

Planning and Orders Committee

Minutes of the virtual meeting held on 1 July 2020

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams
- IN ATTENDANCE:** Chief Planning Officer (DFJ) (for item 13.1)
Development Management Manager (NJ)
Planning Built & Natural Environment Manager (JIW)
Planning Officer (JR)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** None received
- ALSO PRESENT:** Councillor Richard Dew (Portfolio Member for Planning and Public Protection)
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The Chair welcomed all those present to this virtual meeting of the Planning and Orders Committee and asked everyone to introduce themselves.

1 APOLOGIES

There were no apologies for absence.

2 DECLARATION OF INTEREST

Declarations of interest were made as follows –

On the advice of the Legal Services Manager Councillors Bryan Owen and Vaughan Hughes declared a prejudicial interest with regard to application 12.2 on the agenda as School Governors of Ysgol Gyfun Llangefni and neither took part in the discussion or voting thereon.

Councillor Glyn Haynes declared a prejudicial interest with regard to application 12.3 on the agenda as School Governor of Ysgol Llanfawr, Holyhead and took no part in the discussion or voting thereon.

Councillor Kenneth Hughes clarified with regard to application 12.2 that although there was a family connection with the Head Teacher of Ysgol Gyfun Llangefni he had received legal advice that it was not necessary for him to declare an interest.

Councillor Nicola Roberts was advised by the Legal Services Manager in connection with application 12.2 that her daughter's attendance as a pupil at Ysgol Gyfun Llangefni did not constitute a prejudicial nor personal interest as the relationship did not result in any material gain over and above that of others involved in the matter.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 20 May, 2020 were presented and were confirmed as correct.

4 SITE VISITS

No site visits had been held since the previous meeting of the Planning and Orders Committee.

5 PUBLIC SPEAKING

There were no Public Speakers at this meeting of the Planning and Orders Committee.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 FPL/2019/223 – Full application for change of use of agricultural land into a seasonal tent camping site on land adjacent to Pen-Wal Bach, Pen Lon, Newborough

The Development Management Manager reported that the original plans included a single access point directly onto the A4080 to which the Highways Authority raised an objection. Amended plans have since been submitted which introduce an additional vehicular access onto the public highway to the west in order to address the objection. Officers require an opportunity to assess the implications of the amendment, and it also needs to be advertised. This process has been delayed by the current Covid-19 restrictions. Consequently the recommendation is that the application be deferred.

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

6.2 19C1231 – Outline application for the erection of 32 market dwellings and 4 affordable dwellings, construction of new vehicular and pedestrian access, provision of play area and open spaces together with full details of access and layout on land adjacent to Cae Rhos Estate, Porthdafarch Road, Holyhead

The Development Management Manager reported that a Traffic Assessment of the area was commissioned in response to concerns locally about traffic flow and the capacity of the road network in the vicinity of the proposal to accommodate the additional traffic which it would produce. The Highways Authority has now come to the conclusion that the increase in traffic from the proposed development is significant on a highway where there is existing danger and is unacceptable without an improvement that would reduce this danger. The applicant has requested a deferral to be allowed additional time to facilitate further discussions on the basis that enhancements by way of formalising the passing places on the western side of Porthdafarch Road are being proposed as part of the intended development and could be delivered through a planning condition. The recommendation is therefore to defer the application to enable further discussions to take place.

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

7 APPLICATIONS ARISING

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

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

10.1 VAR/2020/7 – Application under Section 73 for the variation of condition (02) (Approved Plans), (03) (Management and Maintenance Plan), (15) (Boundary Screen) of planning permission reference VAR/2019/34 (Erection of 4 flats) so as to change the drainage layout and provide details of boundary screen at 8 Ger y Mor, Rhosneigr

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 the Local Planning Authority is minded to approve.

The Development Management Manager reported that the principle of the proposed development has been established with the approval on 16 November 2015 of an outline planning application for four open market flats. The proposed amendments are set out in the Officer's written report and these relate to the drainage layout and are considered acceptable. Details in relation to boundary screening are also provided in line with condition (15) of the previous permission and these too are considered acceptable. However, since the adoption of the Joint Local Development Plan, Rhosneigr is identified as a Local Service Centre under Policy TAI 5 which does not support the provision of open market housing. But given that the application site has an extant planning permission and given that the amendments are acceptable, the recommendation is to approve the application subject to the planning conditions listed and subject also to amending the date set out in condition (11) to read 1995 instead of 2013.

Councillor Richard O. Jones proposed, seconded by Councillor Trefor Lloyd Hughes, MBE that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions listed therein and subject also to correcting condition (11) as outlined.

10.2 VAR/2020/8 - Application under Section 73 for the variation of condition (02) (Crested Newt Statement), (04) (External Lighting), (12) (Drainage Details), (13) (erection of 3 dwellings) so as to vary the conditions by providing the requested information together with amending the dwelling design on land at Bryn y Felin, Newborough

The application was presented to the Planning and Orders Committee as it is a departure from the Development Plan which the Local Planning Authority is minded to approve.

The Development Management Manager reported that the application site lies within an Area of Outstanding Natural Beauty but the majority of the site falls outside the development boundary of Newborough as defined under the provisions of Policy PCYFF 1 of the Joint Local Development Plan (JLDP). However, the original application was approved in April 2017 prior to the adoption of the JLDP and is a material consideration in the assessment of the current application. In light of the extant planning consent therefore and given that the design amendments proposed are of a minor nature and are considered acceptable as is the information provided as part of the application to meet the conditions specified, the recommendation is to approve the application subject to the conditions listed and subject also to amending the date set out in condition (10) to read 1995 instead of 2013.

Councillor Robin Williams proposed, seconded by Councillor Richard O. Jones that that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions listed therein and subject also to correcting condition (10) as outlined.

10.3 VAR/2020/6 – Application under Section 73 for the variation of condition (01) of reserved matters permission reference RM/2019/6 (design of dwelling) so as to allow an amended design and removal of the garage on land at Tan Rallt, Carmel

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 the Local Planning Authority is minded to approve.

The Development Management Manager reported that the application is made under Section 73 to vary condition (01) of reserved matters permission RM/2019/6 so as to amend the design of a dwelling that already has planning permission from 2016 prior to the adoption of the Joint Local Development Plan. Since the adoption of the JLDP, Carmel is identified as a Cluster where any new dwelling must be for an affordable local need on an infill site. Although the application is therefore contrary to Policy TAI 6 of the JLDP, given the site has an extant planning permission for an open market dwelling and given that the amendments are considered an improvement on that previously approved the recommendation is to approve the application subject to the conditions listed and with an additional condition to specify the time limits of the permission granted.

Councillor John Griffith proposed, seconded by Councillor Eric Jones that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions listed therein and with an additional condition to specify the time limits of the permission granted.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

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

12 REMAINDER OF APPLICATIONS

12.1 HHP/2020/37 – Full application for the erection of a private garage at Y Bwthyn, Llanddaniel

The application was presented to the Planning and Orders Committee having been called in for the Committee's consideration by a Local Member because it was felt the proposal complies with policies of the Joint Local Development Plan.

Councillor Robin Williams stated that as he now realised he was acquainted with the applicant he would not be taking part in the discussion or voting on the application.

The Development Management Manager reported that this is a retrospective application to retain a private garage at Y Bwthyn, Llanddaniel. The applicant confirms that the building is for private use and is required to house classic vehicles and a larger campervan which is owned by the applicant. The application site is located within a Special Landscape Area; the subject building in terms of scale, height and appearance is industrial and is typical of buildings that can be seen on industrial estates. Additionally, it is higher and has a greater floor area than the main dwelling house known as Y Bwthyn. Whilst there is no objection to the principle of the development, it is the Officer's opinion that due to its industrial appearance and its height and scale the proposal is out of keeping with its context and does not complement or enhance the character of the site and is therefore contrary to Strategic Policy PS5, Policy PCYFF1 and Policy PCYFF3 of the Joint Local Development Plan. On this basis the recommendation is one of refusal. One letter of objection to the proposal has been received which cites scale, appearance and location as the reasons for objecting.

Councillor Eric Wyn Jones, a Local Member spoke in support of the application and said that the key issue is the proposal's compliance with policies of the JLDP. It was his opinion that the proposed garage is suitably located in and amongst other dwellings on both sides and, being well screened by trees and shrubs, it is not visible from the road. A commercial bus and taxi business is run nearby which includes a large vehicle maintenance shed. The application is for a garage not commercial building which will sit tidily in its corner without impeding on anyone. Given that the applicant's interest lies with classic vehicles the countryside location is essential for the proposal and is supported by Policy PCYFF1. Councillor Eric Jones referred further to Policies PCYFF2, PCYFF3, AMG2 and PPW and explained how he thought these policies supported the proposed development in terms of location, sustainability and in respecting the character of the surrounding area. Had he not believed this then he would not have called-in the application, nor would he be supporting it. The proposal meets the necessary requirements; the garage is needed to preserve vehicles which are of historical as well as monetary value. He therefore proposed that the application be approved contrary to the Officer's recommendations.

Councillor Kenneth Hughes thought that the suitability of the proposed garage within its setting is a matter of opinion and that it can be justified on the basis of policy. He noted further that the Community Council has not raised an objection to the proposal. He therefore seconded Councillor Eric Jones's proposal that the application be approved. Councillor Bryan Owen thought likewise and referred to buildings of a similar scale and appearance on the neighbouring site.

Councillor Dafydd Roberts said that the classic cars which the applicant wanted the garage to house could be accommodated by a more sympathetically designed building more appropriate to its location and purpose as a private garage than that proposed and that he was surprised by the scale of the building. The fact that there are various industrial type buildings on the neighbouring site which stores buses and regarding which there have been complaints, is no justification for another unsightly building. He added that he did not believe that the Community Council had had the opportunity to meet and properly discuss the application and that information may have been circulated amongst members only. Councillor Dafydd Roberts proposed that the application be refused in line with the Officer's recommendation.

Councillor John Griffith agreed and said that the proposal could be refused on several policy grounds e.g. Policy PCYFF1 which requires that a proposal demonstrates that its location in the countryside is essential. That does not hold true in the case of the application as the applicant has confirmed that the vehicles are currently being stored in the owner's yard elsewhere on the Island and that some would remain there. Neither does the proposal satisfy the expectations of Policy PCYFF3 that all proposals demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places nor Policy AMG2 which requires that appropriate consideration should be given to the scale and nature of a development to ensure it does not adversely impact on the landscape. Further, paragraph 6.1.6 of Planning Policy Wales specifies the appearance and function of a development, its scale and relationship with its surroundings as material considerations in determining an application. The proposed building is not an ordinary garage by virtue of its size and appearance and as the report states it is more akin to an industrial building which is out of keeping with the Special Landscape Area in which it is located and which the Committee should be seeking to preserve for the future. He therefore seconded Councillor Dafydd Roberts's proposal of refusal.

In the ensuing vote on the matter, the proposal to refuse the application in accordance with the Officer's recommendation was carried.

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

12.2 FPL/2020/71 – Full application for an extension containing a lift at Ysgol Gyfun Llangefni, Cildwrn Road, Llangefni

The application was presented to the Planning and Orders Committee as the Isle of Anglesey County Council is the applicant and landowner.

Having declared a prejudicial interest in this matter Councillors Vaughan Hughes and Bryan Owen did not take part in the discussion nor voting thereon.

The Development Management Manager reported that the application is for the erection of 2 storey, flat roof extension on the south eastern block of the school to provide a lift for pupils and staff to facilitate access to the first floor. No objections to the proposal have been raised locally. The proposal is considered acceptable in policy terms; the extension will fit in with the existing building without harming the amenities of nearby residential properties. The recommendation is therefore to approve the application.

Councillor Robin Williams proposed, seconded by Councillor Richard O. Jones that the application be approved in accordance with the Officer's recommendation.

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

12.3 FPL/2020/70 – Full application for an extension containing a platform lift at Ysgol Llanfawr, Holyhead

The application was presented to the Planning and Orders Committee as the Isle of Anglesey County Council is the applicant and landowner.

Having declared a prejudicial interest in this matter, Councillor Glyn Haynes did not take part in the discussion and voting thereon.

The Development Management Manager reported that the application is for alterations and extension so as to erect a 3 storey flat roof extension within a corner of the existing U-shaped building to incorporate a lift to provide greater accessibility for people using the school. The proposed development is considered acceptable in policy terms and the extension will integrate well into the existing building's character and appearance. Dŵr Cymru has now provided observations in response to the application and proposes an additional condition with regard to water drainage. The recommendation is to approve the application.

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

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions listed therein and with an additional condition in relation to water drainage.

13 OTHER MATTERS

13.1 LBC/2020/1 – Listed Building Consent for new access, new fog signal and replacement solar panels at Trwyn Du Lighthouse, Penmon

The application was presented for the information of the Planning and Orders Committee in order to report on a procedural error in the determination of an application for Listed Building Consent to install a new access, new fog signal and replacement solar panels at Trwyn Du Lighthouse, Penmon.

The Chief Planning Officer reported that a Listed Building application was approved by Planning Function Officers under delegated powers despite initially being the subject of a Committee call-in by two Local Members. Despite securing the withdrawal of the call-in request by one of the Members no such request was made of the other Member and the application was approved by Officers under delegated powers on 15 April, 2020 with the notice of decision being issued on the same day. Upon discovering the error a retrospective request was made on 4 May, 2020 to the other Local Member which was rejected. Legal advice confirmed that the decision stood unless challenged and overturned in the Courts.

Subsequently, a review of call-in procedures was undertaken and a summary of the findings is provided in the report. An audit of call-in requests over the last 12 months was also conducted and found that there were no other incidents of call-in applications being determined under delegated powers without prior discussion and agreement of Local Members. The findings of the review suggest that the failure to respond to the Elected Member's call-in request was as a result of human error. In order to improve the robustness of processes to mitigate against a recurrence, the actions listed in the table within the report have been implemented.

It was resolved to accept the report and its contents for information purposes.

**Councillor Nicola Roberts
Chair**