

Planning and Orders Committee

Minutes of the virtual meeting held on 4 November 2020

- PRESENT:** Councillor Richard Owain Jones (Vice-Chair) (In the Chair)
- Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams
- Local Members: Councillors Margaret M Roberts (for application 7.1), Llinos Medi (for application 7.2), Alun Mummery and R. Meirion Jones (for application 7.4), Dafydd Rhys Thomas (for application 7.5)
- IN ATTENDANCE:** Development Management Manager (NJ)
Planning Officer (CR)
Development Management Engineer (Highways) (JAPR)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillor Nicola Roberts (Chair)
- ALSO PRESENT:** Councillor Richard Dew (Portfolio Member for Planning and Public Protection), Councillor Aled M.Jones, Councillor Bryan Owen, Councillor R.G. Parry, OBE, FRAgS, Mr Gareth Wyn Williams (Local Democracy Reporter)
-

1 APOLOGIES

The apology for absence by the Chair of the Committee was noted. Councillor R.O.Jones serving as Chair for this meeting extended his and the Committee's best wishes to Councillor Nicola Roberts for a speedy recovery.

2 DECLARATION OF INTEREST

No declaration of interest was made.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 7 October, 2020 were presented and were confirmed as correct.

4 SITE VISITS

The minutes of the virtual site visit held on 21 October, 2020 were presented and were confirmed as correct.

5 PUBLIC SPEAKING

Representations made by an objector and a supporter with regard to application 7.4 were read out in full at the meeting.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

7.1 FPL/2019/217 – Full planning application for the erection of 17 affordable dwellings, construction of two new vehicular and 3 new agricultural accesses, installation of a pumping station together with soft and hard landscaping on land adjacent to Craig y Don Estate and Cherry Tree Close, Benllech

The application was reported to the Planning and Orders Committee having been called for the Committee's determination by two of the Local Members.

The Development Management Manager reported that consideration of the application had been deferred at the Committee's 7 October, 2020 meeting following the receipt of a letter from Welsh Government prohibiting it from approving the application pending a decision by the Minister as to whether or not to call-in the application a request having been submitted to that effect. The Officer confirmed that that remains the situation and that the recommendation therefore continues to be one of deferral.

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

7.2 47C151B – Full application for the erection of six 5 metre high floodlights for the manège at Ty'n Ffordd, Elim

The application was reported to the Planning and Orders Committee having been called in by a Local Member due to concerns about the proposed lighting in connection with nearby residential dwellings. At its meeting held on 7 October, 2020, the Committee resolved to refuse the application contrary to the Officer's recommendation on the grounds of the proposal's impact on the neighbouring properties, on the locality and on the Dark Skies.

The Development Management Manager reported that the Officer's report addresses the reasons given for refusing the application at the Committee's previous meeting. With regard to impact on neighbouring properties and on the surrounding amenities she advised that the manège will be used as a private facility at all times and that the floodlights are meant to enable use of the facility during the winter months. Any planning consent would be conditional upon usage of the floodlights being restricted to the hours between 17.00 to 20.00 during the months from November to the end of February; additionally the floodlights would at all times be required to point towards the manège to minimise any intrusive light spillage thereby mitigating any impact on both amenities and the Dark Skies. A further

condition requires the erection of a fence in the interest of amenity. No objections have been raised by consultees who advise conditional approval. The recommendation therefore remains to approve the application.

Councillor Kenneth Hughes observed that the proposal by virtue of its being located in the centre of the hamlet will have an impact on the amenities of residents which he found unacceptable and on that basis he proposed that the Committee's previous decision to refuse the application contrary to the Officer's recommendation be reaffirmed. Councillor Robin Williams seconded the proposal.

Councillor John Griffith reminded the Committee of the special character of Elim as a small, attractive rural hamlet with narrow roads providing an ideal place in which to live. The application is made in a wholly rural location and despite the fact that a previous application for a manège contained a specific condition that no external lighting should be used for the facility. The Officer's report refers to the Dark Skies Officer's observations who confirms the desirability of Elim as an area in which to view and appreciate Dark Skies commenting also that any intrusive and obtrusive night light will have an adverse effect on the dark sky. Councillor Griffiths thought that positioning the floodlights so that they are pointing downwards will leave a darkened area at the centre of the facility meaning there might be a temptation to raise the lights with resulting effects on neighbours. He referred to the representations made by Ms Paula Bond opposing the proposal which were read out at the previous meeting and which described the distress the floodlights would likely cause her mother in law whose poor health made her vulnerable. Policy CYFF 2 specifies that planning permission will be refused where the proposed development would have an unacceptable adverse impact on the health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to amongst other considerations – light pollution. Councillor Griffiths said that floodlights of this nature are incompatible with a rural area and he confirmed his continuing opposition to the proposal.

The Development Management Manager advised that the applicant has engaged in extensive discussions in order to arrive at a scheme that can be appropriately conditioned. Guidance states that where possible development should be supported with conditions hence the recommendation of approval but accepting that there is a difference of opinion in this instance.

Councillor Eric Jones agreed with the Officer in finding the proposal acceptable pointing out that conditions will regulate the use of the lighting thereby minimising any impact on residents and on the Dark Skies. He saw the need for the floodlights accepting that the best facilities are required in the competitive field of equestrianism and on that basis he proposed that the application be approved. The proposal was seconded by Councillor Richard Owain Jones.

In the ensuing vote the proposal to reaffirm the Committee's previous decision to refuse the application was carried.

It was resolved to reaffirm the Committee's previous decision to refuse the application contrary to the Officer's recommendation for the reasons given.

7.3 FPL/2020/45 – Full application to increase the number of touring caravans (an extra 23) from 15 to 38 on the site at Talli Ho, Prys Iorwerth Uchaf, Bethel, Bodorgan

The application was presented to the Planning and Orders Committee at the request of a Local Member. At its meeting held on the 7th October, 2020, the Committee resolved to refuse the application contrary to the Officer's recommendation because it deemed the site was not in a sustainable location and because of overprovision of such development in the area.

The Development Management Manager reported that the proposal involves increasing the number of seasonal pitches from 15 to 38 and advised that the application site is not being increased with the area of land that will accommodate the 38 touring caravans corresponding to that granted planning permission under the previous planning application. The site can be accessed via the B4422 thereby satisfying Criteria 5 of Policy TWR5 which states that sites should be close to the main highway network. A bus stop is located 0.69m away from the application site with a good variety of public rights of way in the immediate area. It is therefore considered that the application site is in a sustainable location and meets the required Strategic Policy PS4 of the Joint Local Development Plan. A Travel Plan to manage vehicles arriving and departing the site has been received and condition (03) will be amended to reflect the provision of the Plan. With regards to overprovision of this type of development, the Officer further advised that although Policy TWR3 does recognise that many coastal areas including parts of Areas of Outstanding Natural Beauty are under pressure the application site is not near a coastal area nor within an AONB. Neither is it considered that the proposal will have a detrimental impact on the Special Landscape Area in which it is located with further landscaping proposals to be undertaken as part of the application. The proposal is considered to align with material policies and is acceptable; the recommendation remains one of approval.

Despite some reservations regarding the development the majority of the Committee's members acknowledged the policy justification for the proposal and were therefore minded to approve the application recognising also the importance of the tourism and the visitor economy to the Island. Councillor Eric Jones referring to the JLDP cited tourism as bringing in £238m into Anglesey's local economy and accepted that the proposal is in line with Policies TWR3 and TWR5.

Councillor Kenneth Hughes proposed that the application be approved, seconded by Councillor Eric Jones.

Councillor Dafydd Roberts clarified that he was concerned about sustainability in the wider sense in that an increase in the number of touring caravans on the application site would lead to increased car usage in and around the area and further afield as the caravan occupiers make trips to the coast potentially leading to gridlocked roads which are not conducive to tourism and which could in turn impact on amenities. He proposed that the application be refused; the proposal was not seconded.

The Development Management Manager advised that Policy TWR 5 supports this kind of development and that the considerations to which Councillor Roberts refer have been assessed in formulating policy which acknowledges the importance of tourism.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions listed therein and subject also to amending condition (03) to reflect the provision of a Travel Plan.

7.4 FPL/2020/92 – Full application for the creation of 2 parking spaces at 3 Bronallt, Cambria Road, Menai Bridge

The application was presented to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 7 October, 2020 the Committee resolved to visit the site. The virtual site visit subsequently took place on 21 October, 2020.

The Legal Services Manager read out a statement by Jaques Sisson in opposition to the application as follows -

I had hoped to be able to talk to the planning committee about my concerns regarding the removal of the pavement in front of Bronallt Terrace, Cambria Rd Menai Bridge LI59 5HL. I have been requested to put these concerns in writing. I have lived in 1 Bronallt Terrace for 29 years and can attest that the pavement is heavily used every day. The proposal to remove it will mean local residents will have to walk in the road. Vehicles parked outside 2&3 Bronallt Terrace do not block the road. I understand from the Land Registry that if the pavement is unadopted then the stretch outside 1 Bronallt Terrace reverts to my ownership. Please don't put the financial interests of a property developer above those of local residents.

The Legal Services Manager then read out the following statement by Mr Gerwyn Jones, Agent to the applicant in support of the application –

The statement is written in support of the planning application FPL/2020/92 to form 2nr parking spaces in front of 2 & 3 Bronallt, Cambria Road, Menai Bridge.

The proposal is to form 2 parking spaces to the front of the properties known as 2 & 3 Bronallt (1 parking space per property), this will be achieved by removing the small garden/boundary wall and a section of the footpath in front of both properties. Currently vehicles are parked on the public highway due to no designated parking available in the area.

The proposal will see the removal of a section of the footpath to the front of 2 & 3 Bronallt with a small section remaining to the front of nr 1 Bronallt. This stretch of footpath cannot be extended in any direction due to the existing restrictions in the area which currently forces any pedestrians to walk on the public highway, in fact, this stretch of footpath to the front of 1-3 Bronallt (approx. 17.5m long) is the only stretch of footpath along the entire length of Cambria Road which measures approx. 197m in its entire length. There is also no continuous length of footpath

from the start of New Street, which leads from the roundabout next to Tafarn y Bont all the way to the boundary of the property known as Trem Gilan which is approx. 178m long, there is however a small section of footpath in front of the properties known as Trem y Don, Isgraig and Dwylan which measures approx. 19m and is located near the junction of Cambria Road and New Street.

Although the proposal would see the loss of approx. 11.5m of footpath in front of nr 2 & 3 Bronallt, the fact of the matter is that pedestrians would have to walk on approx. 338.5m of public highway before reaching the footpath in front of 1-3 Bronallt or indeed the section of footpath on New Street in the first instance.

Cambria Road is a single lane public highway as it reaches the top of Cambria Road and the junction with New Street which is located directly in front of 1-3 Bronallt. Vehicles currently park on the public highway in front of nr 1, 2 & 3 Bronallt, which forces any vehicle approaching the top of Cambria Road and junction with New Street to manoeuvre around parked vehicles which causes potential hazards and reduced visibility at the narrow junction at the summit of Cambria Road. By creating the off road parking spaces to the front of 2 & 3 Bronallt will result in the parked vehicles being moved off the public highway thus removing any obstacles and improving the visibility which greatly reduces any potential hazards at the junction of Cambria Road and New Street and ultimately improves the highway safety at the junction.

The Conservation Officer has been consulted as the site lies within the Menai Bridge Conservation Area; however the Conservation Officer has no objections to the proposal and according to the Planning Officer's case report the Conservation Officer has gone as far as to state the removal of the garden/boundary wall "may provide an opportunity to enhance the Conservation Area".

As you will read in the Planning Officer's case report, the Conservation Officer has no objections and possibly the most important consultation is the Highways Officer who also has no objections to the proposal and states that the proposal will "create an overall safer space for vehicles to pass with greater forward visibility."

It is noted that there have been several comments made by the public where concerns are raised about setting a precedent for the removal of public footpaths; however as stated in the Planning Officer's case report, "applications must be assessed and determined on their own merits" and we believe that there is sufficient justification provided in this case to remove the footpath and form the off road parking spaces.

It should be noted that the Planning Officer's case report recommends that the application be approved subject to the conditions noted in the report. As part of the planning application, the relevant notices have been issued, the proposal meets with the relevant local and national policies and the Conservation Officer and Highways Officer have no objections to the proposal.

We therefore ask you to consider what is presented in the Planning Officer's case report and approve the application in accordance with the Officer's recommendation.

Councillor Robin Williams speaking as a Local Member said that he had not encountered an application such as this before where the removal of a section of footpath to create parking spaces for 2 holiday lets is sought and that usually such applications are dropped kerb applications to allow access to a private driveway. Parking in the application area is a daily problem but is not a reason to allow a developer to remove a section of footpath to create a private parking space. Approval would create a precedent for similar applications in areas across the Island where on street parking is a problem. Councillor Williams said that he was approached by a resident not far from the application site to look into a permit parking scheme which in the event was not supported by the Highways Authority on the basis that it would not help in an area where there is insufficient parking provision and where the demand for street parking is too high and is above capacity. A similar response was received some two years ago when enquires were made on behalf of a member of Capel Mawr about disabled parking spaces outside the chapel with it being said there was insufficient capacity to create the spaces. Regard must also be had of the amenities of residents - the wall at the corner of the footpath where 3 Bronallt ends is a retaining wall which may be subject to additional pressure from the flow of water. Councillor Williams referred to Policy PS20 which states that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authority will preserve and where appropriate enhance its unique heritage assets. Councillor Williams said that he did not consider that the proposal meets the requirement of Policy PS20 in this respect and on that basis he proposed that it be refused contrary to the Officer's recommendation. The proposal was seconded by Councillor Kenneth Hughes.

Councillors Alun Mummery and R. Meirion Jones, also Local Members agreed with Councillor Robin Williams's assessment.

The Development Management Manager advised that an additional letter highlighting concerns with regard to drainage and the retaining wall had been received and is included in the letters of representation package. She clarified that condition (03) addresses drainage issues. She also highlighted that although the footway has been adopted by the Highways Authority it is not within the Local Authority's ownership and it does not link with any other footpaths in the area. Vehicles are parked on the road side which limits the width of the road. The proposal is acceptable to the Highways Authority as it is considered it will create an overall safer space for vehicles to pass; likewise the Conservation Officer does not object to the removal of the boundary walls believing they do not make a significant contribution to the character and appearance of the designated Conservation area. The recommendation is therefore one of approval.

In the subsequent vote on the matter, the proposal to refuse the application contrary to the Officer's recommendation was carried.

It was resolved to refuse the application contrary to the Officer's recommendation as it was deemed not to comply with Policy PS20.

(In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers

the opportunity to prepare a report in respect of the reason given for refusing the application)

7.5 19C1231 – Outline application for the erection of 32 market dwellings and 4 affordable dwellings, construction of new vehicular and pedestrian access, provision of play area and open spaces together with full details of access and layout on land adjacent to Cae Rhos Estate, Porthdafarch Road, Holyhead.

The application was presented to the Planning and Orders Committee having been called in by Local Members.

The Development Management Manger reported that the application was approved by the Committee at its 2 September, 2020 meeting following confirmation by the Highways Authority that it had withdrawn its objections to the application conditional upon a requirement for a Traffic Regulation Order (TRO) for a one way system in a northerly direction along Porthdafarch Road from the junction of Arthur Street to the junction to the B4545 Kingsland Road to address the traffic issues in the area with the TRO process to be funded by the applicant. Following the receipt of legal advice the applicant was asked to submit the addendum to the Transport Assessment proposing a one way street as a formal change to the application and as a consequence, a re-consultation was undertaken. Consideration of the application was deferred at the Committee's 7 October meeting to allow the Highways Authority an opportunity to consider the representations received as a result of the publicity process which came to an end on 8 October, 2020. Having considered the representations the Highways Authority remains of the opinion that the proposal is acceptable subject to a TRO for a one way street. As all other matters pertaining to the proposal have been resolved some time back, the recommendation is to approve the application.

Councillor Trefor Lloyd Hughes, MBE speaking as a Local Member referred to the previous offer by the applicant to transfer land at the rear of Porthdafarch Road at Mountain View to the Council for use as a resident car park saying that he understood, and was disappointed that this would not now materialise meaning that the parking problems in Porthdafarch Road and Arthur Street will remain unresolved. He reiterated his concerns about the potential impact of the proposal on traffic and highways issues in the area specifically the difficulties which large goods vehicles would have in manoeuvring around the junction of Arthur Street and Porthdafarch Road because of the cars parked around the junction which he believed would not be solved by the proposed one way system. He felt that there were shortcomings with the traffic and parking survey conducted In February, 2020 because the camera was sited on a lighting column near the former Angel Hotel which did not properly capture the problems near the Arthur Street junction in Porthdafarch where a vehicle repair garage is situated nearby. Citing one of the letters of objection, Councillor Trefor Lloyd Hughes said it summarised the situation, namely that a van would encounter difficulties in turning left when cars are parked along Porthdafarch Road let alone a larger vehicle.

The Development Management Engineer (Highways) clarified that local members had expressed concern when discussing the potential parking area that had been

originally offered by the applicant as an option and felt that the piece of land would not be useful; the applicant subsequently withdrew the offer once the one way system was accepted and it did not form part of the application that was approved in September. In terms of the adequacy of the turning space from Arthur Street the proposed outline design and plan show that there is sufficient space for a bus to travel along Arthur Street with cars parked on both sides and that it would be able to turn both ways at the end of the street. Parking restrictions in the form of yellow lines would have to be imposed around the junction to ensure that the path of vehicles is not obstructed at this point; although this would result in the loss of a few parking spaces the Highways Authority believes that the one way system represents an improvement and that the application is therefore acceptable.

In response to further concerns by Councillor Trefor Lloyd Hughes, MBE about the lack of turning space both to the left and right out of Albert Street and the need for additional parking spaces in the area which would not now be met by the land at Mountain View, the Development Management Engineer (Highways) advised that as part of a separate statutory process, the proposed TRO would be consulted upon with local members, Holyhead Town Council and local residents prior to it then being presented to the Committee for approval. As part of this process the one way system would have to be shown to be workable and effective as regard vehicle flow and manoeuvrability and that further, permission would be conditional upon securing the TRO meaning that if it is not approved, then the development will not be implemented.

Councillor Dafydd Rhys Thomas, a Local Member whilst indicating his support for the proposal, thought that the one way system needed careful consideration especially in relation to caravans and large vehicles.

In response to a question about the feasibility of a deferral pending the securing of the TRO, the Development Management Manager advised that the application has been the subject of discussion over a period of months and the applicant has worked closely with the Highways Authority in order to progress the proposed development. Also, the application site is allocated for residential purposes in the Joint Local Development Plan. There is a risk that with a further delay the applicant may take the matter to appeal on the basis of non-determination and she reminded the Committee that it is the planning application that is under consideration at this meeting and that approval of the TRO is a separate process.

The Legal Services Manager further advised that it was doubtful that the applicant would want to fund the TRO process and works without assurance about planning consent and that consent is in any case conditional upon securing the TRO meaning that no development can take place until the TRO has been approved and implemented.

Councillor Trefor Lloyd Hughes, MBE proposed that the application be refused contrary to the Officer's recommendation due to concerns about the impact of the proposed development on traffic and the local highways network which he felt the proposed TRO for a one way system would not resolve. The proposal was seconded by Councillor Kenneth Hughes.

In the ensuing vote on the matter, the proposal to refuse the application contrary to the Officer's recommendation was carried.

It was resolved to refuse the application contrary to the Officer's recommendation due to concerns regarding the impact of the proposal on traffic and the local highway network.

(In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report in respect of the reason given for refusing the application)

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/2020/49 – Application under Section 73A for the variation of condition (01) of planning permission reference 17C278A (erection of a dwelling) so as to amend the design of the dwelling at Bron Heili, Lôn Ganol, Llandegfan

The application was reported to the Planning and Orders Committee as the proposal is 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 the principle of a dwelling has already been established in this location under previous planning permissions. The planning permission is safeguarded by virtue of the fact that the development has been commenced and is therefore extant. Since the adoption of the Joint Local Development Plan, Llandegfan is identified as a Local Village with a defined development under Policy TAI 4 of the JLDP. The development site is outside the development boundary and therefore is in open countryside where any new dwelling must comply with Planning Policy Wales and Technical Advice Note 6 which requires there to be a proven need for a rural enterprise dwelling. However, given the fall-back position of the extant planning permission which has been implemented and given that that the amended design is acceptable and is considered to represent an improvement on the previously approved scheme and will have no adverse impact on the character and appearance of the area nor on the amenities of neighbouring properties, the recommendation is to approve the application.

Councillor Eric Jones proposed, seconded by Councillor John Griffith that the application be approved in accordance with the Officer's recommendation.

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

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 FPL/2020/154 – Full application for the erection of a steel staircase and viewing platform on the north east tower at St. Cybi Church, Holyhead

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

The Development Management Manager reported that the proposal entails the installation of a freestanding cor-ten steel staircase and platform in order to allow visitors to view the Roman fort and the wider area. Although the proposal is situated within a historically important location, it is designed so as to have minimal impact on the fabric of the tower structure itself. The consultees in providing comments on the application have raised no objections to the development and no objections have been submitted via the public consultation and publicity process. The recommendation is therefore to approve the application.

Further clarification was sought by the Committee with regard to the proposal's relationship with its surroundings specifically in terms of potential overlooking of properties to the rear of 3 and 4 Land's End. In addition, Councillor Glyn Haynes in voicing his support for the proposal highlighted known anti-social use of the cemetery and church adjoining the tower which he felt would need to be kept an eye on.

The Development Management Manager advised that full consideration had been given to the residential amenities of the occupants of nearby residential properties in developing the proposal. The rear amenity area of 4 Land's End is very limited providing access to the rear of the property as opposed to serving as a garden or amenity area. The proximity, significant height difference and the angle of any views available from the platform towards the dwellings at 3 and 4 Land's End means that overlooking of the rear of the properties would be limited. With regard to anti-social activity in the area, the Officer said that the Planning Service is aware of such concerns locally; it is hoped that promoting visitor use of the Tower will mitigate against anti-social behaviour and lead to more appropriate use of the church and cemetery surroundings.

Councillor Kenneth Hughes proposed, seconded by Councillor Robin Williams that the application be approved in accordance with the Officer's recommendation.

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

13 OTHER MATTERS

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

Councillor Richard Owain Jones
Chair