

PLANNING COMMITTEE	DATE: 19/06/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 2

Application Number: C17/0846/18/LL

Date Registered: 18/07/2019

Application Type: Full

Community: Llanddeiniolen

Ward: Penisarwaun

Proposal: Residential development of four affordable dwellings together with associated accesses and parking (amended scheme to that originally submitted)

Location: Land at Bro Rhiwen, Rhiwlas, LL57 4EL

Summary of the Recommendation: To refuse

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1. Description:

- 1.1 This is an amended application to erect four affordable homes for local need on a site on the northern outskirts of the village of Rhiwlas. It is noted that this application is an amendment of the application that was submitted to the Planning Committee in February 2018 for five affordable homes when it was deferred on the following grounds: (i) to ask the developer for evidence of real need for three-bedroom social housing in the village of Rhiwlas; (ii) to receive confirmation whether or not a registered housing association was interested in the units as well as (iii) information about waiting lists for social housing in the area. These requirements are discussed below in the assessment.
- 1.2 This amended application can be split into different elements which include-
- Erecting 2 two-storey, two-bedroom houses (85m²) and erecting 2 two-storey, three-bedroom houses (100m²) in the form of a terrace.
 - Providing separate accesses for each house along with private driveways for off-road parking.
 - Providing domestic sheds/storage as well as a laundry drying area at the rear of the houses.
 - Culverting approximately 26m of the ditch that runs through the eastern corner of the site.
- 1.3 The four houses will be two-storey in height and will consist of natural slate roofs, white render with grey coloured banding around some of the windows, openings of grey coloured UPV-c with grey coloured UPV-c rain goods. The combination of these materials reflects the construction materials surrounding the site.
- 1.4 The houses will provide a living room, a bathroom, kitchen/dining room on the ground floor with two/three bedrooms and a bathroom to the first floor. They would comply with Welsh Government requirements in relation to providing sustainable housing and the three-bedroom houses would measure 6m wide, 10.6m deep and 8m high and the two-bedroom houses would measure 5.5m wide, 8.5m deep and 7.5m high. Their design and provision of facilities would also meet the Welsh Development Quality Requirements for affordable housing.
- 1.5 The site is located in a level hollow in the landscape opposite and parallel to well established residential dwellings to the south, east and west; and agricultural land/marshland pasture and an open ditch, as well as the Carreg y Gath Wildlife Site, are located to the north and to the rear of the site itself. The site is located outside the development boundary as contained in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP) but it directly abuts the boundary and could therefore be considered an exemption site. This latest plan includes an open green space on the eastern part of the site (and where the culvert runs) as it no longer includes the fifth two-bedroom house.
- 1.6 The site is served off an unclassified county highway with the class III county road leading to the south before reaching the site of this application. There is a footpath parallel to the application site and the site's boundary wall runs directly opposite the unclassified county road carriageway.
- 1.7 As part of the amended application, the following information was submitted: -
- Linguistic and Community Assessment (updated)
 - Design and Access Statement (amended)
 - Extended Phase 2 Habitat Survey (updated)
 - Affordable Housing Statement (amended)

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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.

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 Gwynedd and Anglesey Joint Local Development Plan 2011-2026 adopted 31 July 2017: -

ISA 1 - infrastructure provision

PS 1 - the Welsh Language and culture

TRA 2 - parking standards

TRA 4 - managing transport impacts

PS 5 - sustainable development

PS 19 - protecting and where appropriate enhancing heritage assets

PCYFF 1 - development boundaries

PCYFF 2 - development criteria

PCYFF 3 - design and place shaping

PCYFF 4 - design and landscaping

AMG 5 - local biodiversity conservation

TAI 8 - an appropriate mix of housing

TAI 15 - threshold of affordable housing and their distribution

TAI 16 - exception sites

Supplementary Planning Guidance (SPG): Maintaining and Creating Distinctive and Sustainable Communities.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

SPG: Housing Mix.

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2.4 **National Policies:**

Future Wales: The National Plan 2040.

Planning Policy Wales (Edition 11 - February 2021).

Technical Advice Note (TAN) 2: Planning and Affordable Housing.

TAN 5: Planning and Nature Conservation.

TAN 12: Design.

TAN 20: Planning and the Welsh Language.

3. **Relevant Planning History:**

- 3.1 Application no. C17/0098/18/LL - application to construct nine affordable homes, creation of vehicular access, estate road, parking spaces and provision of play area was withdrawn by the applicant in 2017 on grounds of concerns regarding housing policy, numbers, biodiversity and transport.

4. **Consultations:**

Community/Town Council: Continue to object on grounds of over development, increase in traffic, sewerage problems and protected plants and animals.

Transportation Unit: No objection subject to including relevant conditions.

Natural Resources Wales: No objection.

Welsh Water: Condition regarding the disposal of surface water from the site.

Public Protection Unit: No response.

Water and Environment Unit: An Ordinary Watercourse Consent will be required for any work that could affect the flow of the water course. Given the size of the site and the number of houses, there will be a need to comply with Sustainable Drainage Systems requirements (*SuDS*) and this can be done by submitting an application to the Water and Environment Unit directly as the SDS Approving Body.

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Gwynedd Archaeological
Planning Service:

Confirm that the site could contain archaeological remains and to this end there will be a need to include a planning condition in any planning permission that states the need to submit and archaeological work programme before any building work commences on site.

Housing and Property Unit:

The latest relevant observations of the Housing and Property Project Manager:

- Tai Teg's current figures for intermediate units in Rhiwlas show that two people are in need of a three-bedroom house to purchase, while 1 person needs a four-bedroom house to rent and 1 person needs a four-bedroom house to purchase. There is no need for a two-bedroom house in Rhiwlas.
- It appears that the need for intermediate housing in Rhiwlas has reduced but the need for social housing has substantially increased since 2019 with 38% in need of a two-bedroom house and 24% in need of a three-bedroom house. However, it must be noted that these are figures for the Penisarwaun Ward in general and not for the village of Rhiwlas directly and, therefore, it is difficult to confirm who would have noted their willingness to move to / live in Rhiwlas should the opportunity arise.
- It is noted from the application form that social housing is proposed, and that the need is supported by a report from the Rural Housing Facilitator (RHF). There is no reference to a Housing Association or the RHF's report either. It is emphasised that it must be ensured that any social unit meets the relevant development guidelines of the Welsh Government and if no housing association is linked to the development, a question is raised in terms of how they will be let.
- It is not very clear whether the developer intends to develop intermediate units or social units.
- In terms of intermediate units, it is agreed that the need does not exist within the village, but the RHF's report may contradict this if they have canvassed a wider area.
- In terms of social data, the above-mentioned is data for the Penisarwaun ward.
- In terms of an affordable price for an intermediate dwelling in the Penisarwaun area (which includes Rhiwlas), the Strategic Housing Unit and the Planning Policy Unit note that the price should be between £122,795 and £127,000. In his Affordable Housing Statement, the applicant cites an

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affordable price of £185,000.

Tai Teg:

No response.

Biodiversity Unit:

This site is a peat-filled marsh and peat is important to store carbon and is linked with the Carreg y Gath Wildlife Site.

Therefore, the proposal would involve the loss of a habitat that is contrary to the Council's carbon and climate change policies - object to the development.

Language Unit:

- Following the original observations on the application, the Language Statement has been updated by the developer and they have included information that responds to concerns relating to inconsistencies within the original Statement.
- The developer has also proposed positive steps to try to get additional benefit to the language, including a commitment to market locally through the medium of Welsh.
- The amended statement shows good consideration of the possibilities for change as a result of immigration and in terms of keeping people in their communities. The statistical analysis is also very detailed. A reduction was seen in the number of Welsh speakers in the ward by -29 individuals between the 2001 and 2011 census, which led to a reduction of -4% in the percentage of Welsh speakers. This was against an increase of 47 in the population number in general. Considering that the population estimate for 2018 (Office for National Statistics) shows a small reduction in the Penisarwaun ward, providing the number of units proposed in this application could lead to stabilising the population number and number of Welsh speakers in the area.
- Therefore, if the demand has been proven locally for these types of dwellings, we agree with the analysis of a positive impact on the language when proposing units that would appeal to families and enable the number of population and Welsh speakers within the ward to be maintained.

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Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has already expired and correspondence was received objecting on the following grounds:

- The site is located outside the development boundary - need to keep new developments within the boundaries to safeguard the welfare and character of local villages.
- Permitting the proposal would set a dangerous precedent for other applications in future that would equate to the over development of similar sites.
- The proposal would mean losing green space.
- Disturbance during hours of work on the site.
- Lack of valid evidence of local need.
- Impact on the Welsh language.
- Weakness of any conditions relating to affordable homes - there is no recognised definition of what is affordable.
- The proposal would have a detrimental impact on the village infrastructure such as land drainage and the sewerage system.
- There is more need for single-storey houses/bungalows in the community rather than three-bedroom houses as 50% of the three-bedroom social housing stock in Rhiwlas is *under occupied* but the residents are not willing to be re-homed as no single-storey houses/bungalows are available within the village.

As well as the objections noted above, objections were received which were not valid planning objections. These included:

- Loss of views towards Anglesey.
- The proposal is a means of making money.
- Affordable houses do not sell in the village.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy PCYFF1 states that outside development boundaries proposals will be refused unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal demonstrates that its location in the countryside is essential. The explanation accompanying this policy states that the development boundaries prohibit inappropriate developments from being located in the countryside and promote the efficient and appropriate use of land and buildings. However, in this particular case, it is considered that the proposed

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development is supported by other policies in the LDP together with national policies and advice regarding the provision of affordable housing on exception sites which are directly adjacent to development boundaries and which form a logical extension to the settlement.

- 5.2 The principle of constructing affordable houses on this particular site is based on Policy TAI 16 of the LDP (exception sites). The Policy states that a development immediately adjacent to development boundaries must be for 100% affordable housing if it can be shown that a local need has been proven for affordable housing that cannot be addressed within a reasonable timescale on a market site within the development boundary which includes a requirement for affordable housing. As an exception, proposals for housing schemes that are 100% affordable on sites that are directly adjacent to a development boundary and which form a reasonable extension to the village boundary will be approved. Proposals must be for small developments which are commensurate to the size of the settlement, unless it can be shown clearly that there is a clear need for a larger site.
- 5.3 The LDP explains how a village such as Rhiwlas can contribute towards the Plan's 25% growth level expected within the Villages and Clusters Tier compared to the indicative supply which includes a 10% slippage allowance. The indicative supply level for Rhiwlas over the lifetime of the Plan is nine units and in the period between 2011 and 2020 a total of two units have been completed within the village and in April, 2020 the figure for the land bank within the village was one unit. Given the above information, it is believed in this particular context that approving the application on this site will be supported against the indicative supply level.
- 5.4 Policy TAI 8 (appropriate housing mix) states that all new residential developments should contribute to improving the balance of housing and meet the identified needs of the whole community. Policy TAI 16 (exemption sites) states that all units must be affordable and meet a local need provided that this need cannot be met within a reasonable timetable on a market site inside the development boundary, which includes a requirement for affordable housing as well as consideration to houses that are currently available/for sale within the development boundary that are of a type and at a price that may satisfy the recognised need in terms of the provision within the boundary. No such information was submitted with this application.
- 5.5 In the context of the objectives of the above policies, the planning application for five houses was deferred by the Planning Committee back in 2018 on the following grounds:
- (i) To ask the developer for evidence of real need for three-bedroom social housing in the village of Rhiwlas;
 - (ii) To receive confirmation whether a registered housing association was interested in the units or not as well as
 - (iii) Information about waiting lists for social housing in the area.

In the meantime, it is noted that the applicant has reduced the numbers from five to four houses.

- 5.6 In relation to the first requirement, it is considered that the applicant has not submitted robust or firm evidence that confirms that the need exists for three-bedroom social housing in Rhiwlas although a Planning Statement and Affordable Housing Statement were submitted to support the application. The Affordable Housing Statement refers to the need for social housing in the village based on figures in the Council's Housing Options register, which indicated that 38% need a two-bedroom house and 24% need a three-bedroom house out of a total of 98 people.

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- 5.7 However, consideration must be given to the following matters that relate to submitting evidence of the need for social affordable housing specifically in Rhiwlas: -
- (i) That these are figures for the Penisarwaun Ward in general and not specifically for Rhiwlas, noting that it would be difficult to identify who would have shown their willingness to move to/live in Rhiwlas should the opportunity arise, and
 - (ii) The Local Member has already noted that there is more need for social single-storey houses/bungalows for the elderly in the community rather than three-bedroom houses as 50% of the three-bedroom social housing stock in Rhiwlas is *under occupied* but the residents are not willing to be re-homed as no single-storey houses/bungalows are available within the village. To this end, therefore, it is considered that the need for social affordable housing in Rhiwlas has not been indisputably proven.
- 5.8 In relation to the second requirement, it is noted that social housing is administrated and operated by registered social landlords such as Adra, North Wales Housing and Grŵp Cynefin; however, in this particular case, no interest has been shown by any local registered social landlord (despite the applicant's efforts to contact them) and this situation has been confirmed by the Housing and Property Unit as they noted that locally-operating housing associations have examined this site in recent years and nothing has arisen from those discussions. To this end, therefore, it is confirmed that local registered social landlords have no interest in the development that is the subject of this application, even though the houses have been designed in accordance with Welsh Design Standards.
- 5.9 In relation to the third requirement, the latest figures in the Council's Housing Options register have already been noted, which state that 38% need a two-bedroom house and 24% need a three-bedroom house, but these figures refer to the Penisarwaun Ward in general and not directly to the village of Rhiwlas. In addition to this, in previous correspondence with the Housing and Property Unit, the risk was highlighted by the Housing Options Register Manager of basing any development 100% on figures that may change on a weekly basis and the advice provided is that the development of social affordable housing should be based on 50% - 70% of the figures in order to consider the applications, although they had selected Rhiwlas, that would possibly refuse the offer to reside/live within the village.
- 5.10 In addition to the above concerns, the Housing and Property Unit has noted that it is not completely clear in terms of the content of the Affordable Housing Statement whether social affordable housing or intermediate affordable housing is being proposed here. It is noted from the Statement that the housing is "affordable units to sell for a low ownership price" and that they are "for a local recognised need". It is considered that the information included within this document is general information that states that the need for affordable housing in Rhiwlas is supported by a report from Rural Housing Facilitators (RHF). There is no reference to a Housing Association or the RHF's report either within the Statement. Although a report has been submitted with this application for five houses from the RHF, a concern was noted by the Housing and Property Unit about the accuracy and quality of the information submitted at the time.
- 5.11 In terms of the affordability of the houses, the Housing Statement submitted to support the application notes that the applicant intends to sell the houses for a low ownership price and there is confirmation within the statement that the affordable price set for the houses would be £185,000. However, following a consultation with the Planning Policy Unit and the Housing and

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Property Unit on this element of the application, it is confirmed, in accordance with advice included in the SPG: Affordable Housing, that a realistic estimated affordable price for the development would be between £122,795.00 and £127,000. The figures estimated by the applicant show that the houses would not be affordable for local people and therefore, to this end, it is considered that the proposal is contrary to the requirements of Policy TAI 15 of the LDP along with the advice contained in the relevant SPG.

- 5.12 In relation to providing intermediate affordable housing in Rhiwlas, Tai Teg figures show that there is no need for two-bedroom houses and there are only two on the register for three-bedroom houses (to buy) and in response to the statutory consultation process, it was confirmed by the Housing and Property Unit that no need exists within the village for intermediate affordable housing based on a lack of evidence that has been submitted with the application, which undoubtedly confirms the need for this type of housing specifically for Rhiwlas.
- 5.13 Given the above assessment, the Local Planning Authority has not been undoubtedly convinced that the applicant has justified the provision of 4 affordable residential units on an exemption site in Rhiwlas and, therefore, it is not believed that the proposal satisfies the needs of the local community which is a requirement under Policies TAI 8, TAI 15 and TAI 16 of the LDP as well as the advice included within the SPG: Affordable Housing and Technical Advice Note 2: Planning and Affordable Housing.
- 5.14 Although it is believed that the application would be acceptable based on capacity and location, it is not considered that firm evidence has been submitted by the applicant to undoubtedly confirm that the need for the type of affordable housing that is proposed here has been proven for the village of Rhiwlas and, therefore, to this end, it is considered that the current proposal is not acceptable in principle.

Visual amenities

- 5.15 The site lies on the northern outskirts of the village of Rhiwlas on a plot of level hollow land in the local landscape. Agricultural land lies to the north together with residential dwellings to the east, south and west. The nearby houses are of various design, layout and size with various external materials. The layout of the proposed development intentionally follows the ribbon pattern of this part of the village and though the houses will appear contemporary, the external materials reflect the external materials of similar houses nearby. The size, form and density of the proposed housing reflect the nature and form of the built residential area in the application area. Given the above, it is believed that the proposal will not create a development which will impact the local townscape and to this end, therefore, it is believed that it is acceptable on the basis of the requirements of Policies PCYFF 2, PCYFF 3, PCYFF 4 and TAI 16 of the LDP.

General and residential amenities

- 5.16 Established dwellings are located parallel with and adjacent to the application site. The proposed houses will face those houses which are parallel with the county road (Caeau Gleision) with a void between them varying from 19m up to 20m. The gable-end of the nearest house, which is located to the west of the site (number 35 Bro Rhiwen), is located 27m away from the gable of the first dwelling with a garden and vegetation located between them. Considering the distance and the void between the front elevations of the proposed houses and the front of the existing dwellings, it is not considered that any substantial or significant overlooking would be created as a result of approving this application. An objection was received on the grounds that the construction work would cause disturbance that would affect the amenities of local residents.

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However, although it is acknowledged that an element of disturbance will derive from the development during the construction work, it must be considered that this inconvenience will only be for a temporary period. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.17 The proposal involves creating accesses off the unclassified county road nearby in order to serve the four houses together with creating private drives for parking. This arrangement is acceptable to the Transportation Unit subject to imposing relevant conditions. It is also considered that the development is accessible to alternative modes of transport to using a private car based on its location adjacent to the development boundary. It is, therefore, believed that the proposal is acceptable based on the requirements of Policies TRA 2, TRA 4 and PS 5 of the LDP.

Biodiversity matters

- 5.18 The landscape to the rear and to the north of the site is known as Porfa Rhos and is included on List 7 of the Environment (Wales) Act 2016. A Phase 2 Extended Habitat Survey was submitted with the application which includes the application site itself together with land which is directly to the north of it including the open ditch, the wet pasture and the Carreg y Gath Wildlife Site. The Survey refers to several ecological features of the site and the surrounding land especially the wetland and the small coppice to the north, which are beyond the boundaries of the application site. It is stated that the location of the proposed houses is set close to the county road where they avoid the fertile marshland species. Nevertheless, the latest response of the Biodiversity Unit is an objection based on the loss of a peat habitat which is important to store carbon. However, considering the contents of the latest Habitat Survey and the fact that the majority of the application site is horse pasture and that a sensitive ecological area lies beyond the northern peripheries of the application site, it is considered that the proposal would be acceptable, subject to including appropriate conditions relating to protecting local biodiversity. Reference must also be made to the fact that the Unit had no objection to the application originally, subject to including a relevant condition, which ensured that the developer compensated part of the wet habitat by undertaking a landscaping plan. It is therefore believed that the proposal is acceptable on the grounds of the requirements of Policies AMG 5 and PS 19 of the LDP.

Archaeological Matters

- 5.19 Observations were received from the Gwynedd Archaeological Planning Service stating that the site could contain archaeological remains and to this end there will be a need to include a planning condition with any planning permission stating the need to submit an archaeological work programme before any building work commences on site. The proposal is, therefore, acceptable based on the requirements of Policy PS 20 of the LDP.

Educational matters

- 5.20 The Education Department Information Officer has confirmed that there is adequate capacity at the local primary school to accommodate two pupils that could derive from this development and therefore, it is not anticipated that an educational contribution will be required in this case. It is believed that the proposal is acceptable based on the requirements of Policy ISA1 of the LDP.

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Linguistic matters

- 5.21 As this application is now for four units, criterion (1c) of Policy PS1 is irrelevant in terms of submitting a Welsh Language Statement. This criterion is only relevant to 5 or more units. In accordance with Diagram 10 of SPG 'Maintaining and Creating Distinctive and Sustainable Communities' when a statement is not required, applicants are encouraged to present a record of how consideration was given to the Welsh language when drawing up the planning application. The method of recording the information needs to be tailored to the nature of the proposed development and the matters that require attention. The methods could include a letter accompanying the planning application, a Planning Statement, a Design and Access Statement or a Welsh Language Statement or a Report on the Welsh Language Impact Assessment.
- 5.22 In this case, the applicant has updated the Linguistic and Community Assessment that was submitted to support the application originally and the Language Unit has responded by stating that if the demand has been proven locally for these types of dwellings, it agrees with the analysis of a positive impact on the language when proposing units that would appeal to families and enable the number of population and Welsh speakers within the ward to be maintained.
- 5.23 Given the response of the Language Unit to the proposal, i.e. that the need for affordable housing in Rhiwlas has been proven as well as the concerns of the Local Planning Authority relating to the applicant's ability to prove this need, it, therefore, cannot be confirmed that the proposal, if granted, would protect and/or promote the language within the village. It is believed, therefore, that in terms of the impact of the proposal on the Welsh language that it cannot be confirmed that the proposal complies with the requirements of Policy PS 1 of the LDP and SPG:

Maintaining and Creating Distinctive and Sustainable Communities.

6. Conclusions:

- 6.1 Having considered the above assessment and all the relevant matters including the local and national policies and guidance, as well as all the observations and objections received about the application, it is deemed that this proposal is not acceptable and, therefore, does not satisfy the requirements of the relevant policies as noted above.
7. **Recommendation:** To delegate the right for the Assistant Head of Environment Department to refuse the application on the grounds of the following reasons: -
1. The proposal is contrary to the requirements of Policy PCYFF 2 (development criteria) of the Anglesey and Gwynedd Joint Local Development Plan 2017 as it does not comply with all relevant policies within the Plan that relate to proposals to develop affordable housing.
 2. The proposal is contrary to the requirements of Policy TAI 8 (appropriate housing mix), Policy TAI 15 (affordable housing threshold and distribution), Policy TAI 16 (exemption sites) along with the advice contained in the Supplementary Planning Guidance: Affordable Housing and Technical Advice Note 2: Planning and Affordable Housing as no firm evidence has been received from the applicant which undoubtedly confirms that the need for affordable housing on an exemption site in Rhiwlas has been proven and that the price of the houses themselves is affordable for local people.
 3. The proposal is contrary to the requirements of Policy PS 1 (the Welsh language and culture) along with the advice contained in the Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities as no firm evidence has been received which

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confirms that the development meets the needs of the local community that would protect and/or promote the Welsh language in Rhiwlas.