

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 2 April, 2014

- PRESENT:** Councillor W.T.Hughes (Chair)
Councillor Ann Griffith (Vice-Chair)
- Councillors Lewis Davies, Jeff Evans, John Griffith, Richard Owain Jones, Kenneth Hughes, Victor Hughes, Nicola Roberts
- IN ATTENDANCE:** Planning Development Manager (DFJ)
Planning Assistants
Senior Engineer (Development Control) (EDJ)
Technical Officer (Highways) (JR)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillor Alwyn Rowlands
- ALSO PRESENT:** Councillor Aled M.Jones (A Local Member - application 7.4), Councillor Robert Ll.Jones (A Local Member - applications 7.2 & 10.1), Peter Rogers (A Local Member – application 12.1), Councillors Trefor Ll.Hughes and R.G.Parry, OBE
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1 APOLOGIES

Apologies for absence were presented and noted.

2 DECLARATION OF INTEREST

Councillor Kenneth Hughes declared a personal and prejudicial interest in respect of application 12.5

Councillors Lewis Davies, Ann Griffith, John Griffith and Nicola Roberts declared an interest in relation to applications 6.1 and 7.4 on account of the reference to wind turbines within the Plaid Cymru Manifesto but stated that they would consider each application on its own merits.

3 MINUTES OF THE 5TH MARCH, 2014 MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 5th March, 2014 were presented and confirmed as correct.

4 SITE VISITS

The minutes of the site visits held on 19th March, 2014 were presented and confirmed as correct.

5 PUBLIC SPEAKING

There was a Public Speaker in respect of application 7.3.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 41C124B/EIA/RE – Full application for the erection of three 800kw-900kw wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m and a maximum upright vertical tip height of up to 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at Bryn Eyr Uchaf, Menai Bridge

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reasons outlined in the written report.

7 APPLICATIONS ARISING

7.1 14C135A – Full application for the erection of a dwelling and private garage, creation of a new vehicular access together with the installation of a package treatment plant on land adjacent to Glasfryn, Tyn Lon

The Planning Development Manager reported that at its previous meeting held on 5th March, 2014, the Committee had resolved to visit the application site to assess the proposal and in particular the proposed access to the site, before making its determination. The Highways Authority had objected to the access as originally proposed due to substandard visibility. The site visit was carried out on 19th March, 2014. In the interim and further to discussions with the Highways Authority a revised access proposal was submitted in order to overcome the highway safety objection to the scheme and that is now the subject of consultation until the 10th April. Members were apprised of the revised proposal on site. The Highways Authority confirms that it has subsequently withdrawn its objection to the proposal. The recommendation is therefore one of approval subject to no new issues arising before the expiry of the consultation period and subject to a Section 106 agreement as detailed in the written report.

Councillor Nicola Roberts proposed that the application be approved and her proposal was seconded by Councillor Kenneth Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the expiry of the consultation period and to no new issues arising which have not already been considered in the determination of the application; subject to a section 106 agreement to limit the occupancy of the dwelling to local persons in affordable housing needs in accordance with Policy PT2 requirements and subject to any additional requirements in relation to access arrangements and to the conditions listed in the written report.

7.2 19C1046C/LB – Application for listed building consent for demolition of part of the house at Soldiers Point, Holyhead

The Planning Development Manager reported that the Committee at its meeting on 5th March resolved that a site visit should take place prior to determining the application and that the site was subsequently visited on 19th March, 2014. The Welsh Government's Arson Reduction Team has visited the site and notes that the subject building allows access to the main house. The team recommends that demolition of the subject building will in the long-term safeguard the main house. The Officer said that since the report was drafted responses have also been received from the Royal Commission on the Ancient and Historical Monuments of Wales; the Georgian Group; Gwynedd Archaeological Trust along with the Council's Conservation Officer to the effect that they are satisfied with the proposal. It is not considered that the proposed demolition will have an adverse effect on the special architectural or historical importance of the building and will contribute to improving the security of the site and the survival of the original house. The recommendation is therefore one of approval subject to no adverse observations being received from CADW.

Councillor Robert Llewelyn Jones speaking as a Local Member requested that the Planning Authority inform the Local Members of how the demolition process will be effected.

Councillor Jeff Evans said that he was happy to support the application given the circumstances and also given the need to maintain the fabric of the original house, and he proposed that the application be approved. Councillor Richard Owain Jones seconded the proposal.

It was resolved to approve the application in accordance with the Officer's recommendation subject to no adverse observations being made by CADW and subject to the conditions listed in the written report. (Councillor Ann Griffith did not vote on the matter account of her not being present on the site visit)

7.3 33C302 – Full application for change of use from a dwelling (C3) into a part (A3) hot food takeaway and part (C3) dwelling together with the creation of additional parking at Penffordd, Gaerwen

The application was initially submitted to the Planning and Orders Committee at the request of the Local Member. At its meeting held on 5th March, 2014 the Planning and Orders Committee resolved to visit the site prior to making a determination. The site visit was undertaken on 19th March, 2014.

Mr Elfed Williams addressed the Committee in support of the application and he made the following points –

- The application has been amended and modified over the course of the past six months following consultation with Planning officers.
- The Officers accept that the access and layout as amended in providing parking for 7 vehicles are acceptable and that there is sufficient space within the curtilage of the application site for vehicles to manoeuvre.
- The question is whether there are any dangers arising in terms of highway safety and whether there is evidence of such dangers. The applicant's view is that there is no such evidence that can be corroborated or defended.
- The application has been carefully scrutinised by Officers and is deemed acceptable.
- There are no dangers arising that can be proven; neither are there any policy, technical or legal reasons for rejecting the application.
- There have been no objections by any public body or by North Wales Police.
- The report makes it clear that the Highways Authority considers that refusal on appeal would be difficult to sustain.

The Planning Development Manager said that as regards the proposal's effect on surrounding properties, the application site is situated in a commercial area of the village and it is considered unlikely that the proposal will generate unacceptable amenity effects. The parking arrangements have been modified following discussions with the Highways Authority and no objection is raised on highway safety grounds. The Officer confirmed that there are no objections from North Wales Police and that there are no grounds for objection in terms of land use. The recommendation is therefore one of approval.

Councillor Victor Hughes, a Local Member whilst acknowledging the Highways and Planning Officer's professional views, pointed out that the application site is situated on a busy crossroads with two bus stops situated nearby. He believed that the bus stop located on the A5 would be used as a stopping area meaning that buses would have to stop on the public highway thus making the crossroads even more hazardous. Councillor Hughes said that he thought the proposed parking arrangements would be inadequate particularly on busier Friday and Saturday nights. He accepted that a takeaway provision in Gaerwen would on the other hand reduce the carbon footprint in the area and that some would welcome the provision.

Councillor Lewis Davies sought clarification of the Highways Authority's position. The Senior Engineer (Development Control) explained that there were concerns regarding the original plans as they did not conform to technical requirements. The plans as amended are compliant and therefore there are no grounds for objection.

Councillor Jeff Evans proposed that the application be approved and his proposal was seconded by Councillor Nicola Roberts.

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

7.4 44C294B - Full application for the erection of a 20kw wind turbine with a maximum hub height of 20.5m, a rotor diameter of 13.1m and a maximum vertical upright height of 27.1m on land at Plas Newydd, Rhosybol

The application was presented to the Planning and Orders Committee as it has been decided that delegated powers will not be used in connection with wind turbine developments. The application site was visited by Members of the Planning and Orders Committee on 16th October, 2013.

Councillor Aled Morris Jones, a Local Member requested that the site be re-visited because of the time lapse since the previous site visit was undertaken and to allow Members to re-acquaint themselves with the topography of the area, and also because this is an application for one wind turbine as opposed to the two turbines proposed under the original application. Councillor Jeff Evans supported the request for a site visit.

The Planning Development Manager clarified that there were no changes in terms of the dimensions of the proposed turbine from the previous application and that the only change was that the proposal was now for one turbine rather than two.

Councillor Victor Hughes deemed it unnecessary to re-visit the site and Councillor Ann Griffith said that she shared that view. In a subsequent vote on the matter Councillors Jeff Evans and Richard Owain Jones voted in favour of re-visiting the application site whilst Councillors Lewis Davies, Ann Griffith, John Griffith, Victor Hughes and Nicola Roberts voted against undertaking a second site visit.

The Planning Development Manager said that as regards the principle of development, the proposal is supported by policy; the landscape and visual impact of the proposal has been assessed and it is considered the proposal will not have an unacceptable impact on the landscape. Whilst there are dwellings situated within the 500m separation distance between medium sized turbines and dwellings prescribed by the SPG for On Shore Wind Energy, because of the nature of the landscape and screening, it is not considered that there would be undue harm to those properties. The recommendation is therefore one of approval.

Some Members of the Committee had concerns regarding the cumulative effect of wind turbines in this area and they sought information about the total number of wind turbines that had been granted permission in the locality. Clarification was also sought regarding the proximity of the application site to the AONB and SSSI.

The Planning Development Manager explained that the cumulative impact has been taken into consideration by Planning Officers and an assessment made based on what is visible at the application site.

Councillor Jeff Evans said that there did not seem to be any evidence to justify refusing the application and he proposed that the application be approved. His proposal was seconded by Councillor Kenneth Hughes.

Councillor Aled Morris Jones drew attention to the reference made in the representations section of the written report to Trysglwyn Wind Farm and he pointed out that the report does not elaborate on the size or impact of Trysglwyn relative to the application. Neither does the report expand on the requirements of the SPG for On Shore Wind Energy in relation to the proximity of wind to turbines to dwellings. He said that in order to aid transparency, he believed it was important that Members should be informed of the number of wind turbines in the area of the proposed development and their proximity to the application site, and he asked that Planning Officers consider this as standard practice for all such applications for the erection of wind turbines.

Councillor Nicola Roberts proposed that consideration of the application be deferred to allow the Officers to provide Members with the additional information as suggested by the Local Member. Councillor Lewis Davies seconded the proposal of deferral. In the subsequent vote, Councillors Lewis Davies, Ann Griffith, John Griffith, Richard Owain Jones, and Victor Hughes voted in favour of a deferral.

It was resolved to defer consideration of the application to allow Planning Officers to present the Committee with additional information regarding the number of other wind turbines in the area of the proposal as far as the Trysglwyn Wind Farm and their cumulative effect, along with the location and boundary of the AONB and SSSI relative to the application site.

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

10.1 19C452E – Outline application for the erection of 18 dwellings on land at Canada Gardens, London Road, Holyhead

The application was presented to the Planning and Orders Committee as the approval of housing on the application site which is allocated to business use would be a departure from Policy 2 of the Ynys Môn Local Plan and Policies B2 and B4 of the Gwynedd Structure Plan.

The Planning Development Manager reported that whilst the application site is within the development boundary of Holyhead it has been allocated to business/industrial use in the Local Plan. However, an outline application for residential development of land at Canada Gardens was allowed on appeal in 2009 and the Officers are of the view that there has been no material change in the situation since that time that would lead to a different decision. If there has been any change it is that the local emphasis in relation to the location of industrial and/or business developments has become focussed out of town with the development of Parc Cybi. The business/employment designation of the application site was originally made in 1996. It is not considered that approval of the application would be detrimental to the Development Plan. There are no objections on technical grounds to the development by any of the statutory consultees and these matters were considered at appeal stage. The recommendation is to approve the application subject to a Section 106 agreement on the provision of affordable housing and a financial contribution towards the play area on London Road and maintenance arrangements for an acoustic fence.

Councillor R.Llewelyn Jones speaking as a Local Member voiced concerns regarding the traffic situation in and around the application site and he asked the Highways Officer to confirm that the Highways Authority is satisfied that no problems will arise as a result of the proposed development. The Senior Engineer (Development Control) confirmed that the application conforms to the technical requirements. The highways impacts of the proposal were scrutinised at appeal and the Inspector was satisfied that the concerns raised were not sufficient to warrant refusal which view accords with that of Highways Officers.

Councillor Jeff Evans said that he was not aware of any current business application or interest in the land in question. He sought clarification of what an affordable housing designation entailed in the circumstances. The Legal Services Manager said that a Local Authority standard Section 106 agreement for affordable housing stipulates that an affordable dwelling should not be sold for more than a specified percentage of the dwelling's value on the open market subject to negotiations with the applicant based on the housing statistics within the area of the application.

Councillor Lewis Davies said that he believed the area to be suitable for such a development and that he thought it unlikely that the land would revert to a business use as business developments were concentrated out of town. Notwithstanding the traffic position, the Highways Officers are satisfied with the application. He proposed that the application be approved. His proposal was seconded by Councillor Victor Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to a Section 106 agreement on the provision of affordable housing, together with a financial contribution towards a play area on London Road and the conditions listed in the written report.

10.2 27C95C – Full application for the re-building of the fire damaged dwelling together with the erection of an extension at Plas Llanfigael, Llanfigael

The proposal has been reported to the Planning and Orders Committee as it is a departure from the Ynys Môn Local Plan which Officers are minded to approve.

The Planning Development Manager said that although the application represents a departure from both local and national planning policies, it is considered that there are extenuating circumstances in this case which warrant approval. The proposal redeems a statutory protected listed building and rejuvenates it for present and future generations in a way that re-creates the appearance of the original building. Neither is it considered that the proposal will have any detrimental effects on the amenities of the occupants of neighbouring properties. The proposal also entails a single storey rear extension the suitability of which has been considered in terms of design and appearance and is deemed acceptable.

Councillor Richard Owain Jones said that he believed it important that the fire damaged dwelling is re-built and he proposed that the application be approved. His proposal was seconded by Councillor Nicola Roberts.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

10.3 33C125L – Full application for the demolition of the existing garage, erection of a new dwelling which includes a balcony to the side together with the construction of a new vehicular access together with the retention of the access to the existing dwelling at Cynlas, Gaerwen

The application is presented to the Planning and Orders Committee as it constitutes a departure from Local Plan Policy 53 and Gwynedd Structure Plan Policy A6.

The Planning Development Manager said that the application site is located outside the development plan boundary as defined under Policy 49 of the Local Plan but lies within the development boundary of the stopped UDP. Planning permission has previously been granted on the basis of the material weight give to the stopped UDP. The plot represents an underutilised part of the site and would be an infill plot rounding off the residential estate. Outline permission was granted in 2012 for a new bungalow together with a two storey dwelling on site in a similar configuration to that achieved under the current application. The precedent of a two story dwelling on site has therefore been accepted. No additional traffic impacts are created on the end of the cul-de-sac than were originally proposed. The recommendation is therefore one of approval.

Councillor Victor Hughes speaking as a Local Member said that local concerns regarding possible additional traffic impacts have been alleviated by an amendment to the access arrangements originally proposed. He questioned whether surface water drainage arrangements would be adequate to support the proposed new development. The Planning Development Manager said that drainage details remain under discussion.

Councillor Kenneth Hughes proposed that the application be approved and his proposal was seconded by Councillor Richard Owain Jones.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report and the resolution of drainage details and any additional conditions required.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

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

12 REMAINDER OF APPLICATIONS

12.1 15C115E – Full application for alterations and extensions at 3 Bythynnod Gwennylyr, Malltraeth

The application is presented to the Planning and Orders Committee at the request of a Local Member.

Councillor Peter Rogers addressed the Committee as a Local Member and he made the following points in support of the application –

- The application site is in a very prominent position on the coastal road between Newborough and Aberffraw in the village of Malltraeth
- Permission to develop the site which used to be a farm and land the buildings of which had become dilapidated was granted in the early 2000s.

- The units on site have now been completed to a high standard and the application if approved, would complete the development and would enhance the area which is highly visible.
- A letter of support has been received from the occupants of the original farmhouse who support the proposal on those grounds.
- The extension on the scale proposed is required to provide additional bedrooms to allow for the provision of respite care for the family's two autistic children who have benefited from staying in the countryside at weekends and during holidays.
- A similar development has previously been allowed in the area in an isolated location wherein planning consent was given for 5 units. The principle of consistency applies.

Councillor Ann Griffith said that she was addressing the Committee as a Local Member to a statement made by the applicants, and that she would not be voting on the matter. She referred to the following considerations -

- The current subject building is used as a workshop.
- The applicants at present reside in a one bedroomed cottage with living room , kitchen and a bathroom
- They have 3 grandsons and 1 granddaughter. Two of the boys are autistic which means they have behavioural needs.
- The children reside with their grandparents at least three times in the week and separate arrangements are required to provide bedrooms for the two autistic boys to meet their behavioural needs; the granddaughter, and also an elderly aunt who will be moving to live with the family in the near future and for whom the applicants have caring responsibilities. It is important that she has privacy in order to promote her independence.
- The applicant's current residence is too small and necessitates making use of the living room for sleeping arrangements.
- The proposal does not have any impacts on amenities and no objections have been raised. There are letters of support from neighbours.
- The extension will add to and complete the complex of cottages
- The proposal is one of 5 cottages and is one of 15 of a cluster of dwellings of different shapes and sizes. The Committee is asked to look positively on the application as it will enrich and benefit the family.

The Planning Development Manager whilst acknowledging the personal circumstances involved said that the key issues relate to land use and policy compliance. Policy 55 of the Ynys Môn Local Plan allows for minor extensions dependent on scale, location and design; however, the proposal will create an additional 255 square meters equating to nearly three times more than the existing building. Due to the scale of the proposal therefore, the Planning Section cannot support the application as it will impact on the current outbuildings and other outbuildings in the amenity where it will dominate the surrounding area. As there is no policy basis to the application, the recommendation is therefore one of refusal.

Members of the Committee sought clarification of the proposal within its context particularly in relation to an existing two storey building on site. The Planning Development Manager showed the Committee the site plans and confirmed that the proposal is situated within a complex of buildings most of which are single storey cottages but which does include a two storey dwelling. The development site also lies within an AONB.

Councillor Nicola Roberts proposed that a site visit be undertaken and her proposal was seconded by Councillor John Griffith. Councillor Lewis Davies said that he thought the application should be refused and he was seconded by Councillor Kenneth Hughes who cited contravention of planning policies and the scale of the proposal as grounds for objection.

Councillor Jeff Evans referred to the personal circumstances of the applicants and he said that he thought the planning process should have cognisance of real people and issues. The proposed extension is required to support two autistic children and a senior citizen and as such might need to be on a larger scale. He said that he supported the application because he believed it to be a needed commodity.

In the subsequent vote on the matter Councillors Lewis Davies, John Griffith, Victor Hughes, Richard Owain Jones and Nicola Roberts voted in favour of a site visit.

It was resolved that a site visit be undertaken in order for Members to view the proposal within the context of the complex and relative to the two storey unit already on site.

12.2 19C967C – Full application for alterations and extensions at Millbank Sports Facilities, Holyhead

The application is presented to the Planning and Orders Committee as it is on Council owned land.

Councillor Trefor Lloyd Hughes clarified that he had not commented on the application as a Local Member as he had not been included in the consultation process which had been extended in error to the Elected Members of another area of Holyhead.

Councillor Richard Owain Jones proposed that the application be approved and his proposal was seconded by Councillor John Griffith.

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

12.3 22C404A – Full application for the demolition of existing dwelling and garage, together with the erection of a replacement dwelling and garage, stables, installation of a package treatment plant and alterations to the vehicular access at Cae Maes Mawr, Llanddona.

The Planning Development Manager informed the Committee that since the written report was drafted, the observations of the Section's Countryside Officer has been received. In light of the matters raised in the Officer's comments, he asked the Committee to defer consideration of the application to allow those matters to be considered.

Councillor Victor Hughes proposed that consideration of the application be deferred and his proposal was seconded by Councillor Kenneth Hughes.

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

12.4 34LPA121R/VAR/CC – Application to vary condition (05) on planning permission LPA121Q/CC so as to change the flue colour from green to stainless steel at Ysgol y Bont, Llangefni

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

Councillor Kenneth Hughes proposed that the application be approved and his proposal was seconded by Councillor Richard Owain Jones.

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

12.5 338C237B – Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjoining Careg y Daren, Llanfechell

The application was presented to the Planning and Orders Committee at the request of a Local Member.

Having declared an interest in the application, Councillor Kenneth Hughes withdrew from the meeting during the discussion thereon.

Councillor John Griffith, a Local Member referred to policy considerations and specifically Policy 50 of the Local Plan which permits an individual development on the periphery of a development area if it is reasonable and does not impact on the physical character of the area. He said that he accepted that the development of the village extends as far as the application site but that he believed it would be useful for Members to view the application site for themselves and to see its proximity to other dwellings in the vicinity. He proposed that a site visit be undertaken and Councillor Nicola Roberts seconded the proposal.

It was resolved to undertake a site visit in accordance with the request made by a Local Member for the reason given.

13 OTHER MATTERS

13.1 39C285D – Full application or the erection of 17 dwellings on land at Lon Gamfa, Menai Bridge

The Planning Development Manager reported that in accordance with the terms of the Section 106 agreement under which the application was originally approved, 6 affordable housing units were to be provided. Following the submission of information in relation to the viability of the proposed development and following consultation with the Council's Affordable Housing Officer it was agreed that 3 affordable housing units will be provided thus reducing the original provision by three. Additionally it is proposed that planning condition (23) on the original consent be amended to the effect that a land contamination assessment be undertaken as the development proceeds instead of prior to the commencement of the development.

Councillor Jeff Evans queried why it is not possible for the developer to proceed with the original designation of 6 affordable housing units. Councillor John Griffiths said that he understood that a 30% affordable housing provision was required and that he was concerned that acceding to the reduction in the provision of affordable housing units on this application would set a precedent for developers in future. Councillor Nicola Roberts was agreed in opposing the reduction given that there was no corresponding reduction in the total number of housing units to be provided as part of the development. Councillor Jeff Evans proposed that the amendment be rejected and his proposal was seconded by Councillor Richard Owain Jones.

The Legal Services Manager said in clarification that reducing the number of affordable housing units would not set a precedent because whilst the policy provides a guideline of 30% it does allow for flexibility to reflect the fact that different developments in different locations mean that due to local factors the affordable housing needs can vary meaning that the 30% provision cannot be insisted upon. The matter has been discussed with the Council's Affordable Housing Officer and therefore there is a sound basis for the recommendation.

Councillor Kenneth Hughes proposed that the amendment to planning condition (23) as described be approved and his proposal was seconded by Councillor Jeff Evans.

It was resolved –

- **To refuse the amendment to the Section 106 agreement regarding the provision of affordable housing.**
- **To approve the amendment to Condition (23) of the planning consent as set out in the written report.**

13.2 46C427K/TR/EIA/ECON – Penrhos Coastal Park, Cae Glas and Kingsland, Holyhead

Correspondence by the Welsh Government dated 7 March, 2014 setting out its reasons for not calling in the application was presented for the Committee's information. Members were asked to note that the detailed requirements of the planning obligation are now to be settled and the conditions finalised and that a report on these would be provided prior to the issuing of the planning decision.

Councillor R. Llewelyn Jones as a Local Member said that he wished it to be noted that the Minister for Housing and Regeneration in reaching his decision not to call in the application did not consider the merits of the proposed development and that Natural Resources Wales was of the view that the application should have been called in.

It was resolved to note the information.

**Councillor W.T.Hughes
Chair**