

Planning and Orders Committee

Minutes of the meeting held on 4 September 2019

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, T LI Hughes MBE,
K P Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen,
Dafydd Roberts and Robin Williams.
- Councillor R A Dew – Portfolio Holder (Planning & Public
Protection).
- IN ATTENDANCE:** Development Management Manager (NJ),
Senior Planning Officer (GJ),
Planning Officer (DR),
Development Control Engineer (JAR),
Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members: Councillor Aled M Jones (applications 7.2 & 12.1);
Peter Rogers (application 7.1).
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1 APOLOGIES

None received.

2 DECLARATION OF INTEREST

Councillor Bryan Owen declared a personal and prejudicial interest with regard to application 7.1 on the agenda.

Councillor Robin Williams declared a personal and prejudicial interest with regard to application 7.3 on the agenda.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 24 July, 2019 were presented and confirmed.

4 SITE VISITS

The minutes of the planning site visits held on 7 August, 2019 were confirmed, subject to the inclusion of the names of Councillors Eric W Jones and Robin Williams to the list of apologies.

5 PUBLIC SPEAKING

There were public speakers in respect of application 7.2.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

7.1 VAR/2019/14 – Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at Cae Eithin, Malltraeth

Councillor Bryan Owen had declared a personal and prejudicial interest in the application and left the meeting during discussion and voting thereon.

The application was presented to the Planning and Orders Committee at the request of Local Members.

At the meeting of the Planning and Orders Committee held on 3 July, 2019 it was resolved to visit the site and subsequently the site was visited on 17 July, 2019. Due to the unavailability of some Members attending the site visit the Planning and Orders Committee at its meeting held on 24 July, 2019 resolved to re-visit the site and subsequently the site was further visited on 7 August, 2019.

Councillor Peter Rogers, a Local Member referred to the closing of an enforcement complaint regarding access to the site in 2018 on grounds of expediency but raised concerns that 5 out of the 6 planning conditions had been breached and that the dwelling had already been constructed on the site and there was no lawful access for the delivery of building materials and plant equipment to the site. Councillor Rogers referred to the discrepancies between the heights, finished floor level and siting of the dwelling and those prescribed by the conditions of the original planning consent having an effect on the amenity and privacy of neighbouring properties and the local area. He referred that there are anomalies within the Planning Officer's report as regards to the submission of a Certificate A and he considered that the Planning Department mislead various bodies when they circulated the Certificate A application. Councillor Rogers highlighted that many questions in relation to this development and the breaches of planning conditions remain unanswered and

asked the Committee to defer the application until independent investigations as regards to this proposal have been completed.

The Development Management Manager said that the application is to delete conditions to the finished floor level, the siting of the dwelling within the plot, increased length and width of the finished dwelling and amended orientation of the garage together with the erection of a new perimeter flood defence wall at Cae Eithin, Malltraeth. She outlined the planning history of the development and noted that an application was submitted in 2015 for private access to the site and there was disagreement as to the ownership of the land and thereafter the application was 'called-in' for discussion by the Planning and Orders Committee. She referred to numerous enforcement issues attached this application over a number of years and concerns expressed that the Planning Authority has not taken enforcement proceedings; the application before this meeting is the result of enforcement processes undertaken which complies with Welsh Government's planning policies.

The Development Management Manager further said that as part of the objections to the application it is obvious that there are errors in relation to the permission given for the dwelling itself. There have been comments that other conditions attached to the planning application have been breached as to the position of the dwelling within the application site, parking spaces not been completed and unlawful use of the access to the site. The Officer suggested that a misunderstanding had occurred during the sale of the land to the current owners in relation to the extent of the planning permission granted. She referred to the Planning Officer's report as to the measurements of finished floor level, the dwelling is 250mm longer and 250mm wider than that approved and the garage is now sited such that its front gable faces the new driveway approved as part of the permission for a private access; there are objections as regarding to the height and levels as well as the pitch of the roof of the dwelling. The actual finished floor level of the dwelling is now 4.25 AOD, 170mm lower than the level specified in the condition; the height of the dwelling from the finished floor level as built to ridge is 5.85m which is less than the 6m stipulated in the condition. The approved height from the FFL to ridge was 5.40m, the actual height from FFL to ridge is 5.85m, a difference of 450mm. However, taking into account a small increase in the height and a 2 degree alteration to the pitch from 38 to 40 degrees as a result of the increase in width and the fact that the FFL should have been 170mm higher than it has been constructed, the overall increase in the height of the dwelling is 280mm. The Development Management Manager further referred that the Local Member has expressed robust views as regards to enforcement issues, she said that if the Planning Authority enforced against the planning permission afforded it would be enforcing against the historical flood levels. With regard to a reclassification of the area from a C1 to a C2 zone, if the application was dealt from new the actual floor levels required to be achieved would be 4.7m AOD. As part of the proposal a construction of a boundary wall is to be erected as part of flood risk at a height of 4.7m above AOD so as to reach the flooding requirements.

The Development Management Manager said that as regards to the Welsh Government Planning Policies applicants who breach planning conditions should not to be penalised; the application needs to be viewed as regards to the effect on the local amenities of neighbouring properties and on the area as regards to the

planning approval. She noted that the conclusion is that there is no unacceptable intrusion in terms of the nature or the siting of the dwelling. Comments have been received as regards to the ownership of land as regards to the location of the soakaway in front of the dwelling; plans have been received by the applicant's agent that the drainage of the land can be incorporated within the land in the ownership of the applicant. It is considered that there is no detrimental effect on the nearby AONB. The recommendation is of approval of the application, however the Planning Authority does not encourage breaches of planning conditions but as part of the enforcement process such retrospective applications do come before the local authority and they must be assessed as regards breaches of planning conditions in accordance with planning policies .

Councillor K P Hughes said that following the site visits to the application site he proposed that the application be approved and Councillor John Griffith seconded the proposal.

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/2019/116 – Full application for the change of use of former church into two holiday units together with alterations and extensions at St. David's, Athol Street, Cemaes Bay

The application was presented to the Planning and Orders Committee at the request of Local Members.

At the meeting of the Planning and Orders Committee held on 3 July, 2019 it was resolved to visit the site and subsequently the site was visited on 17 July, 2019. Due to the unavailability of some Members attending the site visit the Planning and Orders Committee at its meeting held on 24 July, 2019 resolved to re-visit the site and subsequently the site was further visited on 7 August, 2019.

Public Speaker

Mr Mike Jones (against the proposal) stated that he is the resident of the property opposite the application site and also said that he was speaking on behalf of a number of objectors in respect of the application. He said that they are not against bringing the site back into gainful use as a residential property, holiday let or even Community use. The objections is regards to the poor quality of the application submitted. He thanked the Committee for visiting the site on both occasions to view the concerns of the objectors. Mr Jones referred that issues raised on the first site visit was access to the site, the entrance doors and gates, overlooking issues, intrusion, appearance, maintenance, drainage and parking issues, which are all valid Town Planning considerations. He noted that the response by Planning Officers was that all these issues can be resolved with planning conditions. But Mr Jones considered that if matters need be controlled by conditions then the submission is grossly inadequate in the first instance and should be rejected. Mr Jones further said that the application is a scheme of poor quality which has been designed to maximise profit for the owner by selling land that was generously given

to the Church for community use. The scheme has not considered the village environment, neighbours to the property nor the occupants who will be renting the holiday lets. He expressed that the impact on the back gardens of the Fairview dwellings and the Vigour Hotel has not been considered by the applicant. Mr Jones disagreed that the movement of traffic from the dwellings would be no more than if the Church was still in use; the two proposed dwellings will incur increase movement of traffic in the area daily. Mr Jones said that part of the application site lies within the designated Conservation Area and this proposal does not enhance the design of the building. He noted that the Officer's report noted that the existing building on the site exhibits little architectural merit. He further said that the local Community Council and the local residents considers that the application should be refused.

The Development Management Manager outlined the application to the Committee and said that concerns have been expressed as to the ownership of land to the front of the existing Church but these are private issues between interested parties. She said that the St David's Church, Cemaes has been removed from the Conservation Area recently following a review. Given the lawful use of the existing building (Class D1) and other potential D1 uses the Church could be used for other community use i.e. children's nursery or clinic which could increase traffic movement considerably.

Councillor Aled M Jones, a Local Member said that whilst he was not against the development of the application site, the site needs to be sensitive to the area. The St David's Church is on the boundary of the village square in Cemaes which has limited parking. He further said that there is a road adjacent to the Church which has access to a residential dwelling which makes it impossible to carry out works on the Church outside as there is no land available. Councillor Jones referred that a piece of land near the church which has been designated for 3 vehicles as part of the proposal is not in the ownership of the Church and without such land the application is unable to be approved due to limited parking provision within the village square of Cemaes. He considered that the proposed application is overdevelopment and one holiday unit would be sufficient.

The Development Control Engineer (Highways) said that the location of the Church is within walking distance of car parking provisions in the village and that given the lawful use of the existing building (Class D1 Church) it is not considered that there would be considerable increase in traffic generated from the proposed development.

Councillor K P Hughes proposed that the application be approved as there is a need to attract tourism to the area and the Island. Councillor Robin Williams seconded the proposal of approval.

Councillor Dafydd Roberts proposed that the application be refused due to the visual appearance of the current building. Councillor Bryan Owen seconded the proposal of refusal.

Following the ensuing vote 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/2019/129 – Full application for the erection of a detached garage at Ty Arfon, Lôn Refail, Llanfairpwll

Councillor Robin Williams had declared a personal and prejudicial interest in the application and left the meeting during discussion and voting thereon.

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

At the meeting of the Planning and Orders Committee held on 3 July, 2019 it was resolved to visit the site and subsequently the site was visited on 17 July, 2019. Due to the unavailability of some Members attending the site visit the Planning and Orders Committee at its meeting held on 24 July, 2019 resolved to re-visit the site and subsequently the site was further visited on 7 August, 2019.

The Development Management Manager referred to the objections by local residents as noted within the report which has been addressed within the Planning Officer's report. She said that the scale of the garage is considered acceptable and will not have an adverse effect on the neighbouring hedge. She noted that no objection to the proposed development has been received by the statutory consultees.

Councillor Eric W Jones proposed that the application be approved and Councillor Bryan Owen seconded the proposal.

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

10.1 VAR/2019/9 – Application under Section 73 for the variation of condition (01) (Approved Plans) from planning permission reference 18C71E (Conversion of outbuilding into a dwelling together with the installation of a package treatment plant) as amended by application reference MAO/2018/2 so as to allow for amendments to the design of the outbuilding conversion together with the discharging of condition (03) (Boundary treatment) of planning permission reference 18C71E at Neuadd, Cemaes

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 outlined the application to the Committee and said that the applicant has also submitted boundary details as part of the application. She noted that the application is contrary to Policy TAI 7 of the Joint Local Development Plan, however the fall-back position is that the application site has an extant planning permission for the conversion of the outbuilding into a dwelling.

Councillor Robin Williams proposed that the application be approved and Councillor K P Hughes seconded the proposal.

It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions 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 FPL/2019/1 – Full application for the conversion of building into seven flats together with the creation of a new vehicular access at Carmel Chapel, Chapel Street, Amlwch

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

The Chair said that a Local Member had submitted a request to visit the application site due to local concerns in respect of the demolition of a boundary wall to create a new vehicular access.

Councillor Nicola Roberts proposed that the site be visited and Councillor Richard O Jones seconded the proposal.

It was RESOLVED at the request of a Local Member to visit the site.

12.2 DIS/2019/84 – Application to discharge condition (11) (Construction traffic management plan) of planning permission FPL/2019/9 at Maes y Coed, Menai Bridge

The application was presented to the Planning and Orders Committee as the application is made by the Council on the Local Authority's owned land.

The Development Management Manager reported that the application is for the discharge of condition 11 from planning application FPL/2019/9 which requested details of a construction traffic management plan. The construction traffic management plan has now been received by the Local Authority and is considered acceptable by the Highways Authority.

Councillor Robin Williams proposed that the application be approved and Councillor Eric W Jones seconded the proposal.

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 FPL/2019/79 – Full application for change of use of existing community room into a 1 bedroom dwelling at Waun Dirion, Benllech

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

The Development Management Manager reported that the proposal is 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 area or nearby residential dwellings or upon the Welsh language.

Councillor Eric W Jones proposed that the application be approved and Councillor Vaughan Hughes seconded the proposal.

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/2018/55 – Full application for the conversion of outbuilding into a holiday accommodation together with the installation of a package treatment plant at Penrhyn Owen, Holyhead

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

The Development Management Manager reported that the original application has been amended in order to reduce the scale of the proposed development and the application is supported by a Business Plan so as to conform to planning policies. She further said that it is not considered that the development will have a negative impact upon any residential dwelling nor on the surrounding area. Additional conditions will need to be attached to any approval of the application as regards to the requirements for details of works to be undertaken to boundary walls and passing bays on the nearby highway. Whilst the Local Member has expressed concerns that the road to the application site is narrow, the Development Management Manager said that the road is a private highway and the Highways Authority are satisfied with the application subject to passing bays being afforded as part of the conditions attached to the planning application. The Development

Management Manager said that the public consultation period does not come to an end until 5 September, 2019 and requested that the Officer's be afforded power to act following the public consultation period if no representations have been received.

Councillor T LI Hughes, a Local Member said that he has concerns as regards that the road is narrow towards Trearddur Road and Porthdafarch Road with no pavement for people having to walk on a dangerous highway. The Development Control Engineer responded that the highway is used extensively by walkers as there are numerous public footpaths near the application site. He noted that the Highways Authority is requesting that the applicant affords 'passing bay' as part of the application.

Councillor Robin Williams proposed that the application be approved and Councillor K P Hughes seconded the proposal.

It was RESOLVED to approve the application, subject to additional conditions as regards to the requirements of passing bays on the nearby highway and details of works in respect of boundary walls be submitted and to grant the Officer's power to act following the statutory public consultation period coming to an end.

13 OTHER MATTERS

Submitted – a report on the public speaking procedure in relation to the functions of the Planning and Orders Committee.

The Development Management Manager that the public speaking protocol has not been reviewed since it was introduced in 2010 and the revised protocol is updated mainly to reflect the General Data Protection Regulations.

It was RESOLVED to adopt the updated Public Speaking Procedure in relation to the functions of the Planning and Orders Committee.

**COUNCILLOR NICOLA ROBERTS
CHAIR**