing that could be either three bedroom houses or houses with two bedrooms and an office space.
- 5.4 Policy TAI 8 'Appropriate Mix of Housing' seeks to ensure that every new residential development contributes to improving housing balance and meets the needs noted for the entire community. The suitability of the mix of housing must be assessed in terms of both the type and tenure proposed for development sites to redress an identified imbalance in a local housing market. Every applicant submitting a planning application for five or more housing units must submit a Housing Statement to support their planning application in accordance with the methodology outlined in Appendix 2 of the Housing Mix SPG. It is not believed that the evidence submitted as part of the application is sufficient in demonstrating how the proposal would meet specific needs within the local community.
5. Policy TAI 15 of the LDP states that Councils will attempt to ensure an appropriate level of affordable houses in the plan area. In Pwllheli, the threshold is two or more housing units for such provision. This development proposes six units, and this corresponds with the threshold noted in Policy TAI 15 to contribute to affordable housing. As Pwllheli is located in the 'Larger Coastal

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Settlements' Housing Price Area in the Plan, it is noted that providing 30% of affordable housing would be viable. Bearing in mind that this proposal is for 6 units, this equates to 1.8 units.

- 5.6 One of the application's proposed houses is an affordable unit. Therefore, in this case a commuted sum to the value of 0.8 of a house would be expected to meet policy requirements. Policy TAI 15 states that "Where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain the priority. However, if it is deemed that this is not possible, a pro-rata payment will be expected rather than no affordable provision on the site". Policy TAI 15 notes that if the applicant is of the opinion that it is not viable to provide this expected affordable element, it would be their responsibility to clearly state on the viability assessment pro-forma the circumstances that justify a lower affordable housing contribution.
- 5.7 The applicant has not 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 the proposed affordable element does not match the requirement in policy TAI 15. Accepting that an offer has been made to discuss the affordable contribution and the housing mix with the LPA as part of the application, this is not enough to meet what is required under LDP policies.
- 5.8 Consideration must also be given to the relevant requirements of the Affordable Housing SPG, in relation to the size of affordable units and in the case of two-bedroom houses (for 4/5 people) 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 the total floor area over the three-storeys to be approximately 116m<sup>2</sup>, which is greater than the relevant measurements. On these grounds, it is not considered that the proposal meets the requirements of policy TAI 15 or the Affordable Housing SPG.
- 5.9 Additionally, 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 or to find new owners, 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 for 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: -
- The developer can offer a suitable replacement facility either on or off site, and with easy and convenient access by means other than a car, or -
  - It can be demonstrated that the facility is inappropriate or surplus to requirements, or, -
  - 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.
- 5.10 It is acknowledged that the Design and Access Statement identifies the circumstances for attempting to dispose of the use as a public house, nevertheless, no detailed information has been submitted to

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justify the loss of the facility based on the required evidence, under Policy ISA 2. The 'Change of use of community facilities and services, employment sites and retail units' SPG 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

- 5.11 Policy PCYFF3 states that proposals will only be permitted provided they conform to a number of criteria, including that the proposal complements and enhances the character of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment; that it respects the context of the site and its place within the local landscape; that it utilises materials appropriate to its surroundings and incorporates soft landscaping; that it enhances a safe and integrated transport and communications network; that it limits surface water run-off and flood risk and prevents pollution; that it achieves inclusive design allowing access by all and it helps to create healthy and active environments, and considers the health and well-being of future users.
- 5.12 The proposal involves erecting six three-storey terraced houses 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 the structure would be 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 acknowledged 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.
- 5.13 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.
- 5.14 It is realised that the site is located in the midst of buildings of varying size and appearance, and consequently, they would be viewed in that context. The current site is very 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.
- 5.15 The proposal would involve exchanging an existing building of a comparative size and appearance with other nearby buildings, for 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 site 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 developments locally and specific reference is made to a nearby residential development that conveys features that are similar to those proposed as part of this application. However, as paragraph 6.2.10 of policy explanation

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PCYFF 3 notes, "the fact that a poor quality or unclear development exists nearby is justification over the use of standard or poor design solutions. A new development should integrate into its surrounding and seek to improve the general character of the area". 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**

- 5.16 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 of a three-storey design with the main windows on the northern (front) and southern (rear) elevations.
- 5.17 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 would be expected for a new residential development of this type. Although this is an urban location and nearby terraced housing is 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 than what has been 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 note that good design assists to provide a sense of place, creates or reinforces local distinctiveness and 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.
- 5.18 It is noted that the Transportation Impact Assessment states there will be one external parking space for each house to the rear as well as a parking space in their garages. Nevertheless, the Design and Access Statement notes that the garage can be converted into use as a craft workshop to encourage the residents of the houses to run a business from home. This contradiction poses some confusion and uncertainty about the orderly development of the site in its submitted form in the future. It is not considered that the proposal reflects a high standard of development for the site. It is realised that the site's previous use as a public house and the level of assumed activity that would derive from that was and could be greater than the level of activity associated with residential use. Nevertheless, it is not believed that this is a way of justifying developing the site to such a dense degree as proposed here, and it is felt that having assessed the application and the site's circumstances as it is, that 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 constructing six houses on a narrow site in terms of its location with a busy road immediately to its front and other land uses abutting the rear and sides of the site. 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 unacceptable and it can be seen that the Transportation Unit does not have an objection. The urban location of the site means that current parking standards do not have to be met in full and so this element is acceptable in relation to the relevant requirements of policies TRA 2, TRA 4.



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### **Biodiversity Matters**

- 5.21 The Biodiversity Unit confirms, that the content of the Protected Species Assessment is acceptable and they agree with the proposed alleviation methods. Subject to the inclusion of appropriate conditions, it is believed that the development could be acceptable under policies AMG 5 and PS 19 of the LDP as it relates to the protection of local biodiversity characteristics.

### **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 in terms of flood risk and it therefore faces little 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 the opinion that flooding is a material consideration in accordance with section 11.1 of TAN 15. A Flood Consequence Assessment was submitted during the process of considering the application which reached the conclusion that the site lies outside any location with a genuine risk of flooding. It is also proposed to secure a drainage arrangement that will take the potential effects of climate change into consideration. The response of the Drainage Unit and Natural Resources Wales to the document is awaited in order to assess it under policies PS 5 and PS 6 of the LDP and TAN 15 and we will report further on the matter at the Committee meeting.

### **Language Matters**

- 5.23 In accordance with criteria (1c) of Policy PS 1, as this is an application for six units, the need for a linguistic statement must be considered if the type of units does not address evidence of the need and demand for housing within a Market Housing Assessment and other relevant sources of evidence (see 5.4 above). It is noted that a Linguistic Statement was submitted with the application. However, it appears that this statement does not follow the methodology to undertake such a statement as included in the adopted Supplementary Planning Guidance and therefore it is not possible to carry out a complete assessment of the linguistic impact of the development with the information that was submitted.
- 5.24 Therefore, it is not believed that the proposal satisfied the relevant requirements of PS 1 or the relevant SPG as it has not submitted 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 and although the building is not listed or within a protected area, it does have historical features. It was suggested that a condition should be imposed to carry out 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:  
*"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*

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*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, given that this building is not listed or within the conservation area of the town of Pwllheli, it is not believed that protecting it from redevelopment is entirely possible 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 conducted of the building and its location within the townscape.

## **6. Conclusions:**

- 6.1 Although this application has submitted additional information that would overcome two of the reasons for refusal given for the previous application relating to biodiversity and flooding matters (subject to further observations from GC and the Land Drainage Unit), the concerns that formed the basis of the other four reasons for refusal still stand and on the basis of the above assessment, it is not considered that the proposal is acceptable and therefore it is recommended to refuse the application for the reasons noted

## **7. Recommendation:**

- 7.1 To refuse the application for the following reasons:

- 1 - Given the scale, design and number of proposed dwellings, it is not considered that the development would be suitable for the site and that its appearance would be unacceptable in the local area. In addition, given 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 the lack of suitable housing mix along with an insufficient provision of affordable housing it is believed that the proposal is unable to meet the requirements of policies TAI 8 and TAI 15 of the Anglesey and Gwynedd Joint Local Development Plan, along with the relevant advice given within the Affordable Housing and Housing Mix Supplementary Planning Guidance.
- 3 - It is not believed that the applicant has submitted enough information to assess whether the proposal meets the requirements of criterion 1c of Policy PS1 of the Anglesey and Gwynedd Joint Local Development Plan which requires a Welsh Language Statement to demonstrate how proposed developments would protect, promote and enhance the Welsh language. On this basis, the Local Planning Authority has not been convinced that the proposal would not have a negative effect on the Welsh language in the plan area
- 4 - It is not believed that sufficient information has been submitted to justify the loss of the public house facility on the grounds of the relevant requirements of policy ISA 2 C of the Anglesey and Gwynedd Local Development Plan and the 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.