

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 4 February, 2015

- PRESENT:** Councillor W. T. Hughes (Chair)
Councillor Ann Griffith (Vice-Chair)
- Councillors Lewis Davies, Jeff Evans, John Griffith, Kenneth Hughes, Vaughan Hughes, Victor Hughes, Richard Owain Jones, Nicola Roberts
- IN ATTENDANCE:** Planning Development Manager (DFJ)
Planning Assistants
Highways Officer (JAR) (for application 12.5)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** None received
- ALSO PRESENT:** Local Members: Councillors Alun Mummery (application 12.5), J. Arwel Roberts (application 12.2)
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1 APOLOGIES

There were no apologies for absence.

2 DECLARATION OF INTEREST

Declarations of interest were made as follows:

Councillor Richard Owain Jones declared an interest with regard to application 12.1
Councillors Lewis Davies, Ann Griffith, John Griffith, Vaughan Hughes and Nicola Roberts declared an interest with regard to application 6.3 on account of the reference to Wind Turbines within the Plaid Cymru Manifesto but stated that they would be keeping an open mind in relation to the application.

3 MINUTES 7TH JANUARY MEETING, 2015

The minutes of the previous meeting of the Planning and Orders Committee held on 7th January, 2015 were submitted and confirmed as correct.

4 SITE VISIT 21ST JANUARY, 2015

The minutes of the site visit held on 21st January, 2015 were submitted and confirmed as correct.

5 PUBLIC SPEAKING

The Chair announced that public speakers were registered to speak on application 12.5.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 33C304B/ECON – Outline application with some matters reserved for the demolition of the existing farm, erection of a science park, creation of a car park together with the creation of a new vehicular access at Junction 7 of the A55 near Cefn Du, Gaerwen

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

6.2 34C553A - Outline application for residential development including extra care facility, highway and associated infrastructure at Ty'n Coed, Llangefni

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

6.3 41C66G/RE – Full application for the erection of one wind turbine with a maximum hub height of up to 24.8m, rotor diameter of up to 19.2m and a maximum upright vertical tip height of up to 34.5m, the construction of an access track together with the erection of an equipment housing cabinet on land at Marchynys, Penmynydd

It was resolved to visit the application site in accordance with the Officer's recommendation to view the site and its context.

7 APPLICATIONS ARISING

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

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 14C164E – Full application for the erection of a pair of dwellings, creation of a new vehicular access together with the installation of a package treatment plant on land adjacent to Tryfan, Trefor

The application is reported to the Planning and Orders Committee because the applicant is a friend of "a relevant officer" as defined in paragraph 4.6.10.2 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required under the said paragraph.

The Planning Development Manager informed the Committee that an additional letter of objection had been received from the occupants of the adjoining dwelling but that it does not raise any new matters not already addressed by the written report. The Officer reported that the key issues with regard to the application relate to compliance with current policies; its effect on the neighbouring properties, its impact on the surrounding landscape and highway safety. The application in outline form was granted approval in September 2014 and as there has been no material change since then, the policy requirements are met. It is not considered that the proposal will have any significant effect on the amenities of neighbouring properties as it is deemed there is sufficient distance between the development as proposed and those properties, nor will it harm the surrounding area. The Highways Service has confirmed it is satisfied with the proposal in terms of highway safety, and the recommendation is therefore one of approval.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation and his proposal was seconded by Councillor Vaughan Hughes.

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

12 REMAINDER OF APPLICATIONS

12.1 17C44M/MIN – Minor amendments to a scheme previously approved under planning permission 17C44J to vary condition (10) so as to allow for the submission of the details of the balcony screening prior to occupation of the dwelling at 6 Gerddi Hafod Lon, Llandegfan

The application is reported to the Planning and Orders Committee at the request of Councillor Lewis Davies as a Local Member.

As Councillor R.O. Jones had declared an interest in this application, he withdrew from the meeting during the consideration and determination thereof.

Councillor Lewis Davies said that due to concerns in the Llandegfan area he would like the Committee to view the site to allow Members to see the impact of the proposal on the occupants of neighbouring properties and the amenities of the locality and he made a proposal to that end. Councillor Nicola Roberts seconded the proposal.

The Planning Development Manager clarified that the proposal is not an application for planning consent but rather an application under Section 96A of the Town and Country Planning Act 1990 for a non-material amendment to a scheme previously approved under planning permission reference 17C44J for the erection of a dwelling, and as such the merits of the application for the erection of a dwelling or for the provision of a balcony are not under consideration and cannot be re-assessed. This is a new process for dealing with minor amendments to schemes already approved, and this is an application which seeks to amend the requirements of condition (10) on the planning consent so as to allow the submission of the details of the balcony screening prior to any occupation of the dwelling instead of prior to the commencement of the development as per the original condition. The development has commenced in terms of the construction of the dwelling without first having submitted and obtained the Local Planning Authority's approval in relation to the details of the balcony screening in contravention of condition (10). It is the Officer's view that any issues with regard to privacy and overlooking are not likely to arise until the dwelling is completed and occupied, and an amendment to the wording of the condition as applied for is therefore considered reasonable and acceptable and will not result in any material change to the scheme previously approved. The recommendation is therefore to approve the application. However, if the Committee is minded to visit the site then the visit should be on the basis of the application as submitted and not in relation to the original application.

Councillor Jeff Evans concurred with the Officer's viewpoint and thought that as this is an application for a minor variation on the original consent, a site visit would not serve any material purpose. He proposed that the application be approved. His proposal was seconded by Councillor Kenneth Hughes.

Councillor Lewis Davies reiterated that he believed it important for the Committee to view the site to actually see the effects of the balcony on the amenities of neighbouring properties and the effects of allowing consent for this proposal originally, as it was his opinion that the balcony does impact negatively on the occupants of the neighbouring properties.

In the subsequent vote, Councillors Lewis Davies, John Griffith, Vaughan Hughes, Victor Hughes and Nicola Roberts voted to view the application site whilst Councillors Jeff Evans, Ann Griffith, Kenneth Hughes and W.T. Hughes voted to approve the application in accordance with the Officer's recommendation. The vote for a site visit was therefore carried.

It was resolved to visit the application site in accordance with the Local Member's request for the reasons given.

12.2 19C608P – Application for the discharge of a planning obligation (affordable housing provision) under Section 106A of the Town and Country Planning Act 1990 which is attached to planning permissions 19C608F and 19C608G on land at Tyddyn Bach, South Stack Road, Holyhead

The application is reported to the Planning and Orders Committee because it has been called in for the Committee's determination by a Local Member.

The Planning Development Manager reported that the application is made to discharge both relevant section 106 agreements on outline planning permissions 19C608F and 19C608G which if approved would result in the planning consent being available for the development of 123 units with no affordable dwellings as part of the scheme whereas under the conditions of the original consent the developer is obligated to provide 30% affordable housing as part of the combined proposal (i.e. 37 individual units) in accordance with planning policies. The developer asserts that the development of the site with affordable housing is not viable and contests that the obligations do not therefore serve a useful planning purpose and that moreover, the question of the scheme's viability is preventing the development of the site thus hindering the delivery of much needed

open market housing. The Housing Department objects to the application and a viability assessment commissioned by the Council from the District Valuer confirms that the scheme is viable with the provision of 30% affordable housing. Discussions have been held regarding the delivery of a modified scheme with a reduced percentage of affordable units which has not been taken up by the developer who has instead elected to apply to delete the section 106 agreements in their entirety. It is the Officer's view that the scheme remains viable with the provision of 30% affordable housing and that those obligations continue to serve a useful planning purpose. Consequently the recommendation is to refuse the application. The Planning Development Manager informed the Committee that the applicant in an e-mail received on the 3rd February by the Planning Department has requested a deferral to allow more time to consider the District Valuer's report.

Councillor J. Arwel Roberts spoke as a Local Member to the effect that he opposed the application based on the strong belief that there is no justification for lifting the original conditions and because the Authority has in any case endeavoured through negotiations to achieve a modification of the scheme to assist the applicant with its delivery, and to facilitate the development of the site.

Councillor Kenneth Hughes asked whether the Officers considered the request for a deferral to be feasible and fair in the circumstances. The Planning Development Manager said that as the matter has been running for some time, a further deferral is not considered unreasonable. Councillor Kenneth Hughes proposed that consideration of the application be therefore deferred. His proposal was not seconded.

There was a general consensus amongst the Committee's Members that the application was not acceptable because of the pressing need for affordable housing in the Holyhead area which remains a key priority; the risk that approval might establish a precedent for developers in future to seek to discharge affordable housing obligations and the belief that market conditions and potential for variation were known and that as such the developer would be expected to commit to delivering the affordable housing quota in full under the terms of the original consent. Councillor Lewis Davies proposed that the application be refused and his proposal was seconded by Councillor John Griffith.

It was resolved to refuse the application in accordance with the Officer's recommendation for the reasons set out in the written report.

12.3 19C1147 – Full application for the change of use of the former priory into a dwelling at the St David's Priory, Llanfawr Road, Holyhead

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

The Planning Development Manager reported that no technical issues have arisen in relation to the application; the proposal does not entail any external alterations and is in keeping with its surroundings.

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

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

12.4 24C268F/VAR – Application under Section 73 for the variation of condition (02) from planning permission reference 24C268C (outline application of the erection of a dwelling) so as to allow a further 3 years to submit a detailed application at Plot 1, Glanllyn, Cerrigman Penysarn

The application is reported to the Planning and Orders Committee because it is a departure from the Development Plan which the local planning authority is minded to approve.

The Planning Development Manager reported that whilst Cerrigman is not listed as a settlement under the provisions of Policy 50 of the Development Plan, it is included as a settlement under the provisions of Policy HP5 of the Stopped Ynys Môn Unitary Development Plan. Given the advanced stage reached in the preparation of the Stopped Ynys Môn UDP, weight can be attributed to it such as to outweigh the provisions of the Development Plan thus providing the policy justification for the planning consent which the application now seeks to renew.

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

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 31C419C – Outline application with all matters reserved for the erection of 2 dwellings on land at Hafod y Bryn, Llanfairpwll

The application is reported to the Planning and Orders Committee because it has been called in for a Committee decision by Councillor Alun Mummery, a Local Member.

Councillor Alun Mummery asked the Committee to undertake a site visit which he considered essential in this instance in order for Members to be able to fully apprehend the strong local concerns and opposition to the proposal based primarily on access and traffic considerations. The original application was refused because of access issues and since then a traffic survey has been carried out by the applicant's agent which objectors deem irrelevant to their concerns. There are also unresolved issues regarding ownership of the hedge which it is intended will form the proposed access.

Councillor Lewis Davies proposed that the site be visited and his proposal was seconded by Councillor Nicola Roberts.

It was resolved to visit the application site in accordance with the Local Member's request for the reasons given.

12.6 13LPA995/CC – Full application for the conversion of an outbuilding into a dwelling together with the creation of a new vehicular access at Tyddyn Rhydd, Pentre Berw

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

The Planning Development Manager reported that the main considerations relate to policy compliance with regard to the conversion of buildings in the countryside, highway and drainage issues and ecology and residential amenity. It is the Officer's view that the proposal retains the character and form of the existing buildings and is supported by a report on the adequacy of the structure to be converted and is thus considered to be compliant with conversion policy criteria. The intended creation of a new vehicular and pedestrian access onto the A5 is considered acceptable by the Highways Authority and the drainage/sewerage system will connect to the public system which arrangements are considered acceptable in principle by the Drainage Section. The application is also supported by an ecological report the findings of which are considered satisfactory subject to mitigation measures in relation to bats. It is not considered that the proposal will lead to an incongruous landscape or visual impact and it is therefore recommended for approval.

Councillor Lewis Davies 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 to the receipt of ecological mitigation measures in relation to bats.

12.7 34LAP791C/CC/ECON – Full application for alterations and extensions for office space (Use Class B1) together with the construction of a bike area, car park and electric vehicle charging point at Anglesey Business Centre, Llangefni

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

The Planning Development Manager reported that the proposed extension is considered acceptable and is in keeping with the existing Anglesey Business Centre and with the business park context wherein it is situated. There are no technical issues arising and no local objections to the proposal. With reference to the potential for land contamination from previous use as noted by Natural Resources Wales, the Officer said that previously, the land was used for agricultural

purposes and he confirmed that the necessary measures will be taken to address any land contamination issues should they arise.

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

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

12.8 36C32Q – Full application for the erection of 2 dwellings on land adjacent to Lllys Tegeirian, Llangristiolus

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

The Planning Development Manager reported that there are three key issues pertaining to the application, the primary consideration being compliance with planning policy. Llangristiolus is defined as a Listed Settlement under Policy 50 of the adopted Ynys Môn Local Plan and as a village under Policy HP4 of the un-adopted and Stopped Unitary Development Plan. Although the site lies outside the development boundary as defined by the stopped UDP, the aforementioned Policy 50 does allow for the approval of planning permission within or on the edge of a listed settlement – normally but not exclusively for single dwellings. The Officer's view is that the proposal for two semi-detached dwellings does not result in a built form that is incongruous with the character of existing buildings in the locality. It is also considered that given the location of the application site, the development would in visual and physical terms be read as lying within, or at worse, forming a reasonable minor extension to the existing developed part of the settlement rather than constituting an undesirable intrusion into the countryside. In terms of its physical characteristics therefore, it is considered that the application is compliant with this aspect of policy. A second element of the policy stipulates that the proposal does not exceed the requirements of the settlement for new dwellings. A recent review has indicated that historically, growth within the settlement of Llangristiolus has exceeded that anticipated by the Local Plan and the Stopped UDP to the extent noted in the written report and further development over the period of the emerging Joint Local Development Plan is likely to exceed the community's anticipated housing needs. However, the view is that in this particular case the granting of planning permission is reasonable as the application site forms an integral part of an established estate and Officers are in agreement with the applicant's proposition that the proposal constitutes a sensible and logical step towards the completion of the development of the estate. It is further considered that these considerations carry sufficient weight to be able to form the conclusion that the proposal is substantially compliant with policy and can be supported without prejudicing the implementation of the development plan.

Councillor Victor Hughes speaking as a Local Member said that the proposal completes an as yet unfinished estate. The developer has spent considerably on redirecting the public footpath and successfully addressing surface water problems which affected the current residents of the original dwellings on the estate. The proposed development in the form of two semi-detached dwellings is likely to prove affordable to local people and as such is particularly welcome in this area. He indicated that he was happy to accept the recommendation of approval and to propose it with the provisos that condition (06) in relation to completing the estate road to a base course finish be amended to stipulate that the road be finished to a public highway standard and an additional condition be attached to the consent to clarify that that part of the estate sewerage system not adopted by Welsh Water and any problems that may arise therefrom are the responsibility of the developer and not the estate's individual owners/occupiers nor those of the proposed two additional dwellings.

The Planning Development Manager confirmed that the amendments were acceptable.

Councillor Richard Owain Jones seconded Councillor Victor Hughes's proposal of approval.

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

13 OTHER MATTERS

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

**Councillor W. T. Hughes
Chair**