

Planning and Orders Committee

Minutes of the hybrid meeting held on 5 July 2023

- PRESENT:** Councillor Ken Taylor (Chair)
Councillor Glyn Haynes (Vice-Chair)
- Councillors Geraint ap Ifan Bebb, Jeff M Evans, Neville Evans, T LI Hughes MBE, John Ifan Jones, R LI Jones, Dafydd Roberts and Robin Williams
- Councillor Nicola Roberts – Portfolio Member for Planning, Public Protection & Climate Change
- IN ATTENDANCE:** Development Management Manager (RLJ),
Planning Officers
Legal Services Manager (RJ),
Committee Officer (MEH)
- APOLOGIES:** Councillor Jackie Lewis and Alwen P Watkin
- ALSO PRESENT:** Local Members : Councillors Margaret M Roberts (application 12.5); Ieuan Williams (application 7.1)
- Councillors Derek Owen, Llio A Owen, Dafydd R Thomas

Councillor Robert LI Jones wished to acknowledge that the NHS was founded 75 years ago due to the inspiration of the late Mr Aneurin Bevan MP. Mr Aneurin Bevan's legacy lives on through the continued good work of the NHS.

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 7 June, 2023 were confirmed as correct, subject to an amendment in the Welsh version of the minutes at 12.1 that Councillor Geraint Bebb proposed approval of the recommendation and Councillor Liz Wood seconded the proposal.

4 SITE VISITS

None convened.

5 PUBLIC SPEAKING

There were Public Speakers in respect of application 7.1.

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 July, 2023 meeting.

Public Speakers

Mrs Andrea Thorburn, **objecting to the application**, said that she was objecting to the application to build an annex at Lancefield, Ffordd Cynlas, Benllech. She said that the architects by their own admission had stated that the first-floor southeast elevation window invades the privacy in her bedroom. The architect has proposed that a 2.2m fence will negate the overlooking and the planning office has agreed with these findings but drawing D918.09 version C streetscape shows that this information is incorrect and completely misleading. In addition, the drawing shows that the bedroom window is in the incorrect position, lower than it should be which gives inaccurate information. Drawing D918.10 also demonstrates that the fence that is been built to height of 2.2M which should negate the overlooking and is higher than the permission applied for. She further said that she has built a 2.2m fence to ascertain whether the fence is fit for purpose, this confirmed that the fence will not negate the overlooking. The existing single story garage which is 3M high was clearly still visible over the fence line. She asked the planning committee to consider whether her privacy will be protected by the building of a fence and the planning application is correct; this is because on the 4 May, 2023 the planning office instructed the architect to resubmit their drawings as the information in relation to the fence was misleading. However, the day before on the 3 May, 2023 the planning office had published its findings stating it would permit the application and accepted incorrect information despite her constant objections.

This application is still at the same position with incorrect information in relation to the boundary fence. She said that on the advice of her Solicitor, she had been instructed to inform the committee that if permission for the annex is passed and the fence does not negate the overlooking, Anglesey Council will be liable to pay compensation for trespass and nuisance. The planning office has also stated that Lancefield has already got a view into her bedroom. This information is incorrect, Lancefield sits on a different site plan and does not allow a view into her bedroom. The decision being made about the invasion of her privacy involves the planning application for the annex, not the main dwelling and this should be dismissed as not relevant. From the beginning of this application, she has informed the planning office that the boundary line is incorrect. On the 3rd of March a red line was submitted on all the drawings, she asked the planning office to inform her what the red line indicated, this information was not provided. She has now been informed by Gwen Jones from the planning office, that the red line is the site plan for the application. The drawing of the red line is incorrect and is drawn on her land. At no point has the owner of Lancefield contacted me claiming that there was a dispute over the property boundary, he has falsely submitted this information to the planning office, who have accepted this information. Condition number 5 in relation to the build states "The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling highlighted in red on the location plan". Condition number two also accepts the red line as the site plan. She said that on the advice of my solicitor, she has been instructed to inform the committee that, "If planning permission is granted including the acceptance of land belonging to Tŷ Calan, Anglesey Council will be legally responsible for any claims resulting from trespass in the future."

She further said that she would also like to inform the committee that there is a restriction on the deeds on the land for Lancefield which prohibits building. The deeds also state that it is the responsibility of Tŷ Calan to provide the boundary fence. The application supports a boundary fence being built 20CM away from the existing boundary fence line, this will not allow her to maintain the current fence or build a new fence in the future as required in the deeds. The size and scale of the new development does meet the SPG guidance for proximity distances. In relation to neighbouring property Endways, the front elevation of the window of the annex, to the side windows of Endways is 10.2M but 24M should be achieved. The owners of this property do not reside at Lancefield, this is a holiday home, and they are the owners of another property in Benllech. The building is not fit for purpose as the applicant has indicated that the annex is for his elderly parents as all the living accommodation and toilet is upstairs.

The Legal Services Manager read out a statement by Mr Sion Ellis, DEWIS Architecture, the agents of the application, **in support of the application.**

- The application is for the demolition of existing detached garage and provision of an attached annexe at Lancefield, Ffordd Cynlas, Benllech;
- A previous planning application was submitted on behalf of the applicant back in August 2022 for a detached annexe and was subsequently withdrawn due to the application not having the support of the Local Authority;

- Following the withdrawal of the first application, this application before you today was submitted to try and deal with the various objections and policy issues raised during the first application;
- The overall appearance, scale and siting of the annexe has been amended as part of the current application, to deal with the various objections and planning issues;
- Amendments include; the annexe is now attached to the existing dwelling, whereas before the annexe was detached. This will hopefully reassure local residents that the annexe will be used solely for the enjoyment of the existing dwelling and will be subservient to the dwelling's use;
- A justification statement has been prepared and submitted as part of the application, which confirms that the applicant and their family intend on moving to the area/property permanently once their children finish education. The annexe is to be used by their elderly parents, where deteriorating health has resulted in the applicants wanting to be close by to help if needed;
- The overall footprint of the first floor has also been decreased following concerns about the loss of light and view from neighbouring properties. The external wall to the south has been re-positioned to mitigate any 'blocking effect' following the concerns raised by neighbours;
- A new 2.2m high timber fence is also proposed along the east site boundary to mitigate overlooking issues/concerns;
- The previous approval for the new juliet balcony and dormer windows on Lancefield, which had no overlooking objections, gave us confidence to proceed with the annexe application;
- During the application period we have successfully answered all queries raised by the Local Authority, including highway and ecology issues;
- Additional drawings and documentation have also been prepared to support the application when requested by the Local Authority;
- Objections were raised regarding the accuracy of our drawings however we believe that they may have been taken out of context and we confirm that all of our drawings accurately express the site and buildings. Note that the drawings were all prepared with the use of a Leica Geosystems LEICA BLK360 G1 Laser Scanner, accurate to 4mm @ 10m & 7mm @ 20m;
- The proposal complies with all relevant planning policies and has the support of the planning officers;

The Development Management Manager reported that the proposal is for the demolition of the existing single storey garage together with the erection of a new two storey annexe in its place. The attached annexe is located to the south west elevation of the existing dwelling. During the site visit it was viewed the dwelling is sited at the back of the plot with a small rear garage with a large garden to the front of the property. The annexe will be set back approximately 38 metres away from the main residential street. He noted that Ffordd Cynlas is located on a steep hill which leads to the beach with various ground level differences between residential properties. The closest neighbours are to the south east and south west of the property with Endways located on the steep hill and Tŷ Calan is on the lower elevation. He noted that due to the topography of the area and the nature of the buildings with balconies and windows overlooking each other, a degree of overlooking already exists which

is not unexpected in a residential area. The initial siting of the proposed annexe has been amended from the previous planning application that had been withdrawn. The annexe has been placed further back within the curtilage of the property to adjoin the main dwelling. The proposal is a modern building but it is considered that it is in keeping with its surroundings. It is also considered that the annexe fits in with the character of the existing property and surrounding area and complies with the requirements of planning policy PCYFF 3. Careful consideration has been given to the impact of the proposal upon the amenities of adjacent residential properties.

The Development Management Manager said that the neighbouring property Endways expressed concern on the proximity of the annexe to their boundary and overlooking concerns towards the side windows of the main property. It is important to note that Endways is located higher than Lancefield and the side windows of Endways currently overlook Lancefield. The planning application was amended with the annexe located further back within the plot and the second floor has been reduced to mitigate overlooking over the windows of the neighbouring property. The side elevation of the annexe to the boundary of Endways is 2m; the indicative distances of the SPG states a distance of 2.5m should be achieved from a side elevation to the boundary. The side elevation of the annexe towards the side window of the rear extension of Endways is 11.4m; the indicative distances of the SPG states a distance of 12m should be achieved. The front elevation of the front window to the side of Endways is 10.2m; the indicative distances of the SPG of the front window to the side windows of Endways states a distance of 24m should be achieved. However, the SPG is used as guidance and relates to properties which face each other and not next door to each other. Condition (06) of any approval of the application ensures that the southwest elevation (facing Endways) will be obscurely glazed to avoid overlooking.

The Development Management Manager referred that consideration has been given to the impact of the proposal upon the amenities of Tŷ Calan a neighbouring property which is located at a lower elevation than Endways. The Local Planning Authority initially expressed concerns as regard to overlooking from the first-floor and side windows towards Tŷ Calan. The applicant confirmed that a fence would be erected on the east boundary, the fence will be erected away from the boundary and will alleviate overlooking towards Tŷ Calan. Consideration was given to whether the erection of a 2.2m fence in this location would impact Tŷ Calan, however, the applicant is entitled to erect a 2m high fence under the permitted development rights. The impacts on Tŷ Calan has been considered by the Local Planning Authority in respect of distances of the SPG. The first floor window (front elevation) of the annexe towards the boundary of Tŷ Calan is 8.1m; indicative distances of the SPG is 13.5m. The first floor window of side elevation of the annexe towards north east boundary is 9m; indicative distances of the SPG is 13.5m. The front facing window of the annexe to the side of Tŷ Calan is approximately 20.6m which is lower than the expected 24m within the indicative distances. However, the SPG is used as guidance and is not a policy. Consideration has been given to current overlooking issues from Lancefield towards Tŷ Calan and the additional mitigation measures such as the fence to ensure no additional overlooking from

the annexe. He further said that the Highways Authority has no objection to the application following receipt of additional information as was requested. The recommendation is of approval of the application subject to the relevant conditions outlined within the Officer's report.

Councillor Ieuan Williams, a Local Member, referred to the Joint Local Development Plan and specifically to KI2 – Second Homes and Holiday Homes and their effect on neighbouring dwellings and on the housing market. He said that Lancefield is a third home (not a second-home) and if permission is afforded to build the annexe it is uncertain as to the use in the coming years. He noted that the applicant is currently developing a dwelling on the Rhianfa Estate. Councillor Williams referred to planning policy PCYFF 2 of the Joint Local Development Plan which states that proposals need to comply with all relevant policies within the Plan together with national policies and guidance. He noted that the comments by the Officer that the SPG is used as guidance and is not a policy is incorrect with regard to the distances between the neighbouring dwellings and the effect on their amenities. He further referred to planning policy PCYFF 3 of the Joint Local Development Plan which states that developments need to add or improve the character of developments and the local landscape. He was not of the opinion that the development would improve the character of the development at Lancefield. He further said that the conversion of the annexe into an AirB&B could be easily attained. Councillor Williams considered that the development is contrary to planning policies PCYFF 2 and PCYFF 3 and he considered that the application should be refused.

The Development Management Manager responded to the comments of the Local Member and said that reference was made KI2 – Second Homes and Holiday Homes, he reiterated that the proposal is a dwelling (C3) and until the Authority adopts article 4 of the new legislation as regards to classes of development, the developer is allowed to use the property and to develop the site as it is classed as a C3 property. He said that the fact that the property is a second home has no bearing on the application. He further referred that planning policy PCYFF 2 within the SPG are guidance only and as a rule the distances of 24m are for houses that are directly facing each other. The Planning Officer has considered the distances in a professional manner and it is considered to be acceptable. The applicant has proposed to erect a 2.2m fence to mitigate the overlooking concerns and it is considered acceptable to the Planning Department. The Development Management Manager referred to the comments as regards to planning policy PCYFF 3 as regards to place shaping and design and that it does not improve the character of the area. He noted that during the site visit it was evident that the properties on Ffordd Cynlas are all different designs and ages and it is considered that the proposal is a modern design and will not be out of place and will improve the character of the area and there is justification for the annex at Lancefield. He referred to the comment that the annex can be converted into an AirB&B in the future, a condition has been attached to any approval of the annex and enforcement action would be undertaken if there was any breach of the condition. The developer has submitted a justification statement and it is considered sufficient for the development of an annex on the site.

Councillor Dafydd Roberts ascertained clarification as regards to the required distances from each dwelling. He noted that Lancefield is situated to the back of the plot compared to the neighbouring property Tŷ Calan. The Development Management Manager responded that if both properties were at the same level, a distance of 18m is required. However, both properties are not on the same level and an additional 3m is required and as the living room is on the second floor an additional 3m is required. The SPG guidance addresses the land levels. There is an element of overlooking over the properties which is similar to housing estates. Councillor Dafydd Roberts said that he considered that overlooking issues exist as part of this application.

Councillor Robert Ll Jones proposed that the application be approved in accordance with the Officers recommendation as it is noted within the Officer's report that the application will not have a negative effect on neighbouring properties and is of a high quality. Councillor Jeff Evans seconded the proposal of approval of the application.

Councillor John I Jones said that the development is identified on NRW's flood risk maps but NRW has not responded to the consultation and the property Lancefield is the closest to the river at the back of the properties. The Development Management Manager responded that NRW has responded that they have no observations to make and it is considered that they do not consider it to be of a high risk. He noted that Welsh Water and the Drainage Section of the Local Authority have not raised any concerns. Councillor John I Jones proposed that the application be refused due to over-development of the site and that the property is identified as of high risk of flooding within NRW's flood risk maps.

Councillor Geraint Bebb seconded the proposal of refusal of the application due to the comments made by the Local Member.

It was RESOLVED to refuse the application contrary to the Officer's recommendation as it was deemed:-

- **that the application is over-development of the site;**
- **over-looking over 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 a risk of flooding.**

(In accordance with the requirements of the Constitution the application will be automatically deferred to the next meeting to allow the Officers to respond to the reason given for refusing the application).

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/2023/18 – Application under Section 73 for the variation of condition (01) of planning permission reference 43C54G/VAR (erection of a dwelling) so as to allow a further 5 years to commence development at Gwynfryn Lodge, Rhoscolyn

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

The Development Management Manager reported that planning permission was granted in 1992 for the erection of a single dwelling on the site. In 2012, a certificate of lawfulness was approved to secure the permission as substantial works had already started on the property. Subsequently permission was given for an amended design in 2013 and in 2018 permission was given to extend the approval for an additional 5 years. He noted that this application is made to further extend the lifetime of the permission and no significant amendments have occurred to the policy context surrounding design to such an extent where the department would reach a different conclusion and the recommendation was to approve the application.

Councillor Trefor LI Hughes MBE proposed that the application be approved in accordance with the Officer’s recommendation. Councillor John I Jones seconded the proposal of approval.

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

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 VAR/2023/33 – Application under Section 73 for the variation of condition (18) (Landscaping) and (20) (Pedestrian Paths) of planning permission reference FPL/2021/361 (Full application for the erection of a new foundation phase and child care unit, external play areas, car park and associated works) so as to approve details in relation to condition (18) after the work has commenced on site and allow the re-wording of

condition (20) to allow information to be submitted prior to the commencement of any path works on land adjacent to Ysgol y Graig, Llangefni

The application was presented to the Planning and Orders Committee as the application is presented by the Local Authority.

The Development Management Manager reported that the application is submitted under Section 73 for the variation of condition (18) (Landscaping) and (20) (Pedestrian Paths) of planning permission reference FPL/2021/361 which was approved in July last year. Condition (18) required the applicant to provide hard and soft landscaping including an indication of which existing trees were to be retained with Tree Protection Measures for their protection throughout the course of development prior to the commencement of work on the site. However, works has commenced on the site without formally discharging the condition. The application has provided full landscaping details as part of this application together with details of which trees are to be retained. The details also include Tree Root Protection Heras Fence to ensure that the trees are protected throughout the course of the development. The Development Management Manager further reported that Condition (20) stated that full details of pedestrian link paths shall be submitted to and approved in writing prior to commencement of works on site, however, work has commenced on the site without formally discharging the condition. The applicant has requested that the wording of the condition is amended so that full details of pedestrian link paths are submitted to and approved in writing by the Local Planning Authority prior to the works commencing on the paths. He further said that landscaping information submitted with the planning application satisfies the requirements of Condition (18) and it is also considered acceptable to amend the wording of Condition (20) to allow the applicant further time to submit details of the pedestrian link paths prior to commencement of the paths.

Councillor Geraint Bebb proposed that the application be approved in accordance with the Officer's recommendation. 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.

12.2 VAR/2023/8 – Application under Section 73 for the variation of condition (07) (Approved Plans) of planning permission reference FPL/2021/1 (change of use of existing listed building into 4 social housing flats together with alterations and extensions) so as to amend the design at Plas Alltran, 3 Turkey Shore Road, Holyhead

The application was presented to the Planning and Orders Committee as the application has been presented by the Local Authority.

The Development Management Manager reported that planning permission was granted for the change of use of the building into 4 affordable units in 2021 and the planning permission is extant and is safeguarded. The application is to amend the design of the previously approved scheme with the removal of the former contemporary zinc two storey extension to the rear of the building together with the reconfiguration of the internal layout and staircase and amendments to the opening and a small rear single storey extension. He further said that the listed building is within a prominent location and has been vacant for nearly 50 years and is deteriorating at an increasing pace and will continue to do so until remedial works are undertaken. The granting of planning permission and implementation of the proposals would safeguard the building's future through viable re-use and address a long time problematic building. The proposal would also result in the removal of the building from CADW's Buildings at Risk Register.

Councillor Jeff Evans, and a Local Member, said that whilst he was supportive of the intention to develop the site as the building has been problematic and is an eyesore in the area for many years, he referred that there are parking issues surrounding this building and local residents are concerned as parking issues already exist in the vicinity of this development with vehicles parked on the pavements. He referred to the response by the Highways Authority during the consultation of the proposal (which is noted in the report), that whilst it is acknowledged that there were no parking facilities with the proposal, they were satisfied that there were adequate car parking facilities available nearby. Councillor Evans expressed that there are only private parking facilities nearby which are in the ownership of supermarket and Stena. The Development Management Manager responded that the original application was approved in 2021 and the application before this Committee relates to the design of the development. Whilst it is acknowledged that there are parking issues in the area the location of the proposal is within a sustainable location.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation. Councillor T LI Hughes seconded the proposal of approval.

Councillor Jeff Evans wished it to be minuted that parking issues are a problem in the area and Plas Alltran is located on a corner with heavy traffic travelling towards Stena, the local supermarket, Skinners Mounument and the old football field with no pavement for walkers near the site.

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

12.3 LBC/2023/9 – Listed Building Consent for the replacement of timber windows and doors with new aluminium windows and doors, together with a new fire resistant screen at Ysgol Syr Thomas Jones, Amlwch

The application was presented to the Planning and Orders Committee as the application has been presented by the Local Authority.

The Development Management Manager reported that Ysgol Syr Thomas Jones, Amlwch is a Grade II listed building and the school was the first purpose designed comprehensive school in Wales. The application is for listed building consent for the replacement of timber windows and doors with new aluminium windows and doors, together with a new fire resistant screen. The proposed replacement windows and doors are to the later 1960's Technology Block extension. The existing single glazed timber windows are in poor condition with the proposal being to replace with double glazing aluminium powder coated windows of a design that better reflects the original windows and the listed building's character.

Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation. Councillor Dafydd Roberts 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.

12.4 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 a Local Member.

Councillor Geraint Bebb, and a Local Member, requested that a physical site visit be undertaken to the site due to local concerns as regards to noise pollution and the access to the site. He noted that the local Community Council has also raised concerns as to the access to the site due to its location.

Councillor John I Jones proposed that a physical site visit be undertaken to the application site. Councillor T LI Hughes MBE seconded the proposal for a physical site visit.

It was RESOLVED that a physical site visit be undertaken at the request of a Local Member for the reasons given.

12.5 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 a Local Member.

Councillor Margaret M Roberts, a Local Member, requested that a physical site visit be undertaken to the site due to traffic issues and the narrowness of the roads.

Councillor Geraint Bebb proposed that a physical site visit be undertaken to the application site. Councillor T LI Hughes MBE seconded the proposal for a physical site visit.

It was RESOLVED that a physical site visit be undertaken at the request of a Local Member for the reasons given.

13 OTHER MATTERS

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

**COUNCILLOR KEN TAYLOR
CHAIR**