

# PLANNING AND ORDERS COMMITTEE

## Minutes of the meeting held on 9 January, 2019

<b>PRESENT:</b>	Councillor Nicola Roberts (Chair) Councillor Richard Owain Jones (Vice-Chair)  Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams
<b>IN ATTENDANCE:</b>	Planning Development Manager (NJ) Planning Assistant (DCPS) Development Control Engineer (JRPW) Legal Services Manager (RJ) Committee Officer (ATH)
<b>APOLOGIES:</b>	None
<b>ALSO PRESENT:</b>	None

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### 1. APOLOGIES

None.

### 2. DECLARATION OF INTEREST

No declaration of interest was made.

### 3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 5<sup>th</sup> December, 2018 were presented and were confirmed as correct.

### 4. SITE VISITS

No site visits were undertaken following the 5<sup>th</sup> December, 2018 meeting of the Planning and Orders Committee.

### 5. PUBLIC SPEAKING

There were no Public Speakers at this meeting of the Planning and Orders Committee.

### 6. APPLICATIONS THAT WILL BE DEFERRED

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

## **7. APPLICATIONS ARISING**

### **7.1 14C257 – Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all other matters reserved on land adjacent to Cefn Trefor, Trefor**

The purpose of the report to the Planning and Orders Committee was to suggest conditions to be appended to the decision notice in relation to the application which was approved by the Committee at its meeting held on 5 December, 2018 subject to a Section 106 Agreement to ensure the dwelling is developed as an affordable dwelling, contrary to the recommendation of Officers that permission be refused because the application is contrary to Policy TAI 6.

The Planning Development Manager reported that the conditions set out within the Officer's report now before the Committee derive from the nature of the proposal and the responses to the consultation undertaken with regard to the application. However, a question has arisen in relation to the definition of a "local person" for the purpose of the legal agreement also required as part of the planning permission. Since the Officer's report as presented to the Committee deals only with the planning conditions, the recommendation is to defer consideration of the matter to allow the preparation of a report that addresses both the issue of conditions and the definition of a local person in connection with the legal agreement.

Councillor Nicola Roberts proposed that the matter be deferred in accordance with the Officer's recommendation. The proposal was seconded by Councillor Bryan Owen.

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

## **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**

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

## **11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

### **11.1 48C182B/MIN – Minor amendments to the scheme previously approved under planning permission 48C182 so as to remove conditions (12), (13) and (14) (code for sustainable homes) together with the addition of a condition (the development shall be in accordance with the submitted plans) under planning permission 48C182A/DA on land adjacent to Bryn Twrog, Gwalchmai**

The application was reported to the Planning and Orders Committee because the applicant is related to a relevant officer. The file has been reviewed by the Monitoring Officer.

The Planning Development Manager reported that the application is made under Section 96A of the Planning Act which relates to non-material amendments to an existing planning permission to insert a condition on the planning consent for a dwelling which was given in 2014 in order to specify that the development must be undertaken in accordance with the approved plans; this is to allow the applicant to then submit an application under Section 73 to vary the approved design. The proposed changes are

material to the design and cannot be dealt with under existing process. The Officer said that Local Planning Authorities are now required to include such a condition with planning consent with the approved drawings being listed as part of the decision. The amendment is therefore a minor change in the decision notice and does not involve a material change in the application. In addition, following the approval of the original application in 2014, Welsh Government announced on 31 July, 2014 that it was withdrawing the policy that required the inclusion of planning conditions to meet the objectives of the Code for Sustainable Homes, sustainable building standards now forming part of Building Regulations. It is Welsh Government's policy that such conditions are removed from those planning permissions where they still exist so the application also seeks the deletion of the Code for Sustainable Homes conditions that are attached to the permission. The removal of these conditions does not affect the overall character of the scheme. Having regard to the above and all other material considerations, the Officer's recommendation is to approve the application.

Councillor Robin Williams proposed that the application be approved; the proposal was seconded by Councillor Eric Jones.

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

## **12. REMAINDER OF APPLICATIONS**

### **12.1 32LPA1047/CC – Full Application for the erection of 6 dwellings together with the construction of a vehicular access on land at Tre Ifan, Caergeiliog**

The application was reported to the Planning and Orders Committee as the Isle of Anglesey County Council is the applicant and landowner.

The Planning Development Manager reported that part of the proposal entails a new access via the Tre Ifan Estate as well as parking provision for 12 vehicles. Given the proximity of the application site to RAF Valley, a noise assessment has been undertaken and has been found acceptable by the Council's Environmental Services. A condition on consent to require noise mitigation measures to be incorporated in the construction of the dwellings will be necessary and is proposed. Drainage details are currently being assessed and are conditioned to ensure they are acceptable. The Officer said that since the publication of the report, the Lifelong Learning Service has confirmed that no contribution towards education as a result of demand created by the proposed development is required. However, the planning conditions put forward include a condition to ensure that the development provides an element of affordable housing. The proposal is compliant with policy and is considered acceptable in its location. The recommendation is therefore one of approval.

Councillor Kenneth Hughes queried whether the development would go ahead in the event of the local school being full with no room to accommodate any additional pupils.

The Planning Development Manager clarified that the Lifelong Learning Service is consulted on applications such as this to ascertain whether it believes that a financial contribution towards the provision of education in the locality is necessary. In this case the Service has confirmed that it is not seeking a contribution. However the application is being considered and will be determined on planning not education grounds.

Councillor Kenneth Hughes said that this being the position, he believed that asking the Lifelong Service whether it wishes to seek a financial contribution to be a flaw in the process since parents have the right to choose whichever school to send their children to and may choose not to send their children to school at all in preference of home schooling. Councillor Hughes sought clarification of whether in light of these parental rights, the Planning Authority should be asking such a question of the Lifelong Learning Service.

The Planning Development Manager advised that the issue of seeking a financial contribution towards a service or facilities including education where that is deemed necessary, is a policy adopted and acted upon by the Council as part of the Joint Local Development Plan where the requirements with regard to developer contributions are set out. If the Member's concerns relate to policy generally rather than to the specific application under consideration then it is a matter that goes beyond the remit of the Committee.

Councillor Hughes said that it was his opinion that the Planning Authority should give careful consideration to what the implications might be if the policy was to be challenged.

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 planning conditions contained therein and subject also to the inclusion of an additional condition in relation to noise mitigation measures.**

## **12.2 FPL/2018/4 – Full application for the demolition of the existing garages together with the erection of 4 single person dwellings with associated parking at Maes yr Ysgol, Holyhead**

The application was reported to the Planning and Orders Committee because the application is made by the Isle of Anglesey County Council.

The Planning Development Officer reported that an application on this site was made earlier in the year and a site visit was undertaken at the time due to concerns about the traffic situation locally. Whilst the layout of the proposed dwellings on the site is similar to that previously approved, the design differs being more traditional in appearance than that which has approval. As part of the previously approved scheme provision was made for 10 parking spaces in response to the concerns locally at the loss of the garages and parking whereas under the scheme presented, 6 parking spaces are provided. The Officer said that she understood that discussions between local residents and the Housing Service have taken place because of the concerns that exist about the loss of parking and that consideration is being given to what measures the Service might implement which will likely follow with further planning applications to be brought to the Committee. However, there are no objections to the proposal on the part of the Highways Service. The Local Members are also supportive of the application. As the application is being made by the County Council, the required affordable housing provision will be ensured via a planning condition as the Council cannot complete a legal agreement with itself. It is the applicant's intention however to provide 100% affordable housing on the site. On the basis of the above therefore, the Officer's recommendation is to approve the application.

Councillor John Griffith queried why the proposal is specifically for dwellings for the elderly when the previously approved application had no such designation. Additionally, the report notes that the rear elevation of the proposed units are closer to the boundary than would generally be permissible being 1 to 1.9m distance from the boundary when the guidance requires a separation distance of 10.5m. Councillor Griffith sought an explanation for the deviation from what is required.

The Planning Development Manager clarified that following discussions with local residents on account of the concerns expressed regarding the previously approved development, the proposal is now for units for the elderly. With regard to the separation distance between the proposal and the boundary, the layout of the development follows that which has received approval. The proposed North Eastern boundary abuts the primary school playground rather than any residential development, the units are single

storey and the means of enclosure entails a 2m high fence adjacent to the primary school and a 2m high block wall on the South and West boundary. It is therefore considered that the development will have no impact on residential amenity in terms of overlooking or loss of light which the guidance on distances is intended to regulate.

Councillor Kenneth Hughes 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.**

### **12.3 FPL/2018/24 – Retrospective application for the construction of an agricultural access which formed part of Section 4 of the Llangefni Link Road at the A5514, Llangefni**

The application was reported to the Planning and Orders Committee because the application is made by the Isle of Anglesey County Council.

The Planning Development Manager reported that the agricultural access for which approval is sought flanks an existing access (since closed) to the Nant Newydd farm but is located farther away from the roundabout in the interests of highway safety. There are no objections to the proposal from a Highways perspective and it is considered acceptable within the landscape having no effect on or implications for the Environmental Impact Assessment that was carried out as part of the Link Road development.

Councillor Eric Jones 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.**

### **12.4 39C597 – Full application for the erection of a dwelling together with alterations to the existing vehicular access at the former Cambria Quarry, Cambria Road, Menai Bridge**

The application was presented to the Planning and Orders Committee as the application is submitted on Council owned land and a Local Member has also requested that the application be determined by the Committee.

The Planning Development Manager reported that the application site lies within the Menai Bridge Conservation Area and is close to nearby Listed Buildings. Objections to the proposal have been received the substance of which are set out in the Officer's report. The relevant consultees raise no objections and advise conditional approval. As well as the conditions listed in the Officer's report the Environmental Health Department is requesting that a condition be included to ensure that any contaminated land is dealt with as part of the development. It is the Officer's view that the proposal offers a sustainable use of a redundant site within the town and the recommendation is therefore to approve the application.

Councillor Robin Williams speaking on behalf of Councillor Alun Mummery who had called in the application but who could not be present at this meeting said that there had been concerns when the application was first submitted about ownership of the land and the development's potential effects on parking amenities in the area. Councillor Mummery is now satisfied that those matters have been dealt with and is supportive of 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 and subject also to an additional condition requiring any contaminated land to be dealt with as part of the development.**

**13. OTHER MATTERS**

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

**Councillor Nicola Roberts  
Chair**