

# Planning and Orders Committee

## Minutes of the meeting held on 26 July 2017

- PRESENT:** Councillor Nicola Roberts (Chair)
- Councillors John Griffith, Glyn Haynes, Kenneth Hughes, Vaughan Hughes, Eric Jones, Shaun Redmond, Dafydd Roberts, Robin Williams
- IN ATTENDANCE:** Planning Development Manager (NJ)  
Planning Assistants  
Highways Officer (JAR)  
Legal Services Manager (RJ)  
Committee Officer (ATH)
- APOLOGIES:** Councillors Trefor Lloyd Hughes, Richard Owain Jones (Vice-Chair)
- ALSO PRESENT:** Councillor Dylan Rees (for application 10.1), Councillor Dafydd Rhys Thomas (for applications 12.7 and 12.8) Councillor Richard Dew (Portfolio Member for Planning) (for application 12.4)
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### 1 APOLOGIES

The apologies for absence were noted as listed above.

### 2 DECLARATION OF INTEREST

The Chair informed the Committee that Councillor Trefor Lloyd Hughes, although not present at this meeting, had declared an interest with respect to applications 12.6, 12.7 and 12.8.

### 3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 5th July, 2017 were presented and confirmed as correct subject to noting that Councillor John Griffith had declared a prejudicial interest with regard to application 7.3 and had withdrawn from the meeting during the discussion and determination thereof.

### 4 SITE VISITS

No site visits were undertaken following the 5th July, 2017 meeting of the Planning and Orders Committee.

### 5 PUBLIC SPEAKING

There were Public Speakers in relation to applications 10.1,11.2, 12.1, 12.3, 12.4 and 12.7.

### 6 APPLICATIONS THAT WILL BE DEFERRED

**6.1 20C310B/EIA/RE – Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to Rhyd y Groes, Rhosgoch**

The Planning Development Manager informed the Committee that the applicant has now lodged an appeal on the basis of non-determination. The Planning Inspectorate is currently assessing the validity of the appeal. The intention is to report on the application to the Committee's September meeting subject to the confirmation or otherwise of the appeal.

**It was resolved to defer consideration of the application for the reasons set out in the Officer's written report.**

**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**

**10.1 34C556B – Outline application for the erection of a dwelling together with full details of the access on land adjacent to Gwernhefin, Glanhwfa Road, Llangefni**

The application was reported to the Planning and Orders Committee because it is a departure from the Ynys Môn Local Plan which the Local Planning Authority is minded to approve.

The Chair informed the Committee that she had been notified by Councillor Dylan Rees, a Local Member that he was requesting that a site visit be carried out. She invited Councillor Dylan Rees to give his reasons for wanting the Committee to visit the site.

Councillor Dylan Rees said that residents in the immediate locality, although they did not object to the development itself had contacted him because of concerns about the access to the proposed development site off Glanhwfa Road. Two previous applications on this site have been refused due to highway safety issues; he therefore considered it important that the Committee's Members view the access for themselves to assess whether the conditions proposed in the report are sufficient to address potential highways issues.

Councillor Nicola Roberts, also speaking as a Local Member said that she took a different view in considering the conditions outlined in the Officer's report to be adequate to ensure highway safety thereby making a site visit unnecessary. The proposed development will be served by an existing access that is already in use.

The Highways Officer confirmed that the access is a matter for concern because of sub-standard visibility to the North East. However existing permission for the adjacent Park Mount site is conditional upon ensuring the boundary is kept no higher than 1m and that nothing within 1m of the boundary can be higher than 1m at any time. This is an enforcement matter which should secure satisfactory vision splay in that direction. The Highways Authority therefore raises no objection to the proposed development. The Legal Services Manager advised that despite having received consent, there is no guarantee that the Park Mount development will go ahead or that consequently the visibility will be improved to conform to the Highways Service's requirements. It is a consideration that the Committee needs to bear in mind.

Councillor Ken Hughes proposed, and was seconded by Councillor John Griffith, that the Committee proceeds to determine the application. Councillor Robin Williams proposed and was seconded by Councillor Dafydd Roberts that the site be visited in accordance with the Local Member's request. In the ensuing vote the proposal that the application be determined was carried.

### **Public Speaker –**

Mrs Rhian Williams (for the proposal) spoke on behalf of her son, the applicant who was born and bred in Llangefni and who ran a small business employing six local young men. The first application was submitted in 2006 following which a static caravan was put on site to afford her son a measure of independence from the family home and to conduct his business with his employees. This arrangement is no longer suitable especially as her son now has a seven-year-old child who needs the stability that would be provided by a permanent dwelling and the continuation of the business. She asked the Committee to look kindly upon the application as one made by a young man of the locality who has striven to comply with all the changes asked of him to make sure the application complies with planning regulations.

The Committee questioned Mrs Williams on the extent of the business activity on site and whether this would likely add to highway safety issues. Mrs Williams clarified that two vans have been coming and going to and from the site for many years. She said that she understood that the visibility would have to be improved from her property at Gwernhefin which would not be a problem. Nothing would change in terms of traffic with her son's car, two vans and the two properties above Gwernhefin continuing to utilise the shared access.

Councillor Dylan Rees, a Local Member said that whilst he was sympathetic to Mrs Williams's request and while the neighbours did not disagree with the application, their concerns regarding the access arrangements remain. The shared access road is a single track unsuitable for toing and froing for business purposes – a Facebook page shows the business-related apparatus already on the site including vans, a skip and a storage container. Local residents are worried that this activity will increase once the dwelling is erected and they ask that a condition be imposed that no business may be run from the site because of the additional hazards that would cause with regard to highway safety.

The Planning Development Manager reported that although the application site is outside the development boundary of Llangefni within the Ynys Môn Local Plan, the majority of the site is within the stopped Unitary Development Plan and the Joint Local Development Plan; the proposal is therefore acceptable in policy terms. The application has been amended to lower the height of the intended dwelling to reduce its visual impact on the landscape and the surrounding area. Welsh Water proposes standard conditions; the Drainage Section has asked for further details and Llangefni Town Council comments that the access should meet technical requirements. Two additional letters citing concern about highway safety have been received. The Officer's report states that there is no evidence that a business is

being run from the site – that is in any case an enforcement matter rather than one that can be addressed by a planning condition. The Highways Service raises no objection to the proposal and the recommendation is therefore one of approval.

Councillor Nicola Roberts speaking as a Local Member voiced her support for the application as one that is compliant with policy. The proposal is far more visually acceptable than the static caravan that is already on site; the highways issues are being dealt with and the volume of traffic will be not greater than what it is at present. Councillor R.G. Parry, OBE, FRAgS, the other Local Member is also supportive of the application. Councillor Roberts proposed, and was seconded by Councillor Kenneth Hughes, that the application be approved.

Councillor Shaun Redmond said that the questions regarding the nature of the business activity on site remained unanswered. Councillor Redmond also questioned the policy basis on which this and a number of other applications at today's meeting were being considered with weight being given to the Joint Local Development Plan (JLDP) over and above existing plans even though the JLDP is as yet unadopted. Councillor Shaun Redmond said that he was minded to abstain from voting on all applications where the JLDP provided the policy justification as he was not convinced that such decisions would not be open to challenge.

The Planning Development Manager reminded the Committee that the application is for a dwelling and that the issue of the business is a separate enforcement matter. As regards policy, the Inspector's binding report and recommendations with regard to the JLDP have been received and as such significant weight can be placed on the Plan as the most up to date current policy.

The Legal Services Manager advised that the matter of securing the required visibility over 3rd party land can be addressed by a Grampian condition which would restrict the development from commencing until the visibility issue has been addressed, and that a Section 106 agreement may also be needed. In terms of policy, the JDLP is beyond doubt a material planning consideration attracting significant weight in the determination of applications from now onwards having been subject to the Inspector's examination and recommendations which gives weight to the Plan's policies.

Councillor Kenneth Hughes said that he was supportive of the application as one that is also in line with the provisions of the stopped UDP.

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

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

### **11.1 31C10K – Full application for alterations and extensions at Tyn Lon Garage, Llanfairpwll**

The application was reported to the Planning and Orders Committee as the applicant is related to a "relevant officer" as defined within paragraph 4.6.10 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

The Planning Development Manager reported that the proposed development is considered acceptable to the Local Planning Authority as regards design, scale, effects and materials to be used.

Councillor John Griffith proposed, and was seconded by Councillor Vaughan Hughes, that the application be approved.

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

### **11.2 36C338C – Outline application for the erection of a dwelling with all matters reserved on land to the rear of Shop Sharpe, Llangristiolus**

The application was reported to the Planning and Orders Committee as the applicant is related to a "relevant officer" as defined within paragraph 4.6.10 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution. In addition, the application was called in prior to the local election by one of the Local Members at that time.

#### **Public Speakers –**

Mr P. Antrobus (**against the proposal**) spoke of concerns regarding overdevelopment, scale and effects. The proposal would have an unacceptable adverse impact both on the properties immediately adjacent and on the surrounding area by reason of overlooking, loss of privacy and by being visually overbearing. It is out of scale and character with other properties in the vicinity. Mr Antrobus pointed out surface water and drainage issues as well as issues regarding the vehicular access with several near misses having occurred adjacent to the plot which is sited opposite Ysgol Henblas.

Mr Owain Evans (**for the proposal**) said that the application is being recommended for refusal not on grounds of location, appearance nor overlooking but on the basis of the new JLDP which in terms of timing is unlucky for the applicant and is the only reason why the Officer objects to the proposal. Mr Evans said that back in January, 2017 a proposal for a dwelling next door was recommended for approval by the Officer because it was deemed acceptable under Policy 50 of the Ynys Môn Local Plan as an infill development. Greater weight was given to the Local Plan then even though the proposal was outside the development boundary of the village under the stopped UDP. The proposal in question is also an infill development. The JLDP although significant weight is to be given to it the meaning of which is itself unclear relative to the weight to be given to the other plans, has not been adopted. In mid-June, the Inspector was still approving appeals saying that no weight was attached to the new policy document. How can the policy now tip the balance? For that reason, he was asking the Committee to reconsider the Officer's recommendation.

The Planning Development Manager reported that 4 letters of support and 1 letter of objection had been received in addition to those in the representations documentation. The proposal has been amended in response to objections about its size and although in height it remains the same, the area which it occupies has been reduced. Llangristiolus is identified as a Listed settlement under Policy 50 of the adopted Ynys Môn Local Plan which allows for single dwelling applications on infill sites or sites deemed to be a suitable extension to the settlement subject to the detailed criteria within the policy being satisfied. The proposal does meet the criteria. However, the application site lies outside the development boundary in the stopped UDP and it also lies outside but immediately adjacent to the Llangristiolus development boundary in the JLDP. The Officer confirmed that appeals were being accepted under the JLDP but with the proviso "until such time as the Inspector's binding report has been received". That is now the case. The Inspector's binding report brings significant weight to the policies of the JLDP. The application site is located outside the development boundary of the village and is therefore contrary to the provisions of the JLDP. The recommendation to refuse the application is made for reasons of policy.

Councillor Dafydd Roberts proposed and was seconded by Councillor Robin Williams that the application be refused.

**It was resolved to refuse the application in accordance with the Officer's recommendation for the reason given in the written report.**

## **12 REMAINDER OF APPLICATIONS**

### **12.1 17C518 – Full application for alterations and extensions which includes a balcony at Penterfyn, 24 Fron Deg, Llandegfan**

The application was reported to the Planning and Orders Committee as it had been called in by two Local Members.

#### **Public Speaker –**

Mrs E.A. Morris (**against the proposal**) spoke specifically against that part of the application which would involve double doors opening out from the proposed bedroom above the garage onto a balcony. The balcony would look directly down onto her property and bedroom window and would constitute a total invasion of privacy. If approved it would set a very dangerous precedent for others to follow. As regards Penmaen property which does have a balcony at present, this property is not classified as being in Fron Deg estate. The application in question is not in keeping with any of the properties on the Fron Deg estate of bungalows. Mrs Morris said that she already experienced a degree of scrutiny and intrusion from an attic window; if the balcony is approved the opportunity, level and degree of scrutiny and intrusion would increase twofold.

The Committee questioned Mrs Morris on the view over her property from a neighbouring property with a balcony which the Officer's report says is considerably larger than the one proposed by this application. Mrs Morris said that Penmaen property is a standalone house outside Fron Deg estate; the property has always had a balcony which does not invade her privacy. She explained that she had grown and maintained her hedge at a certain level and the balcony is therefore not a problem. She could not see the balcony from her own property although the residents of Pen Maen could probably see the roof of her property at 26 Fron Deg from their balcony.

The Planning Development Manager reported that two of the Local Members had called in the application because of issues of privacy and because they considered the proposal would affect the character of the area. The Officer is not of the view that the balcony will have an unacceptable effect on the property at 26 Fron Deg there being sufficient distance between the two properties as well as the estate road. Where it is considered the proposal might give rise to overlooking in relation to the adjoining property a screening condition is proposed to mitigate the effect. The Officer does not consider that the proposed extensions and alterations would form an adverse impact on the surrounding properties or any of the neighbouring properties to such a degree as to warrant refusal.

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

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

### **12.2 19C1204 – Full application for alterations and extensions at 3 Ffordd Jasper, Holyhead**

The application was reported to the Planning and Orders Committee because part of the site extends onto Council owned land.

The Planning Development Manager reported that the proposed development is deemed acceptable to the Local Planning Authority in scale, character and design and it is not considered that it would have an adverse impact on the amenities of adjoining properties such as to warrant refusal.

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

**It was resolved to approve the application in accordance with the Office's recommendation subject to the conditions outlined in the written report.**

### **12.3 24C345 – Outline application for the erection of a dwelling with all matters reserved on land adjacent to Tregarth, Llaneilian, Amlwch**

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

#### **Public Speaker –**

Mrs B. Jolleys (**for the proposal**) spoke of the need for the proposed dwelling on account of its location. She explained that she and her husband are registered peripatetic carers which enables them to support children in their own home. They have provided support for her sister who has adopted three severely disabled children. Being only 3 miles or less from their home is important in terms of the school run, hospital visits and emergencies. The area of land is also on a quiet road and the intended dwelling would be well set back from the road making it safe for the two boys with severe autism for whom she and her husband are respite carers. There are only two neighbouring properties, the nearest whose residents know of the family's fostering commitments and are happy for them to continue and the other which is a holiday home. If there were any issue with the latter, the respite care could be undertaken when the property is vacant. The need for the plot of land is not the family's but the children and their families who have come to rely on their support. Special consideration is sometimes given to farmers and forestry workers on account of their occupation. She and her husband's continuation as peripatetic and respite carers very much depends on securing planning consent for the proposal.

The Planning Development Manager reported that the site is located within a Special Landscape Area within the JLDP and is adjacent to the AONB. It is the Officer's view that the proposal would lead to a ribbon development which would result in an intrusive and incongruous feature to the substantial detriment of the character and amenities of the area. It is therefore considered that the development would be contrary to the provisions of Policy 50 of the Local Plan and Policy HP5 of the Stopped Unitary Development Plan. Additionally, due to the significant weight that can be given to the JLDP, regard should be had of the fact that the application site lies in the open countryside where development would have to satisfy national planning policy and TAN 6 which provides justification for isolated dwellings in the countryside when the accommodation is required to enable a rural enterprise worker to live at or close to their work place. The Officer said that although the applicant has made a case for special consideration on the grounds of occupation as carers, it does not meet the requirements of TAN 6. The recommendation is that the application be refused. Furthermore, insufficient details relating to highway, drainage and ecology have been received in order to provide a recommendation in relation to these matters.

Some Members of the Committee considered the application to be deserving of support because of the valuable service rendered by the applicants and because they deemed the proposal to be acceptable under Policy 50 of the Local Plan and Policy HP5 of the stopped UDP. Other Members took the Officer's view that the proposal is in the open countryside and as such it would detrimentally affect the Special Landscape Area and would be harmful by reason of its proximity to the AONB and thereby was contrary to the aforementioned policies.

Councillor Eric Jones proposed and was seconded by Councillor Kenneth Hughes that the application be approved contrary to the Officer's recommendation. Councillor John Griffith proposed and was seconded by Councillor Dafydd Roberts that the application be refused in line with the Officer's recommendation.

The Planning Development Manager reminded the Committee in the interest of consistency that it had earlier refused an application in Llangristiolus that was acceptable under Policy 50 of the Local Plan because it was contrary to the policies of the JLDP.

Councillor Shaun Redmond proposed and was seconded by Councillor Glyn Haynes, that determination of the application be deferred to the next meeting when the status of the JLDP as the prevailing policy consideration will have become clear, and also because highway, ecology and drainage details have not been received. In the subsequent vote the proposal to defer was carried.

**It was resolved to defer determining the application for the reasons given.**

#### **12.4 28C541/ENF – Application for the retention of a balcony at Glyn Garth, 10 Beach Road, Rhosneigr**

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

##### **Public Speaker –**

Mr Peter Williams (**against the proposal**) spoke as a neighbour of 10 Beach Road and he said that the balcony for which consent is sought is about 1.5m above the balcony/roof terrace at his own property which has permission. He had e-mailed the department with comments on the 12th July which are not included in the report; these set out his objections on the grounds that the screening shown on the drawings only obscures part of the terrace which to a layman appears to be the wrong section which has a view over the garage and the applicant's garden. Mr Williams said that when he had applied for permission for a balcony at 3 Beach Road, he had been advised that it would have to be screened to a height of 1.8m on all sides to prevent overlooking yet the same is not required in relation to the proposal in question. Mr Williams added that he had no objection to the balcony at 10 Beach Road as long as the same requirement applies to this as to the balcony at his own property i.e. it must be screened on all sides to ensure privacy and prevent overlooking.

The Planning Development Manager reported that Mr Williams's comments were received after the written report was drafted. She said that the consent for the balcony at Mr Williams's property required that the balcony be screened to three sides whereas the recommendation for the proposal is for screening to two sides. This is because it is the Officer's assessment that screening is required to the South Eastern corner of the balcony to mitigate overlooking into the property at 9 Beach Road, but that further screening along the Western wall of the balcony facing the rear of Beach Terrace which includes Mr Williams' property at 3 Beach Road is not necessary due to the existing screen around the balcony at 3 Beach Road and the separation distance between the subject balcony at the



rear of the properties along Beach Terrace. Consent is subject to a screening condition but it is a matter for the Committee to decide whether it wishes to extend the screening beyond the requirement set out.

Councillor Richard Dew speaking as a Local Member said that the balcony had been erected without consent and therefore no conditions had been applied. The Community Council usually recommends appropriate screening in such applications in order to protect the amenities and privacy of neighbouring residents. The subject balcony overlooks the rear of the properties at Beach Terrace and therefore no views would be lost with screening. Councillor Dew said that a level playing field is required and he asked the Committee to impose a condition on consent requiring all-around screening of the balcony to a height of 6ft.

Councillor Robin Williams proposed and was seconded by Councillor Kenneth Hughes that the application be approved in accordance with the Officer's recommendation and that screening condition (01) be amended to require that a 1.8m high privacy screen be erected on all sides of the balcony.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions outlined in the written report and subject to amending condition (01) to require that a 1.8m high privacy screen be erected on all sides of the balcony.**

#### **12.5 33C315 – Full application for the creation of a new vehicular access track on land adjacent to Tros y Marian, Lôn Groes, Gaerwen**

The application was reported to the Planning and Orders Committee because part of the development is within land which is owned by the Council.

The Planning Development Manager reported that the proposed development is part of a wider programme of works being undertaken by Welsh Water as a statutory undertaker to alleviate flooding in the area. These entail works to the public sewer and by the placing of an underground storage tank to store excess flows from the system. The vehicular access and timber boundary proposed as part of the application are required to provide access to the tank for routine maintenance. The scheme has been amended to meet with the requirements of the Highways Authority.

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

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

#### **12.6 46C52D – Full application for the erection of a dwelling to include a new vehicular access on land adjacent to Tir Nant, Lôn St. Ffraid, Trearddur Bay**

The application was reported to the Planning and Orders Committee at the request of two Local Members due to concerns regarding the vehicular access.

The Planning Development Manager reported that an additional 3 letters of objection to the proposal have been received. The Officer said that whilst the application site is predominantly within the development boundary of Trearddur under the Ynys Môn Local Plan and under the stopped UDP, it is outside but adjoining the settlement of Trearddur Bay under the provisions of PCYFF 1 and TAI 5 of the Joint Local Development Plan (JLDP). The age of the development plan and the existence of the more up to date

provisions of the JLDP means that the principle of development is not considered acceptable in this instance. The recommendation is therefore to refuse the application. The Officer said further that the applicant has requested a deferral in order to be given time to amend the scheme; this is a matter for the Committee to decide on. However, from an Officer perspective, it is difficult to see how the proposal can be sufficiently amended in order to comply with policy.

Councillor Robin Williams proposed, and was seconded by Councillor John Griffith that the application be refused in line with the Officer's recommendation.

**It was resolved to refuse the application in accordance with the Officer's recommendation for the reason given in the written report.**

### **12.7 46C254C – Full application for the demolition of the existing dwelling together with the erection of two new dwellings in lieu at Ael y Bryn, Lôn Penrhyngarw, Trearddur Bay**

The application was reported to the Planning and Orders Committee as it has been called in by a Local Member because of concerns regarding over-development on a very prominent site and adverse effects on the neighbouring property.

#### **Public Speakers –**

Alaw Griffith (**against the proposal**) spoke on behalf of the residents of the neighbouring property Bryn Eithin. She said that the proposal would lead to the overdevelopment of an open headland area and is out of character with properties in the vicinity. The proposal does not adhere to the separation distances between dwellings set out by Planning Guidance Note 8 and as such would have a detrimental effect on the amenities of the occupants of Bryn Eithin as well as any potential occupants of the proposed dwellings. A similar application was refused previously on the grounds of overdevelopment and it is not considered that the current proposal overcomes the reasons for refusal at that time. There are also drainage issues that need to be resolved.

Mr Owain Evans (**for the proposal**) said that the written report is contradictory in what it says about the space around the proposed dwellings. The character of dwellings in the area is varied and four dwellings opposite the subject plot have been approved in the past few years.

Councillor Dafydd Rhys Thomas, a Local Member reiterated his concerns in calling in the application and said that the proposal constitutes unacceptable over-development in a sensitive area.

The Planning Development Manager reported that Councillor J. Arwel Roberts, a Local Member is also opposed to the proposed development. Of the two previous applications to demolish the existing dwelling and replace it with a new dwelling, one was refused and the other was withdrawn. The scheme has been amended since the withdrawal of the application in April, 2017 to extend the separation distance between the proposed dwellings and the neighbouring property so the objections on the grounds of effects on amenity have been mitigated. However, the proposal is still considered unacceptable as it does not comply with JLDP Policy TAI 5 in relation to Local Market Housing which seeks to maintain Welsh speaking communities and applies to settlements within the plan where it has been demonstrated there are pressures. It is also considered that it will have negative impact on the character of the area.

Councillor Robin Williams proposed and was seconded by Councillor John Griffith that the application be refused in line with the Officer's recommendation.

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

### **12.8 46C578 – Full application for alterations and extensions to The Pavilion, Lôn Isallt, Trearddur Bay**

The application was reported to the Planning and Orders Committee as it is made on land in the Council's ownership.

The Planning Development Manager reported that the application site is located partially within flood risk Zone C2 and Natural Resources Wales (NRW) has requested that a flood consequence assessment be prepared to demonstrate how the development would deal with the consequences of flooding. Whilst a document was prepared, NRW considers its content insufficient to demonstrate that the pavilion extension adequately deals with the risks. Furthermore, the creation of a parking area introduces a new vulnerable use to the site and increases the flood risk. Although the Highways Authority raises no technical objection, the flood consequences assessment fails to demonstrate that the risk can be acceptably managed. The Officer said that the applicant has been given the opportunity to address the outstanding concerns and that the response received to date has proved insufficient to remove NRW's concern. The statutory consultee recommends refusal in line with national planning policy.

Councillor Dafydd Rhys Thomas speaking as a Local Member said that the extension proposed is modest and does not entail a significant change. The Pavilion is used as changing rooms by the local football team which is at the heart of Trearddur Bay. Local residents recall the Pavilion being flooded only once previously. Permission has recently been given to a small shop at the rear of the Lifeboat Station right by the seaside the building of which he did not believe entailed any mitigation measures. In addition, the Pavilion involves recreational rather than residential use. The proposal has involved the use public funds which it would be a great shame to waste and a disappointment to the community should the proposal be refused.

The Planning Development Manager clarified that whilst the proposal in itself is considered acceptable, the concern relates to the flooding risk. The Officer said that the applicant's report from which she read out the relevant extract confirms the flooding risk on site. Paragraph 6.2 of TAN 15 sets out the criteria whereby development can be justified in Zones C1 and C2; the proposal meets those criteria with the exception that the assessment does not demonstrate that the consequences of flooding can be adequately dealt with. In the ensuing debate on the application the Committee sought to establish the nature and extent of the flood risk and its likely effects. It was pointed out that the Pavilion building has existed for many years and with it the risk of flooding so the proposed extension does not create a new situation. The Planning Development Manager said that the proposal does create a new element in the form of the car park and as such the applicant must demonstrate how the development mitigates against the risk to an acceptable level.

The Legal Services Manager advised that as NRW has not specified what it requires as mitigating measures an option for the Committee would be to defer determining the application to allow the applicant to submit proposals to this end. The Planning Development Manager said that the applicant has responded, but that the response to date which involves trying to manage games and to keep a list of the car park's users has proved unsatisfactory to NRW.

Councillor Kenneth Hughes proposed that the application be approved contrary to the Officer's recommendation on the basis that the Pavilion building has existed on site for

many years and the proposal does not change the flood risk. The Planning Development Manager said that approval contrary to NRW's recommendation would need to be supported by technical evidence. The proposal was not seconded.

Councillor Dafydd Roberts proposed and was seconded by Councillor John Griffith that the application be deferred to allow the applicant further time to provide a response that will satisfy NRW.

**It was resolved that determination of the application be deferred for the reason given.**

## **13 OTHER MATTERS**

### **13.1 13C194 – Outline application for the erection of three affordable dwellings which include details of access, appearance, layout and scale on land opposite Llwyn Llinos, Bodedern**

The Planning Development Manager reported that the Committee approved the application at its 26 April, 2017 meeting subject to conditions and subject to a Section 106 agreement to ensure the development is delivered as affordable housing for local needs. The Inspector's report in relation to the JLDP proposes no change to the boundary of the village and the application continues to be considered an exception site.

The developer has made inquiries with the Highways Authority regarding the necessity of providing a pavement to the frontage of the properties. The Highways Authority has confirmed that the provision of such a pavement which it previously sought from the developer is not necessary as there is a pavement on the opposite side of the road and as the application is for affordable housing where the costs of provision would be prohibitive. However, it remains necessary to set back the frontage of the site to the width of a pavement to ensure pedestrian safety. The Section 106 agreement is being prepared and it is proposed to amend the conditions accordingly.

The Committee sought clarification of the timing of the request given that the pavement opposite existed at the time of the scheme's approval when provision of a pavement was sought by the Highways Authority.

The Highways Officer said that although the provision of a pavement would be beneficial, the case for insisting on such is weak in the context of a challenge. The developer did at the time put forward reasons for not having to provide a pavement. The Officer confirmed that the visibility in relation to the proposal is satisfactory and provides the maximum 90m on either side.

Councillor Kenneth Hughes proposed and was seconded by Councillor Vaughan Hughes that the conditions be amended in accordance with the Officer's report.

**It was resolved that the conditions attached to the consent be amended in accordance with the Officer's report.**

**Councillor Nicola Roberts  
Chair**