

Public Document Pack



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

Dr Gwynne Jones
Prif Weithredwr – Chief Executive
CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfeydd y Cyngor - Council Offices
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Ffôn / tel (01248) 752500
Ffacs / fax (01248) 750839

RHYBUDD O GYFARFOD	NOTICE OF MEETING
PWYLLGOR CYNLLUNIO A GORCHMYNION	PLANNING AND ORDERS COMMITTEE
DYDD MERCHER, 5 RHAGFYR, 2018 am 1.00 o'r gloch yp	WEDNESDAY, 5 DECEMBER 2018 at 1.00 pm
SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGEFNI	COUNCIL CHAMBER, COUNCIL OFFICES, LLANGEFNI
Swyddog Pwyllgor	Mrs Mairwen Hughes (01248) 752516
	Committee Officer

AELODAU / MEMBERS

Cynghorwyr / Councillors:

John Griffith
Glyn Haynes
T LI Hughes MBE
K P Hughes
Vaughan Hughes
Richard O Jones (Is-Gadeirydd/Vice-Chair)
Eric Wyn Jones
Bryan Owen
Dafydd Roberts
Nicola Roberts (Cadeirydd/Chair)
Robin Williams

Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy

A g e n d a

Members are reminded that background papers referred to within committee reports are available for inspection in electronic format on the day of the meeting at the Council Chamber from 12.30 p.m. onwards; alternatively these may be inspected at the Development Management during normal office hours. Documents referred to in reports may also be viewed in full on the electronic application files.

Any additional information to hand following publication of reports will be verbally reported upon to the meeting.

Before a decision notice is released conditions of approval or reasons for refusal given in written reports may be subject to minor amendments to account for typographical errors.

Index

1 APOLOGIES

2 DECLARATION OF INTEREST

To receive any declaration of interest by any Member or Officer in respect of any item of business.

3 MINUTES_(Pages 1 - 14)

To present the minutes of the previous meeting of the Planning and Orders Committee held on 7 November, 2018.

4 SITE VISITS

There were no site visits held following the 7th November, 2018 meeting of the Planning and Orders Committee.

5 PUBLIC SPEAKING

6 APPLICATIONS THAT WILL BE DEFERRED

None to be considered by this meeting.

7 APPLICATIONS ARISING_(Pages 15 - 18)

7.1 14C257 – Cefn Trefor, Trefor

8 ECONOMIC APPLICATIONS

None to be considered by this meeting.

Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy

9 AFFORDABLE HOUSING APPLICATIONS

None to be considered by this meeting.

10 DEPARTURE APPLICATIONS_(Pages 19 - 26)

10.1 43C182F/VAR – Troiad y Llanw, Rhoscolyn

10.2 49C308A/DEL – Capel Hermon, Llanynghenedl

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

None to be considered by this meeting.

12 REMAINDER OF APPLICATIONS_(Pages 27 - 42)

12.1 19C411N/1/ENF – 20 Parc Felin Ddŵr, Llaingoch, Holyhead

12.2 19C448B – Mountain View, Greenfield Terrace, Holyhead

12.3 39C589A/VAR/ENF – 1 Tros y Môr, St George's Road, Menai Bridge

13 OTHER MATTERS

None to be considered by this meeting.

This page is intentionally left blank

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 7 November, 2018

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Kenneth Hughes, Vaughan Hughes,
Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams
- IN ATTENDANCE:** Planning Development Manager (NJ)
Planning Enforcement Assistant (MO)
Administrative Assistant (WT)
Administrative Assistant (WW)
Development Control Engineer (JRPW)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillors Glyn Haynes, Trefor Lloyd Hughes, MBE
- ALSO PRESENT:** Local Members: Councillors R.G.Parry, OBE, FRAgS (for application 12.1), Margaret Murley Roberts (for applications 7.2 and 12.5)_Richard Dew (Portfolio Member for Planning) (for application 10.1)
-

1. APOLOGIES

The apologies for absence were presented and were noted.

2. DECLARATION OF INTEREST

Councillor Kenneth Hughes declared a personal and prejudicial interest with regard to application 12.2 on the agenda.

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on the 3 October, 2018 were presented and confirmed as correct:

4. SITE VISIT

The minutes of the planning site visit held on 17th October, 2018 were presented and were confirmed as correct.

5. PUBLIC SPEAKING

There were Public Speakers with respect to applications 10.4, 12.1 and 12.4

6. APPLICATIONS THAT WILL BE DEFERRED

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

7. APPLICATIONS ARISING

7.1 19LPA1043A/CC – Full application for the erection of 6 affordable dwellings, construction of a pedestrian access, creation of 8 parking spaces together with the demolition and relocation of gate posts on land adjacent to Vulcan Street, Holyhead

The application was reported to the Planning and Orders Committee because the Isle of Anglesey County Council is the applicant and the landowner. At its meeting held on 3 October the Committee resolved to convene a site visit; the application site was subsequently visited on 17 October, 2018.

The Planning Development Manager reported that the application was originally called in by Councillor Trefor Lloyd Hughes - a Local Member due to concerns over parking congestion in the vicinity of the newly built Cybi School which are also reflected in objections submitted by one local resident. In the Officer's opinion, the proposal in seeking to demolish the former snooker hall building and an attached residential property on site and replacing them with contemporary flats and houses in a highly sustainable brownfield location within easy access of schools and the town's amenities will improve the appearance of the area as well as the character of the nearby Grade II Listed Cybi building. The access to the school is to be retained and the gate pillars on the service road to Ysgol Cybi are to be re-aligned. Although part of the application site is currently used on an informal basis for car parking by residents and others, the area in question is owned by the Council and there is no lawful right to park thereon or requirement that the area be retained as a parking area.

The Officer said that Councillor Trefor Lloyd Hughes in tendering his apologies for absence for this meeting, had submitted his observations on the application which she read out. Those reiterated his concerns about parking and traffic problems particularly given that 900 pupils from the two schools use the area. The addition of six dwellings with potentially 2 vehicles in each dwelling brings the problem of parking to the forefront not just in Vulcan Street but Holyhead as a whole. Councillor Hughes suggests that parking needs to be looked at in terms of general policy and should be part of the decision-making process which at present it is not. Any costs in relation to highways with the application should be borne by the applicant. It would also be appreciated if the applicant could provide a footpath alongside the proposed new houses to join up with the current footpath at the back.

The Officer confirmed that the Highways Authority has no objections to the proposal there being provision for 8 off-street parking spaces as part of the development. With regard to the Local Member's request that a new footway be provided, there is at present a footway at the rear of the properties on the north west side of Vulcan Street and whilst the proposed development will restrict access to the northern side of the footway at the rear of 47 Vulcan Street, access will still be available from the southern side of the footway. The creation of an additional footway at the front of the proposed new units does not form part of the applicant's intention. This is in any case considered a civil matter rather than a matter for the Committee. As the proposal has been designed to comply with Secured by Design standards, the creation of footways to the rear of properties is not considered ideal in terms of promoting security and they can become a focal point for individuals to congregate. For the reasons given above, the recommendation is to approve the application.

The Legal Services Manager advised that the issue of who has rights over the footway is a civil legal matter where it would fall to the residents of Vulcan Street to prove their rights against the landowner, in this case the County Council. This applies if the footpath has not been registered as a public footpath in which circumstances the public in general would have statutory rights over the footway.

The Development Control Engineer in confirming that the proposed development complies with parking standards said that the applicant should not be penalised because of the wider parking problems on Vulcan Street nor expected to provide a solution to them.

Although the Committee acknowledged that there are parking and traffic issues on Vulcan Street which were apparent during the site visit it noted that the objections submitted on those grounds have been assessed by the Highways Authority which finds the proposal acceptable. The Committee also noted that there is a high demand in Holyhead for the type of affordable units which the application proposes to deliver as confirmed by the Housing Service which it deemed a material consideration.

Councillor Dafydd Roberts proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Vaughan Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and subject also to the receipt of any comments by the Council's Lifelong Learning Service.

7.2 42C188E/ENF – Retrospective application for the erection of a new build holiday letting unit at 4 Tai Hirion, Rhoscefnhir

The application was reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 5 September, 2018 the Planning and Orders Committee resolved to visit the application site. The site visit took place on 19 September, 2018. At its meeting held on 3 October, 2018, the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that the proposal was deemed to comply with Policy TWR 2.

Councillor Margaret Murley Roberts speaking as a Local Member said the applicants had received full planning permission in 2006 to convert outbuildings into 5 residential units with permission being given in 2014 to convert an outbuilding into a dwelling which was larger than the original scheme by extending it at the rear with the plan being to convert it into accommodation for visitors. When the walls of the outbuilding collapsed and it was re-built the Building Regulations Section did not foresee any problems and neither did Officers when a second application was made as it was for accommodation for visitors. Since the Committee's last meeting the Planning Service has made further investigations stating that there is no record of planning permission for the cheesemaking operation run from the neighbouring farm. In 2007 permission to make cheese on an agricultural farm was not needed as it was farm produce. However, the family wish it to be known that they are willing to comply with the Officers' wishes. The family has also provided business plan information confirming that the business is run as one business. In the current difficult financial climate farmers are encouraged to diversify – the family works hard running a bed and breakfast, taking in visitors and producing cheese on the farm, and have co-operated with the Officers. They have not concealed anything. Councillor Roberts said that the proposed development is in keeping with its location and it is hoped the Committee will support it.

The Planning Development Manager reported that Policy TWR 2 does support the development of new permanent serviced or self-serviced holiday accommodation providing they meet all the criteria. The proposal is not within the development boundary and neither is it located on previously developed/brownfield land as defined by Planning Policy Wales which defines such land as that which is or was occupied by a permanent structure but excluding agricultural or forestry buildings. The Supplementary Planning Guidance for Tourist Accommodation and Facilities which has been the subject of a

recent public consultation confirms that it is Planning Policy Wales's definition that is used for the purpose of the policy. Neither has an assessment of whether the proposal would lead to an intensification of such accommodation in the area been presented – notwithstanding the accountants have submitted comments these do not equate to an assessment of the accommodation provision in the area in accordance with the requirements of the policy. At the Committee's previous meeting the applicant suggested that the visitor accommodation was important in relation to the cheese making business given that cheese making courses including residential courses, are provided. Those attending the courses are able to stay on the caravan site when it is open but would stay in the visitor accommodation during the winter making this development important to the year round prosperity of the cheese making business. The Officer said that enforcement investigations have shown that the cheese making operation does not have planning permission which it is required to do as it does not fall within the Planning Act's definition of agricultural business being categorised as D2 use; neither does the caravan site comply with the consent given. The Officer said that the proposed development does not comply with Planning Policy Wales and Policy TWR 2 as it is not on brownfield land as defined by those policies. The Committee in approving the application has chosen a different definition of brownfield which potentially might lead to the submission of retrospective applications for all the operations on site so that there is consent for the cheese making operation, the caravan site and visitor accommodation under the Committee's definition of brownfield. However, based on the policy definition and on that in the Supplementary Planning Guidance, the proposal is contrary to policy and the recommendation remains to refuse the application.

In the ensuing discussion the following points were made by the Committee -

- That the proposal is on land and forms part of a development that has had planning consent and it would complete the complex as a tourist facility.
- That the proposal does meet criteria ii, iii, iv and v of Policy TWR 2 which were read out by Councillor Eric Jones
- Whether the proposal would be acceptable had not the walls of the original subject building collapsed and had to be re-built.

The Planning Development Manager responded as follows –

- That the proposal does not satisfy criteria i of Policy TWR 2 i.e. "in the case of new build accommodation that the development is located within a development boundary or makes use of a suitable previously developed site." The policy definition of a previously developed site excludes agricultural buildings. As the subject building was a former agricultural building it does not accord with the definition of a previously developed site meaning the proposal is contrary to policy.
- That the original consent was granted under the previous Development Plan policies which allowed the conversion of outbuildings. Had the original application involved substantial re-building it would have been rejected because the policy at the time would not have allowed it. As it is, the subject building has been re-built in its entirety and has therefore to be considered under current policies as new build holiday accommodation.

Councillor Richard Owain Jones said that at the Committee's previous meeting he had proposed that the application be approved subject to a Section 106 agreement to incorporate the operation at Tai Hirion and that at Rhyd y Delyn as one business unit. He sought clarification of whether this option was feasible.

The Planning Development Manager said that it is open for the Committee to take this course as the policy allows new build holiday accommodation if it is an extension of an existing holiday accommodation business. The applicant made this link between the two

operations at the previous meeting suggesting that the business is a single-family business entity. However, imposing a section 106 agreement does not overcome the issue of how a previously developed/brownfield site is defined, with the Committee's definition being contrary to what the Planning policy states is the correct definition.

Councillor Richard Owain Jones proposed that the application be approved contrary to the Officer's recommendation subject to a Section 106 agreement incorporating the operation at Tai Hirion and the cheese making operation at Rhyd y Delyn into one business. The proposal was seconded by Councillor Vaughan Hughes.

Councillor Eric Jones proposed that the application be approved contrary to the Officer's recommendation without a Section 106 agreement. The proposal was seconded by Councillor Kenneth Hughes.

Councillor John Griffith proposed that the application be refused in accordance with the Officer's recommendation. The proposal was seconded by Councillor Nicola Roberts.

The resulting vote was as follows –

For approving the application with a Section 106 agreement – Councillors Richard Owain Jones, Vaughan Hughes, Dafydd Roberts, Robin Williams.

For approving the application without a Section 106 agreement – Councillors Kenneth Hughes, Eric Jones, Bryan Owen

For refusing the application – Councillors John Griffith, Nicola Roberts

It was resolved to approve the application contrary to the Officer's recommendation subject to a section 106 agreement to incorporate the operation at 4 Tai Hirion and the operation at Rhyd y Delyn into one business unit and subject also to planning conditions to be determined by the Officers.

8. ECONOMIC APPLICATIONS

8.1 34C262H/FR/ECON – Full application for the erection of a building incorporating 8 separate units (used for light industrial purposes under use classes B1, B2 and B8) together with associated development on land at the former Cig Môn, Bryn Cefni Industrial Estate, Llangefni

The application was presented to the Planning and Orders Committee because part of the application site is located on Council owned land.

The Planning Development Manager reported that the proposed units will be located generally at the centre of the site with an access road running in an anti-clockwise circular pattern. Although the application site is located adjacent to the River Cefni and is in a C2 Flood Zone area, being for use classes B1, B2 and B8 it is categorised as less vulnerable development by Technical Advice Note 15 and is therefore considered low risk. Additionally, the units' finished floor levels will remain above extreme flood levels from the adjacent river. The Officer confirmed that Natural Resources Wales has assessed the application and has raised no objections to the proposed development. The proposal will bring a now redundant site back into sustainable employment use and the recommendation is therefore to approve the application.

Councillor Nicola Roberts proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

9. AFFORDABLE HOUSING APPLICATIONS

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

10. DEPARTURE APPLICATIONS

10.1 28C477B – Full application for the erection of 4 dwellings (1 affordable) together with the construction of a new vehicular and pedestrian access on land at Pencarnisiog Farm, Pencarnisiog

The application was presented to the Planning and Orders Committee as part of the application site is outside the development boundary of Pencarnisiog - therefore is contrary to policies of the Joint Local Development Plan - but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that the site plan indicates that the whilst the footprint and the curtilage of the proposed dwellings lie within the development boundary, part of the access road lies outside the boundary as do the drainage arrangements. Planning consent for the erection of two dwellings where the parking and drainage arrangements were in a similar position was granted under former Development Plan policies so in terms of layout the proposal is not dissimilar to that for which consent exists but with the addition of 2 further dwellings. The proposed development is considered acceptable in its location in terms of layout, appearance and scale having no negative impact on the amenities of the existing residential properties nor on the wider area. As part of the proposal, the applicant has confirmed that 7 parking places will be made available at the front of the application site in addition to those at the rear – these will be available for drop-off and pick-up by parents at the adjacent primary school. A contributing of £11,024.79 will be made to the Lifelong Learning Service as part of the proposal.

The Officer read out comments made by Councillor Richard Dew, a Local Member (who due to another commitment had left the meeting before the application was considered) confirming that neither he nor Pencarnisiog school had any objections to the development and that he welcomed the provision of an affordable dwelling as part of the proposal.

The Officer concluded by saying that as only a small part of the application site lies outside the development boundary and given the advantages of the proposal in providing for an affordable dwelling and an education contribution, the recommendation is to approve the application.

Councillor Bryan Owen proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Vaughan Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and subject also to a Legal Section 106 agreement for one affordable dwelling and the necessary education contribution payment.

10.2 3C182E/VAR – Application under Section 73A for the variation of conditions (03) (mitigation works), (08) (closure of the existing access) and (09) (plans) of planning permission reference 33C182D (conversion of outbuilding into a dwelling together with the formation of an access) so as to change the material finish together with submission of ecology details, mitigation licence and closure of access details after the works have commenced at Berw Uchaf, Gaerwen

The application was presented to the Planning and Orders Committee as the proposal is contrary to policies of the Joint Local Development Plan but is one which the Local Planning Authority is minded to approve.

The Planning Development Manager reported that planning consent was given in 2017 under previous Development Plan policies for the conversion of an outbuilding into a dwelling at Berw Uchaf, Gaerwen; however, the necessary ecology, mitigation licence and closure of access details have not been provided in accordance with the permission given hence the re-submission of the application in order to deal with those matters. The Officer confirmed that a copy of a licence issued by Natural Resources Wales authorising the works as approved to go ahead has now been submitted with the application as have details of the closure of the existing access which the Highways Authority has confirmed are acceptable. A request has also been made to change the external finishing material from wooden windows to UPVC which the Heritage Section of the Built Environment Service finds acceptable as having no harmful effect on the overall character of the building. The Officer concluded by saying that although the application is technically contrary to Policy TAI 7 of the Joint Local Development Plan, in light of the extant planning permission on the application site which has begun to be implemented, and given that the details submitted under the planning conditions are acceptable, the recommendation is to approve the application.

Councillor Dafydd Roberts proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Eric Jones.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

10.3 36C344B/VAR – Application under Section 73 for the variation of condition (07) of planning permission reference 36C344B/VAR (Amended plans for the erection of a dwelling) so as to allow drainage details to be submitted after work on land adjacent has commenced at Ysgol Henblas, Llangristiolus

The application was presented to the Planning and Orders Committee as the proposal is contrary to policies of the Joint Local Development Plan but which is one the Local Planning Authority is minded to approve.

The Planning Development Manager reported that planning consent for the erection of a dwelling on the application site was granted in 2016 under previous Development Plan policies. Surface water details were required to be provided prior to the commencement of work on site; however, those were not provided in advance of the commencement of work and the application is a request to provide the necessary details after the commencement of work on site. Those details have been submitted with the application and have been confirmed as acceptable by both the Highways Authority and the Drainage Section. The application is contrary to Policy TAI 6 of the Joint Local Development Plan but because of the extant planning permission for a dwelling on the site and because the details submitted are considered satisfactory, the recommendation is to approve the application.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

10.4 46C410H – Full application for the erection of a dwelling which includes a terraced decking area on land adjacent to Garreg Fawr, Lôn Garreg Fawr, Trearddur Bay

The application was presented to the Planning and Orders Committee as the proposal is contrary to policies of the Joint Local Development Plan but is one which the Local Planning Authority is minded to approve.

Public Speaker

Mr Glen Seddon spoke in support of the application and highlighted the amendments made to the scheme which make the development less intrusive thereby reducing its impact. The new plan and design are also more efficient and reduce the proposal's overall carbon footprint.

The Planning Development Manager reported that the application is for changes to the design of a dwelling for which planning consent already exists. The proposed amendments will result in a reduction in the scale and massing of the proposed development and represents a vast improvement on the proportions of the previously approved dwelling. Although the proposal in being for an open market property is contrary to Policy TAI 5 of the Joint Local Development Plan which supports local market housing, because of the extant planning permission and because the amended scheme improves on that previously approved, the recommendation is to approve the application.

Councillor Bryan Owen proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 11C73F/VAR – Application under Section 73 for the variation of condition (02) of planning permission reference 11C73E (conversion of the function room into four self-contained units and additional hotel rooms) so as to amend the number of self-contained units to two and increase the number of hotel rooms to 8 at Lastra Farm, Amlwch

The application was presented to the Planning and Orders Committee as a relevant officer as defined within paragraph 4.6.10.2 of the Constitution who is directly involved in the planning process has declared an interest in the application. The application has been scrutinised by the Monitoring Officer as required under the said paragraph.

The Planning Development Manager reported that the application is to change the layout and design of the planning consent granted in 2017 to convert the existing function room into four self-contained units together with two additional rooms, so as to reduce the number of self-contained units from 4 to 2 and increase the number of hotel rooms from 4 to 8. The amended scheme will not increase the existing footprint of what has been previously approved and will not result in any adverse impact on the amenities of nearby residential properties and as the changes are minor, the recommendation is to approve the application.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Richard Owain Jones.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

11.2 34C734 – Full application for the alternations and extensions together with an extension to the curtilage at 18 Nant y Pandy, Llangefni

The application was presented to the Planning and Orders Committee as it is made by a relevant officer as defined in the Council's Constitution. The application has been reviewed by the Monitoring Officer.

The Planning Development Manager reported that the application consists of an extension to the northern/side elevation of the dwelling. As the extension is modestly sized the massing of the resulting dwelling will not be out of context with the general area or out of character in terms of the massing of the surrounding residential properties. Due to the location of the extension, the proposal will not affect the amenities of the wider estate and whilst the proposal will face the garden of an existing property, its orientation means that there will be no impact from overlooking sufficient to warrant a refusal. The Officer said that the proposal also involves extending the curtilage to the north to accommodate the extension. The extension to the curtilage will not extend into the Dingle Nature Reserve and wildlife site which lies to the rear of the dwelling; the intention is to erect a wooden fence along the new curtilage to correspond to that which already exists. The Council's Ecology Adviser confirms that the proposal will have no ecology impacts on the Dingle Wildlife Site. The recommendation is therefore to approve the application.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

12. REMAINDER OF APPLICATIONS

12.1 14C257 – Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all matters reserved on land adjacent to Cefn Trefor, Trefor.

The application was reported to the Planning and Orders Committee as has been called in by a Local Member on the grounds of proximity to the cluster and a local need.

Public Speaker

Mr Gavin Evans spoke in support of the application and emphasised the family's local credentials with both he and his wife having been brought up in Llangefni – in Rhostrehwfa and Corn Hir respectively which is only about 7 miles from Trefor. Mr Evans said that both he and his wife work in Llangefni and are a Welsh speaking family. The land in question was bought from the Council last year with the intention of building a 4-bedroom affordable home for the family – the family's home in RAF Valley was too small with no chance of extending it. The house was put on the market and sold very quickly meaning that the family is now living on a temporary basis with his brother in Llynfaes which is not ideal. Mr Evans said that he wished to give his children the same freedom and countryside upbringing that he had. Buying a house in such a setting in the open market is out of reach so the only option is to build on their own land. The point is that the family is as close to Trefor as possible and are in need of an affordable dwelling.

Councillor R.G. Parry, OBE, FRAGS, a Local Member said that the family's intention was to apply for planning permission on the plot of land that was sold to them by the Council. He said that he did not consider the proposal to be intrusive as there are 10 two storey houses in Trefor, about 7 cottages and a chapel. With regard to being local, Councillor Parry said that for him personally, Anglesey is "local" although that is not the policy definition of local. The applicants currently reside in Llynfaes which like Trefor is in the Canolbarth Môn ward. Additionally, the Housing Service has confirmed that the

applicants are in affordable need. Councillor Parry asked the Committee to give the applicants a chance.

The Planning Development Manager reported that under Policy TAI 6 of the JLDP, Trefor is identified as a cluster. The policy supports proposals for affordable dwellings for local need providing all the criteria are met. The policy defines local need as "people in need of an affordable dwelling who have resided within the cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past". The home in RAF Valley which the applicant sold is in the Llifon ward area. The policy does not permit individuals to move out of other villages to clusters in order to obtain an affordable dwelling. Neither does the proposal meet the policy criteria in relation to scale being for a 9m high dwelling on a site where the property immediately next door and adjacent are single storey cottages and, as the proposal is also located on the edge of the village, it is considered that it will create an intrusive feature in this location. Although there are two storey dwellings in the area they are predominantly small scale with windows reaching the eaves. Notwithstanding the proposal satisfies some of the criteria as described in the written report, because it does not meet all the criteria it is considered to be contrary to Policy TAI 6 and it is therefore recommended that the application be refused.

In considering the application which it was minded to approve, the Committee made the following points –

- That from the Inset map the application site is adjacent to a coloured building and is within the curtilage of the property in front of it and forms a neat completion to the village.
- Whether there is an acceptable design for an affordable dwelling in terms of scale and size that makes it compliant as an affordable dwelling.
- That the applicant is originally from Lôn Gefn Rhostrehwfa which is a rural area within the Canolbarth Môn ward area with Trefor also being in the Canolbarth Môn ward area. The applicant has had to live outside the area for a temporary period because of prohibitively high house prices in Llangefni.
- That the application represents a confirmed housing need for an affordable dwelling for a local family and that the policy's rigidity prevents this local need from being met. The policy should be applied with common sense being mindful also that the land was sold with a view to obtaining planning consent.

The Planning Development Manager responded to the matters raised as follows –

- She confirmed that the proposal complies with policy in being part of the cluster. However, it is the Officer's opinion that the proposed development will due to its scale and size, create an intrusive feature in its location and is thereby contrary to the policy in this respect.
- That an assessment of what is affordable for the applicants has been made based on their situation and needs as a family (rather than there being a prescribed pattern for an affordable dwelling). The proposed dwelling reflects the needs of the family in relation to the size and number of bedrooms required. However, it is the Officer's view that the scale and size of the overall dwelling in its location is not in keeping with the dwellings around it and the proposal does not therefore comply with policy.
- That with regard to affordable housing for local need the policy definition is as stated above i.e. "people in need of an affordable dwelling who have resided within the cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past". Whether the applicant's connection with a rural area through his childhood upbringing satisfies the criteria is a matter of opinion. It is the Officer's view that the applicants

have not provided any evidence that they meet this criterion and therefore the proposal does not comply with policy.

- That how the land was sold to the applicant is not a material consideration.

Councillor Eric Jones proposed that the application be approved contrary to the Officer's recommendation on the basis that he believed the proposal to be compliant with Policy TAI 6 in terms of meeting the test with regard to local need and in terms of fitting into the general development pattern of the settlement without being intrusive. Councillor Kenneth Hughes seconded the proposal.

The Legal Services Manager advised it is a matter for the Committee to set out its definition of "local need" in the policy if it does not accept the definition provided by the Officer. The policy has been drafted to respond to the historical problem of finding a balance between local housing need and allowing housing development within settlements. If the Committee is minded to approve the application contrary to policy on this point it is likely to reopen the issue and it will make it difficult for it to keep the line in a number of similar applications where the Committee does not accept the policy's definition of local. Consequently, there is a risk of the Committee's being arbitrary in how it interprets the policy and what it deems to be local in the context of the policy.

In the ensuing vote, Councillors Eric Jones, Kenneth Hughes and Bryan Owen voted to approve the application contrary to the Officer's recommendation. Councillor John Griffith abstained because although he sympathised with the applicants' situation, he recognised the need to accept the policy as it is. Councillors Vaughan Hughes, Richard Owain Jones, Dafydd Roberts and Robin Williams also abstained on the grounds that despite having a great deal of sympathy for the applicants, they accepted the legal advice given.

It was resolved to approve the application contrary to the Officer's recommendation because the Committee deemed the proposal to be compliant with Policy TAI 6. (Councillors John Griffith, Vaughan Hughes, Richard Owain Jones, Dafydd Roberts and Robin Williams abstained from voting)

In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report on the reason given for refusing the application.

12.2 18C117 – Full application for the change of use of land to form a car park together with amendments to the existing vehicular access on land at Swtan, Church Bay

The application was reported to the Planning and Orders Committee as the application is made by the National Trust on County Council owned land.

As Councillor Kenneth Hughes had declared a prejudicial interest in the application, he withdrew from the meeting during the consideration and determination thereof.

The Planning Development Manager reported that the application is for the creation of a 6-bay car park for use by visitors to the nearby Swtan barns which will also involve re-arranging the existing access. The proposal is within an Area of Outstanding Natural Beauty but due to the small scale of the development it is not considered the scheme will have any negative effects on the wider area. A letter of objection has been received from the occupiers of the nearby residential property on the grounds of the intrusive location of the car park directly overlooking the rear garden of the property. Consequently, it was to be conditioned that a fence be erected on the boundary between the proposal and the property. The applicant has however proposed that instead of a fence he undertakes a hedge planting scheme as being more in keeping with the location which is within the

AONB. A condition that a management plan for the car park be provided to further mitigate against the issues raised by the objector is also proposed. With those conditions, the recommendation is to approve the application.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and subject also to additional conditions in relation to the provision of a management plan for the car park and the undertaking of a hedge planting scheme.

12.3 19C1111B – Full application for the construction of a vehicular access on land at Bodowen, Pentre Fferam Gorniog, Holyhead

The application was presented to the Planning and Orders Committee as the proposed new access is within the land that is owned by the Council.

The Planning Development Manager reported that the application is to construct a new vehicular access in front of the existing front garden of the Bodowen dwelling along with two new parking bays. The development lies within the Holyhead Mountain Conservation Area which is itself within the AONB. The applicant has provided further information indicating that due to the proposal's sensitive location, a new stone wall will be erected between the parking bays and the current garden wall and that gravel, not tarmac will be used for the parking bays and drive. Neither the Council's Heritage Advisor nor the Highways Authority raise any objections to the development. The recommendation is therefore to approve the application.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.

12.4 39C601 – Full application for the siting of 4 chalets (holiday use) together with the construction of a track and associated works on land opposite Cartrefle, Menai Bridge

The application was presented to the Planning and Orders Committee as it has been called in for the Committee's determination by a Local Member.

Public Speaker

Mr Jamie Bradshaw spoke in support of the application and responded to points of concern raised by local residents in relation to the effects of the proposal on privacy and amenity, suitability of the access and its location outside the development boundary. He said that the scheme has been subject to extensive discussions with Planning Officers with the aim throughout being to create a high-quality development that will complement its setting and respect visual and residential amenities which will provide high quality accommodation with resulting economic benefits for the area. He pointed out that Policy TWR 3 of the Local Joint Development Plan does not seek to restrict developments of this type to sites within development boundaries.

In response to a point of clarification raised by the Committee with regard to what the speaker meant by referring in his presentation to low-key use, Mr Bradshaw explained that the development comprising of only 4 chalets is modest in nature and is primarily for residential, rather than active commercial use there being no leisure element involved.

The proposal is for holiday chalets in a quiet wooded setting which is the market the applicant is aiming for and for which the development has been designed.

The Planning Development Manager reported that the application was originally for 5 holiday chalets rather than the 4 now proposed. The chalets have also been re-sited in response to comments made by consultees. The Officer said that Policy TWR 3 supports developments such as this as long as it does not lead to over provision in an area. The proposed development is considered acceptable when assessed against the provisions of the Anglesey Landscape Sensitivity and Capacity Study. The proposal also meets policy requirements in being located in an unobtrusive location which is screened by land and trees around the site and which is close to the main highway network. Developments such as that proposed do not have to be situated within the development boundary and the fact that the majority of the site is adequately screened and lies at a lower level than nearby residential properties serves to mitigate any effects on neighbours. The proposed development is not dissimilar to a low-density residential estate where the use would not be expected to give rise to any unacceptable noise disturbance apart from the fact that a residential development would not be permissible outside the boundary. Conditions to regulate external lighting and to prevent the removal of trees in order to safeguard the existing natural screening are also proposed. There are no technical objections to the proposal and the recommendation is one of approval.

In response to questions raised by the Committee, the Officer clarified that the application site lies opposite the AONB but is sufficiently screened so that any visual impacts are reduced. Whilst none of the trees surrounding the site are subject to a TPO, the proposal provides an opportunity to impose conditions to manage the trees and ensure the natural screening remains. Additionally, the Anglesey Landscape Sensitivity and Capacity Study has assessed the capacity of each landscape character area on Anglesey to accommodate static caravan, chalets or permanent camping accommodation. It is not considered that the proposal in question in being very small (defined as up to 10 units) would lead to an intensification in such provision in the area and is therefore acceptable.

Councillor Robin Williams, also a Local Member said that he believed that it is an anomaly in the policy that a chalet development is permissible outside the development boundary but not a residential development. The proposal is unlike anything else currently on Holyhead Road and is close to a cemetery which is important to many people in the locality. Councillor Williams added that had he known or been informed that Policy TWR 3 does allow developments of this type outside the development boundary, he would not have called in the application. However, he still believed the proposal to be inappropriate in its setting and would therefore abstain from voting on the application.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Bryan Owen.

**It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein.
(Councillor Robin Williams abstained from voting)**

12.5 40LPA356/CC – Full application for the erection of 3 affordable dwellings, landscaping and other associated development on land at Ffordd Lligwy, Moelfre

The application was presented to the Planning and Orders Committee because the County Council is the applicant and landowner.

Councillor Margaret Murley Roberts speaking as a Local Member confirmed her and the Community Council's support for the proposal but emphasised that it was hoped the affordable dwellings proposed would be for local people. If so, it could release much

needed council housing for families in the area given that it very difficult for families to buy or rent in the locality because of market prices and the number of second homes with the knock-on effect this has for services e.g. recruiting to the lifeboat.

The Planning Development Manager reported that Moelfre is classified as a Local Village under the provisions of Policy TAI 5 of the JLDP which permits local market housing proposals on suitable sites within the settlement boundary subject to the maximum unit size specified – therefore the proposed dwellings will be for local people in accordance with the policy. As well as being for people within the community the 3 proposed units will also be affordable dwellings but, as the Council is the applicant this would be administered through a condition rather than through a legal agreement as it would not be possible for the Council to complete a legal agreement with itself. Although Policy TAI 15 (Affordable Housing Threshold and Distribution) only requires 30% of the units to be affordable the application will be developed for 100% affordable housing. In terms of all other considerations, the proposal is considered acceptable there being no highways objections nor undue design or amenity impacts arising therefrom.

Councillor Eric Jones proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Richard Owain Jones.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions contained therein and to the receipt of comments from the Council's drainage section.

13. OTHER MATTERS

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

**Councillor Nicola Roberts
Chair**

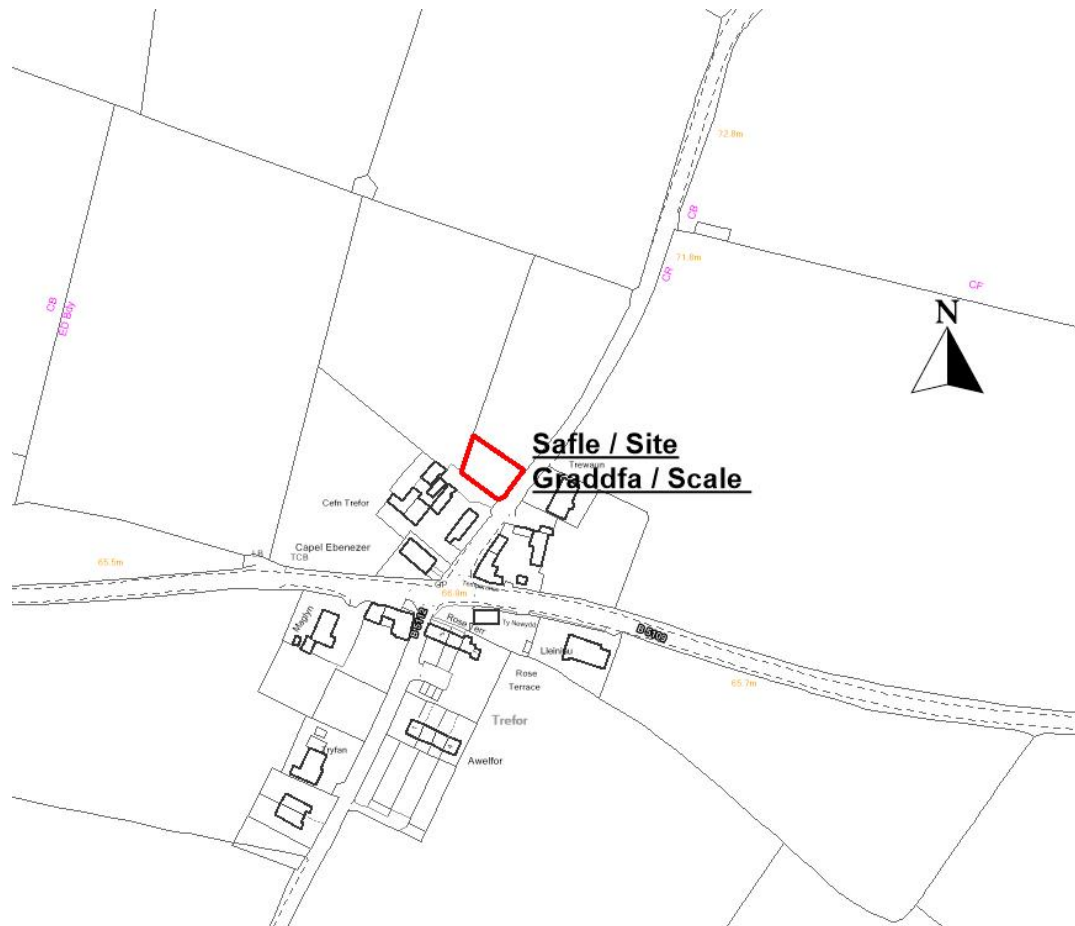
Planning Committee: 05/12/2018

7.1

Application Reference: 14C257

Description: Cais amlinellol ar gyfer codi annedd fforddiadwy yn cynnwys manylion llawn am y fynediad i gerbydau a draenio gyda'r holl faterion eraill wedi eu cadw yn ôl ar dir ger / Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all other matters reserved on land adjacent to

Site Address: Cefn Trefor, Trefor



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Refusal

Reason for Reporting to Committee

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

At its meeting held on the 7th November, 2018 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- The proposed dwelling fits into the area and will not look out of place.
- The applicants are local to the area as the application site is within Canolbarth Mon ward where they were brought up and so the proposal complies to Criterion 4 of the Policy.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that: "Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution." Paragraph 4.6.12.2 requires that; "The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."

This report will therefore give consideration to these matters;

-The proposed dwelling fits into the area and will not look out of place.

It is not considered that the proposed dwelling complies with criteria 3 or 4 of Policy TAI 6 which states that the development is of a scale that is consistent with the character of the settlement. The proposed scale of the development as follows:

Between 5-6m wide
Between 6-7m long
Between 7-9m high

The properties immediately next door and adjacent to the application site are single storey cottages and, where two storey, are very low to eaves and of a smaller scale than the proposal. It is not considered that a 9m high dwelling will be consistent with the character of the settlement and fails to meet this criteria. To meet criteria 3 the proposed dwelling would need to be reduced to respect other dwelling heights in the immediate vicinity.

Criteria 4 of Policy TAI 6 states that the proposal will not create an intrusive feature in the countryside, and will not introduce a fragmented development pattern, nor create a ribbon development contrary to the general development pattern of the settlement. The proposal fails to meet this criteria as a 9m high dwelling will create an intrusive feature in this location bearing in mind the immediate properties are single storey cottages.

-The dwelling would be within the Canolbarth Mon Ward.

The members considered that the application site was within the Canolbarth Mon Ward; therefore, considered that the applicant complied with the definition of local.

The Glossary of terms defines local need in clusters as follows.. 'people in need of an affordable dwelling who have resided within the cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past. This is to ensure that growth in these settlements will not draw people with no connection to the settlement out of Service Centres/Village.

It is therefore not considered that the application site being located within the Canolbarth Mon Ward complies with the definition of local need as defined within the glossary of terms. Therefore it is not considered the applicant complies with criteria 1 of TAI 6.

The Joint Local Development Plan has a clear definition of local need. The committee's definition does not correspond and by introducing a different definition to support this application the committee risks further ad hoc decisions contrary to the development plan it has recently adopted.

Conclusion

It has been shown above that the reasons for refusal given by officers are clear cut and can be weighted to such an extent that a refusal of this application could be defended at an appeal.

Recommendation

Refusal

(01)The local planning authority considers that the development would be contrary to the provision of Policy TAI6 and PCYFF1 of the Joint Local Development Plan.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

This page is intentionally left blank

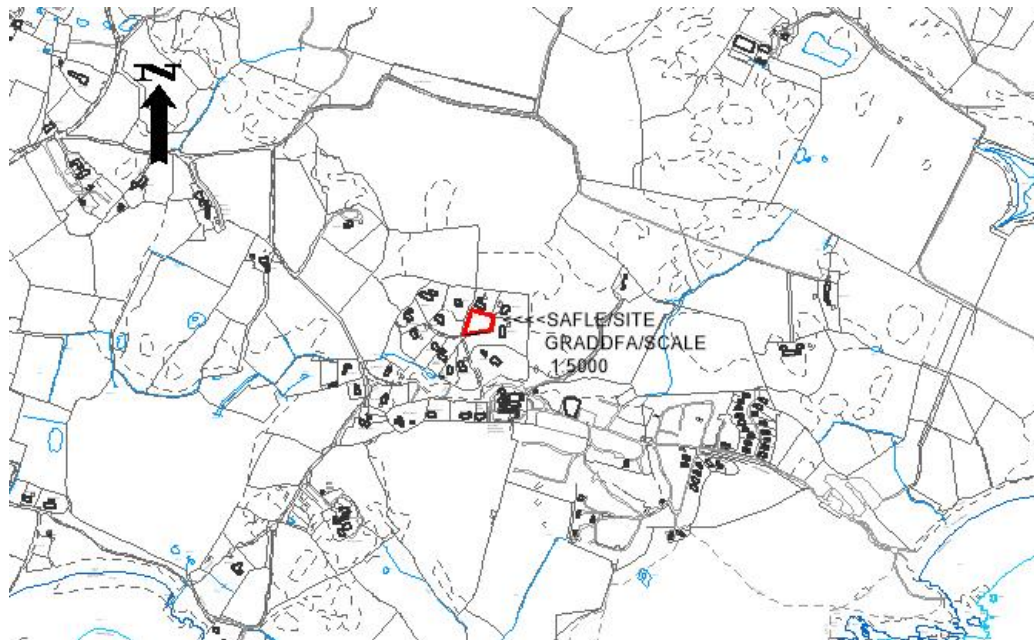
Planning Committee: 05/12/2018

10.1

Application Reference: 43C182F/VAR

Description: Cais o dan Adran 73A i ddiwygio amod (10) (cynlluniau a gymeradwywyd) o ganiatd cynllunio rhif 43C182A (codi annedd gyda balconi ynghyd chodi modurdy ar wahan) fel y gellir gwneud newidiadau i ddyluniad y modurdy wedi i'r gwaith gychwyn ar y safle ar dir ger / Application under Section 73A for the variation of condition (10) (approved plans) of planning permission reference 43C182A (erection of a dwelling with a balcony together with the erection of a detached garage) so as to allow amendments to the design of the garage after works have commenced on site on land adjacent to

Site Address: Troiad y Llanw, Rhoscolyn



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Approved

Reason for Reporting to Committee

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve

Proposal and Site:

Application under Section 73 for the variation of condition (10) of planning permission reference 43C182A (The development shall be carried out in strict conformity as shown in the submitted plans) so as to amend the design of the garage on land adjacent to Troiad y Llanw, Rhoscolyn.

Key Issues

The key issue is whether the proposal is an improvement to that originally approved under application reference 43C182A.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries

Response to Consultation and Publicity

Consultee	Response
Cynghorydd John Arwel Roberts	No response at the time of writing the report
Cynghorydd Dafydd Rhys Thomas	No response at the time of writing the report
Cynghorydd Trefor Lloyd Hughes	No response at the time of writing the report
Cyngor Cymuned Rhoscolyn Community Council	No response at the time of writing the report

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 9/11/18. At the time of writing the report two letters of objection had been received.

Relevant Planning History

43C182A - Full application for the erection of a dwelling which includes a balcony, erection of a garage together with the installation of a septic tank on land adjacent to Troiad y Llanw, Rhoscolyn – 21/12/15 – Granted

43C182B/SCR – Screening opinion for the erection of a dwelling at Troiad y Llanw, Rhoscolyn – 16/11/15

43C182C/DIS – Discharge condition (05), (07), (08), (09) – Discharged 29/6/17

43C182D/MIN – Minor amendment to scheme previously approved under planning permission 43C182A so as to amend the external materials on land adjacent to Troiad y Llanw, Rhoscolyn – Granted 20/7/17

43C182E/VAR – Section 73A for the variation of condition (10) (approved plans) so as to allow the design of the garage at Troiad y Llanw, Rhoscolyn – Withdrawn 15/8/18

Main Planning Considerations

The principle of developing the site has already been established under a historical Certificate of Lawfulness dated 06/06/2012 under 43C182. A full application was granted on the 21/12/15 under planning application 43C182A for the erection of a dwelling, together with the erection of a garage at Troiad y Llanw, Rhoscolyn on the 21/12/15.

Joint Local Development Plan

Rhoscolyn is in an open countryside location and not within a recognised settlement. Therefore residential development is strictly controlled in this area.

The application currently under consideration does not comply with Policy PCYFF1 of the Joint Local Development Plan; However, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission an improvement on that previously approved.

Application reference 43C182A was approved on the 21/12/15 and it is likely to be implemented.

The amendments proposed in the current application are as follows:-

- The design of the garage has been amended as follows:
 - The materials of the garage have been amended from brick and slate roof to brickwork and timber cladding and slate roof.
 - The height of the garage has been reduced from 5m high to 4.8m high
 - The width of the garage has been reduced from 6.8m to 6.7m
 - The roof pitch has been rotated so that the roof falls towards the front and rear elevation.

It is considered that the amendments have no additional impacts over the scheme that was previously approved under planning permission 43C182A.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 9/11/18. At the time of writing the report 2 objections were received. Their objections being as follows:-

- The garage is bigger than the original approval and will have a negative visual impact upon the AONB.
- Overdevelopment of the site
- Materials not in keeping with the area
- Changing the roof pitch will have a negative impact on our property

In response to the above objections:

- The garage is lower in height and width than what was previously approved under planning application 43C182A.
- It is not considered that the garage will be an overdevelopment of the site as it is located in the same location as that which was previously approved.
- The materials are high quality and it is not considered that it will be out of keeping with the area.
- It is not considered that changing the roof pitch will have a negative impact upon the immediate residential property due to its distance from the neighbouring residential properties.

Conclusion

The application is contrary to Policy PCYFF1 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for the erection of a dwelling and garage.

It is considered that the previous application 43C182A is likely to be implemented and the amendments to reduce the proposed garage are considered an improvement to that originally approved.

Recommendation

Permit

(01) The development to which this permission relates shall be begun no later than 21/12/20.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

(02) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: To comply with the requirements of the Highway Authority.

(03) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining carriageway.

Reason: To comply with the requirements of the Highway Authority.

(04) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall.

Reason: To comply with the requirements of the Highway Authority.

(05) The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To comply with the requirements of the Highway Authority.

(06) The developer shall write to the Local Planning Authority within 7 days of the commencement of the development (as that terms is defined in Section 56 of the Town and Country Planning Act 1990 as amended) to advise it of the fact. At no time thereafter shall the developer commence development or undertake any further work amounting to development on any of the following permission: [43C182A - Full application for the erection of a dwelling which includes a balcony, erection of a garage together with the installation of a septic tank on land adjacent to Troiad y Llanw, Rhoscolyn].

Reason: to prevent the implementation of separate planning permissions concurrently which would be objectionable to the Local Planning Authority.

(07) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Elevation as Proposed 15-022-PL05 Rev B Received with planning application 43C182D/MIN
- Upper Level Floor Plan as Proposed 15-022 PL03 Rev A Received with planning application 43C182D/MIN
- Lower Level Floor Plan 15-022 PL04 Received with planning application 43C182A
- Elevations as Proposed 15-022 PL06 Rev A Received with planning application 43C182D/MIN

- **Site Section A-A as Existing and As Proposed 15-022 PL07 Received with planning application 43C182A**
- **Location Plan 15-022 LP01 Rev A Received with planning application 43C182A**
- **Site Plan as Proposed 15-022 PL02 Rev F Received with planning application 43C182F/VAR**
- **Proposed Elevations of Garage Swift Oak Received with planning application 43C182F/VAR**
- **Garage Roof covering and Wall Cladding as Proposed 15-022 PL10 Rev A Received with planning application 43C182F/VAR**
- **Drainage Plans EL (95)03 Rev A**
- **Drainage Plans EA (95) 03**
- **Drainage Plans 15-022 BR02 Rev C Received with planning application 43C182C/DIS**
- **Reptile and Nesting Birds Reasonable Avoidance Scheme + Method Statement Clwydian Ecology dated 17-3-17 Received with planning application 43C182C/DIS**

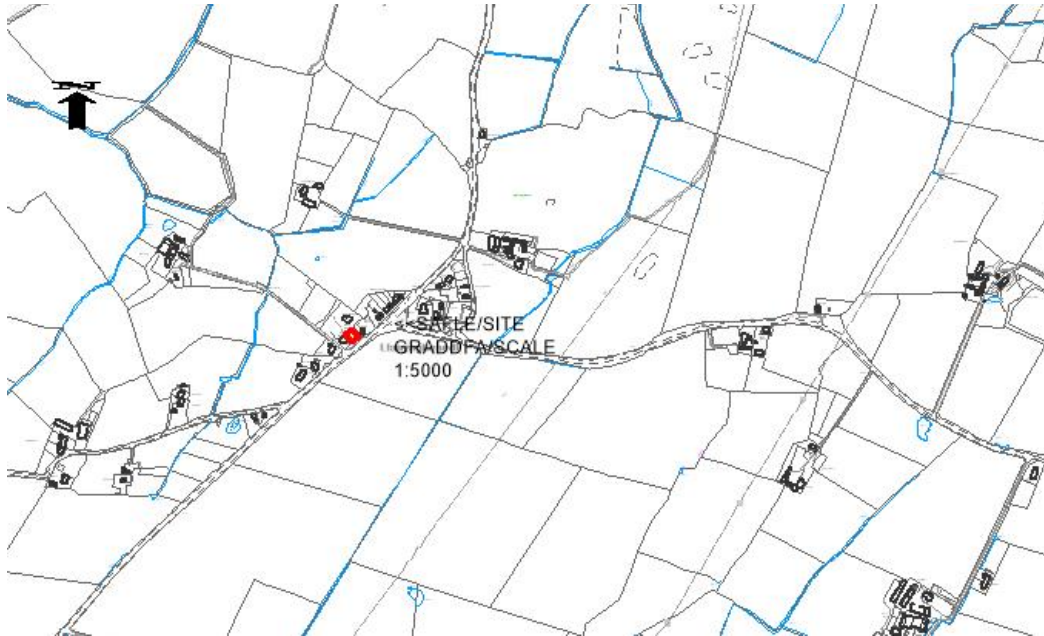
Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: 49C308A/DEL

Description: Cais o dan Adran 73a i dynnu amod (03) (mynedfa a lle parcio) o ganiatâd cynllunio rhif 49C308 (Cais ôl-weithredol i gadw newid defnydd y capel i annedd ynghyd a chreu mynedfa newydd i gerbydau) yn / Application under Section 73a for the removal of condition (03) (access and parking area) from planning permission reference 49C308 (Retrospective application for the retention of the change of use of the chapel into a dwellinghouse together with the construction of a new vehicular access) at

Site Address: Capel Hermon, Llanynghenedl



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve

Proposal and Site:

Application under Section 73a for the removal of condition (03) (access and parking area) from planning permission reference 49C308 (Retrospective application for the retention of the change of use of the chapel into a dwellinghouse together with the construction of a new vehicular access) at Capel Hermon, Llanynghenedl.

Key Issues

The key issue is whether the highways authority is satisfied that there is adequate car parking available.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy TAI 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Gwilym O Jones	No response received
Highways and Transportation	There is sufficient space within the layby to accommodate the parking associated with this development; therefore no objection raised to delete the condition.
Cyngor Cymuned Y Fali / Valley Community Council	No response received
Cynghorydd Richard Dew	No Response Received

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 5/12/18. At the time of writing the report no letters were received.

Relevant Planning History

49C308 - Retrospective application for the retention of the change of use of the chapel into a dwellinghouse together with the construction of a new vehicular access at Capel Hermon, Llanyngnedl
- Approved 4/12/12

Main Planning Considerations

The principle of the conversion has already been established under planning application 49C308 where permission was granted for the conversion of the chapel into a dwelling at Capel Hermon, Llanyngnedl on the 4/12/12.

Joint Local Development Plan

The Joint Local Development Plan states that conversion of traditional buildings for residential use will only be permitted for employment use, if this is not an option, the development could provide an affordable unit. However, as the application site has an extant planning permission and the residential use has taken place prior to December 2012, the following must be considered:-

- Is there a likelihood that the existing permission can be implemented
- Are the amendments to the permission an improvement on that previously approved.
- Whether the Highways Authority are satisfied with the current parking arrangements.

Application reference 49C308 was approved on the 4/12/12 and the use as a dwellinghouse has commenced; therefore the permission has been safeguarded.

The amendments are proposed in the current application as follows:-

- Condition (03) required the applicant to provide access and parking arrangements to the local planning authority within one month of the permission. No details had been received; however, the applicant has requested that this condition is deleted due to adequate car parking facilities in front of the site.

The Highways Authority has confirmed that there is adequate car parking space within the layby to accommodate the parking associated with the development; therefore, no objection has been raised to delete the condition.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 5/12/18. At the time of writing the report no objections were received. It is not considered that the proposal will have a negative impact upon neighbouring properties.

Conclusion

The application is contrary to Policy TAI7 of the Joint Local Development Plan; however the fallback position is that the application site has obtained planning permission for the conversion of the chapel into a dwelling with the use already commenced prior to December 2012.

It is not considered that condition (03) (access and car parking arrangement) went to the heart of the permission. The highways authority has confirmed that they have no objection to deleting the condition as there is sufficient car parking arrangement available in the layby.

Recommendation

Permit

(01) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2m. of the said wall.

Reason: To ensure that the siting and design of the sign will be satisfactory from an amenity point of view and to comply with the requirements of the Highway Authority in the interests of the safety of vehicular and pedestrian traffic.

(02) No surface water from within the curtilage of the site to discharge onto the County Highway. The drainage of the highway at the access along the frontage to be carried out to the requirements of the Highway Authority before any work on the remainder of the development is commenced.

Reason: To comply with the requirements of the Highway Authority.

(03) The provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.

Reason: In the interests of residential and visual amenity.

(04) The development permitted by this consent shall be carried out strictly in accordance with the plans submitted under planning application reference 49C308.

- **Location Plan - Received 17-10-18**
- **Proposed Floor Plan and Sections - Received 7-9-18**

- **Proposed Elevations - Received 7-9-18**

Reason: To ensure that the development is implemented in accord with the accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

This page is intentionally left blank

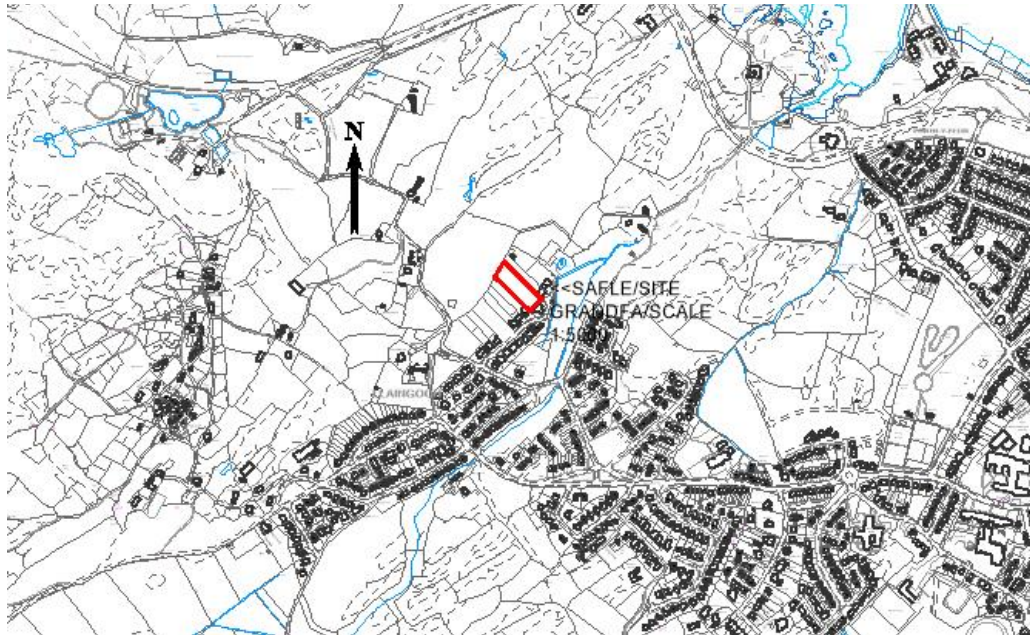
Planning Committee: 05/12/2018

12.1

Application Reference: 19C411N/1/ENF

Description: Cais ôl-weithredol ar gyfer rhannu'r annedd i ffurfio dwy annedd ar wahân yn / Retrospective application for the sub division of the dwelling to form two separate dwellings at

Site Address: 20 Parc Felin Dwr, Llaingoch, Caergybi/Holyhead



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site:

The proposal is a retrospective application for the sub-division of the existing dwelling in order to create an additional dwelling. Both properties would share the same vehicular and pedestrian access which currently serves the existing dwelling.

The site lies on a private residential estate within the settlement of Holyhead. The general pattern of development on the remainder of the estate consists of modest detached dormer bungalows.

Key Issues

The application's main issues are whether the proposal complies with current local and national policies and whether the proposal would have a detrimental impact on the surrounding properties, surrounding area or on highway safety.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries
Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy TAI 1: Housing in Sub-Regional Centre & Urban Service Centres

Planning Policy Wales (Edition 9, November 2016)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Shaun James Redmond	Call-in due to effect on character of neighbourhood, noise disturbance and overlooking, loss of privacy and parking space issues.
Cynghorydd Glyn Haynes	Call-in due to loss of privacy and concern in regards to parking congestion.
Highways and Transportation	No comments.
Dwr Cymru/Welsh Water	Recommended conditional approval in regards to surface water drainage.
Cyngor Tref Caergybi / Holyhead Town Council	No response to date
Cynghorydd Dafydd Rhys Thomas	No response to date
Cynghorydd Robert Llewelyn Jones	No response to date
Cynghorydd John Arwel Roberts	No response to date
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response to date.
Cynghorydd Trefor Lloyd Hughes	No response to date

The proposal was afforded two means of publicity these were by the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representations was 26th October, 2018 and at the time of writing this report two letters of representation had been received at the department. The main issues raised can be summarised as follows;

- i) Loss of amenity, noise disturbance, overlooking and loss of privacy.
- ii) Out of character as the remainder of the estate are detached properties.
- iii) Insufficient parking facilities and increase in traffic.
- iv) Planning permission has previously been granted to extend the property and the applicant has deliberately carried out works to sub-divide the dwelling.

In response to these issues I would respond as follows;

- i) The proposal does not involve the extension to the existing footprint of the dwelling and therefore will not be situated any closer to the adjoining properties than the existing dwelling. The sub-division of the

dwelling will not have a detrimental effect on the adjoining properties due to the existing use of the site as a residential dwelling.

- ii) Whilst the property will be sub-divided into two properties there will be no external changes to the property and therefore no visual impact arising from the development.
- iii) The applicant has submitted drawings illustrating the number of parking spaces within the curtilage and the Highway Authority have confirmed that there is no objection to the proposal.
- iv) Whilst it is acknowledged that planning permission was originally granted for alterations and extensions and the applicant has in fact sub-divided the dwelling following extending the property the application currently under consideration is a retrospective application to retain the additional separate dwelling.

Other issues have also been raised in regards to incidents which have led to police intervention and the burning of waste on site however these are not material planning considerations.

Relevant Planning History

19C411A/1 - Formation of an extension to the curtilage together with the erection of a garden shed at 20 Parc Felin Ddwr, Llaingoch, Holyhead - Approved 25/07/2002

19C411J/1 - Extension to property and a new garage at 20 Parc Felin Ddwr, Llaingoch, Holyhead - Approved 21/05/2009

Main Planning Considerations

Policy Context – Paragraph 14.2.2 of the Welsh Government Development Management Manual states that *‘Although it is not a criminal offence to carry out development without first obtaining any necessary planning permission, such action is to be discouraged. The fact that enforcement action is discretionary and should be used as a last resort and only when it is expedient, should not be taken as condoning the wilful breach of planning controls. Powers are available to local planning authorities to bring unauthorised development under planning control, and it is for them to decide which power, or combination of powers, to use.’*

Paragraph 14.2.3 states: *‘When considering enforcement action, the decisive issue for the local planning authority should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of planning control which causes no harm to public amenity. The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought, but which is otherwise acceptable.’*

Holyhead is identified as an Urban Service Centre under Policy TAI 1 of the Joint Local Development Plan and the site that forms the current application site lies within the development boundary of Holyhead.

Impact on surrounding area - Concern has been raised by members of the public and Local Member that the development is out of character with the surrounding area as the remainder of the properties on the estate are detached dwellings. Whilst the proposal involves the sub-division of the existing building in order to create two properties within the plot the proposal does not involve any further alterations and extensions and therefore the building will appear as one residential unit and therefore will not be out of character with the surrounding properties.

Impact on surrounding properties - Concern has also been raised by Local Members and members of the public that the proposal will result in overlooking, loss of privacy and general disturbance by way of noise to the adjoining properties. As stated above whilst the existing dwelling has been sub-divided to form two dwellings the proposal has not resulted in an increase in the footprint of the dwelling. It is not considered that the sub-division of the dwelling will result in overlooking or loss of privacy to the adjoining

properties as the proposal is not located any further to the boundary of the adjoining properties than the extended dwelling. The side of plot 1 which fronts the side of 21 Parc Felin Ddwr has a lounge and kitchen and a master bedroom on the first floor. The previous use of the ground floor rooms were lounge and kitchen and the first floor room was used as a family room.

Access to plot 2 is located along the side of the dwelling and fronts the side of 16 Parc Felin Ddwr. There is an existing 6 ft fence along the boundary of the site with 16 and 18 Parc Felin Ddwr and therefore the increase in pedestrian access to the new dwelling will not harm the amenities of the adjoining properties.

Another concern raised is that the development will cause general disturbance by way of noise to adjoining properties however as the site is located on a private residential estate which comprises of 18 properties the creation of one additional dwelling will not generate noise disturbance to such a degree as to warrant the refusal of the application.

Highways Safety - Concern has also been raised that the proposal will not include parking facilities and will generate additional traffic. As stated above the site is situated on a residential estate comprising of 18 residential units and it is not considered that the one additional residential unit created will have a detrimental impact on highway safety. The Highway Authority requested further information in regards to the parking facilities and additional information has been received from the applicant illustrating parking for 10 vehicles. The Highway Authority have confirmed that they have no objection to the scheme.

Conclusion

The sub-division of the dwelling complies with current policies and will not have a detrimental impact on the amenities of the surrounding properties, surrounding area or have a detrimental impact on highway safety.

Recommendation

Permit

(01) No surface water from any increase in the roof area of the building / or impermeable surface within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan EL(--)**01****
- **Block Plan EL(--)**02** Revision A**
- **Floor Plans and Elevations EL(--)**02****

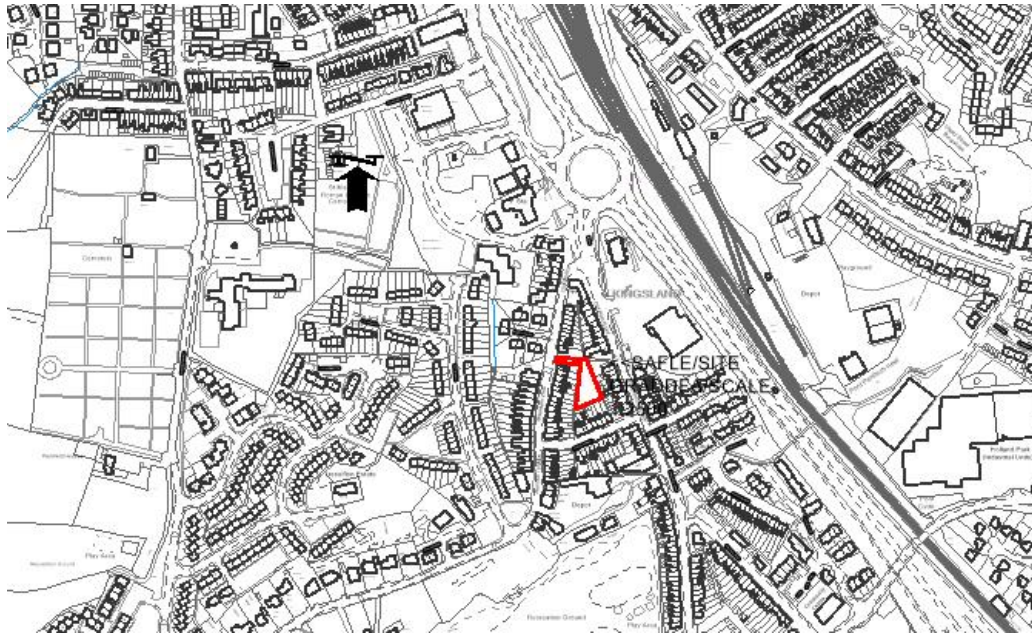
Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: 19C448B

Description: Cais amlinellol ar gyfer codi 2 annedd sydd yn cynnwys manylion llawn am y mynedfa ar dir rhwng / Outline application for the erection of 2 dwellings which includes full details of the access on land between

Site Address: Mountain View, Greenfield Terrace, Caergybi / Holyhead



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

Local Member Call-in

Proposal and Site:

The application is an outline application for the erection of 2 dwellings which includes full details of the access on land between Mountain View and Greenfield Terrace, Holyhead. The application was called in by the local member (Cllr Trefor Lloyd Hughes) due to drainage concerns and the site has footpaths around the site but no details of these as part of the application.

Key Issues

The key issue is whether the proposal can be supported by national and local policies and whether the proposal fits into the area without having a negative impact upon immediate residential properties.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
 Policy ISA 1: Infrastructure Provision
 Policy PCYFF 3: Design and Place Shaping
 Policy PCYFF 1: Development Boundaries
 Policy TAI 1: Housing in Sub-Regional Centre & Urban Service Centres
 Policy TAI 8: Appropriate Housing Mix
 Policy TAI 15: Affordable Housing Threshold & Distribution

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Dafydd Rhys Thomas	No objection to the development. The development of houses here would benefit the area as the land is being used as a dumping ground for litter and waste. This would solve a serious problem and provide much needed homes.
Cynghorydd John Arwel Roberts	No response received
Cynghorydd Trefor Lloyd Hughes	Requested that the application is presented to the planning committee for consideration for the following reasons: <ul style="list-style-type: none"> - Footpaths around the site and no reference to this in the application - Drainage problems
Cyngor Tref Caerdybi / Holyhead Town Council	No response at the time of writing the report
Pennaeth Gwasanaethau Tai / Head of Housing Services	Confirmation that a £20,000 pro-rata contribution for affordable housing is required.
Environmental Health	Confirmation has been received that the land in question has been the source of recurring complaints made to the Public Protection Section by local residents, regarding its unkempt amenity condition and that it has been subject to incidents of fly tipping and source of rodent infestations that have affected neighbouring residential properties. The public protection section has confirmed their support to the development of the site subject to a contaminated land condition placed on the permission.
Gwasanaeth Addysg / Education Service	Confirmation has been received that no education contribution is required on this occasion.
Highways and Transportation	Conditional Approval.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Confirmation that a pro-rata contribution of £20,000 is required for affordable housing
Technical Section (Drainage)	Surface water drainage details will be required with the reserved matters application.
Dwr Cymru/Welsh Water	Conditional Approval

A site notice was placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 12/10/18. At the time of writing the report one letter was received objecting to the proposal. The main reasons for objecting as follows:

- Issues of title ownership of the vehicular access and right of way for the objector.

In response to the letter of objection:

- The issue was brought to the attention of the applicant and they have confirmed that they have used the access for the previous coal yard use and for several years since this time. This seems to be a private dispute.

Relevant Planning History

19C448 - Erection of two dwellings at Greenfield Terrace, Holyhead - Refused 12/7/91

19C448A - Erection of two dwellings on land adjacent Greenfield Terrace, Holyhead- Refused 17/9/91

Main Planning Considerations

This is an outline planning application for the erection of 2 dwellings with details of access considered as part of this planning application, all other details are reserved for future consideration.

Policy Considerations

In the JLDP Holyhead is identified as an Urban Service Centre under Policy TAI 1. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based upon the indicative provision shown within the Policy. This site lies within the Holyhead development boundary.

The indicative provision for Holyhead over the Plan period is 833 units (which, includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc). In the period 2011 to 2017 a total of 138 units have been completed in Holyhead (1 unit on an allocated site and 137 units on windfall sites). The land bank, i.e. sites with existing planning consent, at April 2017 stood at 646 units although 268 of these are unlikely to be completed). This means that at present there is capacity within the indicative provision for the settlement of Holyhead.

Policy TAI 15 states that the Authorities will try to secure an appropriate level of affordable housing in the Plan Area. It is noted that the priority should be the provision of an element of affordable housing as part of the development. Policy TAI 15 states "Where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain a priority. However, if it is deemed that this is not possible, a pro-rata payment will be expected rather than no affordable provision on the site." As the proposed development represents an increase of 2 units, this meets the threshold noted in Policy TAI 15 to make an affordable housing contribution.

As Holyhead is located within the 'Holyhead' House Price Area in the Plan, it is noted that the provision of 10% affordable housing would be viable. As 2 units are proposed this means that 0.2 of the total new units should be affordable i.e. less than 1 unit. It is considered that a £20,000 pro rata commuted sum payment is required for affordable housing.

Policy TAI 8 'Appropriate Housing Mix' seeks to ensure that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community. Regard should be given to the LHMA, Council Housing Register, Tai Teg Register, 2014 - based household projections

etc. to assess the suitability of the mix of housing in terms of both type and tenure proposed on development sites to redress an identified imbalance in a local housing market.

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration would have to be given over the capacity with local schools to accommodate the anticipated number of children on the site.

Policy PCYFF2: Development Criteria states that proposals should be in line with the plan and national planning policy, make the most efficient use of land, provide appropriate amenity space regard to generation, treatment and disposal of water, where appropriate provision for management and eradication of invasive species. Proposals should not have an adverse impact on health, safety or amenity of occupiers of adjacent users.

Policy PCYFF3: Design and Place Shaping states that all proposals will be expected to demonstrate a high quality design which fully takes into account its context. Innovative and energy efficient design will be particularly encouraged.

Policy PCYFF 4: Design and Landscaping states that all proposals should integrate into their surroundings.

Layout, design and amenity impacts.

The layout of the application site is acceptable and the proposal also complies with distances as set out in the Supplementary Planning Guidance on Urban and Rural Environment.

Vehicular access and parking arrangements.

The proposed application entails the use of the existing vehicular access. The Highways Authority has confirmed that a speed survey was carried out and speeds were very low in this location; therefore, a recommendation of approval has been recommended with appropriate conditions. There is provision for 4 parking spaces and turning area within the application site.

Drainage

The foul drainage will connect into the existing mains sewer. Welsh Water has confirmed that they are satisfied with the proposal with an appropriately worded condition stating that no surface water is connected into the sewerage network.

The Drainage Section of the council has confirmed that further surface water drainage details will be required with any reserved matters application.

Affordable Housing

Policy TAI 15 seeks appropriate provision of affordable housing. For 2 or more dwellings in Holyhead 10% affordable housing will be required. As the proposal falls below 1 unit a pro-rata commuted sum payment of £20,000 is required for affordable housing.

Policy ISA1 seeks adequate infrastructure capacity. The Education Department have confirmed that no contribution is required for education in this instance.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations was 12/10/18. At the time of writing the report one objections were received.

It is not considered that the proposal will have a negative impact upon the amenities currently enjoyed by existing residential properties. The proposal complies with distances set out within the Supplementary Planning Guidance on Urban and Rural Environment.

The side elevation of the proposed dwellings are between 3 - 6.5 metres of the boundary. The Supplementary Planning Guidance states that a distance of 2.5m should be achieved from side elevations to the boundary.

The proposed ground floor main windows to the main windows of properties on Arthur Street would be approximately 21m, this complies with the distances set out in the Supplementary Planning Guidance.

Conclusion

Having considered the above and all other material considerations the recommendation is one of approval subject to a Legal Section 106 agreement for a pro-rata contribution towards affordable housing.

Recommendation

Permit

(01) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is for outline planning permission.

(02) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To prevent the accumulation of planning permission: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990

(03) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(04) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(05) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(06) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational

before any work is commenced on the remainder of the development before the use hereby permitted is commenced.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(07) The car parking accommodation shall be completed in full accordance with the details as shown on the attached plan drawing reference 1576-A3-02 before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(08) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for loading and unloading and the storage of plant and materials;**
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(09) Natural slates of uniform colour shall be used as the roofing material of the proposed dwellings.

Reason: To ensure that the development is in the interests of amenity.

(10) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(11) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans tabled below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan - 1576-A3-01**
- **Location/Block Plan Proposed - 1576-A3-02**

Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: 39C589A/VAR/ENF

Description: Cais o dan Adran 73A i ddiwygio amod (02) o ganiatd cynllunio rhif 39C589 (Cais llawn ar gyfer addasu ag ehangu sydd yn cynnwys dec haul yn) er mwyn diwygio dyluniad y cynllun a gymeradwywyd, yn cynnwys dymchwel ac ail adeiladu rhan o'r llawr isaf yn / Application under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor at

Site Address: 1 Tros y Môr, Ffordd Cynan/St Georges Road, Porthaethwy/Menai Bridge



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site:

The application is submitted under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor.

The application site comprises a semi-detached three storey property located at the Southern end of St George's Road within the development boundary of the Local Service Centre of Menai Bridge.

Key Issues

The key issues are whether the development is in compliance with local and national planning policies, and whether it is acceptable in terms of siting, design and impact upon the character and appearance of the designated area and amenities of neighbouring properties.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 3: Design and Place Shaping

Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Planning Policy Wales (Edition 9, November 2016)

Technical Advice Note 24: The Historic Environment (2017)

Menai Bridge Conservation Area Character Appraisal

Response to Consultation and Publicity

Consultee	Response
Heritage Advisor	Proposal would not cause any significant adverse impact on the Conservation Area, and could, in our opinion, be viewed as an improvement on the previously approved plans.
Cynghorydd Robin Wyn Williams	Request that the application be referred to the Planning and Orders Committee for determination due to concern that the development is not being carried out in accordance with the plans.
Cyngor Tref Porthaethwy / Menai Bridge Town Council	No observations.
Cynghorydd Meirion Jones	No response at the time of writing the report.
Cynghorydd Alun Wyn Mummery	No response at the time or writing the report.

The application was afforded three means of publicity. These were by the posting of notices near the site and serving of personal notification letters on the occupiers of the neighbouring properties together with the publication of an advert in the local press. The latest date for the receipt of representations is the 05/12/2018. At the time of writing this report, one letter had been received and the main points raised are summarised below:

- There has been extensive demolition of both the back wall, shed and rear elevation of the main property, despite a “no demolition” declaration being made on the original application. This has led to the following observations: a) The physical footprint has now increased, partly due to the demolition of the rear wall, (as opposed to the development being constructed within the former rear wall, clearly shown on the original application). b) There has been access created on the plan into the contested rear alleyway of the property (an adversary possession claim is ongoing currently).
- Roof elevations differ significantly from the original application, not only in overall height, but in pitch and poly roof materials used, from the original part conservatory glass version granted.
- It can also be clearly seen that both the pitch and materials of the amended application do not match the current build in some areas.

- Both the physical and aesthetic impact on the adjoining properties is greater than the original approved design due to these changes. To include the use of “solid” finishes and polyroof type roofing, as opposed to the approved glass in various areas. Therefore it is considered that this development breaches planning regulations on the following grounds: a) Overdevelopment. b) Right to Light. c) Privacy, 45 degree rule from neighbours windows. d) Overbearing, doesn't respect character rule. e) Party wall agreement procedures not respected.

Each of the above points are addressed in section 6 of this report with the exception of the comments relating to the dispute regarding the access onto the alleyway and party wall issues, which do not fall within the remit of the planning regime and are private legal matters for the relevant parties.

Relevant Planning History

39C589 – Full application for alterations and extensions which includes a sun deck at 1 Tros Y Môr, St Georges Road, Menai Bridge.
Granted – 20.07.2017

Main Planning Considerations

The application is submitted following an enforcement investigation, for permission under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor.

Section 73A(2)(1)(c) applies to development carried out without complying with some condition subject to which planning permission was granted. In this case the development is not being carried out in accordance with condition (02) of planning permission reference 39C589 which required that the development be carried out in accordance with the plans approved. The fact that the application is effectively made in retrospect is irrelevant in its determination. It is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Planning Act to allow for planning permission to be applied for retrospectively.

Paragraph 14.2.3 of the Development Management Manual states that when considering enforcement action, the decisive issue for the local planning authority should be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest. Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought but is otherwise acceptable.

Policy PCYFF1 of the JLDP states that proposals within development boundaries will be approved in accordance with other policies and proposals of the plan, national planning policies and other material planning considerations.

On the basis that the site is located within the development boundary it is therefore in compliance with the principle of policy PCYFF1 subject to compliance with other relevant policies.

Policy PCYFF 3 of the JLDP relates to design and place shaping.

It requires that developments demonstrate a high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Developments are required to conform with the listed criteria where relevant and which include that developments complement and enhance the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Policy PS20 of the JLDP relates to preserving and where appropriate enhancing heritage assets and states that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets. Proposals that preserve and where appropriate enhance the following (relevant) heritage assets, their setting and significant views into and out of the building/area will be granted: 3. Conservation Areas (in line with policy AT 1).

Policy AT 1 of the JLDP relate to conservation areas, world heritage sites and registered historic landscapes, parks and gardens.

The policy states that proposals within or affecting the setting and/or significant views into and out of Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens shown on the Constraints Map must, where appropriate, have regard to: 1. Adopted Conservation Area Character Appraisals, Conservation Area Plans and Delivery Strategies.

Planning permission was granted on the 20th July 2017 under reference 39C589 for a first floor rear extension comprising kitchen, sun lounge and sun deck.

Following the receipt of a complaint that the development was not being carried out in accordance with the plans approved it was observed that part of the existing ground floor, comprising of an existing dressing room, bathroom and utility room which should have been retained as part of the approved development had been demolished and rebuilt, on a marginally larger footprint. The new ground floor is extended 300mm to each side and 200mm to the rear. In addition the application also seeks permission for amendments to the design and appearance of the extension comprising variation to the doors and windows, resulting in an overall reduction in glazing, alteration to the roof pitch by virtue of a 0.5m increase in the height of the Northern and Southern walls, but no increase in the ridge height, resulting in an overall shallower roof pitch and variation to the finishing materials comprising of fibreglass roof and cedar cladding to the external walls and sun deck, painted to match the existing building.

With regard to the objector's comments relating to overdevelopment, right to light, 45 degree rule, overbearing and out of character I would comment that there is little change in the overall scale of the development with only a slight increase in the height and footprint of the development, it is not therefore considered that the amendments can be regarded as being overdevelopment or out of character. With regard to right to light, given that the objectors' property lies to the South of the development site it is not considered that the development would lead to a loss of light to such a degree as to warrant refusing the application. It is noted that a small section of the South Western corner of the extension lies within 45 degrees of the window in the Western elevation of the objectors property, however this would have been the case had the development been carried out as per the originally approved plans.

Consideration was given to the impacts upon neighbouring properties as part of the assessment of the original application and whilst acknowledging the relatively close proximity to neighbouring properties it was not considered that the proposal would have resulted in significantly greater impacts than those which already existed.

Comments have also been sought from the Heritage Advisor, who had confirmed that he does not consider that the proposed amendments, including additional cedar cladding, would cause a significant adverse impact on the character and appearance of the designated Conservation Area

It is not therefore considered that the proposed amendments give rise to significantly greater impacts than the originally approved development such that refusal of the application could be justified.

The proposed amendments are therefore considered to be acceptable and in accordance policies PCYFF1, PCYFF3, PS20 and AT1 of the Anglesey and Gwynedd Joint Local Development Plan and it is not considered that the amendments result in a development which is significantly or unacceptably different to that which was originally granted, particularly in terms of any impacts upon the character and appearance of the designated Conservation Area or the amenities of neighbouring properties.

Conclusion

The proposed amendments are considered to be acceptable and it is not considered that the development gives rise to a significant detrimental impact upon the character and amenities of the designated Conservation Area or nearby residential occupiers.

Recommendation

Permit

(01) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans listed below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

Location Plan, A.00.01, 14/08/2018

Proposed Ground Floor , A.03.02, 04/10/2018

Proposed First Floor, A.03.03, 04/10/2018

Proposed Elevations, A.03.04, 12/11/2018

Reason: To ensure that the development is implemented in accord with the approved details.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.