

Planning and Orders Committee

Minutes of the hybrid meeting held on 26 July 2023

- PRESENT:** Councillor Ken Taylor (Chair)
Councillor Glyn Haynes (Vice-Chair)
- Councillors Geraint Bebb, Jeff M Evans, John Ifan Jones,
R LI Jones, Jackie Lewis, Dafydd Roberts and Robin Williams
- Councillor Nicola Roberts – Portfolio Member for Planning, Public
Protection and Climate Change.
- IN ATTENDANCE:** Planning Management Manager (RLJ),
Planning Assistants,
Group Engineer Development Control and Traffic Management
(AR),
Legal Services Manager (RJ),
Committee Officer (MEH)
- APOLOGIES:** Councillors Neville Evans, T LI Hughes MBE, Alwen P Watkin.
- ALSO PRESENT:** Local Members : Councillors Margaret M Roberts (application 7.3);
Ieuan Williams (application 7.1)
- Councillor Derek Owen
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1 APOLOGIES

As noted above.

2 DECLARATION OF INTEREST

None received.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 5 July, 2023 were confirmed as correct, subject to an amendment at 12.3 – Ysgol Syr Thomas Jones, Amlwch that Councillor Neville Evans seconded the proposal of approval and not Councillor Dafydd Roberts.

4 SITE VISITS

The minutes of the planning site visits held on 19 July, 2023 were confirmed as correct.

5 PUBLIC SPEAKING

There was a Public Speaker in respect of application 7.3.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

7.1 HHP/2023/51 – Full application for demolition of the existing garage together with the erection of a two storey annex at Lancefield, Ffordd Cynlas, Benllech

The application was presented to the Planning and Orders Committee at the request of the Local Member on the grounds of over-development of the site and adverse impact on the neighbouring amenities. At its meeting held on 3 May, 2023 it was resolved that a physical site visit be conducted and subsequently the site visit took place on 17 May, 2023. Additional plans and amendments to the proposed plans relating to the application were received on 15 May, 2023 and were distributed to Local Members and to the Committee's members during the site visit. Re-consultation was conducted on 17 May, 2023 and it was recommended at the Planning and Orders Committee held on 7 June, 2023 that the application be deferred during the consultation period and a full report be presented to the Committee's 5 July, 2023 meeting. At its meeting held on 5 July, 2023 the Committee resolved to refuse the application contrary to the Officer's recommendation as it was considered that the application is over-development of the site; over-looking of the neighbouring property; that NRW's response to the consultation was incorrect as it shows on their flood risk maps that the dwelling is located within an area of flood risk.

The Planning Management Manager reported that he would address the reasons for refusing the application at the previous meeting contrary to the Officer's recommendation. He said that the application site does sit within flood zone C2 of the Development Advice Maps. However, the application submitted is a 'Householder Application for Planning Permission for works or extension to a dwelling'. Natural Resources Wales (NRW) does not submit comments on flood risk when consulted on 'householder' applications unless it has a direct impact on a watercourse. As there is an existing dwelling and garage on the site and this application is to extend that existing dwelling through the demolition of the existing garage and the provision of an annexe, there is no additional risk of flooding. The latest version of TAN15 which was consulted upon between January and April, 2023 notes in paragraph 14.7 *'that applications for extensions or alterations within flood risks areas should not raise significant issues unless they are likely to have a direct or diverse effect on flood course or its flood defences'*. As this application is for the erection of an annexe which is ancillary to the present dwelling it will not have a direct effect on the watercourse and does not impede on access to flood defences and does not have a cumulative impact on flood storage capacity. The Planning Management Manager said that this is not a valid reason to refuse the

application as NRW have not raised any concerns and there is a risk of costs relating to an appeal if the application was refused.

The Planning Management Manager referred to the second reason given for refusing the application at the last meeting as regard to the overdevelopment of the site and that it was not in keeping within the residential street. He said that the proposal is a modern building, but it is considered that it is in keeping with its surroundings. There is no particular style of dwellings in the immediate area with a mixture of single storey and dormer bungalows nearby of varying age, size and design. It is considered that the annexe fits in with the character of the existing property and surrounding area and complies with the requirements of planning policy PCYFF3. The use of the annexe will be ancillary to the main dwelling and the siting of the annexe has been amended from the previous application which was withdrawn. The annexe has been sited further back with the curtilage of the property and is now attached to the main dwelling. As the site is a large plot it is not considered to be overdevelopment of the site.

The Planning Management Manager referred to the third reason given for refusing the application at the last meeting as regards to the impact on the residential amenity of adjacent neighbouring properties due to overlooking. He said that careful consideration has been given to the impact of the proposal upon the amenities of adjacent residential properties. The properties in this area overlook over each other to some degree due to the orientation and built-up form of the area. It is important to note that Endways is located higher than Lancefield and the side windows of Endways currently overlooks Lancefield. Even though Lancefield is on higher ground than Ty Calan, the annexe is located on the other side of the dwelling and the distance of 20.6m together with the erection of a 2.2m fence is considered acceptable and will not have an adverse effect on neighbouring dwellings. The window located facing Ty Calan is a secondary window (bedroom). He noted that as was explained at the last meeting the Supplementary Planning Guidance (SPG) suggests that a distance between the properties of 18m and 3m must be added due to ground levels and an additional 3m as the living room is on the second floor (a total of 24m). This guidance is for dwelling that face each other (i.e., on the opposite of the road or back-to-back), however, as Lancefield is set back within the plot this figure is used as guidance as regards to overlooking issues. Officers consider that the distances between the properties is acceptable and there is a risk of losing an appeal for refusing the application for this reason.

Councillor Ieuan Williams, a Local Member referred to planning policy TAN15 and said that the river behind Lancefield is very close to the back of the property and since the comments made as regards to the flood risk at the last meeting the applicant has commence unauthorised works on the river. He noted that no works to watercourses is allowed until permission is granted by NRW and building on a C3 flood zone is not acceptable. He further said that a wall on the left-hand side of the access to the site has also been removed which was not included within the application. Councillor Williams expressed that climate change needs to be considered as it is within the Local Development Plan and must be considered within the natural world as flooding is much more likely. He referred to planning policy TAN12 and questioned whether the local residents have been consulted by the developer or his agents

as regard to the effect on their amenities as a number of residents have commented that the design of dwellings in Benllech are being affected. He further referred to planning policy PCYFF3 and that the context of a site needs to be respected but it seems that this has been dismissed by the Planning Officers as they have said that there is no particular architectural style/design of housing in the area. The recommendation to approve the application is making the situation worst with different architectural styles and designs of houses in such an area as Benllech. He noted that a new Planning Policy Committee has been established within the Council and there is a need for accountability as regards to place shaping in the future. The architectural style of buildings in the Cotswolds and many other towns in England where there are stringent rules as to the design of buildings needs also to be considered on Anglesey. Councillor Williams further said that the threats of losing an appeal if the developer was to appeal any decision to refuse the application should not be a matter before the Committee.

The Planning Management Manager responded to the comments made by the Local Member as regards to the unauthorised works that has been undertaken to the river behind the property and he noted that the matter has been referred to NRW. He said that the proposal does not affect the river and the works undertaken to the river is not part of this application and will be dealt with outside the planning system. The Planning Management Manager referred to the comments as regards to TAN12 in respect of consultation and the input of stakeholders as regards to place shaping and design; he noted that the purpose of the consultation process as regards to planning applications is to consult with neighbouring properties in respect of any proposed development and to afford the opportunity to express opinion on such developments. He said that this is the second planning application submitted as regards to this development. The applicant has addressed the concerns of neighbouring properties and the annexe is now set back within the site and attached to the main dwelling. The Planning Management Manager further responded as regards to the comments made that Planning Officers should not refer to potential costs if developers take any refusal of any application to appeal. He said that there is a role for Planning Officer's to inform the Committee that there are risks of costs as regards to appeals.

Councillor John I Jones said that he received an email from NRW a few days after the last meeting as regards to unauthorised works to the river behind the property at Lancefield and he questioned whether this would have an effect on the decision of the Committee as regards to the application. He referred to a letter received by the planning department on 31 May, 2023 by NRW expressing that the proposal may affect the special areas of conservation and pollution has been identified as a possible impact. Councillor Jones said that NRW have responded to the proposal but within the Officer's report it states that NRW have not submitted concerns as regards to the application and is not a valid reason for refusing the application. NRW have also said that there would be a requirement for a permit if the extension is 8m from the river which is behind the property and Councillor Jones considered that a Flood Risk Active permit would be required. He expressed that NRW have submitted valid comments as regards to the application as regards to pollution, the siting of the

proposal, the effect on the river behind the property, effect on SAC, protected species and landscape assessment. Councillor Jones ascertained whether these comments by NRW have been considered by the Planning Officers as the information is unclear within the report to the Committee as it states that Natural Resources Wales (NRW) does not submit comments on flood risk when consulted on 'householder' applications unless it has a direct impact on a watercourse. Councillor John I Jones proposed that the application be refused to address the issues raised by NRW. There was no seconder to the proposal of refusal for this reason.

The Planning Management Manager responded to the comments made and said that the comments made as regards to the retrospective works on the river behind the property is a matter that would not require planning permission and would not be dealt with by the Planning Authority. He referred that the Officer's reports as regards to flood risks have been raised by NRW which was discussed at the previous meeting of this Committee. He referred to the comments as regards to the need for a permit by NRW to carry out works on the river behind the property; this would be outside the remit of the planning process. The Planning Management Manager said that the application is to demolish the current garage on site and to erect an annexe which will be attached to the main dwelling. Under planning policy TAN15, paragraph 14.7 – NRW do not submit comments on 'householder' applications, however, if the application was for a new dwelling on the site and as it is within flood zone C3 then NRW would submit comments on such an application.

Councillor Dafydd Roberts said that he opposed the application at the last meeting due to over-looking. He said that the distance between the neighbouring property is 20.6m but the SPG suggests that a distance of 24m should be between properties. Due to the topography of the site, Councillor Roberts said that he would prefer that a distance of 24m should be between the properties and he proposed that the application be refused due to over-looking. Councillor Geraint Bebb seconded the proposal of refusal for the reasons given.

Councillor Jeff Evans said that he did not see any reasons to refuse the application as he failed to see any adverse effect on neighbouring properties and the amenities of the surrounding area. He referred to the river behind the properties which did not seem to affect other properties nor cause any issues and NRW have not commented on the application. Councillor Jeff Evans proposed that the application be approved in accordance with the Officer's recommendation. Councillor Robert I Jones seconded the proposal of approval.

Following the vote of 5 for approval of the application and 4 against :-

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

7.2 FPL/2022/264 – Full application for the change of use of agricultural land into touring caravan park at Ty'n Cae, Rhostrehwfa, Llangefni

The application was presented to the Planning and Orders Committee at the request of the Local Member due to local concerns as regards to noise pollution and the access to the site. At its meeting held on 5 July, 2023 it was resolved that a physical site visit be conducted and subsequently the site visit took place on 19 July, 2023.

The Planning Development Manager reported that the land is currently used as agricultural land and as a touring caravan site (certificated site which is exempt from planning) for 5 caravans and 13 camping pitches. The proposal is to provide 18 touring caravan pitches (10 pitches to the north of the dwelling of Tyn Cae and 8 pitches on land to the south) together with landscaping works. Following consultation with the Highways Authority improvements will be made to the existing vehicular access which will be extended to 15m to allow adequate space for caravans to enter and leave the site safely. The relevant planning policy for such a development is policy TWR5 of the Local Development Plan which notes that touring caravan sites will be granted providing that they conform to the criteria which was listed within the Officer's report. Such a development needs to be of high quality, the avoidance of excessive areas of hard standings, capability of removing the caravans from the site out of season, that the site is close to the main highway network and that the site be for touring purposes only. It is considered that the site complies with the relevant criteria due to its sustainable location on the B4422 between Llangefni and Rhostrehwfa and no hardstanding and permanent features is proposed and the land can be used for grazing during the closed period of the site. Conditions will be imposed that the site will only be used as a touring caravan site between 1 March and the end of October in any particular year and a register identifying those occupying the seasonal touring caravans will need to be maintained.

The Planning Management Manager further said that concerns have been raised by the Local Member and the Community Council regarding the means of access to the site and that the road is unsuitable for additional traffic. Discussions have been undertaken with the applicants' agent and the Highways Authority and the proposal has been amended to provide adequate space for vehicles towing touring caravans to be able to drive onto the land and not block the highway. The applicant has also confirmed that visitors leaving the site will need to vacate prior to 11.00 a.m., and new arrivals will not be allowed on site until 1.00 p.m. Whilst it is acknowledged that the B4422 is a busy highway it is considered that the highway will be able to cope with the additional traffic generated by the development. Following the site visit the Planning Officer's have discussed with the applicant's agent and have confirmed that the hedge to the left, whilst leaving the site, will be cut back and this will be included on an updated plan. The applicant's agent has also confirmed that the access to the field to the right of the site will be moved down to make room for a new entrance and the other side entrance will not be used. The site lies next to the side garden area of the property known as Tyn Rhos. Due to the existing screening along the boundary separating the site and the neighbouring garden and due to the fact that the neighbouring garden lies along the frontage of the property with the busy highway it is not

considered that the use of the site by 5 additional touring caravans will have an adverse impact on the amenities currently enjoyed by the occupants of the neighbouring land. Maenllwyd and Llain Garreg are located to the south of the application site and on the opposite side of the highway. The properties are not located directly opposite the front of the application site and due to the proposed landscaping and the fact that the busy highway separates the application site and properties it is not considered that the use of the site for the siting of 8 seasonal pitches will have an adverse impact on the properties. The recommendation was of approval of the application subject to the conditions contained within the Officer's report.

Councillor Geraint Bebb, and a Local Member said that due to the amendments proposed as to the highway issues and the additional conditions within the report, Councillor Bebb proposed that the application be approved. Councillor Robin Williams seconded the proposal of approval.

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

7.3 HHP/2023/59 – Full application for alterations and extensions to the main dwelling and garage at Pebbles, Trigfa, Moelfre

The application was presented to the Planning and Orders Committee at the request of the Local Member due to traffic issues and the narrowness of the roads. At its meeting held on 5 July, 2023 it was resolved that a physical site visit be conducted and subsequently the site visit took place on 19 July, 2023.

Public Speaker

Mr Jamie Bradshaw, **in support of the application**, said that the Authority's Officers are supportive of this modest householder application after detailed consideration of all issues. As such, he noted that would focus on what appear to be the key matters of concerns for neighbours. It has been claimed that the rear dormer will impact upon the privacy of the site's neighbours due to overlooking. In fact, it is separated by over 18.5m from the rear boundary, which is well beyond policy requirements. This coupled with its orientation and the fact that it will replace an existing rear window also that the boundaries will be fenced under permitted development rights, means that there will be no harm to neighbours by way of overlooking. It is also claimed that the dormer would be overbearing, however, it is actually quite modest and is no higher than the existing ridge and only extends out as far as the existing main rear wall. As such, it would not be overbearing or dominant when viewed from neighbours' properties. The ground floor extension, this is also relatively modest and low lying, and certainly would not be harmful to neighbours or to the character of the area. In any event, it is only a little beyond what could be built under permitted development rights, which is a fallback that must borne in mind when assessing this part of the proposal. The proposed addition of a pitched roof to the garage is also entirely appropriate and barely beyond permitted development, and its use as a

games room would not require consent. Therefore, the proposed additions to the building and site are clearly entirely appropriate and certainly cannot be considered to be over-development. He referred to the activity levels at the property; there will be no increase in the number of bedrooms and only a modest increase in floor area if the proposal is built. As a result, there would be no material change in the level of occupancy or activity on the site, and certainly not sufficient to justify a refusal on the basis of intensification. This point also applies equally to concerns about vehicle movements and the highway, as there would be no material change. It was noted that the previously proposed small increase in the width of the driveway entrance has been removed to satisfy concerns on that point. The comments about impacts upon ecology appear to have arisen due to a lack of detail on the plans, which have been amended and now confirm that the existing hedgerow on site will be retained and also provide detail of enhancement measures. Finally, although not a planning matter, it is noted that neighbours have made claims about possible future uses of the building and about the motives of the applicants; not only are these entirely untrue and unwarranted attack upon the character of the applicants, but they are also more importantly entirely irrelevant to the matters before the Committee. The proposal is a very modest scheme, which is barely above the level where it would form permitted development and thus not need planning permission. Clearly there is no harm to the amenity, privacy or the interests of neighbours, nor any other planning consideration, and so it entirely complies with all planning policies within the LDP.

The Planning Management Manager reported that the proposal is for the erection of a flat roof extension at ground floor level, dormer extension at first floor level and alterations made to the detached garage at the rear of the property. The proposal is to create additional living area at ground floor level and larger bedroom and bathroom within the roof space. The overall roof height will not be increased or extended beyond the main external walls of the property. Minor alterations are proposed to the front elevation of the dwelling, the low pitch section of the roof over the front door is to be replaced with a proposal similar to the existing and a new pitched roof is to be placed over the existing bay window. The existing detached garage is to be used as a games room incidental to the dwelling house. The height of the proposed pitched roof measures approximately 3.3m in which is only 0.9m greater than the existing flat roof. The change of use of the garage is considered a permitted development and planning permission is not required for this proposal, it is also noted that the height of the proposed garage is only 0.8m greater than what would be permitted development as set out in the General Permitted Development Order.

He further said that Pebbles is a detached residential property located within the residential estate of Trigfa. There is a degree of over-looking already on the site, the boundary is currently surrounded by low walls and a new 1.8m high fence is to be erected along the entire boundary of Pebbles, which looks to mitigate the existing over-looking issue that is on site. It is considered that any over-looking issues are to be kept to a minimum as the new dormer windows at the rear of the property are facing the rear garden of the property.

There are sufficient distances from the proposed development to the nearest neighbouring properties as Moel y Gwelltyn is set back within the plot it is considered that this property will not be overlooked. It is also considered that the residential amenities of the residents of Kinsale on the eastern boundary as the development will be a single storey extension and a fence will be constructed to protect residential amenities on both sides. As the dormer extension does not increase the height of the existing dwelling as it will only extend 1.7m from the existing walls and will not affect the existing natural day light at Moel y Gwelltyn which is set back in relation to Pebbles.

The Planning Management Manager referred to the effects of the parking and traffic; the proposal does not increase the number of bedrooms and will not generate additional traffic and no objections have been raised by the Highways Authority. Existing parking concerns that currently exist on the Trigfa Estate are unable to be considered as regards to this application as the proposal will not increase traffic levels and is not a valid reason to refuse the application.

Councillor Margaret M Roberts, a Local Member said that Trigfa Estate is a small estate of bungalows. Recently, some of the houses have been sold and converted into Airbnb's and holiday accommodation. The majority of the residents have lived on the estate for many years' and it is unfair that their lives are impacted due to such a large development being proposed and she asked when is 'big too big'? She questioned as to the reason for a games room in the garden of Pebbles and the need for large dormer windows and the erect of a fence of 1.8m and when is it development. She referred to planning policy PCYFF2 point 7 – which state *'proposals will be refused if they have an adverse impact on the health, safety or amenities of local occupants, land uses or characteristics of the local area due to increase activity of pollution etc'*. Councillor Roberts further said that the drainage infrastructure in Moelfre is vulnerable as it was only a small village before these bungalows on the Trigfa Estate were built together now with further developments occurring in the village. She questioned whether more sewage was to be released into the sea. According to planning policy PCYFF3, developments should add and improve the character and appearance of the site or the area in terms of its setting and she questioned if this proposal would improve the area. She referred to the parking issues on the estate and said that she receives endless complaints due to parking on the pavements, mothers with prams having to walk in the middle of the road as they are unable to use the pavements. Councillor Roberts said that this proposed development will increase the parking and traffic issues and she asked the Committee to refuse the application as it will set a precedent of such a large development in a small estate.

Councillor Ieuan Williams, a Local Member reiterated the comments made by his fellow Local Member and he referred to planning policy PCYFF3 which he said states clearly that the context of the site and its place in the local landscape needs to be respected. He said that the public speaker said that the dormer windows will not be overbearing and dominant but none of the bungalows on the estate at Trigfa has dormer windows from one gable end to

another and it will result in a pitch roof; he considered that it will be overbearing and dominant especially for the neighbouring property Kingsale and the other properties with the loss of daylight. He further referred that the erection of a 1.8m fence will be dominant as the neighbouring property is not used to such a high fence and will have an effect on their amenities as the back gardens of the properties are narrow. Councillor Williams referred to the parking and highways issues in the vicinity of the Trigfa Estate as the population triples over the holiday season.

The Planning Management Manager responded to the concerns of the Local Members and said in response to the comments that when is a development too big, he noted that there will be no increase in the bedrooms at the property and the rear extension is single storey and if it was a 1m shorter in length it could be permitted under permitted development. He said that the conversion of the garage into a games room does not require planning permission as it is also permitted under permitted development. Reference had been made to the height of the fence that is to be erected between the neighbouring property and the applicant could have erected a 2m fence under permitted development. The Planning Management Manager considered that it would be beneficial for a fence to be erected as the properties on the estate have low garden walls and erecting a fence would protect the amenities of the neighbouring property. He further addressed the comments as regards to parking and traffic issues, but the Highways Authority has submitted no objections to the development as there will be no increase to the bedrooms at the property and it will not add to the problem that already exist on the estate. He referred to the comments as to setting a precedent in allowing such a development, but each application is considered on its merit and there will be no increase in the height of the roof and the rear extension is single storey and it is not considered to be overbearing.

Councillor Robin Williams ascertained if the application was for a dormer windows extension only would be permitted development. The Planning Management Manager responded that as the dormer windows extension is along the length of the property and up to the ridge of the roof, planning permission is required.

Councillor Robert LI Jones questioned whether there were objections to the application from neighbouring properties. The Planning Management Manager responded that objections have been received and from the neighbouring property Moel y Gwelltyn, but this property is set back within its plot, and it is considered that overlooking issues will not have any effect on the amenities of Moel y Gwelltyn.

Councillor Robert LI Jones proposed that the application be approved in accordance with the Officer's recommendation. Councillor Jeff Evans seconded the proposal of approval.

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

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

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

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

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

12 REMAINDER OF APPLICATIONS

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

13 OTHER MATTERS

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

**COUNCILLOR KEN TAYLOR
CHAIR**