

Planning and Orders Committee

Minutes of the meeting held on 5 December 2018

- 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 (present for introductions only), Dafydd Roberts and Robin Williams.
- Councillor R A Dew – Portfolio Holder for Planning.
- IN ATTENDANCE:** Planning Development Manager (NJ),
Senior Planning Officer (GJ),
Administrative Assistant (WT),
Development Control Engineer (JRPR),
Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members : Councillors Bob Parry OBE FRAGS (for application 7.1); Shaun Redmond (for application 12.1).
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1 APOLOGIES

None received.

2 DECLARATION OF INTEREST

None received.

3 MINUTES

The minutes of the meeting held on 7 November, 2018 were confirmed as correct.

4 SITE VISITS

There were no site visits held following the 7 November, 2018 meeting of the Planning and Orders Committee.

5 PUBLIC SPEAKING

There was a Public Speaker in respect of application 12.3.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

7.1 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 application was reported to the Planning and Orders Committee at the request of a Local Member on the grounds of proximity to the cluster and a local need. At its meeting held on the 7th November, 2018 the Committee resolved to approve the application contrary to Officer's recommendation.

Councillor Bob Parry OBE FRAGS, Local Member said that the applicants have lived most of their lives within the Canolbarth Môn area. He referred to the designs of the properties in Trefor and did not believe that approving this application would be intrusive within the community. Councillor Parry said that the applicants wish to build a home for their young family of four children and asked the Committee to reaffirm their previous decision to approve the application.

The Planning Development Manager reported that the application is for an affordable dwelling on land adjacent to Cefn Trefor, Trefor. The application was approved contrary to the Officer's recommendation as it was considered that the dwelling fits into the area and would not look out of place and that the applicants are local to the area as the application site is within Canolbarth Môn where they were brought up and so the proposal complies with Criterion 4 of the Policy. She said that as was highlighted at the last meeting the definition of local to Canolbarth Môn does not comply with the definition within the policy as being 'local'. The policy supports proposals for affordable dwellings for local need providing all the criteria are met. The policy defines local need as 'people in need of an affordable dwelling who have resided within the cluster or in the surrounding rural area for a continuous period of 5 years or more, either immediately before submitting the application or in the past.' The applicants lived at RAF Valley before selling their home. The policy does not permit individuals to move out of other villages to clusters in order to obtain an affordable dwelling; the policy is for people who live within clusters to be able to submit applications for affordable dwellings. The Planning Development Manager said that whilst accepting that there is an 'affordable need' by the applicants the application does not conform to specific criteria within planning policies.

Councillor Eric W Jones that the site is adjacent to a coloured building on the inset map and is within the curtilage of the property in front of it and therefore conforms with policy 6.2 within the joint development plan. Councillor Eric W Jones proposed reaffirm the previous decision to approve the application contrary to the Officer's recommendation.

The Planning Development Manager said that as stipulated within the Officer's report to the Committee at its previous meeting, this proposed application does satisfy some of the planning criteria. It is accepted that the dwelling will be located within the Trefor cluster area and that there is evidence as regards to the need for an affordable dwelling, however, the criteria notes that a person needs to have lived within the cluster or within the surrounding rural area for a period of 5 years in succession. This definition clearly stipulates that they must have lived within the cluster area and not within the electoral ward.

The Legal Services Manager said that the law stipulates that that decisions on planning application needs to be undertaken in accordance with the Joint Local Development Plan and the Committee needs to interpret the Development Plan correctly. He further said that if the Committee decides not to accept the interpretation the Joint Local Development Plan correctly then any decision will be unsound and could be open for challenge by judicial review or referred to the Ombudsman.

Councillor K P Hughes said that he considered that the proposed application conforms within the definition of 'local need'. He further said if the Welsh Government's vision to create thriving and prosperous communities and also protecting the Welsh culture and language is to materialise it is essential to support young families to be part of those communities and to protect rural communities. Councillor K P Hughes seconded the proposal to reaffirm the previous decision to approve the application contrary to the Officer's recommendation.

Councillor Richard O Jones said that until the policy within the Development Plan has been reviewed he would have to propose that the application be refused in accordance with the Officer's recommendation. There was no seconder to the proposal of refusal.

The Planning Development Officer said that as part of the policy within the Joint Local Development Plan when such an application is approved contrary to Officer's recommendation a S106 legal agreement needs to be attached to any approval as regards to the 'affordable dwelling' criteria.

It was RESOLVED to reaffirm the previous decision to approve the application contrary to the Officer's recommendation subject to a S106 agreement in respect that the dwelling is to be an 'affordable dwelling'.

(Councillor John Griffith abstained from voting).

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

10.1 43C182F/VAR - Application under Section 73A for the variation of condition (10) (approved plans) of planning permission reference 43C182A (erection of a dwelling with a balcony together with the erection of a detached garage) so as to allow amendments to the design of the garage after works have commenced on site on land adjacent to Troiad y Llanw, Rhoscolyn

The application was reported 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 original planning permission on this site was approved in 1961; the approval was to erect 14 dwellings on the site. Permission was granted in December 2015 for the erection of a dwelling and garage at Troiad y Llanw, Rhoscolyn and the application before this Committee is for the variation of condition 10 so as to allow amendments to the design of the garage.

Councillor Robin Williams 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.

10.2 49C308A/DEL – Application under Section 73a for the removal of condition (03) (access and parking area) from planning permission reference 49C308 (Retrospective application for the retention of the change of use of the chapel into a dwelling house together with the construction of a new vehicular access) at Capel Hermon, Llanyghenedl

The application was reported 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 application site has an extant planning permission which was afforded in December 2012 to change the use of the chapel into a dwelling. The application before this Committee is to amend condition 3 as regards to access and parking area. The applicants consider that adequate car parking facilities exist in front of the site. The Planning Development Manager said that the Highways Authority has confirmed that they have no objection to the deletion of the condition.

Councillor Robin Williams proposed that the application be approved and Councillor Dafydd Roberts 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 considered by this meeting of the Planning and Orders Committee.

12 REMAINDER OF APPLICATIONS

12.1 19C411N/ENF – Retrospective application for the sub-division of the dwelling to form two separate dwellings at 20 Parc Felin Ddŵr, Llaingoch, Holyhead

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

Councillor Shaun Redmond, a Local Member said that planning approval was granted in 2009 for an extension at 20 Parc Felin Ddŵr. He said that the owner has taken advantage of extending the dwelling to form two separate dwellings without planning approval which is a significant breach of planning policies. Councillor Redmond questioned if a planning application was put forward to convert a dwelling at Parc Felin Ddŵr to form two separate dwellings would it have been approved. He said that legal intervention needs to take place to deter such breaches of planning policies. He further said that he did not accept that sub-division of the dwelling will have no detrimental effect on the adjoining properties; he said that parking issues will occur and there will be added vehicles to the property.

The Planning Development Manager outlined the local objections to the application as noted within the report. She said that planning permission was approved to erect an extension to the dwelling at Parc Felin Ddŵr but following enforcement visits to the property it is apparent that the dwelling has been sub-divided into two properties. The Parc Felin Ddŵr estate has 18 dwellings which share an access to the estate. The proposed application will not have a detrimental effect on the adjoining properties due to the existing use of the site as a residential dwelling. Whilst acknowledging that planning permission was originally granted for alterations and extensions the applicant has in fact sub-divided the dwelling following extending the property. The application is currently under consideration is a retrospective application. The Planning Development Manager referred to the main planning considerations contained within the Officer's report and referred to Paragraph 14.2.3 Welsh Government Development Management Manual which states :- *'The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought, but with is otherwise acceptable'*. She further said that the Planning Authority administers retrospective applications as any other new planning

applications it receives; applications are dealt with in line with current planning policies and decided whether they are acceptable.

Members of the Committee expressed concerns as to continued retrospective applications being submitted to the Planning Authority. It was suggested that the Council needs to forward more evidence to Welsh Government as to continued retrospective applications being received and that policies in respect of such applications needs to be reviewed.

Councillor Robin Williams 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.

12.2 19C448B – Outline application for the erection of 2 dwellings which includes full details of the access on land between Mountain View, Greenfield Terrace, Holyhead

The application was presented to the Planning and Orders Committee at the request of a Local Member due to drainage concerns and the site has footpaths around the site but no details of these are part of the application.

The Planning Development Manager reported that a letter of objection has been received by a resident within the community which has right of way across the entrance to the application site. The site was previously a coal yard and the access to the site was part of the business use. She noted that private access disputes is a private matter and not a planning consideration when dealing with such proposed application. The Planning Development Manager further reported that the footpaths/back lanes around the development site will be retained. Policy TAI 15 seeks appropriate provision of affordable housing; in Holyhead 10% affordable housing is required. As the proposal falls below 1 unit a pro-rata commuted sum payment of £20k is required for affordable housing. The Education Department have confirmed that no contribution is required for education in this instance.

The Officer further reported that the Highways Authority has no objection to the application as they have carried out a speed survey within the location of the proposed development. The foul drainage will connect into the existing main sewer. Welsh Water has confirmed that they are satisfied with the proposal as major works have been undertaken in Holyhead to rectify sewerage works over the last few years. However, the Drainage Section has confirmed that further surface water drainage details will be required with any reserved matters application. The Environmental Health Section has also expressed that a condition needs to be attached to any approval of the application as to the remediation of the contaminated land. The recommendation is of approval of the application subject to a S106 legal agreement for contribution towards affordable housing.

Councillor T LI Hughes said that he agreed with his fellow local elected members (as noted within the Officer's report) that the development of houses would benefit the area as the land is being used for dumping litter and waste. He reiterated his concerns as regards to highways and parking issues in Holyhead as he has in numerous Committees. He further raised that the development site has footpaths around the site but no details of these are part of the application. The Planning Development Manager responded that the applicant has submitted development plans as regards to the site and there will be no effect to the footpaths around the site.

Councillor Eric W Jones 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.

12.3 39C589A/VAR/ENF – Application under Section 73A for the variation of condition (02) of planning permission reference 39C589 (Full application for alterations and extensions which includes a sun deck) so as to amend the design of the approved scheme, including the demolition and rebuilding of part of the ground floor at 1 Tros y Môr, St George's Road, Menai Bridge

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

Mr Sam Wilson (**in support of the application**) said that on the commencement of works on the site under the original approval of the application in 2007, it was discovered that there were no adequate foundations to the rear extension and they had to take necessary action to rectify this issue. He noted that one objection had been received by one of their neighbour but he considered that the Planning Officer's report to the Committee has adequately covered the concerns of the objector.

The Planning Development Manager reported that the objector to the application had submitted a request to speak but she was unable to attend the meeting due to unforeseen circumstances. She noted that the objector had forwarded her concerns through correspondence with the Planning Department this morning. The Planning Development Manager said that she considered that the matters raised had been addressed within the Officer's report to the Committee.

The Planning Development Manager further reported that the original planning permission was granted in July 2017 for a first floor rear extension comprising a kitchen, sun lounge and sun deck. She noted that as the applicant has stated that during commencement of the works it became apparent that the foundations of the existing extension was inadequate and demolition of the extension took place. It was noted that that this application to amend the design of the extension is a retrospective application as the building has

already taken place. The design and character of the extension is not dissimilar to the previous building. The Planning Development Manager said that it is not considered that the proposed amendments to the extension to the property gives rise to significant impacts than the originally approved application and therefore the recommendation was of approval of the application.

Councillor K P Hughes 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 recommendations subject to the conditions within the written report.

13 OTHER MATTERS

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

**COUNCILLOR NICOLA ROBERTS
CHAIR**