Planning and Orders Committee

Minutes of the meeting held on 3 July 2019

PRESENT: Councillor Nicola Roberts (Chair) Councillor Richard Owain Jones (Vice-Chair) Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams IN ATTENDANCE: Development Management Manager (NJ) Planning Officer (CR) Planning Support Officer (DR) Planning Support Officer (SP) Senior Engineer (Highways Development Control) (EDJ) Legal Services Manager (RJ) Committee Officer (ATH) APOLOGIES: **Councillor Vaughan Hughes** ALSO PRESENT: Local Members: Councillor R.G. Parry MBE, FRAgS (for application 7.1); Councillor leuan Williams (for application 7.2) Councillor Peter Rogers (for application 12.1); Councillor Alun Mummery (for application 12.3); Councillor Richard Dew (Portfolio Member for Planning)

1 APOLOGIES

The apology for absence was noted as referred to above.

2 DECLARATION OF INTEREST

Declarations of interest were made as follows -

Councillor Nicola Roberts declared a personal and prejudicial interest with regard to application 7.2 on the agenda.

Councillor Bryan Owen declared a personal and prejudicial interest with regard to application 12.4 on the agenda.

Councillor Peter Rogers (not a member of the Planning and Orders Committee but in attendance as a Local Member) declared a personal and prejudicial interest with regard to application 11.1 on the agenda and was not present when the application was discussed.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 5 June, 2019 were presented and were confirmed as correct.

4 SITE VISIT

The minutes of the planning site visit held on 19 June, 2019 were presented and were confirmed as correct.

5 PUBLIC SPEAKING

The Chair announced that there would be Public Speakers in relation to applications 7.1 and 12.1.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 FPL/2019/116 – Full application for the change of use of former church into two holiday units together with alterations and extensions at St. David's, Athol Street, Cemaes

The Planning Development Manager reported that the application had been called in to the Planning and Orders Committee due to concerns locally about road safety, the design of the proposed development and land ownership. Several objections to the development have also been received.

Consequently, it was the Officer's opinion that it would be beneficial for the Committee's members to view the site prior to considering the application. In addition, should the Committee determine to visit the site, the residents of two properties nearby have asked that the Committee also take the opportunity to view the application site from the perspective of their properties in order to better appreciate their concerns regarding the proposal.

It was resolved that the application site be visited in accordance with the Officer's recommendation for the reason given and that it be viewed also from the perspective of two properties nearby as requested.

7 APPLICATIONS ARISING

7.1 FPL/2018/42 – Full application for the erection of 8 market and 2 affordable dwellings, construction of a new vehicular access and road together with soft and hard landscaping on land adjacent to Llain Delyn Estate, Gwalchmai

The application was reported to the Planning and Orders Committee as it has been called in a Local Member. At the Committee's 5 June meeting it was resolved to convene a site visit and this subsequently took place on 19 June, 2019.

Public Speaker

Sioned Edwards (for the application) outlined the nature of the application and stated that as a proposal for 10 units it had been the subject of a pre-application consultation process which had included Local Members, Trewalchmai Community Council, the public, and statutory consultees. Concerns had been raised about the access to the application site via the Llain Delyn Estate and about the potential effects on the residents of nearby properties during the construction period especially with regard to the use by construction traffic of the private track linking the application site with Crown Street. Ms Edwards highlighted that the Council's Highways Department had confirmed that it was satisfied with the proposal in terms of access and compliance with parking standards and that the provision of a Construction Traffic Management Plan is recommended by Officers in order to agree on routing and parking with the development thereafter to be constructed in accordance with the details agreed. This is acceptable to the applicant and would also ensure that arrangements are in place in respect of the public footpath which runs the length of the private track. As part of the proposal a financial contribution will be made to primary education provision in the area and the provision of 2 affordable housing units and an open space will also form part of the development. The proposal is acceptable to the Planning Officers subject to conditions and it is hoped the Committee will also be able to support it.

Councillor R.G. Parry, OBE, FRAgS spoke as a Local Member to confirm that whilst he nor the Community Council had any objections to the proposal, they were worried about the potential impacts during the construction phase and about access. The Committee would have seen from the site visit that the site can be accessed in two ways, the first through the Llain Delyn estate and secondly via the track from the Doctor's surgery. He and the Community Council were requesting that a condition be attached to any planning permission to stipulate that during the construction phase access to the site be confined to the track leading from the Doctor's surgery so as to avoid the impact and potential hazards of heavy construction traffic passing through the Llain Delyn housing estate.

The Development Management Manager reported that as well as expressing concern about the access, the Community Council has also questioned the need for the proposed housing development in this location and the effects it might have on local infrastructure by placing additional demand on the local school and surgery. The application site is within the development boundary with Gwalchmai being a service centre where residential development would be expected in accordance with the JLDP. The Highways Department has not raised any objections to the application proposing conditional approval specifically with regard to managing construction traffic as per conditions (10) and (11) of the Officer's report in order to allay the concerns raised by the Community Council and Local Member. The Officer said that it is therefore a matter of agreeing the details in line with the conditions as opposed to imposing a specific condition to restrict access by construction traffic to one route. The mix of housing proposed by the development is acceptable to the Housing Department and it is also considered to accord with the character and appearance of this part of Gwalchmai Uchaf there being other two storey properties in the immediate vicinity. A financial contribution towards accommodating additional pupils estimated to be generated by the development at the local school is proposed as well as the provision of an open space in compliance with Policy ISA 5. The Officer's recommendation is therefore to approve the application subject to the conditions listed and the completion of a legal agreement to secure the relevant contributions/ provisions.

In considering the proposal, the Committee sought the perspective of the Highways Department on the access issue and the Local Member's request for a condition to specify the access route for construction traffic.

The Senior Engineer (Highways Development Control) confirmed that when discussing the Construction Environmental Management Plan referred to in conditions (10) and (11) with the developer, Highways Officers will take into account the concerns expressed and will also carefully assess the two access routes before coming to an agreement with the developer on whether one or the other or whether sharing offers the best option. The Officer further confirmed in response to comments about the Llain Delyn estate road being narrow that whilst estate roads tend to be narrower than other roads, the road through Llain Delyn is not untypical and is of a standard width for that type of development.

Councillor Kenneth Hughes proposed the Officer recommendation to approve the application seconded by Councillor Eric Jones.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein and the completion of a legal agreement containing the obligations as listed.

7.2 FPL/2019/31 – Full application for the conversion of an outbuilding into a holiday letting unit together with the installation of a new septic tank at Ty Mawr, Pentraeth

The application was reported to the Planning and Orders Committee as it had been called in to committee by a Local Member. At its meeting on 1 May, 2019 the Committee resolved to undertake a site visit which took place on 15 May, 2019. Subsequently, at its meeting held on 5 June, 2019 the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that it deemed the proposed development to be justified and compliant with Policies TWR 2 of the JLDP and TAN 23: Economic Development (2014) bringing with it economic benefit to the area.

As she had declared a personal and prejudicial interest in the application, Councillor Nicola Roberts withdrew from the meeting for the consideration and determination thereof. The Vice-Chair, Councillor Richard O. Jones chaired the meeting for this item.

Councillor leuan Williams Local Member re-stated his belief that policies had in this instance been interpreted too rigidly the Officer objection being based on the size of the proposed alterations to an old building but discounting the extensions that have been made over the course of time. The Local Member emphasised that in terms of footprint the new conversion will only be slightly larger than the existing building and extensions but will also bring with it economic gain as the applicants – a farming family - seek to diversify and generate tourism for the area. The subject building is one of a cluster of four buildings the other three having been sold for re-development potentially leaving the subject building to dilapidate further in their midst if the application is not approved. The Local Member said he understood that those who had been consulted including by now the buyer of the last of the four properties as well as local businesses were supportive of the application and he asked the Committee to reaffirm its previous decision of approval.

Councillor John Griffith sought further clarity on the size and scale of the proposed conversion citing the Officer's report that the proposal only retains a small part of the existing building whilst building a substantial addition to make the proposal viable as a 4 bedroomed holiday unit thereby making it far more visible than the other properties around it and therefore more intrusive in its surroundings.

Councillor leuan Williams clarified that on site there is an outbuilding which is the original building with a number of later extensions added onto it; these have been discounted in assessing the proposal because they are not deemed suitable for conversion which he felt was an overly strict approach which as far as he knew was not reflected in national policy nor in the JLDP. In terms of footprint the proposal is only 2% to 3% larger than that of the existing buildings and overall the proposal brings order to that which is on site already. Neither did he believe the proposal to be overly visible from its location nor have any impacts on anyone or anything.

The Development Management Manager said that the report provides a response to the reasons given by the Committee for approving the application at its previous meeting contrary to the Officer's recommendation. A letter in support of the application has been submitted by the applicant and is included in the representations pack as is a copy of an e-mail from the owner of one of the nearby properties confirming no objections to the proposal. The Officer emphasised that although there is no objection to the conversion of the building and it is accepted that it would bring economic benefit to the area, the proposal

as presented is considered highly inappropriate in scale and mass and would dominate in the cluster of buildings of which it forms part, the proposed extensions being 100% larger than the present building. In so being the proposal is contrary to Policy TWR 2 of the JLDP and TAN 23 para 3.2.3 from which the Officer quoted as well as the Authority's SPG. There is therefore a clear policy basis for refusing the application and the recommendation remains one of refusal.

Councillor John Griffith proposed, seconded by Councillor Richard Owain Jones, that the application be refused in accordance with the Officer's recommendation because of its unsuitability in respect of scale and mass, and in so doing he highlighted the Officer's written comments setting out the way in which the proposal is non-compliant with Policy TWR 2; approval would also set a dangerous precedent for future such applications.

Councillor Kenneth Hughes proposed that the Committee's previous decision to approve the application be reaffirmed and was seconded by Councillor Bryan Owen. Councillor Dafydd Roberts agreed stating that although normally he would not support a conversion proposal that was larger in scale than the original building, he believed the secluded location in this case made the proposal acceptable.

In the ensuing vote the proposal to reaffirm approval was carried by a majority of the Committee.

It was resolved to reaffirm the Committee's previous decision to approve the application contrary to the Officer's recommendation and to authorise the Officers to apply conditions on the consent as appropriate.

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 VAR/2019/5 – Application under Section 73A for the variation of conditions (09), (10) and (11) of planning permission 30C246K/VAR (application under Section 73 for the variation of conditions so as to move the location of one dwelling) so as to allow for the submission of details regarding surface water drainage, a traffic management scheme and drainage system maintenance details following the commencement of the development on land adjacent to Ty'n Pwll, Benllech

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

The Development Management Manager reported that permission for three dwellings on the site was granted under the previous Development Plan and an application to re-locate one of the dwellings was approved fairly recently with conditions attached in relation to surface water drainage, a traffic management scheme and drainage maintenance details. Work has commenced on site without the conditions having been discharged and so the current application seeks to vary those conditions so as to enable the details to be submitted and approved following the commencement of works. The Officer said that the details required by the above conditions have been provided and assessed as part of the application and are acceptable and satisfy the requirements of the conditions retrospectively.

Councillor Kenneth Hughes proposed the Officer recommendation to approve the application seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein.

10.2 Application under 73A for the variation of condition (04) (approved plans) of planning permission reference 30C755B/DEL (Application for the removal of conditions (09), (10), and (11) (Code for sustainable homes) and variation of condition (08) (materials) of planning permission 30C755 (Outline application for the erection of a dwelling) so as to re-position the dwelling, amend the design and add a sun room at Min y Ffrwd, Minffrwd, Brynteg

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

The Development Management Manager reported that the principle of a dwelling has already been established in this location under the previous Development Plan and the application is to remove the conditions above in order to make amendments to the previously approved scheme including re-positioning the dwelling 6m to the North East; changes to doors and windows including dormer windows and rooflights and the addition of a sun room to the South West elevation facing the highway. The proposed amendments are acceptable and are considered to be an overall improvement on the previously approved plans. Although the application is contrary to Policy TAI 6 of the JDLP, having regard to the extant planning permission and the improvement which the proposed amendments represent the recommendation is to approve the application.

Councillor Bryan Owen proposed the Officer recommendation to approve the application seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 FPL/2019/145 – Full application for the erection of an agricultural shed to house livestock at Fferm Cefn Dderwen, Brynsiencyn

The application was reported to the Planning and Orders Committee because the applicant is related to a "relevant officer "as defined in paragraph 4.6.10 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required under the said paragraph.

The Development Management Manager reported that the proposed scheme is for the erection of a new agricultural shed which will form an extension to the existing shed on site. The applicant also proposes to lower the ground level so that it is consistent the length of the new shed. As the proposal would be located in an area rich in history a condition is proposed requiring that an archaeological assessment be carried out during the construction phase; the Highways Department further proposes a condition requiring the submission of a Construction Traffic Management Plan prior to the commencement of

works. As the location of the proposal is near to the AONB and the proposal would be visible from a public footpath for a short period against the existing sheds an additional landscaping condition is proposed to mitigate any brief impact that may arise therefrom. The Officer said that the Community Council had since confirmed that it had no comments on the application and the Officer's recommendation is one of approval.

Councillor Eric Jones proposed the Officer recommendation to approve the application seconded by Councillor Kenneth Hughes.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein and with an additional condition with regard to landscaping.

12 REMAINDER OF APPLICATIONS

12.1 VAR/2019/14 – Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref. 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at Cae Eithin, Malltraeth

The application was reported to the Planning and Orders Committee at the request of the Local Members due to concerns regarding access and land ownership issues.

Councillor Bryan Owen proposed that a site visit be undertaken because of the concerns regarding access and land ownership. Councillor Owen explained that he believed the application to be a case of putting the cart before the horse as the applicant does not at present have an access to the dwelling and that the Committee should first see the application site before determining the application.

The Development Management Manager clarified that the application is for amendments to the previous outline and reserved matters permission for a dwelling in which the access was shared with Pen Parc, the property next door. A separate private access and driveway to Cae Eithin has been approved as part of a later stand-alone application. However, the application as presented is to vary conditions of permission relating to the dwelling only and is not related to the private access. The reason given for proposing a site visit i.e. access issues is therefore not a valid planning reason for this application which is in connection with changes made to the dwelling.

Councillor Bryan Owen said that the separate access referred to has been created on land not owned by the applicant and that no agreement has been reached between the applicant and the next-door neighbour about purchasing the land. Councillor Owen said that he thought the matter of the access needed to be resolved before this application could be determined since without lawful access the property can't be used.

The Development Management Manager provided the Committee with some background information and context to the application and, with reference to the site map highlighted the land on which the separate access was situated relative to the land on which the dwelling which is the subject of this application, is located. The separate access was approved as a stand-alone permission and has been the subject of an enforcement investigation for breach of conditions. The Officer further clarified that as part of this application which is to amend the original outline consent which included access, the

applicant has served notice on the landowner which means the application can be dealt with otherwise land ownership is not a planning matter.

Public Speaker

Mr Dafydd Jones Russell Hughes (for the application) stated that the only issues relevant to the application are the finished floor level, minor variations in the size and the location of the house and garage on the site being different to that which was given permission, the land ownership issue being a civil matter. These are set out in detail in the Officer's report. The finished floor level has been built 170mm lower than that agreed between the Planning Department and Natural Resources Wales (NRW) as a safeguard against flooding. As the property has been completed and furnished, raising the floor level from the inside would be extremely difficult and costly so consideration has been given to constructing a small perimeter wall around the property to a height equal to the required level; this has been agreed as adequate by NRW. The other variations relating to the size of the property, and where the property and the garage are sited on the plot are relatively minor in relation to that permitted. The ridge height of the property conforms to the level specified in the planning permission. The applicant is therefore asking for permission to construct a small flood defence wall around the property and for the Committee to consider that the minor alterations to the scheme will not have any negative effects on the natural or built environment with the Officer's report confirming that neither will there any impact from it on surface water drainage. Mr Russell-Hughes said that as agents for the applicant they had consulted extensively with the Planning Department, NRW and the Flood Management Advisor to submit a planning application which deals satisfactorily with these small changes. The changes have not been made for any personal gain the applicant not being a builder and having to trust others to construct the dwelling in line with the planning permission. From the site's planning history, it is clear that the applicant has submitted numerous applications to try to ensure that every part of the development is legal. Not having been able to use the property which he has had the right to construct has caused the applicant and his family much mental anguish. It is hoped the Committee will agree with the Officer's recommendation of approval.

Councillor Peter Rogers, a Local Member stated that this was an application that had been causing conflict over a long period of time; he referred to the discrepancies between the height, finished floor level and siting of the dwelling and those prescribed by the conditions of the original planning consent. These were the subject of an enforcement investigation regarding which information is still awaited. Councillor Rogers also highlighted than many questions in relation to the development and the breaches of planning conditions remain unanswered. The changes in the scale of the dwelling which have added to its height, length and width have resulted in an oversized development the visual impact of which is greater than that indicated on the approved plans permitted under planning conditions. Councillor Rogers highlighted that a major concern is the proposed method of resolving the fact that the proposal has not been constructed in accordance with the finished floor level specified by the planning condition which is by the construction of a perimeter flood defence wall which will serve to exacerbate the development's visual impact still further as well as its impact on the amenity and privacy of the adjoining property. Councillor Rogers said that the reasons for seeking this approval is in the interest of selecting the most effective solution to a self-made problem. He said he was disappointed that there would be no site visit for he thought the Committee should see for itself what has been the situation on this site for a few years now.

The Development Management Manager reported that with respect to this application the principal concern is the impact of the flood defence wall on visual amenities of the Pen Parc property. She recapped on the planning history of the development and said that an enforcement investigation of breaches of conditions in relation to the separate and standalone planning permission for the private access, identified anomalies in respect of the dwelling itself. These relate to the finished floor level, the siting of the dwelling within the plot, increased length and width of the finished dwelling and amended orientation of the garage. Consequently, the application seeks to regularise the matters identified, and should it be approved, the applicant's agent has indicated that a separate application would be submitted to deal with issues arising in relation to the private access.

The proposal was originally located with an area classified as a C1 flood zone in which development is permitted providing it meets the criteria set out in TAN 15. The finished floor level was therefore set at a minimum of 4.42m Above Ordnance Datum (AOD) to safeguard the development and future occupants from flooding for the lifetime of the development. The actual finished floor level of the dwelling is 4.25 AOD, 170 mm lower than the level specified in the condition. In order to address the identified flood risk as a result of the reduced finished floor level, it is proposed that a flood defence wall will be constructed close to and around the entire dwelling. The height of the flood defence will also take account of the reclassification of the area from a C1 to a C2 zone (which would have meant the proposal being recommended for refusal had that been the case originally) meaning that the dwelling will be better protected from flooding events than would have been the case had it been constructed in accordance with the original details. Natural Resources Wales have been consulted as part of the application and raise no objection.

The dwelling is also 250mm longer and 250mm wider than that approved and the garage is now sited such that its front gable faces the new driveway approved as part of the permission for a private access. The Officer said that there is strong opposition locally to the height of the dwelling which the outline planning permission stated should not exceed 6m. The height of the dwelling from the finished floor level as built to ridge is 5.85m which is less than the 6m stipulated in the condition. However, the height of the dwelling from the original ground level to ridge is 7.15m. Whilst condition (10) sets the maximum ridge height at 6m it does not specify whether the measurement should be taken from the finished floor level or from the original ground level and due to the lack of clarity would likely be unenforceable. In light of this and due to the fact that the height from finished floor level does not exceed 6m it is not considered that the condition has been breached. Notwithstanding the concerns locally about the accuracy of the measurements, the principal issue is the effect of the changes along with the proposed flood defence wall in terms of the visual impact of the whole and the impacts on the amenities of neighbouring properties. It is the Officer's opinion as set out in the report, that the variation to the siting and scale of the dwelling and the amendment to the orientation of the garage do not lead to a development that is materially different to that which was originally granted The amendments are considered acceptable and do not give rise to any detrimental impacts upon the character of the area or the amenities of the neighbouring properties. Neither is it considered that the proposed flood defence wall will give rise to any unacceptable visual impact. The recommendation is therefore to approve the application.

Councillor Kenneth Hughes said that having considered all the information presented, he believed a site visit to be necessary in order for Members to assess for themselves the possible effects of the proposal on the amenities of the area and those of neighbouring properties. He therefore proposed, seconded by Councillor Bryan Owen, that the Committee visit the application site.

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

12.2 FPL/2019/98 – Full application for the change of use of the existing community room into an affordable residential property at Warden House, Awel y Môr, Rhosneigr

The application was reported to the Planning and Orders Committee as it is submitted by the Council.

The Development Management Manager reported that the proposal entails the change of use of the existing community room at Warden House into a one-bedroom local market dwelling. The proposal is located on a housing estate and provides an opportunity to create a small additional dwelling for the local housing market and is compliant with Policy TAI 5 of the JLDP.

Councillor Bryan Owen proposed the Officer recommendation to approve the application seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein.

12.3 HHP/2019/129 – Full application for the erection of a detached garage at Tŷ Arfon, Lôn Refail, Llanfairpwll

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

The Chair said that she understood it was the Local Members' wish that the application site be visited.

Councillor Bryan Owen proposed, seconded by Councillor Robin Williams that the Committee undertake a site visit in order to better assess the potential effects of the proposal on residential amenity.

It was resolved that the application site be visited in accordance with the Local Members' request for the reason given.

12.4 FPL/2019/146 – Full application for the change of use of vacant land to play area which includes the installation of play equipment at Parc Peibio, Morawelon, Holyhead

The application was presented to the Planning and Orders Committee at it is submitted by the Council.

As he had declared a personal and prejudicial interest in the application, Councillor Bryan Owen withdrew from the meeting during the consideration and determination thereof.

The Development Management Manager reported that the proposal entails re-locating a play area from nearby private land to land owned by the Council. The current play equipment is nearing the end of its useful life but instead of renewing the existing park it is proposed to create a new park approximately 23 metres to the North with the existing park being subsequently removed. One letter of representation has been received which raises concerns on account of privacy, amenity and anti-social behaviour. The Officer said that the proposed play area is 27 metres from the nearest property which is farther than the existing play area and taking this into consideration as well as the fact that the play area will be used by children, it is not considered that the proposal will have any impact on privacy. The area is a large open area available for play and leisure use and it is not considered that the creation of a play area in this location would have any more impact on neighbouring properties than that which already exists. The recommendation is therefore to approve the application.

Councillor Robin Williams proposed the Officer recommendation to approve the application seconded by Councillor John Griffith.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the condition noted therein.

13 OTHER MATTERS

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

Councillor Nicola Roberts Chair