

Planning and Orders Committee

Minutes of the meeting held on 4 October 2017

- PRESENT:** Councillor Nicola Roberts (Chair)
- Councillors Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Shaun Redmond, Dafydd Roberts, Robin Williams
- IN ATTENDANCE:** Planning Development Manager (NJ)
Planning Assistants
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillors John Griffith, Glyn Haynes, Richard Owain Jones (Vice-Chair)
- ALSO PRESENT:** Local Members: Councillors Richard Dew (Portfolio Member for Planning) (application 10.4), Llinos Medi Huws (application 10.6), R.G.Parry, OBE, FRAGS (application 12.2), Dafydd Rhys Thomas (application 7.1)
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1 APOLOGIES

The apologies for absence were presented and noted as listed above.

2 DECLARATION OF INTEREST

Councillor Trefor Lloyd Hughes declared a personal and prejudicial interest with regard to application 7.1

Councillor Shaun Redmond wished it to be noted that prior to becoming a councillor he had assisted an objector by way of providing advice on how to object on planning matters but had not expressed any personal views on the matter.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 6th September, 2017 were presented and were confirmed as correct.

4 SITE VISITS

The minutes of the planning site visit held on 20th September, 2017 were presented and were confirmed as correct.

5 PUBLIC SPEAKING

The Chair informed the Committee that Public Speakers had been registered to speak on applications 10.2 and 12.1

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 13C195A – Full application for an agricultural shed and milking parlour together with the construction of a slurry pit and associated development at Gate Farm, Trefor

The Planning Development Manager reported that application site was visited by the Committee's Members on 20 September, 2017. The application has also been screened by the Local Planning Authority as one where an Environmental Statement will be required under the Environmental Impact Assessment Regulations; this has been accepted by the applicant. In these circumstances, it is recommended that the application be removed from the agenda as it is unlikely to be reported on in the near future.

It was resolved to defer consideration of the application and that it be removed from the Committee's agenda for the present in accordance with the Officer's recommendation for the reason given.

6.2 20C310B/EIA/RE – Full application for the construction of a 49.99 MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to Rhyd y Groes, Rhosgoch.

The Planning Development Manager referred to the history of the application and said that consideration of the application has for the reasons set out in the report been deferred at a number of the Committee's meetings. The application was deferred at the September, 2017 meeting to allow the applicant to submit noise mitigation details. Although at the time of writing the report those details were not available, they have now been received and will be the subject of further consultation. This being the situation, it is recommended that consideration of the application be deferred to allow the consultation to take place.

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

6.3 45C482 – Full application for the erection of a 21m high lattice tower with associated equipment on land north east of Cae Gors, Newborough

The Planning Development Manager reported that a site visit is considered necessary in order for Members to view the proposal in its context before determining the application.

It was resolved to visit the application site in accordance with the Officer's recommendation for the reason given.

7 APPLICATIONS ARISING

7.1 46C578 – Full application for alterations and extensions to The Pavilion, Lôn Isallt, Trearddur Bay

The application was reported to the Planning and Orders Committee as it is made on land in the Council's ownership. At its meeting on 6th September, 2017, the Committee resolved to approve the proposal for the extension to the pavilion building in accordance with the Officer's recommendation but also, contrary to the Officer's recommendation, it approved the development of the car park and access for the reason that a car park exists opposite the proposed development site and because it deemed the intended scheme at the pavilion building to be no different to this.

As he had declared a personal and prejudicial interest in this application, Councillor Trefor Lloyd Hughes, MBE, withdrew from the meeting during the discussion and determination thereof.

The Planning Development Manager reported that further consultation with Natural Resources Wales (NRW) has taken place and the statutory consultee, having raised objections to the car park and access element of the proposal on the grounds of flood risk has stated its concern over the decision of approval taken by the Committee as being at variance with national policies on flooding. The Officer said that whilst NRW has proposed as a way forward, that there be a condition that no use of the car park be made in the event of a warning of flooding, it is felt that such a condition would be difficult to enforce. Consequently, the Officer's recommendation remains unchanged, namely that the application in relation to the extensions to the pavilion building is approved and that the proposal to create a new access and car parking area is refused.

Councillor Kenneth Hughes proposed that the Committee's original decision to approve both elements of the application, viz the building extensions and the creation of a new car park and access be reaffirmed. The proposal was seconded by Councillor Robin Williams.

Councillor Shaun Redmond proposed an amendment that approval includes the condition put forward by NRW. The Planning Development Manager reiterated that it is the Officer's opinion that the condition cannot be enforced, but that it a matter for the Committee to decide whether it be attached to consent notwithstanding. There was no seconder to the proposal.

Councillor Dafydd Roberts proposed a further amendment that a condition be attached to the car park consent requiring a specific sign to be put up to warn users about the potential risk of flooding. The Officer confirmed that a condition to that effect is acceptable. Councillor Eric Jones seconded the proposal. Councillor Kenneth Hughes subsequently withdrew his proposal in favour of the amendment.

It was resolved to reaffirm the Committee's previous decision viz.

- **To approve the application to extend the existing pavilion building in accordance with the Officer's recommendation and,**
- **To approve the application to create a new access and car parking area contrary to the Officer's recommendation subject to conditions to be determined by the Officers including a condition that a sign to warn of the risk of flooding be erected.**

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

10.1 17C513B – Full application for amendments to previously approved application reference A/289A for the erection of a dwelling and garage on land at Bryn, Llansadwrn

The application was presented to the Planning and Orders Committee as the proposal is contrary to Joint Local Development Plan policies but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that although the application site is located in the open countryside and in so being is contrary to Policy PCYFF1 of the Joint Local Development Plan, a detailed application has been approved under reference A/289A on land at Bryn, Llansadwrn. A certificate of lawfulness was submitted under application reference 17C51A/LUC which provided evidence that footings for a bungalow were dug. The evidence provided has safeguarded the permission approved under application A/289. Given that that the certificate has been proved lawful, the principle of amending the design of the dwelling is considered acceptable. It is not considered that the proposal will have a negative impact on the immediate neighbour known as Bryn. A condition will be placed on the permission so that the first floor windows in the North-East elevation of the development will be glazed with obscure glass to alleviate any overlooking onto the neighbouring property. The Community Council has confirmed that it has no observations to make on the application. Having regard to the fact that the application site already has planning consent thus providing a fall-back, and to other material considerations, the recommendation is one of approval.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation. 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 contained within the written report and a Section 106 agreement to preclude the implementation of the previous permission.

10.2 23C262B/VAR – Application under Section 73 for the variation of condition (11) of planning permission reference 23C262A (The development shall be carried out in strict conformity as shown in the submitted plans under reference 23C262A) so as to convert and extend an existing barn into a 3-bedroom dwelling at Nyth Clyd Capel, Talwrn

The application was presented to the Planning and Orders Committee because the proposal is contrary to the policies of the Joint Local Development Plan (JLDP) but which is one the Local Planning Authority is minded to approve.

The Planning Development Manager reported that the principle of developing the site has already been established under planning application 23C262A where permission was granted for the conversion and extension of a barn into a 3 bedroom dwelling at Nyth Clyd, Talwrn on 13 May, 2013. The JLDP states that the conversion of traditional buildings for residential use will only be permitted for employment use or, if that is not an option in order to provide an affordable unit. However, given that the application site has an extant planning permission for the conversion of an outbuilding into a dwelling and in light of the fact that the amendments proposed under the current application are considered to be an improvement on the original proposal in reducing the amount of extensions to the outbuilding and in maintaining the architectural characteristics of the original outbuilding to a greater extent than the previously approved scheme, the recommendation is one of conditional approval.

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

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and a Section 106 agreement to preclude the implementation of the previous permission.

10.3 25C240C/VAR – Application under Section 73 for the variation of condition (04) of planning permission reference 25C240B (erection of a dwelling) so as to amend the design at Pen Parc, Carmel

The application was presented to the Planning and Orders Committee because the proposal is contrary to the policies of the Joint Local Development Plan (JLDP) but which is one the Local Planning Authority is minded to approve.

The Planning Development Manager confirmed that the statutory consultees have responded to the effect that they have no observations to make on the application. The Community Council has no objections to the proposal. The Officer reported that since the adoption of the JLDP Carmel is now identified as a cluster where any new dwelling must be for an affordable local need on an infill site. The proposal whilst compliant with the policies of the JLDP as regards location, does not meet the requirements of Policy TAI6 in terms of affordability. However, the application site has an extant planning permission with full permission for the erection of a dwelling having been approved in November, 2015 under planning application 25C240B; thus, the principle of a dwelling has already been established. Additionally, the current application reduces the scale of the proposed dwelling to a single storey dwelling meaning that it will fit in much better with the existing form of development in the area and will have less of an impact on neighbouring properties than the dormer type dwelling approved under the original scheme. Having considered the above, the Officer's recommendation is one of conditional approval.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation; 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 contained within the written report and a Section 106 agreement to preclude the implementation of the previous permission.

10.4 28C373G – Full application for the erection of 3 three-storey townhouses which include balconies and 3 detached houses which include balconies together with the construction of a new access on land at Station Road, Rhosneigr

The application was reported to the Planning and Orders Committee as it is a departure from the Development Plan which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that although the application is contrary to the provisions of policy TAI 5 (Local Housing Market), the principle of residential development has been established on the application site and there remain two extant planning permissions, both for 8 units. The current application proposes 6 instead of 8 units thereby reducing the density of the development. Changes have been made to the scheme to reduce the impact of the development on the residential amenities of neighbouring properties and whilst there remain some objections among residents of the properties nearby, others are broadly supportive on the basis that the current proposal is considered to be an improvement on previous plans. The Officer's recommendation is to approve the application.

Councillor Richard Dew speaking as a Local Member voiced his approval for the proposal citing the improved layout and design, the fact of the existing planning permission on site and the reduction in the number of units which will alleviate traffic and parking impacts as

reasons to support the application. Additionally, the nearest neighbour to the development is now happy with the proposal.

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

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and a Section 106 agreement to preclude the implementation of the previous permission.

10.5 30C246K/VAR – Application under Section 73 for the variation of condition (12) of planning permission reference 30C246H (erection of three dwellings) so as to move the location of one dwelling (P1) on land opposite Tyn Pwll, Benllech

The application was reported to the Planning and Orders Committee as the proposal is contrary to the policies of the Joint Local Development Plan (JLDP) but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that although the application is contrary to Policy TAI 16 of the JLDP, the principle of development has already been established under planning application 30C246H for 3 dwellings at Tyn Pwll, Benllech which was approved in November, 2016. The amendments proposed by the current application are to re-locate one of the dwellings identified as (P1) 3m away from the boundary of the site as opposed to 1m from the boundary under the previously approved application. It is considered that the current application will consequently have a reduced impact on the property to the side of the development. Notwithstanding the proposal is contrary to policy, the fall-back position provided by the extant planning permission on the site as well as the improvements resulting from repositioning one of the dwellings means that the recommendation is one of approval.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Eric Jones.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and a Section 106 agreement to preclude the implementation of the previous permission.

10.6 30C180F/VAR – Application under Section 73 for the variation of condition (02) of planning permission reference 38C180D (outline application for the erection of a dwelling and vehicular access) so as to allow an extension of time to submit a reserved matters application at Gilfach Glyd, Mynydd Mechell

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

Councillor Llinos Medi Huws, a Local Member asked that the Committee consider visiting the site on the basis that as a reconstituted Committee under the new Council, Members of the Committee would benefit from seeing the application site.

The Planning Development Manager reported that outline planning permission was approved on 2 May, 2013. The applicant was required to submit a reserved matters application by 2 May, 2016 which has not been forthcoming. The applicant is therefore out of time to submit a reserved matters application in line with the conditions of the outline consent. The current application under Section 73 is in effect an application for a new

permission and must be therefore be determined in accordance with the Joint Local Development Plan as the prevailing policy reference. The proposal is considered to be contrary to Policy CYFF1 of the JLDP; advice contained in Planning Policy Wales 2016 as well as TAN 6 - Planning for Sustainable Rural Communities. The Officer said that the fall-back position does not apply in this instance as full permission which would have followed approval for reserved matters, has not been granted so there are is no permission in place to immediately develop the site. As the application is contrary to policy, she did not see what benefit could be derived from visiting the application site.

Councillor Llinos Medi Huws said that the application was approved in 2013. The site was acquired by a young local couple and they made changes to the application in the belief that they had a period of five years within which to commence the development work. Unfortunately, that is not the case and the permission has expired. Under previous planning policies it would have been possible to grant an extension of time to allow the submission of a reserved matters application so work could commence. Councillor Huws referred to the Development Plan and that no reference is made to Mynydd Mechell. However she suggested that the application is covered by the Plan in so far as in the figures in the JLDP there was a requirement for 7,184 housing units 3,472 of which were allocated to Anglesey. In April, 2016, 783 of those had been approved and Gilfach Glyd was amongst them. Her argument therefore was that Gilfach Glyd is recorded in the 783 in the JLDP.

The Planning Development Manager said that the applicant had until May, 2016 to submit a reserved matters application so at the time there was outline planning permission. However, even if the time period was to be extended to submit a reserved matters application, the applicant then has to present details of the full application for approval and it is only after this that the applicant is in a position to begin work.

Councillor Kenneth Hughes proposed that a site visit be undertaken on the grounds that it would enable the Committee to assess for itself whether or not the proposal represents a reasonable extension within the area. Councillor Robin Williams seconded the proposal.

It was resolved to undertake a site visit for the reason given.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 36C351A/VAR – Application under Section 73 for the variation of condition (12) of planning permission reference 36C351 (the development by this consent shall be carried out strictly in accordance with approved plans) so as to allow the raising of the finished floor levels at Ty Llwyd, Rhostrehwfa

The application was reported to the Planning and Orders Committee as the applicant is a close friend of a relevant officer as defined within paragraph 4.6.10.2 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required by the said paragraph.

The Planning Development Manager reported that following commencement of works on the site the developer found that the details submitted as part of planning application reference 36C351 were incorrect and that the finished floor level of the proposed dwelling should have been set at 77.15m AOD and not 76.15m AOD as stated on the approved plans. This application has been submitted in order to rectify the discrepancy and to ensure that the finished floor level of the proposed dwelling is not lower than the proposed ground level. Work to implement the original permission has begun and has revealed that the application site is overlaid by solid rock the removal of which in order to lower the ground level would entail significant clearance work, hence the proposal to raise the floor level of

the proposed dwelling. It is the Officer's view that although the increase in the finished floor level of the proposed dwelling will marginally increase its prominence, it will not detrimentally harm the surrounding landscape to such a degree as to warrant the refusal of the application.

Councillor Eric Jones proposed that the application be approved; 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 as listed from (02) onwards in the written report [condition (01) no longer being required].

12 REMAINDER OF APPLICATIONS

12.1 46C569A/ENF – Retrospective application for the retention of a private track on land adjoining Moryn, Trearddur Bay

The application was reported to the Planning and Orders Committee at the request of a Local Member.

Councillor Trefor Lloyd Hughes, MBE a Local Member with regard to this application proposed that the site be visited in order for Members to see for themselves the nature of the works undertaken and their potential effects within their context.

Councillor Kenneth Hughes seconded the proposal for a site visit.

It was resolved that a site visit be undertaken for the reason given.

12.2 40C202A – Full application for the erection of a dwelling on land adjacent to Penrallt Bach, Gwalchmai

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

Councillor R.G.Parry, OBE, FRAGS requested that as this is a Committee with several new Members, the application site be visited in order for Members to see for themselves the location and siting of the proposal and to assess any potential effects on residential amenity that may result.

The Planning Development Manager reported that the application is being recommended for refusal on the grounds of amenity and because it is considered that the proposal represents insensitive infilling. The occupant of the neighbouring property has confirmed by letter that no objection is raised and a letter by the applicant's agent says that the proposal is in keeping with the immediate area and that mitigation measures are proposed to alleviate any impact on amenities. However, the proposal has not changed materially since the withdrawal of the previous application in March, 2017.

Councillor Kenneth Hughes proposed that the application site be visited; the proposal was seconded by Councillor Eric Jones.

It was resolved to undertake a site visit in accordance with the Local Member's request for the reason given.

13 OTHER MATTERS

The Planning Development Manager reported that a minor amendments application had been received in relation to the previously approved scheme to renovate the council housing estate at Bryn Tirion, Beaumaris and to provide parking provision where previously there was none. The amendments proposed involve reducing the car parking spaces from 22 to 11 and decreasing the tarmac area; the Local Planning Authority has determined the application as the proposed amendments were deemed to be non-material.

It was resolved to note the information.

**Councillor Nicola Roberts
Chair**