

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 6 June, 2018

PRESENT: Councillor Nicola Roberts (Chair)

Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams

IN ATTENDANCE: Planning Development Manager (NJ)
Planning Manager (Major Consents) (SO)
Planning Built and Natural Environment Manager (JW)
Planning Officer (MD)
Administrative Assistant (WT)
Development Control Engineer (JRPW)
Legal Services Manager (RJ)
Committee Officer (ATH)

APOLOGIES: Councillor Richard Owain Jones (Vice-Chair)

ALSO PRESENT: Local Members: Councillors Richard Dew (Portfolio Member for Planning) (application 7.5), Gwilym O. Jones (application 7.5), Dylan Rees (application 7.1), Dafydd Rhys Thomas. (applications 7.2, 7.3 and 7.4)

The Chair welcomed all those present to this meeting of the Planning and Orders Committee and extended a particular welcome to Councillor Bryan Owen to his first meeting of the Committee.

1. APOLOGIES

The apology for absence was presented and was noted.

2. DECLARATION OF INTEREST

The Planning Development Manager declared an interest in relation to application 6.3 on the agenda.

3. MINUTES OF THE PREVIOUS MEETINGS

The minutes of the previous meetings of the Planning and Orders Committee held on the following dates were presented and were confirmed as correct:

- 2 May, 2018
- 15 May, 2018 (election of Chair and Vice-Chair)

4. SITE VISITS

The minutes of the planning site visits held on 16th May, 2018 were presented and were confirmed as correct subject to noting that Councillor Robin Williams had been present on the first site visit to Capel Hermon, Valley but not on the second to the Visitor Centre, South Stack, Holyhead.

5. PUBLIC SPEAKING

There were Public Speakers with respect to applications 7.4, 7.5 and 12.2

6. APPLICATIONS THAT WILL BE DEFERRED

6.1 27C106E/FR/ECON – Full application for improvements to the existing highway (A5025) between East of Valley Junction to the proposed Power Station Access Road Junction at eight separate locations together with reconstruction and localised widening of existing pavement and surface dressing, temporary construction compound including temporary pavement recycling facility, creation of 2 attenuation ponds and maintenance access, creation/temporary diversion of cycle routes, creation of alternative parking facilities to mitigate loss of layby together with other associated works including drainage, boundary treatments, planting, new signage and road markings along the A5025 between A5 East of Valley Junction to the Power Station Cemaes

The Planning Manager (Major Consents) reported that it is the Officer's view that it is necessary for the Committee's Members to view the proposal and its context prior to considering the application; it is therefore recommended that a site visit be undertaken.

It was resolved that the application site be visited in accordance with the Officer's recommendation for the reason given. (Councillor Robin Williams abstained from voting)

6.2 39C285D – Full application for the erection of 17 dwellings on land at Lôn Gamfa, Menai Bridge

The Planning Development Manager reported that a report following a recent flooding incident is still awaited; she understood that an application for funding has been made to Welsh Government to undertake investigative and modelling work in the area to better understand the nature of the flooding and the mitigation measures that can be taken. The Officer said that as this work is likely to take some months to complete it is recommended that consideration of the application be deferred, and also that the application be removed from the Committee's agenda in the meantime.

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

6.3 41LPA1041/FR/TR/CC – Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroads, Star

Having declared an interest in this application, the Planning Development Manager withdrew from the meeting during the consideration and determination thereof.

The Planning Built and Natural Environment Manager reported that the Committee had at its previous meeting rejected the Officer's recommendation that the site be visited on the grounds that it had not been provided with a full report on the application. The Officer said that the flooding assessment report was received on 11 May and has been the subject of a consultation which ended last week. Comments by Natural Resources Wales were received last week and have been forwarded to the external consultants who are preparing the report. This is yet to be finalised with the Chief Planning Officer due to meet with the consultants next week to discuss matters. It is therefore recommended that consideration of the application be deferred.

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

7. APPLICATIONS ARISING

7.1 14C47R/ENF – Retrospective application for the erection of a carport at 19 Cae Bach Aur, Bodffordd

The application was reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 2 May, 2018, the Committee resolved to refuse the application contrary to the Officer's recommendation because it deemed the development to be contrary to Policy PCYFF3 of the Ynys Môn and Gwynedd Joint Local Development Plan by virtue of its design, appearance and impact upon the character and amenities of the area.

Councillor Dylan Rees speaking as a Local Member referred to the key issues with regard to the proposal as being whether the development complies with local and national planning policies and whether it is acceptable in terms of siting and design and impact upon the character and appearance of the area and amenities of neighbouring properties. The relevant policy in this case is Policy PCYFF 3 of the JDLP which relates to Design and Place Shaping; this requires that developments demonstrate a high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. The Local Member said that it is clear from the photograph shown that the current development does not comply with policy requirement and is frankly an ugly construction and a blot on the landscape. The Officer's report states that whilst it may not be considered that the development either complements or enhances the character and appearance of the site, on balance it is not considered that its impact gives rise to such detriment that refusal could be warranted. However, the Officer's use of the phrase "on balance" suggests that interpreting the policy is not a clear-cut matter in this case and that there is scope for a different view. Councillor Rees said that Members have previously visited the application site and will have seen what the car port looks like and in his opinion they came to the correct conclusion in determining that on balance, the development does have a detrimental impact on the area. He asked the Committee to adhere to its decision to refuse the application.

The Planning Development Manager reported that correspondence has been received from the applicant confirming his willingness to reduce the size of the car port should this answer the objections to the proposal. The Officer's report reiterates that on balance the application is acceptable given that its visual impact is limited to its immediate vicinity having little impact upon the character and visual amenities of the wider area. The recommendation therefore remains to approve the application.

Councillor Robin Williams proposed that the Committee reaffirms its refusal of the application contrary to the Officer's recommendation on the grounds that it does not conform to Policy PCYFF 3 particularly that part of the policy which requires developments to contribute to the creation of an attractive place which this proposal does not do. Councillor Vaughan Hughes seconded the proposal.

Councillor Kenneth Hughes proposed that the application be approved in line with the Officer's recommendation and the proposal was seconded by Councillor Bryan Owen. In the subsequent vote the proposal to approve the application was carried.

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

7.2 46C88K/AD – Application for the siting of two non-illuminated signs together with the installation of two car parking meters at the RSPB Visitor Centre, South Stack Road, Holyhead

The application was reported to the Planning and Orders Committee as it has been called in by two Local Members due to concerns that motorists will park on the highway and that there is no pedestrian walkway available on the road. At its meeting held on 2nd May, 2018 the Committee resolved to refuse the application contrary to the Officer's recommendation on the grounds that it found the application unacceptable because of the negative effects of traffic parking on the road which has no footway which could lead to health and safety issues and also because of the negative impacts in preventing a number of visitors from enjoying this area free of charge.

The Planning Development Manager reported that the Officer's report provides a response to the reasons cited by the Committee for refusing the application. In planning terms the development under consideration is solely the erection of parking meters and signage and on this basis, the proposal is acceptable and the recommendation therefore remains one of approval. The Officer referred to condition (02) in the written report and she clarified that the signage will not be illuminated in any form.

Councillor Kenneth Hughes proposed that the Committee reaffirms its previous decision to refuse the application contrary to the Officer's recommendation on the grounds that the development will have unacceptable traffic and highway safety impacts. The proposal was seconded by Councillor Glyn Haynes.

The Legal Services Manager advised with regard to this application and also with reference to application 7.3 and to an extent application 7.4 (the latter having been considered under item 5 in the order of business because it involved a Public Speaker) that the second reason given by the Committee for refusing the application i.e. the negative impacts of the development in preventing a number of visitors from enjoying this special area free of charge is not a valid planning reason. The first reason in relation to highway safety impacts can be a valid planning reason if those safety impacts arise directly as a consequence of the application, and all things considered, that is not the case with this application. The main objection is to the principle of charging for access. The application is to erect two receptacles to collect the money and two signs to notify that charges are being levied and as far as he understood there have been no objections to these as being incompatible with the landscape. The Legal Services Manager said that if the Committee is to refuse the application for reasons of highway safety he could not see how that reason can be linked to what the application is for. There may be issues of concern over highway safety generally but they do not derive from the application, and there may be other ways in which those issues can be mitigated. The Officer said that in the event that the Committee proceeds with its refusal for the reasons it has given he was not confident that those reasons could be successfully defended on appeal because the grounds for objections are not directly associated with what the planning consent is for.

The Committee was minded to abide by its original decision to refuse the application because it did deem there to be a link between the application and highway safety due to the negative impact which installing parking meters on this site will have on road traffic by inevitably encouraging motorists to seek alternative, free of charge parking on the narrow South Stack road thereby leading to further congestion on this road and consequently, increased road safety risks there being no pedestrian footway on the road. The Committee also sought clarification of the ownership of the land in question. The Planning Development Manager said that as part of the application, the applicant has submitted Certificate A confirming sole ownership of the part of the site to which the application relates.

It was resolved to reaffirm the decision to refuse the application contrary to the Officer's recommendation on the grounds that the erection of car parking meters on the site is likely to have a negative impact on highway safety by leading to increased traffic parking on a narrow road where there is no pedestrian footway. (Councillors John Griffith and Robin Williams abstained from voting on the basis that although the application was acceptable in planning policy terms, they did not agree with the principle of charging)

7.3 46C612A/AD – Application for the siting of a non-illuminated sign together with the installation of a car parking meter at the car park at Ellin's Tower, South Stack

The application was reported to the Planning and Orders Committee as it has been called in by a Local Member due to concerns that motorists will park on the highway and that there is no pedestrian walkway available on the road. At its meeting held on 2nd May, 2018 the Committee resolved to refuse the application contrary to the Officer's recommendation on the grounds that it found the application unacceptable because of the negative effects of traffic parking on the road which has no footway and which could lead to health and safety issues.

The Planning Development Manager reported that the Officer's report provides a response to the reasons cited by the Committee for refusing the application. As with application 7.2 the application is acceptable on planning grounds it being considered that the proposal will not have any adverse effects on the surrounding area or on the AONB. The recommendation therefore remains one of approval.

Councillor Kenneth Hughes proposed that the Committee reaffirms its previous decision to refuse the application contrary to the Officer's recommendation on the grounds that the development will have unacceptable traffic and highway safety impacts. The proposal was seconded by Councillor Trefor Lloyd Hughes.

It was resolved to reaffirm the decision to refuse the application contrary to the Officer's recommendation on the grounds that the erection of a car parking meter on the site is likely to have a negative impact on highway safety by leading to increased traffic parking on a narrow road where there is no pedestrian footway. (Councillors John Griffith and Robin Williams abstained from voting on the basis that although the application was acceptable in planning policy terms, they did not agree with the principle of charging)

7.4 46C615/AD – Application for the siting of a non-illuminated sign together with the installation of a car parking meter at the car park above the Visitor Centre, South Stack, Holyhead

The application was reported to the Planning and Orders Committee as the development is on Council owned land and has been called in by two Local Members. At its meeting held on 2nd May, 2018, the Committee resolved that a site visit should be undertaken. The site visit subsequently took place on 16th May, 2018.

Public Speakers

Mr Jeff Evans (*against the proposal*) referred to the grave issues which the application gives rise to in relation to health and safety and traffic difficulties and their implications as a turning lay by is commandeered by the RSPB for car parking revenue to the detriment of tourists, local people and to the South Stack lighthouse. The latter - a not for profit enterprise - will be left with only 5 parking spaces despite the fact that 70% of visitors who visit this area come for lighthouse purposes only. The site has always been a turning area lay-by being the only place where vehicles can turn around which is adjacent to an extremely narrow single road. Should a car parking meter be approved making this site a car park then many more vehicles will park alongside the narrow road thus placing the public in increased danger from all forms of vehicles as they walk a dark

non-paved road. Mr Evans said that the South Stack lighthouse area has always been an idyllic place where people can stop for a short time and it is an area where the land was given so the public can freely roam. It is not meant to be a place where only those who can afford it can visit and enjoy. He added that he had observed a chaotic situation during the last month with up to 5 coaches tailgating each other as they attempted to pass and turn. The situation will be greatly exacerbated as many more cannot or will not pay the car parking fees. He had also witnessed near misses and accidents and altercations between angry motorists on a gridlocked road. If an emergency vehicle needs to gain access then there is a chance that lives will be placed at risk. Mr Evans said that the Planning Committee would be doing a great disservice to the community and to visitors if it were to permit the proposal. He asked the Committee to refuse the application.

Fiona Mahon (*for the proposal*) said that implementing the proposal will not reduce the number of parking spaces (around 20) at the top car park in South stack which is leased from the Council and that signage will be in keeping with the existing signage on the site. There is already significant parking on the road at busy times and the experience at other RSPB sites where charging has been introduced is that it will not exacerbate the situation. The best solution to the on road parking situation is for the council to introduce double yellow lines although that is not within the scope of the application. Although what is under consideration are the planning merits of installing a car parking meter and sign, the RSPB is actively listening to public concerns and feedback from the local community in relation to charging. The charity has agreed to trial a concessionary rate for local residents and is willing to have an open dialogue with stakeholders including councillors about the level of charging as nothing is as yet set in stone. Those discussions could have begun last month had Officers not advised that that it would be inappropriate until after today's meeting. Ms Mahon reiterated the RSPB's willingness to engage in further dialogue as soon as that could be arranged. She said that the main reason for submitting the proposal is to help secure financial sustainability for South Stack and to ensure it gets the conservation management it requires into the future in order to improve the experience for the thousands of visitors that enjoy the site each year. As joint managers of the site with the Council both organisations have had a good working relationship in the past and it is in their mutual interests to continue working together to improve this flagship visitor site for people and nature. The RSPB currently delivers a specialist land management service on behalf of the Council at a deficit to the charity but at a saving of thousands of pounds annually to the Council and ratepayers. The condition of the buildings and visitor infrastructure requires urgent attention and significant capital investment to the tune of around £750k. The introduction of parking meters will allow the charity to raise essential income as part of the business case for investing in the infrastructure including an outdated sewerage system. Ms Mahon emphasised that all the income from car park charging will be reinvested in South Stack – both the parks in the charity's ownership and those leased from the Council; this is essential if the RSPB is to continue employing local people, buying local goods for its cafés and hiring local contractors to help manage the land.

The Committee sought to question Ms Mahon on issues in relation to the level of car parking charges; enforcement of car parking charges, maintenance of car parking meters and ownership of the layby. The Committee was advised by the Legal Services Manager that such matters were not relevant to the application and that enforcement issues fall outside the Committee's remit.

Ms Mahon said that the RSPB has its own charging policy and she confirmed that a provision for the ownership of the lay-by is contained within the lease.

The Committee sought clarification in light of the site visit which showed the area to be rough and stony and clearly used for turning, whether the proposal involves making it more suitable for parking in terms of markings etc., whether the turning area will still

remain and whether it is an application for change of use. Ms Mahon said that the area has been used for car parking since the charity acquired the site and that it provides for 20 parking places. Should the RSPB have a budget in the future e.g. income from car parking charges it could improve markings for the bays so that parking spaces are more clearly set out; that is a consideration in terms of income generation and re-investment within the site. She said that the turning area is in addition to the spaces – it may be tight but that is in the nature of the site.

The Committee further sought clarification of Ms Mahon that if the RSPB takes the views and concerns of local residents and other stakeholders seriously than why is it going ahead with the application. Ms Mahon said that the charity had been surprised by the strength of feeling with regard to this and the other applications and is keen to discuss options that may be mutually agreeable to the charity and to the locality. The starting point for the application is the need to manage the site in a sustainable way financially into the future and that is why the charity is proceeding with the application otherwise wildlife may suffer, local jobs may be lost and the RSPB will not be able to manage the site in the way it has on behalf of the Council.

Councillor Dafydd Rhys Thomas spoke as a Local Member for Trearddur and said that his comments covered this application and the applications in 7.2 and 7.3. The application is not just about the RSPB but about walkers, ramblers and visitors to the mountain and to the lighthouse. He saw it as a David and Goliath situation with Goliath having become too big and having lost sight of his roots. Although one of the main concerns is about congestion and safety he had not seen any traffic management plan by either the RSPB or the Council. On a quiet day like today people will park on the road thereby extending the period where there is danger on the road and putting motorists, cyclists, motorcyclists and pedestrians at risk. Councillor Thomas pointed out that the Council does have a duty of care. He saw the parking charges as a tax on people's rights. All the Council's decisions have to take into account the requirements of the Wellbeing of Future Generations Act. Additionally, the JLDP states with regard to coastal areas that that emphasis will be placed on protecting and promoting the beauty of the coast and on facilitating access for the public and public appreciation. Fitting parking meters and introducing parking charges does not facilitate access. He asked the Committee to take a holistic view of the application having regard to the fact that exercise is recommended by Health professionals and that walking is one of the best tonics. The Local Member asked the RSPB to look at other ways of raising revenue and requested the Committee to take the difficult decision of refusing the application contrary to the Officers recommendation.

The Planning Development Manager reported that the decision as to whether to charge customers to park in the existing car park and by how much are not planning matters. The proposed development is the installation of a car parking meter and signage. It is the Officer's view that the proposal is acceptable in planning terms having no adverse effect on the AONB and there being no objections from the Highways Authority. The recommendation is therefore to approve the application. In response to a question by the Committee whether the issue of charging rates which the RSPB has said it is willing to discuss has been raised with the Planning Officer, the Officer confirmed that there was a discussion between herself and Fiona Mahon immediately after last month's meeting of the Committee when the matter was commented upon. She did not know whether anything had been done subsequently – the point was made that a discussion with councillors raised the issue of lobbying and that that was better left until after today's meeting.

The Committee sought clarification of whether a condition could be imposed to require provision for a turning space for vehicles. The Planning Development Manager advised that the matter under consideration is the installation of a parking meter and that it would

be difficult to ask for anything in addition or to suggest how the RSPB might use its resources.

In response to the Committee's highlighting the very problematic situation that exists in this area with regard to traffic and the availability of adequate turning space, the Development Control Engineer said that the Highways Authority is aware of a problem in the area and is monitoring the situation; should it deteriorate there is the option of imposing a traffic restriction in future e.g. double yellow lines. The proposal as presented does not change or restrict the parking use of the area and does not create any harm in planning terms so that the Highway Authority feels it necessary to comment on it. In response to questions about the turning area, the Officer said that the application does not change the existing situation apart from proposing to charge for use of the car park. Motorists already park on the road and will continue to do so - the application does not add anything new to a situation that is happening already. Neither does the application change the car park; it was a car park and will continue to be a car park albeit one that carries a charge for parking.

Councillor Kenneth Hughes proposed that the application be refused contrary to the Officer's recommendation; he saw the application as a means of bringing money into the RSPB's coffers and with little justification for it in terms of contributing to the maintenance of the AONB. The knock-on effect which installing a parking meter on this site will have on highway safety is an important planning consideration. He said that people will inevitably try to avoid the high car parking charge and will increasingly park on the road which, having no pedestrian footway, will create significant hazard. The proposal was seconded by Councillor Trefor Lloyd Hughes.

It was resolved to refuse the application contrary to the Officer's recommendation due to the negative impact which the proposed development will have on highway safety.

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 on the reason given for refusing the application.

7.5 49C333A/FR – Full application for change of use of a disused chapel into a dwelling together with alterations and the construction of a first floor balcony at Capel Hermon, Field Street, Valley

The application was reported to the Planning and Orders Committee as it has been called in by two Local Members. At its meeting held on 2nd May, 2018 the Committee resolved that a site visit should be undertaken. The site visit subsequently took place on 16th May, 2018.

Public Speaker

Mrs Enfys Creeney (*for the proposal*) said that the chapel was bought not to make money as a developer would do but to create a family home and to improve the appearance of the street. If the chapel is not improved now it will fall into ruin. Mrs Creeney referred to Paragraph 6.2 of TAN 15 which states that new development should be directed away from zone C and to paragraph 6.1 which mentions re-using previously developed land the point being that Capel Harmon has been in situ since 1870 and is not a development at risk. Natural Resources Wales refers to a one in a thousand chance of a tidal wave which might occur once in a hundred years - this is a very big "might" as no one knows what is going to happen tomorrow. The chapel stands in a residential street surrounded by houses with 7 further homes being built on land opposite. In February this year a property three doors down from the chapel was bought with a mortgage indicating that the bank had no problem lending the money; neither do residents in the area have any difficulty obtaining insurance for their homes. The chapel is on higher ground than the properties around it with a step of 6 inches to the entrance with a further 4 to 5 feet

rise from the vestry to the garden. Under the vestry there is a 4-foot void. The chapel itself is made of solid stone unchanged from the time it was built in 1870. If there is this chance of a tidal wave perhaps the Isle of Anglesey itself will not be in being in a hundred years.

The Committee queried whether Mrs Creenev would be comfortable living in the converted chapel given the stated risk. Mrs Creenev affirmed that she would.

Councillor Richard Dew speaking as a Local Member said that the only objection to the proposal from a planning perspective is the flooding risk as defined by TAN 15 and NRW's comments, the proposed development being otherwise considered acceptable in having no adverse impact on the amenities of the surrounding properties and having the support of the Community Council. Natural Resources Wales (NRW) points out that the application site is within a C2 flood zone and is classed as highly vulnerable development. However, a glance at the map will show that most of Valley is in Zone C2 consisting of the A5, SPAR and the shopping area, Valley Hotel, the two garages on the A5 crossroads, Stermat, the railway sidings and a great many residential properties. Therefore, if according to NRW's map, Capel Hermon ends up being under water, then most of Valley will be under water too. TAN 15 states that no new development should be permitted within zones C1 and C2 – the proposal under consideration is not a new development, it is an application to change the use of an existing building in a street full of residential properties – the addition of one dwelling is not likely to have an impact on the risk of flooding. If the change of use is not approved, the chapel will likely become a ruin in the middle of the village. Councillor Richard Dew asked the Committee to consider approving the application.

Councillor Gwilym O. Jones also speaking as a Local Member said that the applicant wishes to open a shop in Valley and have a home in the village. He re-emphasised that this is a chapel in a street of houses and not a building in a remote area. It is accepted that the proposal will not have any negative effects on amenities meaning that the only grounds for opposing are TAN 15 and objections by NRW on the basis of TAN 15. The applicant has sought a meeting with NRW on site on three occasions but to no avail. From the site visit members will have seen land on the opposite side of the street being cleared to make way for 7 new properties. Additionally, to the left of the chapel is the old market site which received planning permission for around 40 homes some years previously. Councillor Jones said that he hoped NRW had looked over the chapel and seen for itself the context to the building and the step up to the entrance; however, it is more likely that NRW has checked the post code, established that the building is in a C2 zone and has made a recommendation on that basis alone. The sea lies to the west of Valley where there is an area known as Tyddyn Cob; in the sea by Tyddyn Cob there are tidal doors. These were renovated in 2009 and hopefully the relevant authorities will have received a guarantee from the company which undertook the renovation that no further work is required. There is 1.2 miles distance between Capel Hermon in Valley and the coast; the land which lies between rises gradually for its whole length and takes in the A55 and the railway before one enters the village and Field Street. Neighbours in Field Street are supportive of the proposal; one resident recalls a flooding incident in 2014 when after a failure of the drainage system in the Bull Hotel, surface water and sewerage from the Bull Hotel flooded the drainage system on Field Street. The flood was due to the culvert not having been maintained by the Authority; remedial works on the culvert and drainage system have since been undertaken, the system is now in excellent working order with periodic checks being carried out. Councillor Gwilym Jones concluded by saying that if there was any material risk at all, then the Community Council would not be unanimously supportive of the application.

The Planning Development Manager reported that there are no objections to the proposal in terms of design, highways impact or effects on neighbouring properties or amenities. The Gwynedd Archaeological Planning Service has requested that should

consent be given, a condition be included to ensure appropriate recording of the building takes place it being of local historic interest. The proposed development is located in a C2 flood zone – TAN 15 is clear that no residential development should be permitted in a C2 zone and although the building exists as a chapel this is classed as a low risk use; its proposed conversion to a residential dwelling would elevate it into a high-risk use making it a highly vulnerable development. This means the proposal is unacceptable and cannot be supported. The former market site did receive permission for housing attached to which there was a legal agreement that was never signed, this application has since been withdrawn meaning there is no permission on that site. However, the Environment Agency at the time did not oppose the development. The planning consent for housing on land opposite the chapel pre-dates the changes to the flood maps in 2017 when the area under consideration was re-designated from a C1 to a C2 zone. The Officer said that Paragraph 6.2 of TAN 1 sets out criteria which any new development for less vulnerable uses in a C2 zone must meet if it is to be considered justified. Whilst no such assessment has been submitted as part of the application under consideration, an assessment prepared on behalf of the applicant by professional consultants was made available with a previous unsuccessful application in 2017 which confirmed that even had the development been in a C1 zone, it would not satisfy the criteria set out in paragraph 6.2 of TAN 15, and much less for C2. The assessment also states that the chapel's floor levels would have to be raised by 2m to meet TAN 15 requirements in a worst-case flooding scenario. Additionally, NRW points out that the plan shows that a bedroom is to be located on the chapel's ground floor which in terms of risk is unacceptable. Therefore, based on the flood risk and floor levels, the recommendation is one of refusal.

Having considered the information presented and the representations made, the Committee was minded to approve the application contrary to the Officer's recommendation. Councillor Eric Jones proposed that the application be approved because he considered that having been on the site visit, the Chapel floor levels are sufficient to withstand any flow of water from whatever source. Councillor Kenneth Hughes seconded the proposal and said that after the flooding event in 2014, the culvert and drainage system were cleared; this work has obviously been successful meaning the system can cope with extreme wet weather with such occurrences having been experienced since 2014 with no adverse impact on this area. In his mind therefore, the risk of flooding no longer exists.

The Planning Development Manager clarified that in accordance with the assessment prepared on behalf of the applicant, the greatest flood risk comes from the direction of Tyddyn Cob in the event that seawater overcomes the barriers at that point, and not from maintenance of the culvert. The Officer said that although she accepted that the source of the flooding in 2014 has been addressed, the risk remains from a very different source which is at Tyddyn Cob. The Committee has to determine whether in light of the evidence of the risk from Tyddyn Cob as confirmed by the report on behalf of the applicant the proposal complies with TAN 15. The fact that the tidal doors have been renovated and are maintained does not reduce the risk; as has been reported the chapel's floor levels would have to be raised by 2m to meet TAN 15 policy requirements should the worst happen. This is a significant amount and as events have shown, the worst can happen. Approval of an additional dwelling in this location would add to the risk.

The Committee noted that as the proposed development is located in a residential area the risk to the chapel is no greater than the risk to the surrounding properties and would only add to the existing risk to Valley by a very minimal amount, if any. If the risk is as significant as what is being contended, then on that basis the whole of Valley is in danger.

The Planning Development Manager said that TAN recognises that some existing development will be at risk of flooding; these are historic developments such as the majority in the area of the proposal. The subject building is currently a chapel not a dwelling; conversion of the building into a dwelling – classed as a more vulnerable development - will add to the risk.

The Legal Services Manager advised that should the application be approved, Natural Resources Wales may wish to refer it to Welsh Government for it to consider whether it should be called in. Had the application been submitted prior to the changes in the flood maps when the area was classified as C1 then the difficulty might not have arisen. As it is under the TAN in its current form, any proposed new development or conversion to a use that is of higher risk is problematic in this area. On that basis it is likely that NRW would want to challenge a decision to approve by referring it to the Welsh Government.

It was resolved to approve the application contrary to the Officer's recommendation on the basis that the Committee deems the proposal complies with TAN 15 in that the subject building which has existed on site for many years is sufficiently elevated to minimise the risk of flooding, that the risk of flooding to the area is minimal, and that the conversion of the subject building to a dwelling will not materially exacerbate or add to the risk.

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 on the reasons given for approving 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 12C161J – Full application for the erection of a dwelling and garage together with the construction of a vehicular access on land at Fair Linden, Llanfaes

The application was presented to the Planning and Orders Committee as it represents a departure from the plan policy which Officers are recommending for approval.

The Planning Development Manager reported that the application is to change the design of the previously approved dwelling the planning permission for which is extant until 2021. It the Officer's opinion that the current proposal offers significant improvements over that which has planning permission. The scale and massing have been substantially reduced and a more traditional design is now presented. The Officer said that trees which are the subject of a Tree Preservation Order also form part of the application site. Additionally, the Highways Service is recommending visibility splays of 2m x 120m and not the 2.4m by 120m stipulated in condition (04). Should the application be approved, a further condition is proposed to the effect that the development shall be carried out in accordance with the tree survey submitted as part of the application. Although the Town Council objects to the application which it considers an over-development, the Officer's recommendation is one of approval on the basis that the current scheme offers improvements over that which already has planning permission and can be lawfully implemented, and as such, there are overriding reasons why this departure from the Development Plan can be approved.

The Committee sought clarification of the highways position in light of the Town Council's comments regarding issues which it considers make the entrance to the property hazardous. The Development Control Engineer said that the visibility splays have been designed to conform to national standards; the application site already has planning permission and the Highways Authority has no objections to the proposal.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein together with the amendment to condition (04) and an additional condition requiring the development to be carried out in accordance with the tree survey submitted as part of the application.

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 34LPA1015E/DIS/CC – Application to discharge conditions (02) (surface water) and (03) (drainage scheme) of planning permission 34LPA1015B/CC at the former Môn Training, Llangefni

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

The Planning Development Manager reported that the Council's Technical Section (Drainage) finds the submitted drainage satisfactory and Welsh Water has confirmed that it has no objections to the conditions being discharged. The Officer's recommendation is therefore to approve the application.

Councillor Bryan Owen proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Nicola Roberts.

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

12.2 39C355B – Retrospective application for the erection of 8 apartments together with car parking and associated works on land at Former Primary School, Pentraeth Road, Menai Bridge

The application was reported to the Planning and Orders Committee as part of the application site is located on Council owned land.

Public Speaker

Mr Jamie Bradshaw (*for the proposal*) outlined how he considered the proposed scheme to be compliant with national and local policies in being for a brownfield site set within the development boundary of Menai Bridge in a highly accessible location. The assumption in national and local policies is that the site is suitable for development in principle and that its use should be encouraged as confirmed by the Officer's report. In response to the Officer's concerns regarding the density of the development and its suitability for the setting, the proposal meets a key national and local policy priority of utilising sites such as this in an accessible location, close to transport routes for higher density development. The proposal would meet this objective by making the best use of land to accommodate a higher density but still appropriate development for the site and its setting thereby easing pressure on greenfield sites to meet housing needs. Although the proposed building is three storeys in height, the land levels and careful design approach

mean that the height of the building would reflect that of surrounding properties and will actually be 2.5m lower in height than the three-storey dwelling approved to the north. Mr Bradshaw said that he did not believe the development was cramped as the proposal would only occupy 30% of the area of the site with a good amount of space around the building which complies with the Council's own separation distances and allows for landscaping. The concerns over the building having several high level windows and obscure glazing in bedrooms and living areas which the Officer believes creates an oppressive outlook for future occupants are unfounded as these will only serve secondary rooms such as bathrooms and studies.

Mr Bradshaw said that the proposal is a high quality modern design which ensures the development has a varied and interesting appearance; the aim throughout has been to create a high quality development that would complement its setting and respect the visual and residential amenities of the area.

The Planning Development Manager reported that two additional letters offering comments on the application have been received; comments have also been received from the applicant's agent clarifying that the access widening work which has been done as referred to in the Officer's report making part of the application retrospective, is health and safety work which is unconnected with the proposal that is the subject of the application. The Officer's view is that the proposed development is unacceptable in its setting and notwithstanding the amendments that have been made in an effort to overcome the issues in relation to separation distances, overlooking, parking arrangements and variations to the access, the Planning Department continues to have concerns over the proposal and is of the opinion that by virtue of its scale, design and siting, it is not well integrated into its surroundings. The recommendation is therefore one of refusal.

Due to the points of concern raised with regard to setting, scale and its proximity to neighbouring properties, Councillor John Griffith proposed that the application site be visited so that Members can better appreciate the proposed development within its location. The proposal was seconded by Councillor Eric Jones. In the ensuing vote, the proposal for a site visit was not carried.

Councillor Bryan Owen proposed that the application be refused in accordance with the Officer's recommendation. The proposal was seconded by Councillor Robin Williams who said that he had called in the application because of the concerns of the Town Council and the residents of the locality.

It was resolved to refuse the application in accordance with the Officer's recommendation and report.

13. OTHER MATTERS

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

**Councillor Nicola Roberts
Chair**