

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 3 June, 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, Raymond Jones, Nicola Roberts
IN ATTENDANCE:	Chief Planning Officer (for application 13.1) Lead Case Officer (DPJ) (for application 13.1) Project Management Officer (RJ) (for application 13.1) Development Management Team Leader (NJ) Planning Assistant (OWH) Senior Engineer (Highways) (EDJ) Legal Services Manager Committee Officer (ATH)
APOLOGIES:	None
ALSO PRESENT:	Local Members : Councillors J.Arwel Roberts (application 7.3) Dylan Rees (applications 7.2 & 7.4), Mr Gary Soloman (Burgess Salmon) (for application 13.1)

1. APOLOGIES

None received.

2. DECLARATION OF INTEREST

Declarations of interest were made as follows –

Councillor Nicola Roberts declared a personal and prejudicial interest in respect of application 7.2 and a personal but not prejudicial interest in respect of application 7.4 and she remained in the meeting for the discussion on that application.

Councillor Victor Hughes declared a personal and prejudicial interest in respect of application 7.2

Councillor John Griffith declared a personal but not prejudicial interest in respect of application 13.1 and participated in the discussion thereon.

Councillor J.Arwel Roberts although not a Member of the Committee, declared a personal interest in respect of application 13.1.

3. MINUTES

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

- 13 May, 2015
- 14 May, 2015 (election of Chair/Vice-Chair)

4. SITE VISITS

The minutes of the planning site visits carried out on 20th May, 2015 were presented and confirmed as correct.

5. PUBLIC SPEAKING

The Chair announced that there were public speakers in relation to applications 7.2 and 7.3

6. APPLICATIONS THAT WILL BE DEFERRED

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

7. APPLICATIONS ARISING

7.1 14LAPA1010/CC – Outline application for the erection of a dwelling with all matters reserved on land at Cefn Trefor, Trefor

The application is presented to the Planning and Orders Committee as it has been submitted by the Local Authority and is on Council owned land.

The Development Management Team Leader reported that the application was deferred by the Committee at its 13 May meeting pending the receipt of further information from the applicant regarding the visibility splay from the proposed access. That information has since been provided and confirmed by the Highways Department as acceptable. The application is an outline application for a dwelling in a Policy 50 area; a policy implementation note on a new interpretation of Policy 50 has been issued but following discussion within the Planning Service and the receipt of legal advice, no weight is being given to the implementation note at present so the application is being considered under Policy 50 as it stands. The Officer added that in accepting the visibility splay a Certificate B has been completed and notice subsequently served on the landowner which runs until 18th June, 2014. Should the application be approved therefore, the consent will not be released until the expiration of the notice period and any new matters that may arise as a result will be reported to the Committee.

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

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

7.2 16C197A – Full application for the demolition of the existing shed together with the erection of a new dwelling and creation of a new vehicular access on land adjacent to Dridwen, Bryngwran

The application is presented to the Planning and Orders Committee as the applicant is related to a serving councillor 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.

Having declared a prejudicial interest in this application, Councillors Victor Hughes and Nicola Roberts withdrew from the meeting during the discussion and determination thereof.

Mrs Beryl Dickinson, an objector to the application was invited by the Chair to address the Committee as a public speaker. Mrs Dickinson said that she was speaking on behalf of the Well Street Committee and the owner of Dridwen and that they were concerned by the proposal for the following reasons :

- Overdevelopment of the site by a building that is out of character in both size and style being a modern town house.
- Severe detriment to the amenities of the residents of neighbouring properties due to the height and siting of the proposed new dwelling being in close proximity to those properties and giving rise to privacy and loss of light issues .
- Unresolved issues regarding a party wall and land ownership.
- Access issues with regard to the private road that is Well Street
- Large discrepancies between the proposal and the recommendations contained in the SPG – Design Guide for the Urban and Rural Environment with regard to separation distances between secondary aspects.

The Committee asked questions of Mrs Beryl Dickinson in clarification of the condition and responsibility for the upkeep of Well Street, and her objective in making enquiries to the Land Registry in relation to the ownership of part of the application site.

Mr Owain Evans spoke in support of the application to the following effect -

- That the initial application on this site was for two, two storey dwellings but, following discussion with the Planning Service it was decided to apply for a bungalow in order to respond to concerns raised by the neighbourhood.
- The plot is located on the road leading from the A5 known as Lon Ffynnon which is a road with a number of architectural themes comprising of houses and buildings of various shapes and styles.
- Some local residents have concerns which are addressed by the Planning Officer in the written reports and these focus on the following -
 - Access to the application site. The applicant has right of access to the original garage and the Highways Department is satisfied with the proposal. There is already a garage (not shed) on site.
 - Sewerage. This will run to the main foul water pipe.
 - The correct notices have been published.
 - The applicant will be working reasonable hours during the construction stage thus minimising any noise disturbance that may occur
 - The Senior Tree and Landscape Officer has assessed the tree on site and does not consider that it is suitable for a preservation order.
 - With regard to overlooking, although the proposal is not fully compliant with the recommendations of the SPG, it is close to being compliant and it must be remembered that the SPG provides guidance only.
 - From Dridwen there is 14m to the rear of the dwelling with a fence in between, and from the property of Mrs Dickinson there is 5.6m at eaves height to the side elevation.

The Committee asked questions of Mr Evans in relation to the ownership of part of the application site which was disputed, and the size of the development which was of concern to local residents and who at the time of the site visit, had placed markings on the road to show the extent of the proposal. Mr Evans confirmed that a copy of the applicant's Land Registry title was submitted to the Planning Department in January, 2015 which shows that the land is presently in the applicant's ownership as indicated by the red line. Legally, and according to the Land Registry deed the disputed piece of land amounting to approximately 4 metres square is owned by the applicant. As regards the size of the development, the Planning Service has been provided with a new plan which responds to those concerns. Mr Evans said he could not account for what the markings show but following the receipt of a letter from Mrs Dickinson on this issue he had checked the original measurements on site and could confirm that they are correct and that the proposal can be accommodated on the intended plot with a further 3m allowance for parking at the side of the proposed dwelling.

The Development Management Team Leader confirmed that the Planning Service had received further plans by the applicant which in terms of the dimensions of the proposal are acceptable. Information in relation to drainage matters has also been received and is acceptable to the Technical Department. With regard to the issues raised in representations made in opposition to the proposal, the Officer confirmed that the Planning Service has received a copy of the Land Registry title and is satisfied as to the land's ownership and that everything is in order as regards certification. The report details the separation distances between the proposal and nearby properties and in clarification, the proposal is for a bungalow, not a modern town house, which is in keeping with its surroundings. It is also intended as part of the application to erect a 2m screening fence around the plot site to ensure privacy. It is the Planning Officer's view that this intention needs to be formalised by a condition on any consent to the effect that the fence is erected before the proposed dwelling is lived in.

Councillor Dylan Rees spoke as a Local Member and reiterated the serious concerns locally and as highlighted by Mrs Beryl Dickinson that the proposal will affect the quality of life of the occupants of nearby properties. He referred to the boundary and party wall disputes which do impact on the application and added that there are further issues that need to be taken into consideration in relation to the safe removal of asbestos in the roof of the shed on site; access to the A5 road and the inadequacy of the visibility splay for traffic joining the trunk road; drainage and soakaway issues; the proposal is out of character with the locality, separation distances do not comply with the recommendations of the SPG and right to light issues. Councillor Rees made

particular reference to a recent review of Policy 50 and a revised interpretation of Policy 50 settlements arising from concerns about the rate of development seen in certain listed settlements. The revised interpretation seeks to impose stricter control over future growth in overdeveloped settlements until the Joint Development Plan is adopted and to take an approach whereby any open market application will be refused in settlements where current growth has exceeded three times the anticipated growth level. Subject to suitable justification, affordable housing to meet an identified local need might be supported. Notwithstanding the revised interpretation came into effect in April, 2015 and the application pre-dates the implementation date, under the provisions of the revised guidance the Committee would have been invited to refuse the application because the anticipated growth for the settlement was for 11 dwellings under the UDP while the actual build has been 35 – a growth level of 318%. The proposal is not an affordable housing application but a property speculation and on that basis and on the grounds of overdevelopment and no local need for it, he asked the Committee to refuse the application.

The Development Management Team Leader responded to the issues raised and said that party wall issues and asbestos removal are subject to their own separate legislation. The Highways Authority is satisfied with the proposal and likewise the Drainage Section finds the proposal acceptable. With regard to the revised Policy 50 implementation note, since the agenda for the meeting was published there have been discussions at Planning Service level and following the receipt of legal advice, the position is that no weight is to be given to the implementation note at present and it will not apply to any of the applications under Policy 50 that form part of this meeting's business. Should the Council wish to implement a new interpretation of Policy 50 there is a formal process to be followed which entails publishing any proposed change and inviting representations thereon prior to deciding whether or not to adopt the revised interpretation.

Councillor Kenneth Hughes proposed that the application be approved because it complies with local and national policies and, having visited the site he believed it would not have a detrimental effect on the amenities of the residents of the neighbouring properties. Councillor Lewis Davies seconded the proposal as he found the application to be an acceptable infill application.

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

7.3 19C690C – Full application for alterations and extensions at 14 Cae Braenar, Holyhead

The application is presented to the Planning and Orders Committee because it has been called in by a Local Member. A site visit was undertaken on the 20th May, 2015.

Mrs Suzanne Roberts, the occupier of 1 Digney Close, addressed the Committee as a public speaker in opposing the proposal and she highlighted the following concerns –

- 14 Cae Braenar is one of four properties that adjoin the boundary wall at the back of 1 Digney Close's garden all of which are built on higher ground and overlook into the garden to a certain degree.
- The proposed extension represents an un-neighbourly form of development that would have an overbearing impact resulting in a further loss of privacy. It would directly overlook the patio area onto which the doors of one bedroom open out, and where the children play. It would be intrusive and would impact on the family's enjoyment of outdoor life.
- The proposed extension would bring the applicant's property closer to the boundary wall and, with any future addition in the form of a balcony or decking area, will be wholly overbearing resulting in an unacceptable loss of privacy and amenity.
- The proposal if approved will set a precedent for the other neighbouring properties.
- It is noted from the Planning Officer's report that it is the Officer's view that 14 Cae Braenar does not overlook the garden of 1 Digney Close. This is disputed as the windows of 14 Cae Braenar can clearly be seen and the property does overlook the patio and garden of 1 Digney Close.
- The proposed screening wall by its scale, length and height of 10m is unacceptable and raises health and safety concerns.
- The Council has responsibilities under the Human Rights act which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Article 8 states that a person has substantive right to respect for their private and family life.

The Committee questioned Mrs Roberts on the issue of potential loss of privacy given the proposed extension will only extend about 3 to 4m into the applicant's garden and will be at the same height as the main property, and also given the mitigating impact of the proposed screening. Mrs Roberts reiterated that she was already able to see into the applicant's garden from her property and vice versa and that the extension will bring the applicant's property closer to her property. To counter the loss of privacy the applicant's agent recommends a 10ft screening wall (as opposed to the current 6ft wall) which raises other issues.

Councillor J.Arwel Roberts spoke as a Local Member and he said that normally he would not call in an application for an extension but on this occasion he had seen reason to do so because of the privacy concerns which this application raises which he believed were unacceptable to the family of 1 Digney Close. He referred to the planning history of the site including two applications refused in the last 11 months and an application granted in 1998 which has already extended the property. He also referred to the written report as being ambiguous in terms of how it describes the overlooking issue and said that if the occupants of 1 Digney Close are able to see the windows of the proposed extension then it follows that the reverse is also true. As for screening there is already a 2m high wall in place; to be effective it is proposed that the screening wall be raised to 3m which raises the question of whether it is acceptable to have a surrounding wall on that scale. He asked the Committee to reject the application on grounds of intrusion and loss of privacy.

The Development Management Team Leader acknowledged that the written report might give a misleading impression and that due to land levels, with 14 Cae Braenar being higher than 1 Digney Close, there is overlooking from 14 Cae Braenar into that property and likewise 1 Digney Close will be able to see the windows of the proposed extension. There is an intention to erect screening between the two properties to safeguard privacy. The Human Rights Act applies universally, and includes as well as a right to privacy, an individual's right to develop subject to consent. However, Planning Policy Wales recommends that planning decisions should not be based on the personal interests of one individual against those of another. Two previous applications have been refused because they would have set a precedent within the estate in proposing to raise the roof height of the current building to create an extension. The current proposal is a response to those refusals and seeks to site the extension to the rear of the property. Whilst a proposal for a screening wall forms part of the application, there are concerns as to its proposed height on grounds of health and safety. There will be a condition to require the submission of a scheme detailing the type and nature of the proposed screening to ensure it is safe and that it is effective. There is already a degree of overlooking between the properties as evidenced on the site visit. The recommendation is one of approval.

While some Members of the Committee were in agreement with the views of the Local Member that the proposed extension would infringe the privacy of the occupants of 1 Digney Close to an unacceptable degree meaning they would not be able to enjoy amenities in the same way, the majority thought that the application was acceptable in planning terms and that screening sympathetically and thoughtfully designed, would alleviate any overlooking issues.

Councillor Victor Hughes proposed that the application be approved and his proposal was seconded by Richard Owain Jones. Councillor Jeff Evans proposed that the application be refused and his proposal was seconded by Councillor Raymond Jones. In the subsequent vote the proposal to approve the application was carried.

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

7.4 34C553A – Outline application for residential development, highway and associated infrastructure at Ty'n Coed, Llangefni

The application was refused by the Committee at its 13th May, 2015 meeting contrary to the Officer's recommendation on the basis that the Committee deemed it to be an overdevelopment in terms of the housing proposed and lack of need; in terms of intrusion into the countryside and also in terms of inadequate infrastructure.

The Development Management Team Leader reported that the application site now comprises 3.9 hectares. Policy HP2 of the stopped UDP advocates development to a maximum density with an average level of 30 units per hectare, and possibly a greater density might be expected in a town such as Llangefni as a larger town and a sustainable area. On 30 hectares the anticipated

housing level would be 117 units and the proposal is for 138 units as an outline application. It is therefore believed that defending a refusal on the grounds of overdevelopment in respect of the extent of the housing proposed is difficult given the nature of the location and also given the need for housing as corroborated by the Policy Section as part of the 5 year land supply requirements. With reference to intrusion, the location of the application site attached to the existing settlement means that a refusal on the basis of intrusion could not be sustained at appeal; and with reference to infrastructure, it was reported at the previous meeting that a contribution towards infrastructure will form part of a Section 106 Agreement to enable the application to proceed.

The Officer informed the Committee that the applicant's agent has indicated that in the event of the Committee's affirming its previous refusal, an appeal is likely to be lodged and an application for costs will be made against the Council if it is not able to present at appeal, compelling planning reasons for refusing the application. The applicant's agent estimates that costs could be in the region of £50k. In conclusion, the application conforms to the interim policy on large sites on the edge of existing settlements to ensure sufficient housing provision in line with the 5 year land supply requirements and it is located in a sustainable area. The recommendation is strongly to approve the application.

Councillor Dylan Rees speaking as a Local Member said that while he acknowledged the need for housing in Llangefni, the proposal is excessive and it is inappropriate to site so many housing units in one area. He remained of the view that the infrastructure is inadequate to be able to cope with the scale of the development in this area. He asked the Committee to adhere to its previous decision of refusal. Councillor Nicola Roberts as a Local Member agreed with those views and she referred to Policy A3 and the factors therein which proposals for new housing developments are meant to take account of which she read out. She said that she did not believe adequate consideration had been given to some of those factors particularly those in relation to availability of services, availability of social and community facilities and accessibility to employment, and she pointed out that there are pressures already on schools and GP practices in the locality.

Several Members objected to the reference made to the potential costs which the Council might incur in the event of its losing an appeal, and especially to the specific quantification of costs as putting pressure on the Committee. It was pointed out that the reasons put forward for rejecting the application were recognised in the report as capable of being genuine and material planning reasons. The Planning Officer said that an applicant does have a statutory right to appeal a decision and that the applicant in this case is putting that possibility to the Committee which is material to the Committee's deliberations. The report is clear regarding the Officer's standpoint for recommending approval and the advice is that it would be difficult to support a refusal at appeal.

Those Members of the Committee who favoured the application cited the need for housing in Llangefni and the contribution the development will make to the local economy; the proposal will ease development pressures on the surrounding villages and it will provide affordable housing units and will help sustain services in Llangefni. However it was suggested that a phased development would be preferable and would alleviate the impact. A suggestion was also made regarding splitting the development into three parts and reference was made to the need to ensure the affordable housing provision is well integrated within the development and is not treated as a separate element. The Planning Officer referred the Committee to condition (16) which stipulates that the development shall be in accordance with a phased scheme. She referred also to Planning Policy Wales which states that affordable housing provision should not be located in one part of a development scheme and open market provision in a separate part and that a "pepperpotting" approach should be taken.

The Legal Services Manager advised that a condition with regard to phased development also deals with the open market element as in the event of the properties being sold at a faster rate the developer has the right to come back to change the condition and to change the scheme for the phase which the condition covered. He added that although the reasons given for refusing the application are planning reasons, it is the Officer's view that they would not be able to withstand close scrutiny because of the policy context. Should the Committee wish to stand by its decision from the previous meeting to refuse the application for the reasons given at that time then Officers would find it difficult to give evidence at appeal to defend those reasons. He advised the Committee to give careful consideration to whether it is satisfied that the case for each reason for refusal is robust enough to withstand an appeal. His advice to the Committee was to accept the recommendation 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 Richard Owain Jones. Councillor Lewis Davies proposed that the application be refused and his proposal was seconded by Councillor Ann Griffith who wished it to be noted that she too was unhappy about the reference to specific costs against the Council.

In the subsequent vote, Councillors Kenneth Hughes, Vaughan Hughes, Victor Hughes, Raymond Jones, Richard Owain Jones and W.T.Hughes voted to approve the application in line with the Officer's recommendation. Councillor Lewis Davies, Jeff Evans, Ann Griffith and Nicola Roberts voted to refuse the application. Councillor John Griffith abstained from voting. The vote to approve the application was therefore carried.

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

7.5 34LPA1009/CC – Outline application for the erection of a dwelling with all matters reserved on land near Saith Aelwyd, Rhosmeirch

The application is presented to the Planning and Orders Committee because the land is owned by the Council.

The Planning Development Team Leader reported that the determination of the application was deferred at the Committee's May meeting due to concerns regarding the size of the proposed dwelling. The Council's Property Section has now confirmed that the height of the dwelling has been reduced from 8.4 to 7.4 metres which is lower than that of the neighbouring property which is under construction. She said that the proposal complies with Policy 50 and confirmed that no weight is being given to the Policy 50 implementation note in this case. The application in any case pre-dates the implementation note. The Officer highlighted an amendment to the planning conditions to the effect that the reference to scale in condition (01) be deleted and, in light of the discussions about the scale of the proposal, a specific condition stipulating the scale of the building be added to the list of conditions. The recommendation is to approve the application.

Councillor Lewis Davies said that he had concerns regarding the proposal on the basis that the village of Rhosmeirch is being extended and its character adversely affected by large scale dwellings and that he was worried the Council is creating the wrong impression that it is selling land to this end. Councillor Victor Hughes believed that the proposal intrudes into an open field thus potentially opening up the enclosure to further development. He referred to a similar proposal in Llangristiolus which was rejected on appeal because it was deemed to intrude into open countryside. He proposed that the application be refused contrary to the Officer's recommendation. His proposal was seconded by Councillor Nicola Roberts.

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

In the subsequent vote Councillors Jeff Evans, Kenneth Hughes, Vaughan Hughes and Richard Owain Jones voted to approve the application; Councillors Lewis Davies, John Griffith, Victor Hughes and Nicola Roberts voted to refuse the proposal. Councillor Raymond Jones abstained from voting. The proposal to approve the application was carried on the casting vote of the Chair. (Councillor Ann Griffith having already left the meeting).

It was resolved to approve the application in accordance with the Officer's recommendations subject to the conditions listed in the written report and the amendment thereto reported at the meeting.

7.6 33C338 – Outline application for the erection of a dwelling with all matters reserved on land opposite to Ysgol Henblas, Llangristiolus

The application is presented to the Planning and Orders Committee because the applicant works within the Council's Planning and Public Protection Department. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Council's Constitution.

The Planning Development Team Leader reported that the application is now being recommended for a deferral on the grounds that a recent proposal within a short distance of the

application site was refused and the outcome of an appeal is awaited based on the interpretation of Policy 50.

Councillor Richard Owain Jones proposed that consideration of the application be deferred and his proposal was seconded by Councillor Vaughan Hughes.

It was resolved to defer consideration of the application 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 the 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 22C224 – Outline application for the erection of a dwelling together with full details of the access on land adjacent to Tan y Ffordd Isaf, Llanddona

The application is presented to the Planning and Orders Committee because the applicant is related to a member of staff within the Council's Planning and Public Protection Department. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Council's Constitution.

The Planning Development Team Leader reported that the recommendation in the Officer's written report to refuse the application is made on the basis of the Policy 50 implementation note and, given that no weight is currently being given to the implementation note, the recommendation is now to defer consideration of the application to reconsider the application in light of Policy 50.

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

11.2 4583C/DEL – Application under Section 73 for the removal of condition (05) (workshop shall be used for the benefit of Mr T.W.Owen and when no longer required by him shall be used for the purpose of agriculture) from planning permission reference 45C83A (erection of a workshop) at Trewen, Penlon, Newborough

The application is presented to the Planning and Orders Committee as the applicant is related to a relevant officer. The application has been scrutinised by the Monitoring Officer.

The Planning Development Team Leader reported that the original consent dates back to 1989 and followed a similar application for a workshop that was refused on account of its potential effects on amenities. In granting consent to the application in 1989 a planning condition was placed thereon restricting the use of the workshop to Mr T.W.Owen, and the applicant was also required to enter into a section 52 agreement that should the shed no longer be required by him or by his son (the latter stipulation being at variance with the wording of the planning condition), it would revert to agricultural use in association with the 6.5. acre holding. Two letters of objection to the deletion of the personal condition have been received and these are on the basis of concerns regarding the potential intensification of use at the site. The Officer said that there is already a noise limiting condition on the consent and that will remain effective. The recommendation is to approve the application.

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

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

*The Legal Services Manager advised at this juncture that as the Committee had now been in session for three hours (application 13.1 having been brought forward for consideration earlier in the Committee's order of business), under the provisions of paragraph 4.1.10 of the Council's Constitution, a resolution was required by the majority of those Members of the Committee present to agree to continue with the meeting. **It was resolved that the meeting should continue.***

12. REMAINDER OF APPLICATIONS

12.1 19C1145 – Full application for the erection of an annexe at Harbour View Bungalow, Turkey Shore Road, Holyhead

The application is presented to the Planning and Orders Committee as it has been called in by a Local Member.

The Planning Development Team Leader reported that the recommendation is now to defer consideration of the application pending the receipt of Certificate B on the road.

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

12.2 20C289A/DEL – Application under Section 73 for the removal of condition (03) (temporary permission) from planning reference 20C289 (Installation of a "Time and Tide" Bell) at Foreshore, adjacent to harbour, Cemaes

The application is presented to the Planning and Orders Committee as it is on land owned by the Council which is rented by Crown Estates.

The Planning Development Team Leader reported that the Time and Tide Bell was installed in April, 2014 in its approved location and no adverse comments from neighbours have since been received. The Environmental Health Officer has been consulted and has confirmed that he has no observations to make on the application.

Councillor Richard Owain Jones 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.

12.3 25C28C – Full application for the demolition of the existing public house and associated buildings at The Bull Inn, Llanerchymedd

The application is presented to the Planning and Orders Committee as it has been called in by a Local Member.

The Planning Development Team Leader reported that the application was received originally as prior notification of the intention to demolish the existing public house and associated buildings in order to check whether the Council requires prior approval of the method and details of demolition. It is this requirement which is the subject of consideration. The Officer said that the proposed demolition has generated a great deal of concern locally because the building is considered to be of historic significance to the locality. Information has been received regarding the method of demolition and the subsequent restoration of the site to which the occupant of the neighbouring property has objected on account of party wall concerns. In terms of the proposed method of demolition and site restoration, the recommendation is to approve the application.

Councillor John Griffith spoke in his capacity as a Local Member and clarified that comments about the "town already dying" attributed to him by the written report at section 3 had not in fact been made by him, and that he believed the opposite to be true - that the village with its conscientious community council, its bright and confident primary school and its host of industrious and busy organisations is an excellent model for other communities on how to flourish and progress for the betterment of the community. In calling in the application he referred to the following:

- Strong opposition locally to the proposal including from the community council.

- The long history of the building which is considered locally as an important and integral part of the village's history and heritage which aspects are reflected in some of the letters of objection extracts from two of which Councillor Griffith read out.
- The omission from the written report of any reference to the building's historical significance which would have been brought to the Planning Service's attention by one of the letters of objection at the time of the original application in January, 2015.
- That Section 3 of the Conservation Areas Act 1990 gives local planning authority the power to serve building preservation notices in respect of buildings of special architectural or historical interest and in danger of demolition or alteration as to affect their character as buildings of such interest. Under the same legislation it is also possible to apply to CADW for spot listing for buildings under imminent threat of alteration or demolition.
- That the Planning Service has not had any regard for the building as a special building to be protected and while the Council cannot now make an application for spot listing as the 28 days notice period has expired, the Community Council is investigating what steps need to be taken in order to do so.
- The need for the Planning Service to consult with the Council's Conservation officer in respect of the building, and to consider the benefit of making inquiries with CADW or investigating any other avenue to safeguard the building.
- Obligations arising from party wall legislation. Details provided by the applicant do not explain how the shared roof and party wall with the adjacent property will be dealt with in terms of remedial works, or reinstatement thereof.
- The need to undertake a bat survey
- Clarification of what will replace The Bull at that location.

Councillor John Griffith asked the Committee to consider deferring determination of the application to allow consultation to take place with the Council's Conservation Officer and with CADW on possible preservation options and also to allow time for the Community Council to complete its own inquiries with CADW.

The Planning Development Team Leader said that it is the method rather than the principle of demolition that is under consideration and that any proposal to develop the site is a matter for a future application. With regard to the reference made to legislation in respect of listed buildings in a conservation area, that provision applies to existing listed buildings rather than to ordinary buildings; if The Bull was a listed building, the application for demolition would be considered under different terms as an application to demolish a listed building. It is possible under the legislation for the Council to serve a notice of protection on the building and at the same time, to apply to CADW for listed building registration. The notice would be in force for six months during which time CADW would be expected to confirm listed building status and the application would then be dealt with as a listed building application. Should CADW determine that the building does not meet the necessary criteria for listed building status then the applicant could seek compensation from the Council for any losses incurred from not being able to carry out development works. Initial discussion with the Conservation Officer indicates that the Officer believes The Bull to be a Victorian building which has undergone numerous alterations since. Issuing a Building Preservation Notice would require research into the building's history prior to submitting a report to full Council for approval to issue the notice which is a process that is likely to take some time to complete giving rise in turn to the risk that an appeal for non-determination may be lodged in the meantime. Party wall concerns are a legal matter under separate legislation.

There was a general consensus within the Committee that efforts should be made to retain The Bull as a building of local historical interest and avenues to that end be explored. Councillor Kenneth Hughes proposed that determination of the application be deferred and his proposal was seconded by Councillor Vaughan Hughes.

It was resolved to defer determination of the application in order for the Council to obtain the comments of the Conservation Officer on The Bull Inn, Llanerchymedd (*Councillor John Griffith did not vote on the application*)

12.4 36LAP827B/CC – Full application for the erection of an agricultural shed at Bodhenlli, Cerrigceinwen

The application is presented to the Planning and Orders Committee because the site lies within Council owned land.

Councillor Victor Hughes proposed that the application be approved and his proposal was seconded by Councillor Lewis Davies.

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

13. OTHER MATTERS

13.1 46C427K/TR/EIA/ECON – A hybrid planning application proposing: Outline with all matters reserved except for means of access, for: A leisure village at Penrhos Coastal Park, London Road, Holyhead comprising of up to 500 new leisure units including new lodges and cottages; central new hub building comprising reception with leisure facilities including indoor sub-tropical water park, indoor sports hall, and cafes, bars, restaurants and retail; central new Farmer's Market building; central new spa and leisure building; a new cafe and water sports centre at the site of the former Boathouse; demolition of the Bathing House and the construction of a restaurant at its former location; demolition of other existing buildings including three agricultural barns and three residential dwellings; providing and maintaining 29 hectares of publicly accessible areas with public car parking and enhancements to the Coastal Path, including: managed walkways within 15 hectares of woodland, the retention and enhancement of Grace's Pond, Lily Pond, Scout's Pond with viewing platforms, the Pet Cemetery, War Memorial, the Pump House and picnic area with bird feeding stations and hides with educational and bilingual interpretation signage created throughout; creation of a new woodland sculpture trail and boardwalks and enhanced connection to the Coastal Path; the beach will continue to be accessible to the public providing safe access to the shallow shelving water; A combined Heat and Power Centre.

Land at Cae Glas: The erection of a leisure village accommodation and facilities which have been designed to be used initially as a temporary construction workers' accommodation complex for Wylfa B at land at Cae Glas, Parc Cybi, Holyhead comprising: up to 315 lodges which will be initially sub-divided for nuclear workers' accommodation; Central hub building providing reception and canteen ancillary to accommodation; a Park and Ride facility comprising up to 700 car parking spaces; a new hotel, a lakeside hub comprising restaurant, cafe, retail and bar; new grass football pitch and cricket pitch and a combined Heat and Power Centre. To be subsequently converted (post Wylfa B construction) into an extension to the Penrhos Coastal Park Leisure Village comprising: refurbished lodges and facility buildings to create high quality holiday accommodation (up to 315 family lodges); a Visitor Centre and Nature Reserve allowing controlled public access, and Heritage Centre with visitor parking.

Land at Kingsland: The erection of a residential development which has been designed to be used initially as temporary construction workers' accommodation at land at Kingsland, Kingsland Road, Holyhead comprising: up to 320 new houses to be initially used as temporary construction workers' accommodation. To be subsequently converted (post Wylfa B construction) into a residential development comprising: up to 320 residential dwellings set in high quality landscaping and open spaces:

Each phase of the development will have ancillary development comprising car parking, servicing areas, open spaces and plant. Full details for the change of use of the existing Estate buildings at Penrhos Coastal Path, London Road, Holyhead including the change of use for: The Bailiffs Tower and outbuildings at Penrhos Home Farm from a cricket clubhouse to a visitors' centre, restaurant, cafe, bars and retail; Home Farm Barn and Cart Buildings from farm buildings to cycle and sports hire centre; the Tower from residential to a Manager's accommodation and ancillary office; and Beddmanarch House from residential to a visitors' centre.

The report of the Head of Planning Service setting out the principal terms of the section 106 Agreement vis a vis the approved Heads of Terms along with the proposed planning conditions was presented. The report also provided an update with regard to changes in planning policy and further environmental information received since the application was approved in November, 2013.

The Chief Planning Officer reported on the general position and the work undertaken since the application was approved in November, 2013; he referred to extensive discussions with Natural Resources Wales and to correspondence by that body as appended to the report setting out its position with regard to specific matters of relevance to it.

Mr Gary Soloman, Burges Salmon proceeded to advise the Committee on the stage reached with regard to each of the 32 Heads of Terms in relation to the commitment made or the status of negotiations and, where a specific monetary contribution had been determined or agreed in principle (based on current values but indexed to future values on the basis of indices to be confirmed) to meet the additional demand/obligations, he notified the Committee of the sum as shown below. He also drew the Committee's attention to Regulation 123 of Community Infrastructure Levy Regulations 2010 which from April, 2015 has introduced a new control referred to as a "pooling restriction" the upshot of which is explained in the report.

- Education - £1.5m
- Medical Care – an agreed sum of between £530k and £600k.
- Leisure – A capital contribution of over £1m and annual maintenance contribution of £300k per annum towards existing sports facilities (this in the event that the proposed sports centre provision at Cae Glas does not go ahead)
- Swimming – A capital contribution of £560k and annual maintenance of £165k per annum in principle for the nuclear worker operational phase and a capital contribution of £60k and annual maintenance of £17k for the construction phase
- Library- £400K to relocate existing library facilities
- Local Employment – 5% apprenticeships through the construction worker phase. Target of 35% local labour during the construction phase and 80% local labour during the operational phase. £67.5k towards funding a facilitating officer for 18 months.
- Conversion of nuclear worker accommodation to legacy uses - £25k payment per unit for refurbishment equating to a sum of approximately £16m
- Welsh language communications - £60k per annum for 10 years for the nuclear worker phase and £10k per annum for 5 years for the tourism stage
- Tourism obligations – £100k for tourism infrastructure; £75k for marketing and promotion ; £715k for impact, mitigation and monitoring and £50k for a tourism officer for a 12 month period .

The Lead Planning Case Officer referred to the current draft of the planning conditions as at Appendix 1 to the report; further environmental information received from the applicant as per Appendix 2 to the report and an assessment of the changes in planning policy since the resolution to grant planning permission in November, 2013 as at Appendix 3 to the report. The Officer confirmed that it is the Head of Planning Service's view that neither the information in Appendix 2 nor Appendix 3 materially affect or change the previous recommendation/ resolution made.

The following were areas regarding which the Committee sought further clarification and/or made additional comments to which the Officers responded by providing further information and/or explanation regarding the agreement reached –

- The definition of "local" in relation to local labour;
- The extent if any, to which Land and Lakes will be supporting Coleg Menai in relation to apprenticeships;
- That under Obligation (27) - Welsh language communications, the reference in the third column should read "there will be obligations in relation to Welsh language *only* road names."
- That Welsh language signage should have precedence.
- The omission of any reference to a financial contribution to Welsh Water given the significant pressure that will be placed on the public sewerage system.

- The omission of a specific head of terms for the cost of addressing any leakage to the Inland sea and the position reached with regard to addressing this matter.
- Whether the £530k negotiated for medical care is considered sufficient and the extent of the engagement with BCUHB on this and other health related matters.
- Whether £1.5m is considered a sufficient contribution to additional demands on education.
- The need to reconsider the agreement reached with regard to Child Social Services obligation where problems are likely to extend beyond the 5 year term for which it has been agreed a child social worker will be funded.
- The need for robust safeguards where one part of the development is linked to/or dependent on another in terms of what will proceed and a clear understanding of what the triggers will be.
- The need for improved communication mechanisms for keeping the public informed especially in relation to areas where there are multi-agency discussions so that the public can be assured that the developer is not working in isolation and that other public bodies are involved and are having an input into issues as necessary.
- The need to provide sufficient notice of when update information such as the report is to become available.

It was clarified by the Lead Case Officer that Welsh Water had confirmed that they were content for the development to be approved subject to a planning condition which may require that the developer upgrades the sewerage system as required.

The Committee noted the information presented and requested that a report be brought back to Committee when all the terms of the section 106 agreement and conditions have been finalised.

Councillor Kenneth Hughes proposed that the recommendations of the report be approved with the proviso above and his proposal was seconded by Councillor Vaughan Hughes.

It was resolved –

- **To note the obligations which will be secured under an agreement under section 106 of the Town and Country Planning Act 1990 which are in line with the Heads of Terms authorised by the Committee on 6th November, 2013.**
- **To note the position in relation to planning policy and the further environmental information including consultation and other responses, which have been received as outlined in the written report.**
- **In light of the above, to endorse the previous resolution and to authorise the Head of Planning Service to finalise the terms of the section 106 agreement and conditions.**
- **That a report be brought back to the Committee once the terms of the section 106 agreement and conditions have been finalised ahead of completing the legal agreement and issuing the planning permission.**

**Councillor W.T.Hughes
Chair**