

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 7 November, 2018

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Kenneth Hughes, Vaughan Hughes,
Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams
- IN ATTENDANCE:** Planning Development Manager (NJ)
Planning Enforcement Assistant (MO)
Administrative Assistant (WT)
Administrative Assistant (WW)
Development Control Engineer (JRPW)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillors Glyn Haynes, Trefor Lloyd Hughes, MBE
- ALSO PRESENT:** Local Members: Councillors R.G.Parry, OBE, FRAGS (for application 12.1), Margaret Murley Roberts (for applications 7.2 and 12.5)_Richard Dew (Portfolio Member for Planning) (for application 10.1)
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1. APOLOGIES

The apologies for absence were presented and were noted.

2. DECLARATION OF INTEREST

Councillor Kenneth Hughes declared a personal and prejudicial interest with regard to application 12.2 on the agenda.

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on the 3 October, 2018 were presented and confirmed as correct:

4. SITE VISIT

The minutes of the planning site visit held on 17th October, 2018 were presented and were confirmed as correct.

5. PUBLIC SPEAKING

There were Public Speakers with respect to applications 10.4, 12.1 and 12.4

6. APPLICATIONS THAT WILL BE DEFERRED

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

7. APPLICATIONS ARISING

7.1 19LPA1043A/CC – Full application for the erection of 6 affordable dwellings, construction of a pedestrian access, creation of 8 parking spaces together with the demolition and relocation of gate posts on land adjacent to Vulcan Street, Holyhead

The application was reported to the Planning and Orders Committee because the Isle of Anglesey County Council is the applicant and the landowner. At its meeting held on 3 October the Committee resolved to convene a site visit; the application site was subsequently visited on 17 October, 2018.

The Planning Development Manager reported that the application was originally called in by Councillor Trefor Lloyd Hughes - a Local Member due to concerns over parking congestion in the vicinity of the newly built Cybi School which are also reflected in objections submitted by one local resident. In the Officer's opinion, the proposal in seeking to demolish the former snooker hall building and an attached residential property on site and replacing them with contemporary flats and houses in a highly sustainable brownfield location within easy access of schools and the town's amenities will improve the appearance of the area as well as the character of the nearby Grade II Listed Cybi building. The access to the school is to be retained and the gate pillars on the service road to Ysgol Cybi are to be re-aligned. Although part of the application site is currently used on an informal basis for car parking by residents and others, the area in question is owned by the Council and there is no lawful right to park thereon or requirement that the area be retained as a parking area.

The Officer said that Councillor Trefor Lloyd Hughes in tendering his apologies for absence for this meeting, had submitted his observations on the application which she read out. Those reiterated his concerns about parking and traffic problems particularly given that 900 pupils from the two schools use the area. The addition of six dwellings with potentially 2 vehicles in each dwelling brings the problem of parking to the forefront not just in Vulcan Street but Holyhead as a whole. Councillor Hughes suggests that parking needs to be looked at in terms of general policy and should be part of the decision-making process which at present it is not. Any costs in relation to highways with the application should be borne by the applicant. It would also be appreciated if the applicant could provide a footpath alongside the proposed new houses to join up with the current footpath at the back.

The Officer confirmed that the Highways Authority has no objections to the proposal there being provision for 8 off-street parking spaces as part of the development. With regard to the Local Member's request that a new footway be provided, there is at present a footway at the rear of the properties on the north west side of Vulcan Street and whilst the proposed development will restrict access to the northern side of the footway at the rear of 47 Vulcan Street, access will still be available from the southern side of the footway. The creation of an additional footway at the front of the proposed new units does not form part of the applicant's intention. This is in any case considered a civil matter rather than a matter for the Committee. As the proposal has been designed to comply with Secured by Design standards, the creation of footways to the rear of properties is not considered ideal in terms of promoting security and they can become a focal point for individuals to congregate. For the reasons given above, the recommendation is to approve the application.

The Legal Services Manager advised that the issue of who has rights over the footway is a civil legal matter where it would fall to the residents of Vulcan Street to prove their rights against the landowner, in this case the County Council. This applies if the footpath has not been registered as a public footpath in which circumstances the public in general would have statutory rights over the footway.

The Development Control Engineer in confirming that the proposed development complies with parking standards said that the applicant should not be penalised because of the wider parking problems on Vulcan Street nor expected to provide a solution to them.

Although the Committee acknowledged that there are parking and traffic issues on Vulcan Street which were apparent during the site visit it noted that the objections submitted on those grounds have been assessed by the Highways Authority which finds the proposal acceptable. The Committee also noted that there is a high demand in Holyhead for the type of affordable units which the application proposes to deliver as confirmed by the Housing Service which it deemed a material consideration.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and subject also to the receipt of any comments by the Council's Lifelong Learning Service.

7.2 42C188E/ENF – Retrospective application for the erection of a new build holiday letting unit at 4 Tai Hirion, Rhoscefnhir

The application was reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 5 September, 2018 the Planning and Orders Committee resolved to visit the application site. The site visit took place on 19 September, 2018. At its meeting held on 3 October, 2018, the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that the proposal was deemed to comply with Policy TWR 2.

Councillor Margaret Murley Roberts speaking as a Local Member said the applicants had received full planning permission in 2006 to convert outbuildings into 5 residential units with permission being given in 2014 to convert an outbuilding into a dwelling which was larger than the original scheme by extending it at the rear with the plan being to convert it into accommodation for visitors. When the walls of the outbuilding collapsed and it was re-built the Building Regulations Section did not foresee any problems and neither did Officers when a second application was made as it was for accommodation for visitors. Since the Committee's last meeting the Planning Service has made further investigations stating that there is no record of planning permission for the cheesemaking operation run from the neighbouring farm. In 2007 permission to make cheese on an agricultural farm was not needed as it was farm produce. However, the family wish it to be known that they are willing to comply with the Officers' wishes. The family has also provided business plan information confirming that the business is run as one business. In the current difficult financial climate farmers are encouraged to diversify – the family works hard running a bed and breakfast, taking in visitors and producing cheese on the farm, and have co-operated with the Officers. They have not concealed anything. Councillor Roberts said that the proposed development is in keeping with its location and it is hoped the Committee will support it.

The Planning Development Manager reported that Policy TWR 2 does support the development of new permanent serviced or self-serviced holiday accommodation providing they meet all the criteria. The proposal is not within the development boundary and neither is it located on previously developed/brownfield land as defined by Planning Policy Wales which defines such land as that which is or was occupied by a permanent structure but excluding agricultural or forestry buildings. The Supplementary Planning Guidance for Tourist Accommodation and Facilities which has been the subject of a

recent public consultation confirms that it is Planning Policy Wales's definition that is used for the purpose of the policy. Neither has an assessment of whether the proposal would lead to an intensification of such accommodation in the area been presented – notwithstanding the accountants have submitted comments these do not equate to an assessment of the accommodation provision in the area in accordance with the requirements of the policy. At the Committee's previous meeting the applicant suggested that the visitor accommodation was important in relation to the cheese making business given that cheese making courses including residential courses, are provided. Those attending the courses are able to stay on the caravan site when it is open but would stay in the visitor accommodation during the winter making this development important to the year round prosperity of the cheese making business. The Officer said that enforcement investigations have shown that the cheese making operation does not have planning permission which it is required to do as it does not fall within the Planning Act's definition of agricultural business being categorised as D2 use; neither does the caravan site comply with the consent given. The Officer said that the proposed development does not comply with Planning Policy Wales and Policy TWR 2 as it is not on brownfield land as defined by those policies. The Committee in approving the application has chosen a different definition of brownfield which potentially might lead to the submission of retrospective applications for all the operations on site so that there is consent for the cheese making operation, the caravan site and visitor accommodation under the Committee's definition of brownfield. However, based on the policy definition and on that in the Supplementary Planning Guidance, the proposal is contrary to policy and the recommendation remains to refuse the application.

In the ensuing discussion the following points were made by the Committee -

- That the proposal is on land and forms part of a development that has had planning consent and it would complete the complex as a tourist facility.
- That the proposal does meet criteria ii, iii, iv and v of Policy TWR 2 which were read out by Councillor Eric Jones
- Whether the proposal would be acceptable had not the walls of the original subject building collapsed and had to be re-built.

The Planning Development Manager responded as follows –

- That the proposal does not satisfy criteria i of Policy TWR 2 i.e. "in the case of new build accommodation that the development is located within a development boundary or makes use of a suitable previously developed site." The policy definition of a previously developed site excludes agricultural buildings. As the subject building was a former agricultural building it does not accord with the definition of a previously developed site meaning the proposal is contrary to policy.
- That the original consent was granted under the previous Development Plan policies which allowed the conversion of outbuildings. Had the original application involved substantial re-building it would have been rejected because the policy at the time would not have allowed it. As it is, the subject building has been re-built in its entirety and has therefore to be considered under current policies as new build holiday accommodation.

Councillor Richard Owain Jones said that at the Committee's previous meeting he had proposed that the application be approved subject to a Section 106 agreement to incorporate the operation at Tai Hirion and that at Rhyd y Delyn as one business unit. He sought clarification of whether this option was feasible.

The Planning Development Manager said that it is open for the Committee to take this course as the policy allows new build holiday accommodation if it is an extension of an existing holiday accommodation business. The applicant made this link between the two

operations at the previous meeting suggesting that the business is a single-family business entity. However, imposing a section 106 agreement does not overcome the issue of how a previously developed/brownfield site is defined, with the Committee's definition being contrary to what the Planning policy states is the correct definition.

Councillor Richard Owain Jones proposed that the application be approved contrary to the Officer's recommendation subject to a Section 106 agreement incorporating the operation at Tai Hirion and the cheese making operation at Rhyd y Delyn into one business. The proposal was seconded by Councillor Vaughan Hughes.

Councillor Eric Jones proposed that the application be approved contrary to the Officer's recommendation without a Section 106 agreement. The proposal was seconded by Councillor Kenneth Hughes.

Councillor John Griffith proposed that the application be refused in accordance with the Officer's recommendation. The proposal was seconded by Councillor Nicola Roberts.

The resulting vote was as follows –

For approving the application with a Section 106 agreement – Councillors Richard Owain Jones, Vaughan Hughes, Dafydd Roberts, Robin Williams.

For approving the application without a Section 106 agreement – Councillors Kenneth Hughes, Eric Jones, Bryan Owen

For refusing the application – Councillors John Griffith, Nicola Roberts

It was resolved to approve the application contrary to the Officer's recommendation subject to a section 106 agreement to incorporate the operation at 4 Tai Hirion and the operation at Rhyd y Delyn into one business unit and subject also to planning conditions to be determined by the Officers.

8. ECONOMIC APPLICATIONS

8.1 34C262H/FR/ECON – Full application for the erection of a building incorporating 8 separate units (used for light industrial purposes under use classes B1, B2 and B8) together with associated development on land at the former Cig Môn, Bryn Cefni Industrial Estate, Llangefni

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

The Planning Development Manager reported that the proposed units will be located generally at the centre of the site with an access road running in an anti-clockwise circular pattern. Although the application site is located adjacent to the River Cefni and is in a C2 Flood Zone area, being for use classes B1, B2 and B8 it is categorised as less vulnerable development by Technical Advice Note 15 and is therefore considered low risk. Additionally, the units' finished floor levels will remain above extreme flood levels from the adjacent river. The Officer confirmed that Natural Resources Wales has assessed the application and has raised no objections to the proposed development. The proposal will bring a now redundant site back into sustainable employment use and the recommendation is therefore to approve the application.

Councillor Nicola Roberts 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 contained therein.

9. AFFORDABLE HOUSING APPLICATIONS

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

10. DEPARTURE APPLICATIONS

10.1 28C477B – Full application for the erection of 4 dwellings (1 affordable) together with the construction of a new vehicular and pedestrian access on land at Pencarnisiog Farm, Pencarnisiog

The application was presented to the Planning and Orders Committee as part of the application site is outside the development boundary of Pencarnisiog - therefore is contrary to policies of the Joint Local Development Plan - but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that the site plan indicates that the whilst the footprint and the curtilage of the proposed dwellings lie within the development boundary, part of the access road lies outside the boundary as do the drainage arrangements. Planning consent for the erection of two dwellings where the parking and drainage arrangements were in a similar position was granted under former Development Plan policies so in terms of layout the proposal is not dissimilar to that for which consent exists but with the addition of 2 further dwellings. The proposed development is considered acceptable in its location in terms of layout, appearance and scale having no negative impact on the amenities of the existing residential properties nor on the wider area. As part of the proposal, the applicant has confirmed that 7 parking places will be made available at the front of the application site in addition to those at the rear – these will be available for drop-off and pick-up by parents at the adjacent primary school. A contributing of £11,024.79 will be made to the Lifelong Learning Service as part of the proposal.

The Officer read out comments made by Councillor Richard Dew, a Local Member (who due to another commitment had left the meeting before the application was considered) confirming that neither he nor Pencarnisiog school had any objections to the development and that he welcomed the provision of an affordable dwelling as part of the proposal.

The Officer concluded by saying that as only a small part of the application site lies outside the development boundary and given the advantages of the proposal in providing for an affordable dwelling and an education contribution, the recommendation is 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 Vaughan Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and subject also to a Legal Section 106 agreement for one affordable dwelling and the necessary education contribution payment.

10.2 3C182E/VAR – Application under Section 73A for the variation of conditions (03) (mitigation works), (08) (closure of the existing access) and (09) (plans) of planning permission reference 33C182D (conversion of outbuilding into a dwelling together with the formation of an access) so as to change the material finish together with submission of ecology details, mitigation licence and closure of access details after the works have commenced at Berw Uchaf, Gaerwen

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

The Planning Development Manager reported that planning consent was given in 2017 under previous Development Plan policies for the conversion of an outbuilding into a dwelling at Berw Uchaf, Gaerwen; however, the necessary ecology, mitigation licence and closure of access details have not been provided in accordance with the permission given hence the re-submission of the application in order to deal with those matters. The Officer confirmed that a copy of a licence issued by Natural Resources Wales authorising the works as approved to go ahead has now been submitted with the application as have details of the closure of the existing access which the Highways Authority has confirmed are acceptable. A request has also been made to change the external finishing material from wooden windows to UPVC which the Heritage Section of the Built Environment Service finds acceptable as having no harmful effect on the overall character of the building. The Officer concluded by saying that although the application is technically contrary to Policy TAI 7 of the Joint Local Development Plan, in light of the extant planning permission on the application site which has begun to be implemented, and given that the details submitted under the planning conditions are acceptable, the recommendation is to approve the application.

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

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

10.3 36C344B/VAR – Application under Section 73 for the variation of condition (07) of planning permission reference 36C344B/VAR (Amended plans for the erection of a dwelling) so as to allow drainage details to be submitted after work on land adjacent has commenced at Ysgol Henblas, Llangristiolus

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

The Planning Development Manager reported that planning consent for the erection of a dwelling on the application site was granted in 2016 under previous Development Plan policies. Surface water details were required to be provided prior to the commencement of work on site; however, those were not provided in advance of the commencement of work and the application is a request to provide the necessary details after the commencement of work on site. Those details have been submitted with the application and have been confirmed as acceptable by both the Highways Authority and the Drainage Section. The application is contrary to Policy TAI 6 of the Joint Local Development Plan but because of the extant planning permission for a dwelling on the site and because the details submitted are considered satisfactory, the recommendation is to approve the application.

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

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

10.4 46C410H – Full application for the erection of a dwelling which includes a terraced decking area on land adjacent to Garreg Fawr, Lôn Garreg Fawr, Trearddur Bay

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

Public Speaker

Mr Glen Seddon spoke in support of the application and highlighted the amendments made to the scheme which make the development less intrusive thereby reducing its impact. The new plan and design are also more efficient and reduce the proposal's overall carbon footprint.

The Planning Development Manager reported that the application is for changes to the design of a dwelling for which planning consent already exists. The proposed amendments will result in a reduction in the scale and massing of the proposed development and represents a vast improvement on the proportions of the previously approved dwelling. Although the proposal in being for an open market property is contrary to Policy TAI 5 of the Joint Local Development Plan which supports local market housing, because of the extant planning permission and because the amended scheme improves on that previously approved, the recommendation is 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 Robin Williams.

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

11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 11C73F/VAR – Application under Section 73 for the variation of condition (02) of planning permission reference 11C73E (conversion of the function room into four self-contained units and additional hotel rooms) so as to amend the number of self-contained units to two and increase the number of hotel rooms to 8 at Lastra Farm, Amlwch

The application was presented to the Planning and Orders Committee as a relevant officer as defined within paragraph 4.6.10.2 of the Constitution who is directly involved in the planning process has declared an interest in the application. The application has been scrutinised by the Monitoring Officer as required under the said paragraph.

The Planning Development Manager reported that the application is to change the layout and design of the planning consent granted in 2017 to convert the existing function room into four self-contained units together with two additional rooms, so as to reduce the number of self-contained units from 4 to 2 and increase the number of hotel rooms from 4 to 8. The amended scheme will not increase the existing footprint of what has been previously approved and will not result in any adverse impact on the amenities of nearby residential properties and as the changes are minor, the recommendation is to approve the application.

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

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

11.2 34C734 – Full application for the alternations and extensions together with an extension to the curtilage at 18 Nant y Pandy, Llangefni

The application was presented to the Planning and Orders Committee as it is made by a relevant officer as defined in the Council's Constitution. The application has been reviewed by the Monitoring Officer.

The Planning Development Manager reported that the application consists of an extension to the northern/side elevation of the dwelling. As the extension is modestly sized the massing of the resulting dwelling will not be out of context with the general area or out of character in terms of the massing of the surrounding residential properties. Due to the location of the extension, the proposal will not affect the amenities of the wider estate and whilst the proposal will face the garden of an existing property, its orientation means that there will be no impact from overlooking sufficient to warrant a refusal. The Officer said that the proposal also involves extending the curtilage to the north to accommodate the extension. The extension to the curtilage will not extend into the Dingle Nature Reserve and wildlife site which lies to the rear of the dwelling; the intention is to erect a wooden fence along the new curtilage to correspond to that which already exists. The Council's Ecology Adviser confirms that the proposal will have no ecology impacts on the Dingle Wildlife Site. The recommendation is therefore to approve the application.

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

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

12. REMAINDER OF APPLICATIONS

12.1 14C257 – Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all matters reserved on land adjacent to Cefn Trefor, Trefor.

The application was reported to the Planning and Orders Committee as has been called in by a Local Member on the grounds of proximity to the cluster and a local need.

Public Speaker

Mr Gavin Evans spoke in support of the application and emphasised the family's local credentials with both he and his wife having been brought up in Llangefni – in Rhostrehwfa and Corn Hir respectively which is only about 7 miles from Trefor. Mr Evans said that both he and his wife work in Llangefni and are a Welsh speaking family. The land in question was bought from the Council last year with the intention of building a 4-bedroom affordable home for the family – the family's home in RAF Valley was too small with no chance of extending it. The house was put on the market and sold very quickly meaning that the family is now living on a temporary basis with his brother in Llynfaes which is not ideal. Mr Evans said that he wished to give his children the same freedom and countryside upbringing that he had. Buying a house in such a setting in the open market is out of reach so the only option is to build on their own land. The point is that the family is as close to Trefor as possible and are in need of an affordable dwelling.

Councillor R.G. Parry, OBE, FRAGS, a Local Member said that the family's intention was to apply for planning permission on the plot of land that was sold to them by the Council. He said that he did not consider the proposal to be intrusive as there are 10 two storey houses in Trefor, about 7 cottages and a chapel. With regard to being local, Councillor Parry said that for him personally, Anglesey is "local" although that is not the policy definition of local. The applicants currently reside in Llynfaes which like Trefor is in the Canolbarth Môn ward. Additionally, the Housing Service has confirmed that the

applicants are in affordable need. Councillor Parry asked the Committee to give the applicants a chance.

The Planning Development Manager reported that under Policy TAI 6 of the JLDP, Trefor is identified as a cluster. The policy supports proposals for affordable dwellings for local need providing all the criteria are met. The policy defines local need as "people in need of an affordable dwelling who have resided within the cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past". The home in RAF Valley which the applicant sold is in the Llifon ward area. The policy does not permit individuals to move out of other villages to clusters in order to obtain an affordable dwelling. Neither does the proposal meet the policy criteria in relation to scale being for a 9m high dwelling on a site where the property immediately next door and adjacent are single storey cottages and, as the proposal is also located on the edge of the village, it is considered that it will create an intrusive feature in this location. Although there are two storey dwellings in the area they are predominantly small scale with windows reaching the eaves. Notwithstanding the proposal satisfies some of the criteria as described in the written report, because it does not meet all the criteria it is considered to be contrary to Policy TAI 6 and it is therefore recommended that the application be refused.

In considering the application which it was minded to approve, the Committee made the following points –

- That from the Inset map the application site is adjacent to a coloured building and is within the curtilage of the property in front of it and forms a neat completion to the village.
- Whether there is an acceptable design for an affordable dwelling in terms of scale and size that makes it compliant as an affordable dwelling.
- That the applicant is originally from Lôn Gefn Rhostrehwfa which is a rural area within the Canolbarth Môn ward area with Trefor also being in the Canolbarth Môn ward area. The applicant has had to live outside the area for a temporary period because of prohibitively high house prices in Llangefni.
- That the application represents a confirmed housing need for an affordable dwelling for a local family and that the policy's rigidity prevents this local need from being met. The policy should be applied with common sense being mindful also that the land was sold with a view to obtaining planning consent.

The Planning Development Manager responded to the matters raised as follows –

- She confirmed that the proposal complies with policy in being part of the cluster. However, it is the Officer's opinion that the proposed development will due to its scale and size, create an intrusive feature in its location and is thereby contrary to the policy in this respect.
- That an assessment of what is affordable for the applicants has been made based on their situation and needs as a family (rather than there being a prescribed pattern for an affordable dwelling). The proposed dwelling reflects the needs of the family in relation to the size and number of bedrooms required. However, it is the Officer's view that the scale and size of the overall dwelling in its location is not in keeping with the dwellings around it and the proposal does not therefore comply with policy.
- That with regard to affordable housing for local need the policy definition is as stated above i.e. "people in need of an affordable dwelling who have resided within the cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past". Whether the applicant's connection with a rural area through his childhood upbringing satisfies the criteria is a matter of opinion. It is the Officer's view that the applicants

have not provided any evidence that they meet this criterion and therefore the proposal does not comply with policy.

- That how the land was sold to the applicant is not a material consideration.

Councillor Eric Jones proposed that the application be approved contrary to the Officer's recommendation on the basis that he believed the proposal to be compliant with Policy TAI 6 in terms of meeting the test with regard to local need and in terms of fitting into the general development pattern of the settlement without being intrusive. Councillor Kenneth Hughes seconded the proposal.

The Legal Services Manager advised it is a matter for the Committee to set out its definition of "local need" in the policy if it does not accept the definition provided by the Officer. The policy has been drafted to respond to the historical problem of finding a balance between local housing need and allowing housing development within settlements. If the Committee is minded to approve the application contrary to policy on this point it is likely to reopen the issue and it will make it difficult for it to keep the line in a number of similar applications where the Committee does not accept the policy's definition of local. Consequently, there is a risk of the Committee's being arbitrary in how it interprets the policy and what it deems to be local in the context of the policy.

In the ensuing vote, Councillors Eric Jones, Kenneth Hughes and Bryan Owen voted to approve the application contrary to the Officer's recommendation. Councillor John Griffith abstained because although he sympathised with the applicants' situation, he recognised the need to accept the policy as it is. Councillors Vaughan Hughes, Richard Owain Jones, Dafydd Roberts and Robin Williams also abstained on the grounds that despite having a great deal of sympathy for the applicants, they accepted the legal advice given.

It was resolved to approve the application contrary to the Officer's recommendation because the Committee deemed the proposal to be compliant with Policy TAI 6. (Councillors John Griffith, Vaughan Hughes, Richard Owain Jones, Dafydd Roberts and Robin Williams abstained from voting)

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.

12.2 18C117 – Full application for the change of use of land to form a car park together with amendments to the existing vehicular access on land at Swtan, Church Bay

The application was reported to the Planning and Orders Committee as the application is made by the National Trust on County Council owned land.

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

The Planning Development Manager reported that the application is for the creation of a 6-bay car park for use by visitors to the nearby Swtan barns which will also involve re-arranging the existing access. The proposal is within an Area of Outstanding Natural Beauty but due to the small scale of the development it is not considered the scheme will have any negative effects on the wider area. A letter of objection has been received from the occupiers of the nearby residential property on the grounds of the intrusive location of the car park directly overlooking the rear garden of the property. Consequently, it was to be conditioned that a fence be erected on the boundary between the proposal and the property. The applicant has however proposed that instead of a fence he undertakes a hedge planting scheme as being more in keeping with the location which is within the

AONB. A condition that a management plan for the car park be provided to further mitigate against the issues raised by the objector is also proposed. With those conditions, the recommendation is to approve the application.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and subject also to additional conditions in relation to the provision of a management plan for the car park and the undertaking of a hedge planting scheme.

12.3 19C1111B – Full application for the construction of a vehicular access on land at Bodowen, Pentre Fferam Gorniog, Holyhead

The application was presented to the Planning and Orders Committee as the proposed new access is within the land that is owned by the Council.

The Planning Development Manager reported that the application is to construct a new vehicular access in front of the existing front garden of the Bodowen dwelling along with two new parking bays. The development lies within the Holyhead Mountain Conservation Area which is itself within the AONB. The applicant has provided further information indicating that due to the proposal's sensitive location, a new stone wall will be erected between the parking bays and the current garden wall and that gravel, not tarmac will be used for the parking bays and drive. Neither the Council's Heritage Advisor nor the Highways Authority raise any objections to the development. The recommendation is therefore to approve the application.

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

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

12.4 39C601 – Full application for the siting of 4 chalets (holiday use) together with the construction of a track and associated works on land opposite Cartrefle, Menai Bridge

The application was presented to the Planning and Orders Committee as it has been called in for the Committee's determination by a Local Member.

Public Speaker

Mr Jamie Bradshaw spoke in support of the application and responded to points of concern raised by local residents in relation to the effects of the proposal on privacy and amenity, suitability of the access and its location outside the development boundary. He said that the scheme has been subject to extensive discussions with Planning Officers with the aim throughout being to create a high-quality development that will complement its setting and respect visual and residential amenities which will provide high quality accommodation with resulting economic benefits for the area. He pointed out that Policy TWR 3 of the Local Joint Development Plan does not seek to restrict developments of this type to sites within development boundaries.

In response to a point of clarification raised by the Committee with regard to what the speaker meant by referring in his presentation to low-key use, Mr Bradshaw explained that the development comprising of only 4 chalets is modest in nature and is primarily for residential, rather than active commercial use there being no leisure element involved.

The proposal is for holiday chalets in a quiet wooded setting which is the market the applicant is aiming for and for which the development has been designed.

The Planning Development Manager reported that the application was originally for 5 holiday chalets rather than the 4 now proposed. The chalets have also been re-sited in response to comments made by consultees. The Officer said that Policy TWR 3 supports developments such as this as long as it does not lead to over provision in an area. The proposed development is considered acceptable when assessed against the provisions of the Anglesey Landscape Sensitivity and Capacity Study. The proposal also meets policy requirements in being located in an unobtrusive location which is screened by land and trees around the site and which is close to the main highway network. Developments such as that proposed do not have to be situated within the development boundary and the fact that the majority of the site is adequately screened and lies at a lower level than nearby residential properties serves to mitigate any effects on neighbours. The proposed development is not dissimilar to a low-density residential estate where the use would not be expected to give rise to any unacceptable noise disturbance apart from the fact that a residential development would not be permissible outside the boundary. Conditions to regulate external lighting and to prevent the removal of trees in order to safeguard the existing natural screening are also proposed. There are no technical objections to the proposal and the recommendation is one of approval.

In response to questions raised by the Committee, the Officer clarified that the application site lies opposite the AONB but is sufficiently screened so that any visual impacts are reduced. Whilst none of the trees surrounding the site are subject to a TPO, the proposal provides an opportunity to impose conditions to manage the trees and ensure the natural screening remains. Additionally, the Anglesey Landscape Sensitivity and Capacity Study has assessed the capacity of each landscape character area on Anglesey to accommodate static caravan, chalets or permanent camping accommodation. It is not considered that the proposal in question in being very small (defined as up to 10 units) would lead to an intensification in such provision in the area and is therefore acceptable.

Councillor Robin Williams, also a Local Member said that he believed that it is an anomaly in the policy that a chalet development is permissible outside the development boundary but not a residential development. The proposal is unlike anything else currently on Holyhead Road and is close to a cemetery which is important to many people in the locality. Councillor Williams added that had he known or been informed that Policy TWR 3 does allow developments of this type outside the development boundary, he would not have called in the application. However, he still believed the proposal to be inappropriate in its setting and would therefore abstain from voting on the application.

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

**It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.
(Councillor Robin Williams abstained from voting)**

12.5 40LPA356/CC – Full application for the erection of 3 affordable dwellings, landscaping and other associated development on land at Ffordd Lligwy, Moelfre

The application was presented to the Planning and Orders Committee because the County Council is the applicant and landowner.

Councillor Margaret Murley Roberts speaking as a Local Member confirmed her and the Community Council's support for the proposal but emphasised that it was hoped the affordable dwellings proposed would be for local people. If so, it could release much

needed council housing for families in the area given that it very difficult for families to buy or rent in the locality because of market prices and the number of second homes with the knock-on effect this has for services e.g. recruiting to the lifeboat.

The Planning Development Manager reported that Moelfre is classified as a Local Village under the provisions of Policy TAI 5 of the JLDP which permits local market housing proposals on suitable sites within the settlement boundary subject to the maximum unit size specified – therefore the proposed dwellings will be for local people in accordance with the policy. As well as being for people within the community the 3 proposed units will also be affordable dwellings but, as the Council is the applicant this would be administered through a condition rather than through a legal agreement as it would not be possible for the Council to complete a legal agreement with itself. Although Policy TAI 15 (Affordable Housing Threshold and Distribution) only requires 30% of the units to be affordable the application will be developed for 100% affordable housing. In terms of all other considerations, the proposal is considered acceptable there being no highways objections nor undue design or amenity impacts arising therefrom.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and to the receipt of comments from the Council's drainage section.

13. OTHER MATTERS

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

**Councillor Nicola Roberts
Chair**