

Planning and Orders Committee

Minutes of the meeting held on 5 October 2016

- PRESENT:** Councillor Ann Griffith (Chair)
Councillor Nicola Roberts (In the Vice-Chair)
- Councillors Lewis Davies, Jeff Evans, John Griffith, Kenneth Hughes,
Vaughan Hughes Victor Hughes
- IN ATTENDANCE:** Development Management Team Leader (NJ)
Development Management Team Leader (MD)
Planning Assistants
Highways Officer (JAR)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillor Richard Owain Jones
- ALSO PRESENT:** Local Members: Councillor Carwyn Jones (application 7.1) Councillor
W.T. Hughes, Councillor Richard Dew (Portfolio Member for Planning)
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1 APOLOGIES

As noted above.

Due to the absence of the Vice-Chair, Councillor Richard Owain Jones, the Committee resolved to elect a Vice-Chair for this meeting and Councillor Nicola Roberts was duly elected to that position.

2 DECLARATION OF INTEREST

Councillor Victor Hughes declared a personal interest with regard to application 6.2 and said that he had received advice both from the Council's Legal Department and from the Public Services Ombudsman's Office that it was appropriate for him to participate in this matter.

Councillor Victor Hughes declared a prejudicial interest with regard to application 12.1 also.

3 MINUTES OF THE 7TH SEPTEMBER, 2016 MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 7th September, 2016 were presented and confirmed as correct subject to amending the final sentence of the third paragraph on page 3 under application 7.1 to read *the recommendation therefore remains one of approval.*

4 SITE VISITS 21 SEPTEMBER, 2016

The minutes of the planning site visits held on 21 September, 2016 were presented and confirmed as correct subject to noting that Councillor Kenneth Hughes had tendered an apology for absence.

5 PUBLIC SPEAKING

The Chair announced that public speakers had been registered to speak with regard to applications 7.1 and 7.3.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 20C310B/EIA/RE – Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to Rhyd y Groes, Rhosgoch

It was resolved to defer consideration of the application in accordance with the Officer's recommendation to allow the assessment of further information received from the Agent.

6.2 30C338A – Full application for the erection of a dwelling and detached garage on land opposite Ysgol Henblas, Llangristiolus

It was resolved to defer consideration of the application in accordance with the Officer's recommendation to allow a statutory consultation and publicity process to be carried out on additional supporting information received.

6.3 39C561/FR/TR – Full application for the erection of a Zorb Centre together with the construction of a vehicular access and car park on land adjacent the Lodge, Holyhead Road, Menai Bridge.

It was resolved to defer consideration of the application in accordance with the Officer's recommendation and that the application be withdrawn from the Committee's schedule until such time as there is more clarity regarding the proposal.

7 APPLICATIONS ARISING

7.1 17C226G – Full application for alterations and extensions at Ger y Nant, Llandegfan

The application is presented to the Planning and Orders Committee at the request of two Local Members. At its meeting held on 7th September, 2016, the Committee resolved that a site visit should take place and this was subsequently carried out on 21st September, 2016.

Mr Arwyn Williams, the applicant spoke in favour of the proposal. He emphasised that Ger Nant which is a single storey three bedroomed bungalow, was purchased with the intention of extending it to make it into a suitable long-term family home for himself, his wife and 3 children which would allow them to resettle within Anglesey and contribute to the community of Llandegfan. This is not a for profit endeavour. He had consulted closely with the Planning Service on the proposal and had sought to respond to the advice given which has led to the current scheme which Planning Officers find is an enhancement on the building as it exists. Initial objections by neighbours have also been addressed. The subject building is fairly insignificant architecturally and does not have any historical characteristics that need to be preserved. It is not a traditional outbuilding. He acknowledged that the application is not clear cut and that regard must be had of current policies. He believed however that there are special circumstances in this case. Mr Williams said that he had given careful consideration to the requirements of Policy 55 in arriving at the proposed

design and that contrary to the Officer's view he believed the application to be in keeping with the spirit of Policy 55. He cited the qualifying criteria under Policy 55 and showed how he thought the proposal where applicable, complied with those criteria. Mr Williams emphasised that this is an application for a suitable home for the family which will be effected by filling a gap and which will not affect anyone else in the neighbourhood.

The Committee questioned Mr Arwyn Williams on the scale of the proposal which according to the Officer's report amounts to a 125% increase in the floor area of the subject building which is in excess of the expectations of Policy 55 criteria.

Mr Arwyn Williams clarified that that proposed extensions would fill a gap between the existing bungalow and the double garage building amounting to about a 50% to 60% increase; the percentage increase cited by Officers include things done previously which have nothing to do with this application.

Councillor Carwyn Jones spoke as a Local Member and emphasised that the proposal caters for a family's needs and is not made by a developer with the sole aim of making a profit – the Committee has on previous occasions recognised the importance of encouraging and enabling families to settle within communities. This is such an application which is made honestly, which has involved compromise and which does not affect anyone else. It is a proposal to fill a gap and is in scale closer to a 50% or 60% increase and not the 125% set out in the Officer's report which includes the garage which is an existing building. The Local Member gave examples where the Committee had previously used its discretion in determining applications under Policy 55 and he thought personally that what is proposed in being an enhancement of the current building and in having no impact beyond the immediate site would carry weight with the Planning Inspectorate. The property in question is not visible from the highway and is effectively screened from all aspects; there will be no increase in height; it does not have a visual or landscape impact and will not be detrimental to neighbour amenities. There are no objections locally and the family has worked with the Planning Service to compromise and adapt to present a scheme which is a fair and reasonable application to fill a gap. He asked the Committee to consider approving the application on the grounds of its being an exceptional application.

The Development Management Team Leader (NJ) confirmed that neither the Community Council nor the Highways Service have any comments to make regarding the application and that no objections have been received from residents locally. The Officer reported that the absence of representations or that the proposal is not especially visible (visibility not being a criterion of Policy 55) does not mean that the proposal does not set a policy precedent. Policy 55 of the Ynys Môn Local Plan deals with the conversion of existing buildings be they traditional structures or more recent buildings and does not differentiate on the basis of the nature of the original building. The policy does however require that the conversion scheme should respect the character, scale and setting of the existing building and involve only minor external alterations. The proposal which is for alterations and extensions to the building amounting to a 100.94 square metres (equivalent to 125%) increase goes well beyond what could reasonably be described as minor external alterations, the original stable block outbuilding being only 79.3 square metres. The recommendation is therefore to refuse the application.

The Committee noted that the increase in floor area which the proposal would entail and what that represents were not entirely clear there being differing viewpoints as to the size and extent of the proposed extensions. The Development Management Team Leader confirmed that the increase is 125% but taking into account previously approved applications for extensions and alterations, the increase on the original application for the conversion of the outbuilding into a dwelling, amounts to 155%.

There was a difference of opinion among the Committee's Members. Those who favoured approving the application did so on the basis they believed the proposed development satisfies Policy 55 criteria and because they deemed it acceptable in terms of access, parking, amenity space and in having no detrimental visual effects or effects on neighbour amenities or the surrounding landscape. They questioned the inclusion of the existing garage building in calculating the increase given that that would remain regardless, and they also pointed out that the Officer considers that the proposal arguably improves the appearance of the existing building. Whilst they acknowledged that the proposal was not an easy one to determine they deemed it capable and deserving of approval. The Members who concurred with the Officer's viewpoint that the application be refused although they were sympathetic to the applicant's intentions, emphasised that the Committee had previously refused similar applications and that consistency in applying and upholding policy is important.

The Development Management Team Leader (NJ) said that the key issue is the scale of the extensions proposed which conflicts with Policy 55 criteria which advocate only minor external alterations. If the application was approved it would set a precedent for further applications in future potentially in contravention of Policy 55 criteria.

Councillor John Griffith proposed that the application be refused in line with the Officer's recommendation and the proposal was seconded by Councillor Kenneth Hughes. Councillor Lewis Davies proposed that the application be approved contrary to the Officer's recommendation and the proposal was seconded by Councillor Vaughan Hughes.

In the subsequent vote, Councillors John Griffith, Kenneth Hughes and Nicola Roberts voted to refuse the application in accordance with the Officer's recommendation; Councillors Jeff Evans, Vaughan Hughes and Lewis Davies voted to approve the application contrary to the Officer's recommendation. Councillor Victor Hughes abstained from voting. The proposal to refuse the application was carried on the casting vote of the Chair.

It was resolved to refuse the application in accordance with the Officer's recommendation for the reason outlined in the written report.

7.2 25C255A – Outline application for the erection of a dwelling with all matters reserved on land at Tan Rallt, Carmel

The application is presented to the Planning and Orders Committee as it has been referred to the Committee by a Local Member.

The Development Management Team Leader (MD) reported that at its meeting held on 7th September, the Committee resolved to approve the application contrary to the Officer's recommendation because it considered that the site formed part of the settlement and its development could be viewed as an acceptable addition. The Officer confirmed that there had been no material changes since the September meeting of the Planning and Orders Committee apart from the receipt of one additional letter of objection which has been forwarded to the Council's Legal Section because it refers to the composition of the Planning Committee. It is the Officer's opinion that the proposed development would extend into the open rural landscape thereby harming the character of the locality and as such it cannot be viewed as an acceptable extension to the settlement of Carmel. The recommendation remains one of refusal.

Councillor Victor Hughes referred to conditions imposed subsequent to the granting of permission to erect the adjoining property which had not been implemented; he sought clarification of the enforcement position. He said that highway improvements formed part of

those conditions and he queried whether such conditions would apply in this case were it to be approved.

The Officer confirmed that Enforcement Officers had visited the site, had taken measurements and were looking at action that may be taken so the matter is ongoing. The Highways Officer said that the Highways Service does not recommend any additional conditions on the lines of those in connection with the previous application. Highways Officers do not deem it necessary, or reasonable to insist on the applicant making improvements in an area where the highway immediately narrows into a country road. There are existing passing bays and the issue has not caused any problems during the previous years. This proposal in being for only one additional dwelling does not warrant such an improvement.

Councillor Kenneth Hughes said that his view remained unchanged from that expressed at the previous meeting, and he proposed that the Committee reaffirm its approval of the application. The proposal was seconded by Councillor Jeff Evans.

Both Councillor Lewis Davies and Victor Hughes said that they still had concerns regarding the proposal as one that intrudes into the open countryside and as such is at odds with the provisions of Policy 50. There are other alternative development sites in Carmel which do not entail encroaching onto open countryside; in addition, the proposed development will be an open market property and in so being is unlikely to be within reach of local families. Neither Member felt they could support the application. Councillor Lewis Davies proposed that the application be refused in accordance with the Officer's recommendation and the proposal was seconded by Councillor Victor Hughes. In the subsequent vote, the proposal to reaffirm approval was carried by 4 votes to 2. Councillor John Griffith abstained from voting as he had not been present at the Committee's previous meeting in September.

It was resolved to re-affirm the Committee's previous approval of the application subject to appropriate conditions to be determined by the Officers.

7.3 44C102A Outline application for the erection of a dwelling with all matters reserved on land to the rear of Hazelbank, Rhosybol

The application is presented to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 7th September, 2016, the Committee resolved that a site visit should be conducted. The site visit subsequently took place on 21st September, 2016.

The Development Management Team Leader (NJ) reported that observations by the Highways Department have now been received to the effect that Highways Officers recommend a 2.4m by 90m visibility splay for this proposal. In order to comply with this standard, the applicant must utilise land in third party ownership which does not form part of the application. To allow the applicant the opportunity to address this matter and to complete Certificate B and serve notice on the landowner, it is recommended that consideration of the application be deferred at this time.

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given.

8 ECONOMIC APPLICATIONS

None were considered by this meeting of the Planning and Orders Committee.

9 AFFORDABLE HOUSING APPLICATIONS

None were considered by this meeting of the Planning and Orders Committee.

10 DEPARTURE APPLICATIONS

None were considered by this meeting of the Planning and Orders Committee.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

None were considered by this meeting of the Planning and Orders Committee.

12 REMAINDER OF APPLICATIONS

12.1 15C215C – Full application for the erection of a dwelling together with the installation of a septic tank on land adjacent to Tyddyn Bwrtais, Llangadwaladr

The application is presented to the Planning and Orders Committee at the request of a Local Member.

Having declared an interest in the application, Councillor Victor Hughes was not present during the consideration and determination thereof.

The Chair, Councillor Ann Griffith and a Local Member with regard to this application requested that a site visit be carried out so that the Committee's Members may gain a better appreciation of the potential impact the proposed development may have on the surrounding area which is a designated Area of Outstanding Natural Beauty.

Councillor Lewis Davies proposed that a site visit be undertaken and the proposal was seconded by Councillor John Griffith.

It was resolved that a site visit be carried out in accordance with the request of the Local Member for the reason given.

12.2 34C703 – Full application for the demolition of existing office building together with the creation of an extension to the adjacent supermarket car park at Aldi, Llangefni

The application is presented to the Planning and Orders Committee as the development involves Council owned land.

The Development Management Team Leader (MD) reported that the proposal entails the demolition of a former Council office building and the construction of a car park thereon along with the redevelopment of the existing car park for the use of Aldi Stores Ltd. The proposal will provide an additional 50 car parking spaces providing a total of 133 overall and will involve the removal of some trees to which the Built Environment Section does not object. The Officer said that it was the intention originally that parking would be subject to a 2 hour time restriction but that the applicant has since confirmed that no such restriction will apply. The existing Council building does not lend itself to other uses and as such its demolition is not objected to; the recommendation is therefore to approve the application. The Officer said that the Council's recycling bins currently located on the existing car park would more than likely be removed as they do not form part of the proposal; their relocation is a matter for the Property Section.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation and the proposal was seconded by Councillor Vaughan Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions outlined in the written report.

12.3 45C84M/ENF – Retrospective application for the change of use of land into a playing field together with the construction of a new access at Pendref, Penlon, Newborough

The application is presented to the Planning and Orders Committee at the request of a Local Member.

The Development Management Team Leader (NJ) informed the Committee that while a Public Speaker has been registered to address this meeting with regard to the application, inadvertently no such opportunity has been given to the applicant. It is therefore recommended that to be fair, consideration of the application be deferred to allow the applicant the same opportunity to register an interest in addressing the Committee if he so wishes.

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given.

12.4 46C530B – Full application for the demolition of the existing shop together with the erection of a new shop in its place at the Old Boat House, Lôn Isallt, Trearddur Bay

The application is presented to the Planning and Orders Committee as it has been called in by a Local Member.

The Development Management Team Leader (NJ) reported that the proposal is for the demolition of the existing shop together with the erection of a new two-storey shop on the same footprint of the existing shop. The application is very similar in scale to that approved in 2014 but with minor changes in terms of design. The application has been called in by a Local Member due to concerns that the subject building could be converted into a residential dwelling in future. That is not the substance of the application as presented and should such an application be made at any point in future then there are separate policies that would apply in those circumstances. The Officer said that another Local Member, Councillor Dafydd Rhys Thomas has since confirmed that he supports the application as a much needed retail proposal for the area. The proposed development is considered acceptable by the Local Planning Authority and is recommended for approval.

Councillor Jeff Evans, also a Local Member said that the existing shop is small and unsuited to its current use; the proposal will make it more acceptable visually and will enable the shop to potentially offer a variety of new items for retail.

Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Jeff Evans.

It was resolved to approve the application in accordance with the Officer's recommendation subject the conditions outlined in the written report.

13 OTHER MATTERS

None were considered by this meeting of the Planning and Orders Committee.

**Councillor Ann Griffith
Chair**