

# Planning and Orders Committee

## Minutes of the meeting held on 6 February 2019

- PRESENT:** Councillor Nicola Roberts (Chair)  
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, T LI Hughes MBE (left the meeting at 1.15 pm), K P Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams.
- Councillor R A Dew – Portfolio Holder – Planning.
- IN ATTENDANCE:** Planning Development Manager (NJ),  
Planning Assistant (CR),  
Administrative Assistant (WT),  
Development Control Engineer (JRPW),  
Legal Services Manager (RJ),  
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members : Councillors Margaret M Roberts (for application 10.1); Alun M Mummery (for application 12.1).
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### 1 APOLOGIES

None received.

### 2 DECLARATION OF INTEREST

No declaration of interest received.

### 3 MINUTES

The minutes of the Planning and Orders Committee held on 9 January, 2019 were presented and were confirmed as correct.

### 4 SITE VISITS

No site visits were undertaken following the 9 January, 2019 meeting of the Planning and Orders Committee.

### 5 PUBLIC SPEAKING

There was a Public Speaker in respect of application 12.1.

## 6 APPLICATIONS THAT WILL BE DEFERRED

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

## 7 APPLICATIONS ARISING

### 7.1 14C257 – Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all other matters reserved on land adjacent to Cefn Trefor, Trefor

The purpose of the report is to define the term 'Local Need' and suggest conditions to be appended to the decision notice in relation to the application which was approved by the Planning and Orders Committee at its meeting held on 5<sup>th</sup> December, 2018 subject to a Section 106 agreement to ensure the dwelling is developed as an affordable dwelling, contrary to the recommendation of Officers that permission be refused as the application is contrary to policy TAI 6.

The Planning Development Manager reported that the applicant's Agent has suggested that 'local' should be defined within the Joint Local Development Plan (JLDP) and 'local' should mean Anglesey and Gwynedd. The Committee were afforded coloured maps which showed what is meant by the area surrounding clusters as part of the Section 106 agreement if the applicants wished to sell the dwelling in the future. The Officer said that the maps have been afforded to comply with the policy to afford dwellings for local people as they must have lived within the village or the immediate area for 5 years.

Members questioned whether the towns and villages had been removed from the coloured maps afforded to the meeting. The Planning Development Manager responded that the aim of the policy is to afford local housing; the policy aim is not to draw people from towns and villages to live within the countryside.

Councillor Eric W Jones expressed that he considered that all resident of the Island are local persons to Anglesey.

Councillor K P Hughes said that the guidelines are preventing more than facilitating this issue of local person. He expressed that it is important to allow young people who wish to stay within their own habitat to be able to build houses and stay on the Island. Councillor K P Hughes proposed that 'local person' should be the whole of Anglesey. Councillor Eric Jones seconded the proposal.

The Chair said that she considered that there is deficiency within the policy as regards to 'local person' definition. She expressed that in fairness to this application and to any future application before the Planning and Orders Committee the Chair proposed that the application be deferred and to refer the definition of 'local person' to the Joint Planning Policy Committee for discussion and clarification in case a challenge or appeal by High Court is faced by this Authority in the future. Councillor John Griffith seconded the proposal.

The Legal Services Manager said that this application was approved under Policy TAI 6 and this policy is clear that the occupants of the dwelling must live within the cluster or has lived within the rural area. He said that it was acceptable that the Committee request the Joint Planning Policy Committee to respond to clarify the definition of a rural area and a local person.

Following the ensuring vote it was **RESOLVED to defer consideration of the application and to refer the definition of 'local person' to the Joint Planning Policy Committee for clarification and discussion.**

## **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/2018/4 – Application under Section 73A for the variation of condition (10) (Pedestrian footpath) of appeal decision reference APP/L6805/A/15/3132036 (Erection of a dwelling, installation of a sewage treatment plant together with the construction of a vehicular access) so as to allow for the submission of a scheme for the provision of a pedestrian footway following the expiry of the 4 month period at Ger y Mynydd, Brynrefail, Dulas**

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

Councillor Margaret M Roberts, speaking as a Local Member said that this application was approved with a condition that a footpath be in place before occupation of the dwelling. However, following occupation of the dwelling the applicant submitted an application for the condition to be removed which was subsequently approved through an appeal process but more stringent conditions were imposed for the pedestrian footway to be provided. Councillor Roberts questioned whether these conditions are still valid.

The Planning Development Manager reported that the principle of a dwelling in this location has already been established which was granted on appeal in December 2015 and which remains extant. Furthermore the dwelling has since been built and is occupied. As part of the original permission there was a condition requiring the provision of a pedestrian footway from the site and the applicant subsequently sought to have the condition deleted, however the application was refused. However an appeal was allowed in June 2018 subject to revised conditions which were noted within the Planning Officer's report. In accordance with the appeal conditions a scheme should have been

submitted to the Local Planning Authority by 20 October, 2018 but no such details were submitted and consequently a Breach of Condition has occurred. The Local Planning Authority thereafter wrote to the applicant on 22 November, 2018 regarding the breach and advising that the Local Planning Authority were minded to issue a Breach of Condition Notice in order to address matters. Nevertheless it transpired that due to an apparent miscommunication between the applicant and the Highways Officer, a scheme had in fact been agreed directly with the Highways Department which the Local Planning Authority had been unaware of and that works had been scheduled to take place in early December. It is now apparent that the applicant must submit a planning application under Section 73A for the variation of condition.

Councillor Vaughan Hughes expressed concerns as regards to the miscommunication between both the Highways and Local Planning Authority in respect of this application.

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

#### **10.2 FPL/2018/21 – Full application for the erection of a dwelling together with the creation of a new vehicular access on land adjacent to Bronallt, Pentre Berw**

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 Planning Development Manager reported that the principle of a dwelling has already been established under a historic planning application 33C231/DA in 2004. An application for a lawful use certificate to prove that works has been undertaken to implement planning permission A/967A was proved lawful on the 26 January, 2016. She noted that amended plans for dormer building has been submitted which entails a re-design of the dwelling previously approved. Ecological Mitigation Plan has been received which is considered an improvement to the original application.

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.**

## **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 41C137A/DA – Application for reserved matters for the erection of a dwelling, construction of a vehicular access together with the installation of a treatment plant at Afallon, Penmynydd

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

#### *Public Speaker*

Mr Aled Jones (**in support of the application**) said that outline planning permission was approved in 2016 together with the access to the site. He further said that the location of the dwelling has been moved to the centre of the plot and the height of the roof has also been reduced in accordance with the recommendations of the Planning Officers. Mr Jones said that negotiations have been taking place with the Drainage Section as regards to the drainage system; he was given to understand that the Officers of the Drainage Section have responded today that the drainage system is acceptable. He noted that the residents of the neighbouring property of Afallon have expressed concerns on the overlooking and noise levels from the site but an acoustic fence will be erected to mitigate any detriment to the amenities of the adjoining property.

Councillor Alun Mummery, speaking as a Local Member said that he called-in the application due to concerns by local residents. He read out an email received in September 2018 by Planning Officers stating that the application did not conform to the approved outline application due to its height and location on the site. Councillor Mummery said that the report to today's meeting now states that the height and location of the dwelling is acceptable and the Drainage Section has also confirmed that the drainage system is acceptable. He questioned whether it was usual to grant approval of planning applications whilst statutory matters have not been addressed. The Planning Development Manager responded that the application before the Committee is to submit reserved matters and details of the application. The Local Member further said that Penmynydd Community Council has expressed concerns as to the access to the site from the highway and it was considered that the Highways Department should consider cutting the overgrowth of the hedges during the summer months near the junction near to this application site. The Planning Development Manager responded that the access to the site was also part of the outline application approved in 2016. She noted that a letter from the Penmynydd Community Council expressing concerns as to the access to the application site was received. The Officer said that details of the access to the site has been dealt within the outline application stage.

The Planning Development Manager reported that the application is a reserved matters application that complies with the extant outline planning

permission previously approved in May 2016 under the former Ynys Môn Local Plan and under the provisions of Policy 50. It was noted that a further letter of objection had been received as regards to this application. She said that the siting of the dwelling is sideways within the plot to alleviate overlooking of the neighbouring properties. An acoustic fence is to be erected to the boundary adjacent to Afallon, the neighbouring property, to alleviate concerns of noise from the proposed new access which was a condition as part of the outline approval. The Officer said that confirmation has been received by the Drainage Section that the drainage system is acceptable.

Councillor Robin Williams said that as the access from the site is near dangerous bends, he ascertained whether the Highways Section has any plans to improve the splay of the highway. The Development Control Engineer (Highways) responded that the access from the site has been dealt within the outline planning application and the highways authority has not made further comments as regards to the application as it was considered that the development would not cause excessive increase of traffic. However, he said that the Highways Authority has powers to maintain visibility on junctions. Councillor Williams further expressed that cutting the overgrowth of the hedges near the junction near to this application site needs to be undertaken on a regular basis.

Councillor Bryan Owen 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.**

### **13 OTHER MATTERS**

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

**COUNCILLOR NICOLA ROBERTS  
CHAIR**