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**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

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RHYBUDD O GYFARFOD	NOTICE OF MEETING
PWYLLGOR CYNLLUNIO A GORCHMYNION	PLANNING AND ORDERS COMMITTEE
DYDD MERCHER, 4 MEDI, 2019 am 1:00 y. p.	WEDNESDAY, 4 SEPTEMBER 2019 at 1.00 pm
SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGEFNI	COUNCIL CHAMBER, COUNCIL OFFICES, LLANGEFNI
Swyddog Pwyllgor	Mrs Mairwen Hughes 01248 752516 Committee Officer

AELODAU / MEMBERS

Cynghorwyr / Councillors:

**John Griffith
Glyn Haynes
T LI Hughes MBE
K P Hughes
Vaughan Hughes
Richard O Jones (Is-Gadeirydd/Vice-Chair)
Eric Wyn Jones
Bryan Owen
Dafydd Roberts
Nicola Roberts (Cadeirydd/Chair)
Robin Williams**

Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy

A g e n d a

Members are reminded that background papers referred to within committee reports are available for inspection in electronic format on the day of the meeting at the Council Chamber from 12.30 p.m. onwards; alternatively these may be inspected at the Development Management during normal office hours. Documents referred to in reports may also be viewed in full on the electronic application files.

Any additional information to hand following publication of reports will be verbally reported upon to the meeting.

Before a decision notice is released conditions of approval or reasons for refusal given in written reports may be subject to minor amendments to account for typographical errors.

Index

1 APOLOGIES

2 DECLARATION OF INTEREST

To receive any declaration of interest by any Member or Officer in respect of any item of business.

3 MINUTES OF THE PREVIOUS MEETING_(Pages 1 - 8)

To present the minutes of the previous meeting of the Planning and Orders Committee held on 24 July, 2019.

4 SITE VISITS_(Pages 9 - 10)

To present the minutes of the planning site visits held on 7 August, 2019.

5 PUBLIC SPEAKING

6 APPLICATIONS THAT WILL BE DEFERRED

None to be considered by this meeting.

7 APPLICATIONS ARISING_(Pages 11 - 36)

7.1 VAR/2019/14 - Cae Eithin, Malltraeth

7.2 FPL/2019/116 – St. David's, Athol Street, Cemaes

7.3 HHP/2019/129 – Ty Arfon, Lôn Refail, Llanfairpwll

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8 ECONOMIC APPLICATIONS

None to be considered by this meeting.

9 AFFORDABLE HOUSING APPLICATIONS

None to be considered by this meeting.

10 DEPARTURE APPLICATIONS_(Pages 37 - 42)

10.1 VAR/2019/9 – Neuadd, Cemaes

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

None to be considered by this meeting.

12 REMAINDER OF APPLICATIONS_(Pages 43 - 64)

12.1 FPL/2019/1 – Capel Carmel, Chapel Street, Amlwch

12.2 DIS/2019/84 – Maes y Coed, Menai Bridge

12.3 FPL/2019/79 – Waun Dirion, Benllech

12.4 FPL/2018/55 – Penrhyn Owen, Holyhead

13 OTHER MATTERS_(Pages 65 - 76)

13.1 – Report on Public Speaking.

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Planning and Orders Committee

Minutes of the meeting held on 24 July 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 and Public
Protection).
- IN ATTENDANCE:** Development Management Manager (NJ),
Senior Planning Officer (JR),
Planning Support Officer (SP),
Development Control Engineer (JAR),
Legal Services Manager (RJ),
Senior Project Manager (Major Projects) (EC) – for item 13,
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members : Councillors Aled M Jones (Item 13; Peter S
Rogers (application 7.2)
-

1 APOLOGIES

None received.

2 DECLARATION OF INTEREST

Councillor Eric W Jones declared a personal and prejudicial interest with regard to application 11.1 on the agenda.

Councillor Bryan Owen declared a personal and prejudicial interest with regard to application 7.2 on the agenda.

3 MINUTES

The minutes of the meeting of the Planning and Orders Committee held on 3 July, 2019 were presented and confirmed.

4 SITE VISITS

The minutes of the planning site visits held on 17 July, 2019 were confirmed, however it was **RESOLVED to re-visit the 3 application sites due to the majority of the Members of the Planning and Orders Committee unable to be present at the site visits.**

5 PUBLIC SPEAKING

There were no public speakers at this meeting of the Planning and Orders Committee.

6 APPLICATIONS THAT WILL BE DEFERRED

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

The application was presented to the Planning and Orders Committee as it has been called in by a Local Member. At the meeting held on 3 July, 2019 it was resolved that a site visit be undertaken and subsequently the site was visited on 17 July, 2019.

It was RESOLVED to re-visit the application site.

7 APPLICATIONS ARISING

7.1 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 as it has been called in by a Local Member. At the meeting held on 3 July, 2019 it was resolved that a site visit be undertaken and subsequently the site was visited on 17 July, 2019.

It was RESOLVED to re-visit the application site.

7.2 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

The application was presented to the Planning and Orders Committee as it has been called in by Local Members. At the meeting held on 3 July, 2019 it was resolved that a site visit be undertaken and subsequently the site was visited on 17 July, 2019.

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

It was RESOLVED to re-visit the application site.

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/2019/34 – Application under Section 73 for the variation of conditions (13) (access) and (15) (car parking) of the outline planning permission 28C511 (outline application for demolition of the existing dwelling together with the erection of 4 flats) and conditions (02) (landscaping), (03) (access), (07) (car parking) and (08) (approved plans) from the associated reserved matters 28C511A/DA (application for reserved matters for the erection of 4 flats) so as to amend the approved plans enabling alterations to the site access, parking and landscaping at 8 Ger y Môr, Rhosneigr

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

The Development Management Manager reported that the principle of the application has already been established in this location under the previous Development Plan and the application is for the variation of conditions as noted above.

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 VAR/2019/32 – Application under Section 73A for the variation of condition (02) (drainage details) of planning permission reference 17C126F/DA (application for reserved matters for the erection of a dwelling) so as to allow for the submission of drainage details following the commencement of works at Yr Erw, Llansadwrn

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

The Development Management Manager reported that the principle of the application has already been established in this location under the previous Development Plan. She noted that a Certificate of Lawfulness was issued on the basis that work undertaken on the access to the site. However, works were undertaken without first having discharged condition (02) of planning permission 17C126F/DA which required the submission of details to demonstrate how surface water run-off from the vehicular access and parking area is to be managed and contained within the curtilage of the site prior to commencement of the development. This application therefore seeks to regularise the situation by way of an application under Section 73A so as to vary the requirements of the condition. It was noted that the statutory consultees are in agreement to the discharge 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.

10.3 VAR/2019/42 – Application under Section 73A for the variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of demarcation to be submitted after work has begun together with the deletion of condition (07) (ecology) at Garreg Fawr Farm, Trearddur Bay

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

The Development Management Manager reported that the principle of the application has already been established in this location under the previous Development Plan. She noted that since the adoption of the Joint Local Development Plan, Trearddur Bay is identified as a Coastal and Rural Village under the provision of Policy TAI 5 and therefore the policy does not support the provision of open market housing but a S106 legal agreement needs to be imposed for the provision of 4 affordable dwellings as part of the development.

Councillor Robin Williams proposed that the application be approved and Councillor Kenneth 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 together with a S106 legal agreement that 4 affordable dwellings be provided as part of the development.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 OP/2019/8 – Outline application with all matters reserved for the erection of a dwelling on land at Tyn Pwll, Brynsiencyn

The application was presented to the Planning and Orders Committee as the applicant is related to an elected member of the Council. In accordance with the Council's Constitution, the application has been scrutinised by the Council's Monitoring Officer.

Councillor Eric W Jones had declared a personal and prejudicial interest in the application he left the meeting during discussion and voting thereon.

The Development Management Manager outlined the application to the Committee and further said that the public consultation period does not come to an end until 24 July, 2019 and requested that the Officer's be afforded power to act following the public consultation period if not representations have been received.

Councillor Bryan Owen proposed that the application be approved and Councillor Kenneth P Hughes seconded the proposal.

It was RESOLVED to approve the application and to grant the Officer's power to act following the statutory public consultation period coming to an end.

12 REMAINDER OF APPLICATIONS

12.1 FPL/2019/162 – Full application for change of use of agricultural land into playing field for school, erection of mobile classroom, erection of fencing and boundary walls together with soft and hard landscaping at Morswyn Primary School, Cyttir Road, Holyhead

The application was presented to the Planning and Orders Committee as the land is owned by the Council.

The Development Management Manager outlined the application to the Committee and further said that the public consultation period does not come to an end until 24 July, 2019 and requested that the Officers be afforded power to act following the public consultation period if not representations have been received.

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

It was RESOLVED to approve the application and to grant the Officers power to act following the statutory public consultation period coming to an end.

12.2 FPL/2019/161 – Full application for the erection of a mobile classroom at Pencarnisiog Primary School, Pencarnisiog

The application was presented to the Planning and Orders Committee as the land is owned by the Council.

The Development Management Manager outlined the application to the Committee and further said that the Highways Authority has requested that an additional condition be imposed that a Traffic Management Plan be submitted during the construction period of the development.

Councillor Bryan Owen 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 and that an additional condition be imposed that a Traffic Management Plan be submitted during the construction period.

12.3 FLP/2019/171 – Full application for the demolition of existing fence together with the erection of a new fence at Anglesey Airport, Minffordd Road, Caergeiliog

The application was presented to the Planning and Orders Committee as the application has been submitted by the Council.

The Development Management Manager outlined the application to the Committee and wished to amend the Officer's report as the height of the new security fence is 3.15 metre high. She noted that a similar application was approved recently at this application site but the Ministry of Defence (MOD) submitted an objection as the site lies within a restricted development area so as not to impede the aircraft; the height of the fence was unacceptable to the MOD. A slight reduction of the height of the proposed security fence has taken place together with the design of the fence which is now acceptable to the MOD.

Councillor Bryan Owen 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.

12.4 FPL/2019/50 – Full application for alterations and extensions together with the creation of heritage play area and associated landscaping at Breakwater Country Park, Holyhead

The application was presented to the Planning and Orders Committee as the application is submitted on behalf of the Council.

The Development Management Manager outlined the application to the Committee and noted that the proposed development will enhance the facilities within the Country Park. She said that the development site is not within the AONB area and will not affect the setting of the Country Park's AONB; therefore it is in compliance with relevant policies.

Councillor Kenneth P Hughes 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.

12.5 OP/2019/6 – Outline application with all matters reserved for the demolition of the former chemical works together with the erection of 7 units for business use (Class B1), general industrial use (Class B2) and warehousing and distribution use (Class B8) at the former Peboc, Llangefni

The application was presented to the Planning and Orders Committee as the application has been submitted by the Council.

The Development Management Manager outlined the application to the Committee and said that the application site is situated within the settlement boundary of Llangefni and is safeguarded for employment uses within the Joint Local Development Plan. She further said that the current building on site will be demolished and conditions have been imposed within the Officer's report that any contamination from the site needs to be addressed before any development commences on site.

Councillor T LI 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 recommendation subject to the conditions contained within the written report.

13 OTHER MATTERS

Traffic Regulation Order – Amlwch

Submitted – a report by the Interim Head of Highways, Waste and Property in respect of a Traffic Regulation Order proposed in response to comments received by the Highways Authority regarding obstructive parking, traffic congestion and road safety issue in Amlwch. The various streets in Amlwch were included in the proposed Order were summarised within the report.

The Senior Project Manager (Major Projects) said that one objection was received to the proposed Order which related to the proposed introduction of double yellow lines along a section of Tan y Bryn Road, Amlwch. The objector conducts 2

business from his property and occasionally needs to park on the highway. She noted that the Highways Authority considers that the proposed Order was considered essential in the interest of road safety and to facilitate the safe and free flowing movement of traffic and pedestrians. Following the introduction of the double yellow lines Enforcement Officers will be surveying the parking at the various streets in Amlwch.

The Vice-Chair and a Local Member expressed that there are local concerns as regards to parking issues in Amlwch and especially in Tan y Bryn Road as cars are parking on both sides of the pavements. Councillor R O Jones proposed the recommendations within the report. Councillor Bryan Owen seconded the proposal.

It was RESOLVED to approve the proposal in accordance with the advertised Order and plans

**COUNCILLOR NICOLA ROBERTS
CHAIR**

PLANNING SITE VISITS

Minutes of the meeting held on 7 August, 2019

PRESENT:	Councillor Nicola Roberts (Chair) Councillor Richard Owain Jones (Vice-Chair) Councillors John Griffith, Glyn Haynes, Kenneth Hughes, Bryan Owen.
IN ATTENDANCE:	Senior Planning Officer (JBR) Planning Officer (Enforcement) (GB)
APOLOGIES:	None
ALSO PRESENT:	Local Members: Councillor Aled Morris Jones - for application (1), Councillor Peter Rogers (for application (2), Councillor Alun Mummery- for application (3)

1. 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

The proposal was outlined to Members. Members viewed the application site from Athol Square (private highway) the right of way which leads to Y Garreg and the rear of the application site and also from the private gardens of The Vigour Public House and 1 and 2 Fairview.

2. 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

The proposal was outlined to Members. Members viewed the application site from the public highway, the private driveway leading to the dwelling and from within the application site itself.

3. HHP/2019/129 – Full application for the erection of a detached garage at Tŷ Arfon, Lôn Refail, Llanfairpwll

The proposal was outlined to Members. Members viewed the application site from the public highway, the private driveway leading to the dwelling and from within the application site itself.

**Councillor Nicola Roberts
Chair**

Planning Committee: 04/09/2019

7.1

Application Reference: VAR/2019/14

Applicant: Mr & Mrs Ashworth

Description: Cais o dan Adran 73A ar gyfer dileu amod (08) (lefel llawr gorffenedig) ac amrywio amod (11) (cynlluniau a ganiatwyd dan cais am y materion a gadwyd yn ôl rhif 15C48J/FR/DA) o ganiatad cynllunio amlinellol rhif 15C48H (cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd i gerbydau) er mwyn galluogi diwygio gosodiad a dyluniad yr annedd a'r modurdy a ganiatwyd gynt ynghyd a codi wal amddiffyn llifogydd perimedr newydd yn / 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

Site Address: Cae Eithin, Malltraeth



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

At the request of the Local Members due to concerns regarding access and land ownership issues.

At the initial meeting held on the 3rd July, members resolved to visit the site. Two site visits have since been conducted on the 17th July and 7th August 2019 and members will now be familiar with the site.

Proposal and Site

The application is submitted 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.

The application site is located within the development boundary of Malltraeth which is identified as a Coastal Village in the Joint Local Development Plan.

Key Issues

The key issues are whether the development is in compliance with local and national planning policies, and whether it is acceptable in terms of siting, design, impact upon flood risk, the character and appearance of the area and amenities of neighbouring properties.

Policies

Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development
Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Strategic Policy PS 17: Settlement Strategy
Policy TAI 4: Housing in Local, Rural & Coastal Villages
Policy TAI 15: Affordable Housing Threshold & Distribution
Policy AMG 2: Special Landscape Areas
Planning Policy Wales (Edition 10, December 2018)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)
Technical Advice Note 15: Development and Flood Risk (2004)

Response to Consultation and Publicity

Consultee	Response
Adain Dechnegol (Draenio) / Technical Section (Drainage)	As the application site is within a C2 flood zone we shall allow NRW to comment upon the flood risk aspect of the application.
Pennaeth y Gwasanaeth - Priffyrdd / Head of Service - Highways	No objection.
Cyngor Cymuned Bodorgan Community Council	Objection with regard to access and landownership issues and concern regarding the visual impact of the proposed flood defence wall.
Cynghorydd Bryan Owen	Request that the application be referred to the Planning Committee due to access and land ownership issues.
Cynghorydd Peter Rogers	Request that the application be referred to the Planning Committee on the grounds that there is a dispute over ownership of the land and there are

	further claims that the development has breached the original planning decision.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Dwr Cymru Welsh Water	No comments.
Awdurdod Glo / Coal Authority	The application site does not fall within a Development High Risk Area.

The application was afforded two means of publicity. These were by the posting of notices near the site and serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 07/05/2019. At the time of writing this report, five letters had been received, the main points raised are summarised below:

- i. The development will increase the visual impact of the development.
- ii. The dwelling is 250mm wider, 250mm longer and 25% higher than approved.
- iii. The erection of a new flood defence wall will exacerbate the problem of visual impact still further.
- iv. The height of the dwelling impacts upon the amenities of the neighbouring property particularly as it has been built higher than the proposed plans previously approved.
- v. The proposed flood defence wall would potentially cause more problems with water to drain into the adjoining field which will make it wet for livestock unless they have adequate drainage in place.
- vi. The application relates only to the changes to the dwelling and does not relate to the issues of the access to the property. This is vital as there are land ownership issues with the access and they cannot comply with highways requirements. This should be resolved first as it stand there is no right of way for vehicles.
- vii. Certificate A has been completed as part of the application form stating that the applicant has ownership of all the land to which the application relates, this is not the case.
- viii. The boundary at the front of the property between the garden and the field to the front does not accurately depict the applicants' ownership. Part of this area is within the ownership of the neighbouring property, which contain rainwater soakaways which will need to be removed with the land reinstated to its original condition and topography.

Points i - vi above are addressed in the main body of this report and in response to points v - viii I would comment as follows:

- v. The dwelling is located on higher ground than the paddock to the front, therefore should a flood event occur the paddock would be affected, it is not anticipated that any flooding of the paddock, or the surrounding area would be exacerbated further as a result of the flood defence wall due to the fact that the proposed wall is to be constructed close to the dwelling.
- vi. The LPA are aware of issues relating to the access as regards a breach of condition and an ongoing land ownership dispute. Proposals have been drawn up in an effort to resolve the planning issues and a further application will be submitted pending determination of the current application. The access and driveway to Cae Eithin was approved as a separate and stand-alone permission following the grant of the original outline and reserved matters permissions in which the original access to the proposed dwelling was via the shared access drive serving Pen Parc. The development of the dwelling has been undertaken and is served by its own private access and driveway subsequently approved, but in relating to this an ongoing enforcement investigation is proceeding. However, given that the amendments to the dwelling potentially render it unauthorised, it was deemed prudent to deal with these matters first to regularise matters relating to the dwelling.
- vii. Whilst it can be confirmed that Certificate A was completed as part of the original submission, this was subsequently amended by the submission of a Certificate B together with the service of a formal notice upon the owner of the neighbouring property in accordance and compliance with statutory requirements.
- viii. Boundary issues/disputes are private legal matters and not planning matters, notwithstanding that rainwater soakaways may well be on land outside the applicant's ownership, this does not necessarily equate to a breach of planning control if the location of the soakaways accord with the details originally

approved irrespective of whose land these may be on, in any case as noted above, formal notice has been served on the neighbouring landowner as part of the application in accordance with statutory requirements. Nevertheless, in the event that the soakaways are required to be removed, plans have been received as part of the application showing alternative locations for the rainwater soakaways entirely on land within the applicants ownership and which comply with Building Control requirements in terms of distances from buildings and boundaries, such that adequate drainage arrangements can be accommodated and provided should that be necessary.

In addition to the above, an email was received by the LPA on the 9th July following the Planning Committee held on the 3rd July 2019, the content of the email and the Local Planning Authority's response is detailed in the main body of the report.

Relevant Planning History

15C48 – Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 08/01/1990

15C48A - Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 20/08/1990

15C48F - Outline application for the erection of 24 dwellings, comprising of 13 detached dwellings and 11 affordable dwellings together with construction and alterations to the vehicular access and the construction of a new pedestrian access on land between David St and Viaduct Road, Malltraeth – Refused 06/07/2005

15C48G – Outline application for residential development on land at Pen Parc, Malltraeth – Refused 18/06/2007

15C48H – Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjacent to Pen Parc, Malltraeth – Granted 07/02/2012

15C48J/FR/DA - Application for reserved matters for the erection of a dwelling together with the construction of a vehicular access on land adjacent to - Pen Parc, Malltraeth – Granted 17/03/2015

15C48K/FR - Full application for the construction of a new vehicular access and drive at - Pen Parc, Malltraeth - Granted 25/06/2015

15C48L/MIN - Minor amendments to scheme previously approved under planning permission
15C48J/FR/DA so as to install solar - Pen Parc, Malltraeth - Granted 23/12/2015

Main Planning Considerations

The principle of a dwelling in this location has already been established under outline planning permission reference 15C48H and subsequent approval of the reserved matters under planning permission reference 15C48J/FR/DA and has since been completed and occupied.

As part of the initial outline and reserved matters permissions, it was originally intended that access to the property would be shared with Pen Parc with an access and driveway constructed from the existing driveway to Pen Parc into the plot, however planning permission was subsequently granted in June 2015 for a separate private access and driveway to Cae Eithin under planning permission reference 15C48K/FR.

The application has been submitted following an enforcement investigation relating to a breach of conditions of the above mentioned separate and stand alone planning permission for the access (ref 15C48K/FR) during which anomalies relating to the dwelling itself were identified.

The identified issues in relation to this application are:

- i. The finished floor level (FFL) of the dwelling is 170mm below the minimum level of 4.42m Above Ordnance Datum (AOD) stipulated in condition (08) of the outline permission;
- ii. The dwelling is sited some 2m further North East than approved;
- iii. The dwelling is 250mm longer and 250mm wider than approved;
- iv. Amendment to the orientation of the garage.

In addition to the above, breaches were also identified in relation to an extension to the curtilage and conditions of the planning permission for the access. A separate applications will be submitted in an effort to regularise these matters.

The current application has been called-in by the Local Members on the grounds of issues relating to the access and land ownership. The LPA acknowledge issues relating to access and land ownership, however they have little bearing in relation to this application which relates specifically to the dwelling. The private access and driveway to Cae Eithin was approved as part of a later, separate and stand-alone application, consequently a further application is to be submitted in an effort to regularise outstanding planning issues relating to the access. Whilst land ownership disputes are generally private legal matters, it is anticipated that any planning issues arising in this regard will be resolved as part of the forthcoming application.

Notwithstanding that development plan policies have changed since planning permission was originally granted through the adoption of the Anglesey and Gwynedd Joint Local Development Plan, the site is nevertheless located within the development boundary of Malltraeth and Policy TAI 4: Housing in Local, Rural & Coastal Villages states that subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, proposals for open market housing will be granted provided they conform to all the following criteria:

- i. That the size, scale, type and design of the development corresponds with the settlement's character,
- ii. The site is within the settlement's development boundary.

As the application relates to a single dwelling, there is no requirement to provide an element of affordable housing in this instance.

The principle of the development is therefore considered to be acceptable and in accordance with the provisions of policy TAI 4.

In relation to the specific issues that this application is seeking to regularise:

Finished Floor Level (FFL)

Condition (08) of the outline permission ref 15C48H required that the finished floor level (FFL) of the dwelling be set at a minimum of 4.42m AOD to safeguard the development and future occupants from flooding for the lifetime of the development, however the actual finished floor level of the dwelling is 4.25m AOD, therefore 170mm lower than the level specified in the condition.

Prior to the submission of the application the applicant employed the services of a Flood Management Consultant and liaised with Natural Resources Wales to explore the options available to address the identified flood risk as a result of the reduced FFL.

It is proposed to construct a new perimeter flood defence wall around the property with the top of the flood defence wall set at 4.7m AOD to reflect the fact that the flood zone for the area has been reclassified from a C1 zone to a C2 zone since the initial permissions were granted. This level represents the 0.5% Annual Exceedence Probability (AEP) sea level with allowances for 100 years of climate change. The average height of the wall will be 600mm +/- approx. 200mm dependant on ground levels.

The proposed flood defence wall will be constructed close to and around the entire dwelling with a small gap in the Northern corner fitted with a flood defence guard to allow for access and egress. The wall will be finished to match the existing dwelling.

The dwelling is located approximately 118m from the highway, separated therefrom by a paddock. The lower parts of the dwelling are largely screened by existing landscape features and consequently it is not considered that the proposed flood defence wall which will be finished to match the existing dwelling will give rise to an unacceptable visual impact.

Natural Resources Wales have been consulted as part of the application and have raised no objection, indeed in light of the fact that the flood risk of the area has since been reclassified from a C1 zone to a C2 zone and that the height of the flood defence wall takes account of this, the dwelling will in fact be better protected from flooding events than would have been the case had the dwelling been constructed in accordance with the original details. In addition, given the proposed walls close proximity to the dwelling, coupled with the fact that the dwelling is located on slightly higher ground than the neighbouring property, it is not anticipated that the neighbouring property would be impacted to a significantly greater extent should a flooding event occur.

In light of the above it is therefore considered that the deletion of condition (08) is acceptable in lieu of the construction of the flood defence wall and a condition will be imposed requiring that the flood defence wall be constructed within 6 months of the date of the permission and that the dwelling shall not be occupied until it is completed and operational.

SITING

Representations have been received drawing attention to a perceived error in the initial report (03.07.2019) in relation to the position of the dwelling in relation to the neighbouring property and the boundary between them.

The representation quoted the following extract from the report:

"The dwelling has been constructed some 2m North East of the approved position (further away from Pen Parc). It was noted during the enforcement investigation that there has been an alteration in the position of the boundary between Pen Parc and Cae Eithin such that the boundary now lies some 2m closer to Cae Eithin than was shown on the plans submitted as part of the initial planning applications and which may account for the slight adjustment in the position of the dwelling."

The writer has provided two aerial photographs taken in 2018 and prior to 2015 and states that these demonstrate that the boundary fence has not been re-sited and that the information submitted to the Planning Committee was therefore incorrect.

The writer further states that the confusion has been caused by the fact that the plans submitted as part of the initial planning applications do not conform with OS plans, Land Registry Plans or reality and that at the time of setting out the new building both the groundworks contractor and the main building contractor, who were furnished with the drawings, were, for several days, unable to reconcile these with the real world and requested access to the neighbouring property on numerous occasions to measure and re-measure from points of the adjacent buildings. Their attempts to take corroborating measurements from the fence between the two properties to the new build failed.

It goes on to state that during the enforcement investigation the Enforcement Officer was presumably using the same submitted drawings when considering the position of the new building. The question then has to be asked, is the building correctly sited because it complies with the position shown on the inaccurate but approved application? Or is it correctly sited with reference to the other buildings? This should be established prior to regularising the breach of conditions as a breach may not exist at all.

It further comments that what is known is that the stock proof fence between the properties is 2 metres to the South West of the legal property boundary and is depicted on OS plans and Land Registry Plans.

This again is evidence of the inaccuracy of the submitted plans and can be determined from examination of the attached drawings. An extrapolation in a North Westerly direction of the fence line shown on the Proposed Location Plan gives a line which does not make contact with Pen Parc Bungalows. By comparison the projected line on OS plans and the Land Registry Plans passes through 7 Pen Parc Bungalows. The new construction is therefore probably 2m closer to Pen Parc than the Enforcement Officer calculated, not further away.

The writer goes on to acknowledge that it is appreciated that the Planning Department cannot become involved in land ownership disputes but explains that it is errors as detailed above, in the plans submitted as part of the initial planning application, and their variance with legal documentation and OS plans, which triggered the initial boundary dispute. The entire boundary between the two properties detailed on the submitted plans has been shown to be incorrect in relation to the OS plans and Land Registry plans (all in the applicant's favour).....

Following receipt of the above representations further assessment has been undertaken in order to understand and establish the situation in relation to the actual position of the boundary and dwelling in comparison the details which were initially submitted and approved as part of the outline and reserved matters applications.

The position of the boundary between Pen Parc and Cae Eithin as shown on the plans submitted as part of both the outline and reserved matters applications was 2.4m from the rear of Pen Parc's detached garage (excluding the lean to extension to the rear of the garage). In reality the boundary (stock-proof fence) lies 4.6m from the rear of the garage.

The LPA do not dispute however that the position of the fence has been altered but rather it was positioned in the incorrect location at the outset. That this caused difficulty and confusion for the builders at the time of setting out the new dwelling is entirely understandable.

It can be confirmed that the submitted (and approved) plans were used during the enforcement investigation when considering the position of the new dwelling, there were after all no other details against which to assess matters, in addition that there are discrepancies between OS data and actual measurements is an issue which became apparent when attempting to establish whether the new access and driveway conformed with the approved plans and which has served to only confuse matters further. Indeed subsequent research has revealed that Ordnance Survey plans are only accurate to between 0.5m – 0.9m at a scale of 1-1250 and between 1.1m – 2.4m at a scale of 1-2500 (Source: ordnancesurvey.co.uk) and which would serve to explain the anomalies encountered. In relation to Land Registry plans, it is not uncommon for Land Registry plans to differ from planning application plans, hence the reason the LPA do not become embroiled in land ownership disputes.

The writer claims that the stock-proof fence is 2 metres to the South West of the legal property boundary and is depicted on the OS plans and Land Registry Plans, assuming that the plans referred to are those accompanying the e-mail, then it is pointed out that the position of the boundary on each of the plans is different, with the actual position broadly depicted correctly on the Land Registry Plan and which is in fact, on average approx. 2m to the North East than the position indicated on the plans submitted as part of the outline and reserved matters applications.

The question is asked whether the building is correctly sited because it complies with the position as shown on the inaccurate but approved plans or is it correctly sited with reference to the other buildings?

According to the proposed site plan approved under the reserved matters application, the distance between the gable of Pen Parc and the gable of Cae Eithin was 23.2m (12m between the rear of Pen Parc's garage and Cae Eithin). The actual distance (based on OS data) is 24.8m between the gable's of each property and 13.6m from the rear of Pen Parc's garage. Cae Eithin is therefore 1.6m further away from Pen Parc than was shown on the approved plans. The result of this is that it is Pen Parc which has in fact benefited because the boundary is located some 2m further away from Pen Parc than was approved and does not favour the applicant as claimed.

In response to the above question, the answer is therefore 'neither'. It appears that the position of the dwelling has been determined in relation to the 'altered' position of the boundary and that as a result of boundary being 1.6m further away from Pen Parc than it's approved position, the dwelling has moved commensurate with it.

It is not considered that this slight variation, results in a development which is materially different to that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

As noted in Section 4 above, concerns have also been raised as to the accuracy of the boundary at the front of the property and the fact that rainwater soakaways in this area may be on land outside the applicants' ownership. As confirmed, any dispute regarding the position of the boundary is a private legal matter, with the appropriate ownership certificate and notice having been served in accordance with statutory requirements and provided that the location of the rainwater soakaways accords with the details originally approved, then this would not constitute a breach of planning control. In the event that the rain water soakaways may have to be removed from their current location, plans have been received as part of the application showing alternative locations for the rainwater soakaways entirely on land within the applicants ownership and which comply with Building Control requirements in terms of distances from buildings and boundaries, such that adequate drainage arrangements can be accommodated and provided should that be necessary.

SCALE

It was also found during the enforcement investigation that the dwelling measures 250mm longer and 250mm wider than approved.

Again, it is not considered that this slight variation, results in a development which is materially different than that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

GARAGE

As access to the property was initially via the existing access and driveway serving Pen Parc, the approved garage was orientated with the front gable facing Pen Parc. A separate private access and driveway was subsequently granted and as a result the orientation of the garage has been altered such that the front gable of the garage now faces the new driveway. This is considered to be an acceptable and reasonable adjustment which does not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

HEIGHT

Concerns have been raised that the height of the dwelling is in breach of condition (10) of outline planning permission ref 15C48H which states that the building proposed to be erected on the site shall be of a single storey or of a dormer construction and the ridge height shall not exceed 6 metres.

It was clear from the outset, as part of the original outline application (15C48H), that as the site was located within a flood risk area, that it would be necessary to raise the original ground level in order to achieve minimum finished floor level to mitigate the risk of flooding and in accordance with NRW's requirements a condition was imposed stipulating the minimum finished floor level.

Information contained within the Design and Access Statement submitted as part of the outline application clearly stated that, in terms of the scale of the dwelling, the ridge height would be no higher than 6m from the finished floor level – not original ground level and the outline planning permission subsequently issued included a condition stipulating the minimum finished floor level together with a condition that the ridge height shall not exceed 6m.

It is therefore evident that in both the outline and reserved matters applications, that the maximum ridge height was determined from the proposed finished floor level, having regard to the necessity to increase the ground level to mitigate the flood risk and not the original ground level and it is on this basis that both applications were assessed and determined.

The original ground level has been increased by approximately 1m and the height from the new ground level to the floor is 300mm, the height to ridge from the floor level is 5.85m giving an overall height from the original ground level to ridge of approx. 7.15m.

It is noted however, that whilst condition (10) of the outline permission stipulates that the ridge height shall not exceed 6 metres, it does not however specify from where measurements ought to be taken, consequently it is not considered that the condition meets the Circular tests for conditions as regards precision and would therefore likely be unenforceable.

It is clear, based upon the plans that were submitted and subsequently approved under the reserved matters application that the overall height to ridge from the original ground level would in fact exceed 6m. Therefore, had the original intention of the condition been to limit the height of the dwelling from the original ground level, then not only should the condition have been clearer in this regard but the plans would need to have been amended to reduce its height to take account of this.

Concern has also been raised regarding the impact of the increase in the width of the dwelling, by 250mm upon the height and pitch of the roof and that the actual height of the dwelling exceeds the permitted height by 450mm.

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. This represents a minor increase to the approved height and pitch, but which remains under 6m from the FFL as required by condition (10) of the outline permission.

Notwithstanding the potential unenforceability of the condition, in terms of the impacts on the amenity of the locality and nearby residential occupiers, it is not considered that the height of the dwelling as built has an unacceptable impact such that refusal of the application could be warranted.

Conclusion

The proposed flood defence wall will mitigate the flood risk to the property consequently the deletion of condition (08) of the outline planning permission is considered to be acceptable subject to a new condition requiring the wall to be constructed within 6 months and that the dwelling shall not be occupied until it is completed and operational.

The variation to the siting and scale of the dwelling and amendment to the orientation of the garage does not, in the opinion of the Local Planning Authority, lead to a development which is materially different to that which was originally granted. The amendments are considered to be acceptable and do not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

Whilst every effort has been made to establish the precise facts in relation to various aspects of this matter, it is evident that this has not always been possible. Planning issues (particularly in relation to planning enforcement) are rarely black and white and there are often 'grey areas'.

The extent of the differences between what has been approved and what has been built is less important than the overall impacts of the changes. What is clear, is that notwithstanding some minor variations, the

development as built does not depart from the approved details to such an extent that it give rise to considerably greater impacts such that the application should be refused.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Recommendation

(01) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(02) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.

(03) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(04) The car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(05) Within 6 calendar months of the date of this permission, the flood defence wall and gate shall be constructed in accordance with the details contained in the Flood Mitigation Assessment (Phil Jones Consultancy, August 2018) and details shown on drawing number 2250:19:3b: Proposed Site Plan and Section. The dwelling shall not be occupied until the flood defence wall and gate have been completed and are operational.

Reason: To safeguard the development and future occupants from flooding for the lifetime of the development.

(06) The development hereby permitted shall be carried out in strict conformity with shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- **2250:19:3b: Proposed Site Plan & Section**
- **2250:19:4a: Proposed Elevations**
- **Flood Mitigation Assessment, Phil Jones Consultancy, August 2018**

Reason: To ensure that the development is implemented in accord with the approved details.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS5, PCYFF1, PCYFF2, PCYFF3, PS17, TAI4, TAI15, AMG2.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2019/116

Applicant: Oblates of Mary Immaculate

Description: Cais llawn i newid defnydd hen eglwys i fod yn ddwy uned wyliau ynghyd ag addasiadau ac estyniadau yn /Full application for the change of use of former church into two holiday units together with alterations and extensions at

Site Address: St. Davids, Athol Street, Bae Cemaes Bay



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

At the request of the vice chairman of the Planning Committee, Councillor Richard Owain Jones.

Members visited the site on the 17th July and 7th August 2019 and will now be familiar with the site.

Proposal and Site

The application is submitted for the conversion of the former catholic church into two holiday letting units together with alterations and extensions.

The application site is located within the development boundary of the Local Service Centre of Cemaes, the existing building itself lies outside but immediately adjacent to the designated Conservation Area and the proposed extension and parking area is within the Conservation Area.

Key Issues

The key issues in this case is whether or not the proposal is in accordance with relevant local and national policies and is acceptable in terms of design, impact upon the character and appearance of the designated Conservation Area, the amenities of neighbouring residential occupiers and highway considerations.

Policies

Joint Local Development Plan

Strategic Policy PS 1: Welsh Language and Culture

Policy ISA 2: Community Facilities

Policy TRA 4: Managing Transport Impacts

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Strategic Policy PS 14: The Visitor Economy

Policy TWR 2: Holiday Accommodation

Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Planning Policy Wales (Edition 10, December 2018)

Supplementary Planning Guidance Holiday Accommodation (2007)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Technical Advice Note 12: Design (2016)

Technical Advice Note 13: Tourism (1997)

Technical Advice Note 24: The Historic Environment (2017)

Conservation Area Character Appraisal - Cemaes

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	The likelihood of protected species issues is low, however given the protection of bats in law, as a precaution it is advised that where features in roofing areas that could potentially hide bats have to be removed/disturbed, that this be done with care and if bats are found that NRW are contacted for advice. Advise that the Protected Wildlife and Buildings leaflet be sent to the applicant.
Cynghorydd Richard Griffiths	No response at time of writing report.
Cynghorydd Aled Morris Jones	No response at the time of writing the report.
Cynghorydd Richard Owain Jones	Request that the application be referred to the Planning Committee for determination.

Community Council	The Community Council has received copies of objections by local residents, and acknowledge those objections regarding access, the development would be better as a single unit and the importance that the development is in keeping with the conservation area.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection, comments.
Dwr Cymru Welsh Water	Comments and recommend condition.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observations.
Pennaeth y Gwasanaeth - Priffyrdd / Head of Service - Highways	Comments / conditions.
Ymgynghorydd Treftadaeth / Heritage Advisor	The proposed development would result in a moderate enhancement of the building, conservation area and view out of the Conservation Area. The Built Environment Section is therefore supportive of the proposal from a built heritage perspective.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments.

The application was afforded three means of publicity; these were the posting of a notice near the site, the serving of personal notification letters on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representations was 31/05/2019.

At the time of writing the report 8 representations had been received, with the main points raised summarised below:

- i. One writer notes that whilst they would be more than pleased to see this unsightly building and car park turned into an attractive and sensitive development, there are a number of issues.
- ii. Although 3 new parking spaces are being created there are already frequent problems with current holiday lets in the area who do not have parking spaces and cars are often left inappropriately, blocking access near the entrance to the square where a busy public house is located. Furthermore, if the spaces are not specifically allocated and fenced or otherwise controlled, will be used by renters of other holiday properties in the area.
- iii. When the church was in use, up to 8 cars were sometimes parked for the duration of services, but did not cause too much problems as this was only for approx. 1 hour per week. Three additional cars accessing the square on a frequent basis will be problematic and the additional traffic generation could be detrimental to highway and pedestrian safety.
- iv. The proposed building will be partly located in the Conservation Area and the proposal is an unattractive and cheap proposal, with very little done to enhance the design of the existing building.
- v. The visual impact of the proposed building is not in keeping with neighbouring houses. This is the oldest part of the village and care should be taken to develop a suitable property with a higher standard of design and appropriate use of materials.
- vi. There are already quite enough holiday homes in the village, displacing local people to the outskirts or neighbouring villages.
- vii. The church frontage in particular has a great impact on the visual amenity of Athol Square and old Cemaes. All the other properties have features such as porched or deeply recessed doorways and symmetrically 4-paned windows that reflect the historic character of what was probably the heart of the original 18th century origins of Cemaes close to the harbour. The submitted design is not acceptable if the visual amenity of the area is to be enhanced.

- viii. Whilst acknowledging that the building lies outside the Conservation Area, part of the site and three of its four boundaries are within the Conservation Area. Any development of the site must take this siting into account and should enhance the setting, not detract from it. The current church building was considered to be out of keeping in 2017 and therefore the current proposal must also be so considered.
- ix. This is an ideal opportunity of a sensitive scheme to be developed which would enhance the setting of the Conservation Area and remove an ugly, unwanted building from what must be the oldest square in Cemaes Bay.
- x. The density of the proposal is totally inappropriate for the site. The accommodation of two holiday units will create significant problems with access and parking.
- xi. The overdevelopment of this plot will certainly increase the levels of noise and disturbance to neighbouring houses. By limiting it to one holiday unit and re-designing the property to a higher standard, a small private garden could be created using the gained space. The development of one quality unit on the site could protect and even enhance the local environment for both existing residents and the Cemaes community.
- xii. The rooms in the holiday units are very small and there is no outside space other than the parking area for people to sit outside. Visitors to other holiday lets without gardens often take chairs out into the square and this causes noise and disturbance.
- xiii. The use of loose gravel in the parking areas is a cheap option that will impact upon the other properties in the square.
- xiv. The site which was previously occupied by 3 cottages was gifted to the church with a stipulation that it could only be used as a church, it would never have been handed over for free if it had been known that it would later be sold on for profit. It is consecrated land and it is abhorrent to imagine the use of this land as a profit making venture.
- xv. The main water pipe for the adjacent public house is located under the church.
- xvi. There would be no room for fire or ambulance services.
- xvii. An application for the demolition of the former bakery nearby and the erection of a dwelling was refused in 2006 on highway grounds, which also apply with the proposed development.
- xviii. Athol Square is an unadopted highway, maintained at frontage residents expense. Properties using it have legally enforceable vehicle and pedestrian 'rights of way' over it. There is also separate 'rights of way' which have been granted over the driveway along the flank frontage of the church. These 'rights' of way have not been shown in or on the application documents as required by section 10 of the relevant forms and no consultation with residents has been undertaken regarding these rights during development of this application. These rights need to be considered and carefully protected either by the applicants scheme or by relevant condition.
- xix. The access to the two bedroom unit is at the rear of the building and to access it, pedestrians will have to use the shared access way. The presence of manoeuvring vehicles in such a restricted area results in a patently unsafe arrangement for a main entrance and this location is much better suited to a secondary or occasional 'back door' type of entrance.
- xx. In the event that approval of the application is recommended, then it is requested that conditions be imposed prohibiting the application of any finish to external surfaces such that the width of adjacent accesses is narrowed, that the car parking area be surfaced in a permeable bound material and that the surfaced areas of Athol Square and access drives leading from it should be reinstated to at least the condition prevailing at the start of work.
- xxi. The proposal will have an impact upon the privacy of the properties to the South and East some of which have a right of way out of the back of where the new buildings would be.
- xxii. Concern has been raised that the application includes the development of land within the ownership of a third party and that the red line application site denoting land owned by the church is incorrect in the area of the proposed parking area.

Points i – ix above are addressed within the main body of this report and in response to points x – xxii I would comment as follows:

- x. The application is submitted for the conversion and extension of the existing building to create two holiday letting units with a combined total number of 3 double bedrooms, accommodating a maximum of 6 persons. Notwithstanding that the application must be assessed and determined on the basis of that

submitted, were the proposal for a single holiday unit then it could potentially have 4 to 5 bedrooms, accommodating 8 to 10 persons, arguably giving rise to greater impacts than the current proposal.

xi & xii. It is noted that no outside space, other than the parking area, is proposed as part of the application, however being an application for holiday accommodation, it is anticipated that the units would be used by visitors as a base from which to explore the wider area, the application site is located in the village centre, close to the beach and other amenities, furthermore the absence of outside space is likely to lessen the potential for noise and disturbance to neighbouring properties. It is also important to consider that, notwithstanding the building has been vacant for the past 3 years, its authorised use is as church falling within Class D1 of the Use Classes Order. Therefore not only could the use as a church lawfully recommence at any time, the building could be utilised for any purpose falling within Use Class D1 without the need for planning permission, such permitted uses include, clinics, health centres, creches, day nurseries, museums and public halls. It is therefore necessary to balance the potential impacts of the proposed development against the potential impacts of other permitted uses. In this instance it is not considered that the proposed development would give rise to any greater impacts than may occur from the various other uses that the building could be lawfully put to.

xiii. It was noted during the site visit that the existing parking area is comprised of gravel, furthermore the highways department have been consulted on the application and have raised no objection in terms of the surface material of the parking area.

xiv. In the event that any restrictive covenants were imposed at the time the property was gifted to the church, then this would be a private legal matter between the relevant parties, and would not prohibit the grant of planning permission. It is also noted that the writer confirms that prior to the erection of the church the site was previously occupied by residential cottages.

xv. The proposal involves the change of use of the existing building together with a small extension, it is not therefore anticipated that existing services would be detrimentally impacted by the development.

xvi. It is not considered that proposed development exacerbates accessibility by emergency services to any greater extent than presently exists.

xvii. In light of the 2006 refusal of an application for the demolition of the nearby former bakery and erection of a new dwelling on highway grounds, further comments have been sought from the highways department. The highways department have commented that as the application site benefits from an existing authorised use (church), then it must be accepted that some form of redevelopment is acceptable. There are a number of properties which are served by this narrow highway referred to in the reasons for refusal of the former bakery application. In the opinion of the Local Highway Authority, the conversion of the chapel into 2 holiday units will not generate a significant increase in traffic which will have a material effect on the existing use of the narrow public highway referred to. There are approx. 20 properties which use this road and the current application does not propose to significantly increase that use. Furthermore, it is not considered that direct comparisons between this and the former bakery application is appropriate in this instance. In the case of the former bakery, its use as a bakery had ceased many years prior and the building at the time of the application had been in use as storage with little associated traffic and as such the proposal to develop a dwelling in its place would have resulted in an increase in traffic. In contrast to that, the building subject of the current application, has an authorised use as a church which only ceased some 3 years ago. Therefore, not only could the use recommence at any time, any number of other D1 uses as noted above could be made of the building without the need for planning permission.

xviii. The rights of way referred to in section 10 of the planning application forms refers to 'public rights of way' i.e. public footpaths and not private rights of way. Certificate B has been completed as part of the application serving notice on the owners of private highway and properties affected by the development, including the individual who has made this representation. It was due to the absence of this information as part of the previous application that the application was subsequently withdrawn.

xix. The entrance door to the two bedroom unit, utilises an existing door into the building and even if access were proposed by another means, it would still be via the shared access way. The shared access way, provides a vehicular access to only one property and a pedestrian access to others. Whilst the comment regarding safety is noted, traffic volume and speed along this narrow shared driveway is likely to be low and it is not therefore considered that any danger is such that refusal of the application on these grounds could be warranted.

xx. Appropriate conditions will be imposed on any permission granted. In relation to the finish of the external surfaces, the proposal has been amended such that the building will now be insulated internally,

the external walls will be finished with a render finish with a maximum thickness of 16mm so as to ensure that the development does not result in a narrowing of the adjacent access way.

xxi. A condition will be included in any permission granted, requiring that all windows in the Southern elevation be obscurely glazed, to mitigate any overlooking and protect the privacy and amenities of those properties potentially affected.

xxii. In light of the concerns raised regarding boundaries/landownership, a further site visit was undertaken on the 1st August 2019 where measurements were taken, based upon the measurements taken it is not believed that the submitted plans are incorrect or that there is any encroachment/development on third party land. Even if this were the case, it would simply require that formal notice be served on the adjoining land owner and would not prohibit consideration and determination of the application. Landownership/boundary issues are not in any event a material planning consideration, but rather private legal issues between the relevant owners. Furthermore, since it is apparent that the individuals concerned are aware of the application and have been afforded an opportunity to make any representations, it is not considered that any injustice would have been caused by any failure to serve appropriate notice, had that been necessary.

Relevant Planning History

FPL/2018/18 Full application for the change of use of former church into two holiday units together with alterations and extensions at St David's Church, Athol Street, Cemaes – Withdrawn 25.04.2019

Main Planning Considerations

The application is submitted for the conversion of the former catholic church into two holiday letting units, comprising 1 one bedroom unit and 1 two bedroom unit, together with a small extension to the Eastern elevation to provide a bedroom and bathroom, alterations are also proposed to the windows and doors, the installation of 6 roof lights in the Southern roof slope and the rendering of the existing walls. The proposal also includes parking provision for 3 cars.

The designated Conservation Area immediately adjoins the site on three sides, whilst the proposed extension and parking area is within the Conservation Area, the building itself is not.

The application sites is located within the development boundary of the Local Service Centre and as such accords with the provisions of policy PCYFF 1 of the JLDP.

Policy PCYFF 2 of the JLDP requires that proposal demonstrate compliance with relevant local and national planning policies and guidance.

Policy PCYFF3 requires that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environment context and contributes to the creation of attractive, sustainable places. Proposals will only be permitted provided they conform, where relevant, to the listed criterion.

Criterion 1 of the policy requires that the development enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Criterion 2 requires that the development respects the context of the site and its place within the local landscape...

Criterion 3 requires that it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate, in line with policy PCYFF 4.

Criterion 5 requires that drainage systems are designed to limit surface water run-off and flood risk and prevent pollution.

Strategic Policy PS 14: The Visitor Economy states that whilst ensuring compatibility with the local economy and communities and ensuring the protection of the natural, built and historic environment the Councils will support the development of a year-round local tourism industry by managing and enhancing the provision of high quality un-serviced tourism accommodation in the form of self-catering cottages and apartments, camping, alternative luxury camping, static or touring caravan or chalet parks.

Policy TWR 2 of the JLDP supports proposals for the conversion of existing buildings into holiday accommodation provided they are of a high quality in terms of design, layout and appearance that all the relevant policy criteria can be met.

Criterion ii. requires that the proposed development is appropriate in scale in considering the site, location and/or settlement in question.

Criterion iv. requires that the development is not sited within a primarily residential area or does not significantly harm the residential character of the area.

Criterion v. requires that the development does not lead to an over-concentration of such accommodation.

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens states that proposal within or affecting the setting and/or significant views into and out of Conservations Areas must have appropriate regard to the adopted Conservation Area Character Appraisal, Conservation Area Plans and Delivery Strategies.

Policy ISA 2: Community Facilities states that proposals leading to the loss of community facilities will be resisted unless the proposal conforms to the relevant criteria listed in the policy.

Criterion 2i. of the policy requires that a suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or ii. it can be demonstrated that the facility is inappropriate or surplus to requirements.

The existing building is of a simple bland design constructed of grey brickwork. During the Cemaes Conservation Area Character Appraisal process, the existing building was identified as being an unsympathetic development within the original designated area and consequently, under a boundary review the conservation area boundary was revised to omit the building, the area to the side and front were however retained within the Conservation Area Boundary.

As part of the proposed conversion, it is proposed to render the building, make amendments to some of the windows and doors, install 6 roof lights on the Southern roof slope and erect a small extension measuring 5.8m x 4.9m to the front gable elevation comprising bedroom and bathroom.

As noted above, a number of objections have been received, which include comments relating to the design of the proposal, which has been described as an unattractive and cheap proposal with very little done to enhance the design of the existing building and that it should be developed to a higher standard of design utilising appropriate materials.

The existing building on the site exhibits little architectural or aesthetic merit and given the very constrained nature of the site and fact that the proposal is for a change of use rather than re-development, the scope to make significant alterations to the existing building may be somewhat limited, nevertheless the Local Planning Authority must assess and determine the application on the basis of that submitted.

The proposed extension and other alterations are relatively minor in nature, finished with materials similar to nearby properties which are predominantly either painted render or pebble dash.

It is therefore considered that the proposal will result in a moderate enhancement to the building, conservation area and views out of the conservation area and is acceptable in terms of design and scale in accordance with policies PCYFF 3, TWR 2 and AT 1 above.

With regard to criterion iv. of policy TWR 2, whilst the site is located within a primarily residential area, there are two public houses in very close proximity, one immediately next door and the building itself was of course formerly a catholic church, it is not therefore considered that the proposal will significantly harm the residential character of the area.

A business plan has been submitted in support of the application and it is considered that the level of detail is commensurate with the proposed development such that compliance with criterion v. of policy TWR 2 has been demonstrated.

The supporting documentation submitted with the application confirms that the church has been unoccupied since 2016 when it was permanently closed following a parish review of church services by the Diocese of Wrexham, consequently it is considered that it has been demonstrated that the facility is surplus to requirement as per policy ISA 2.

The highways department have also been consulted on the application and the comments received, whilst acknowledging objections, accepts that there is an existing use associated with the site and that therefore it must be accepted that some form of redevelopment is acceptable. Three parking spaces are provided as part of the scheme, which is sufficient to cater for the development which comprises one, 1 bed unit and one 2 bed unit. The Highway officer notes that the existing use, as demonstrated within an objection letter, could generate up to 8 vehicles at the site at a time and which would cause much more inconvenience than the proposed use.

The officer further notes that, notwithstanding any existing issues there may be with car parking in this area, it would be unreasonable to punish this development in this instance as sufficient parking provision is included to cater for the development.

The officer concludes that the proposed development will not generate a significant increase in use which would have a negative impact on the highway network and conditions are recommended regarding the car parking provision and the submission of a Construction Traffic Management Plan prior to the commencement of works.

Given the lawful use of the existing building (Class D1 Church) and other potential D1 uses which could lawfully be made of the building, it is not therefore considered that the proposed development will give rise to unacceptable impacts upon the privacy and amenities of neighbouring properties, furthermore a condition will be imposed requiring that all windows in the Southern elevation be obscurely glazed to mitigate any overlooking and protect the privacy and amenities of those properties potentially affected.

Conclusion

The proposal is considered to be acceptable and accords with relevant local and national planning policies and it is not considered that the development gives rise to unacceptable impact upon the character and appearance of the designated Conservation Area or upon the privacy and amenities of nearby residential occupiers subject to conditions.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include:

- (i) The routing to and from the site of construction vehicles, plant and deliveries, including any Temporary Traffic Management Measures and Traffic Regulation Orders necessary to facilitate safe construction of the scheme including any advance, preparatory and demolition works;**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vi) The arrangements for storage of plant and materials and the loading and unloading of plant and materials**
- (vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety.

(03)The car parking accommodation shall be completed in full accordance with the details as shown on the submitted plan drawing reference 035 04 rev A before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(04) Prior to the commencement of the development hereby approved the colour of the external render proposed to be used on the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development.

(05) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To define the scope of this permission.

(06) Before the development hereby permitted is brought into use, all windows in the Western and Southern elevations shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning. The windows shall be permanently retained in that condition thereafter.

Reason: To protect the amenities of nearby residential occupiers.

(07) No surface water from any increase in the roof area of the building / or impermeable surface within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(08) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- **035 03 Rev A: Proposed Floor Plans and Elevations**
- **035 04 rev A: Proposed Block Plan**
- **035 SK1: Detail of proposed finishes to existing church external wall.**
- **Structural Inspection: JP Structural Design, RP-07380-001, Issue 1, December 2018.**

Reason: To ensure that the development is implemented in accord with the approved details.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS1, ISA2, TRA4, PS5, PS6, PCYFF1, PCYFF2, PCYFF3, PS14, TWR2, PS20, AT1.

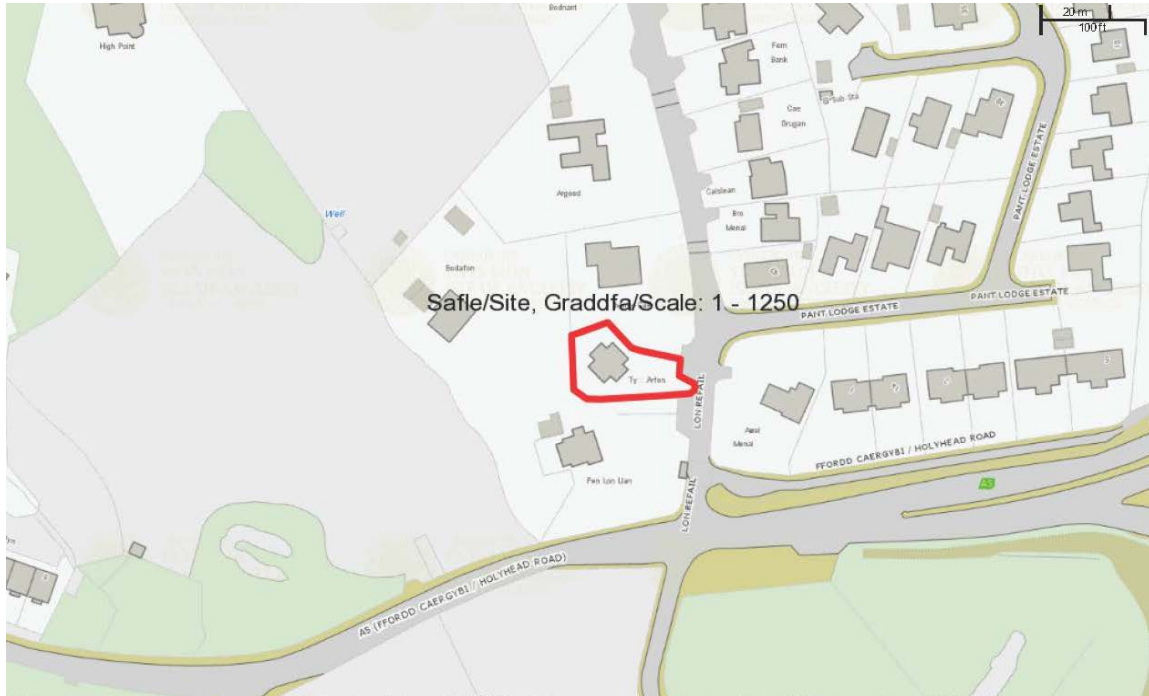
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: HHP/2019/129

Applicant: Mr. Dilwyn Owen

Description: Cais llawn i godi garej newydd ar wahan yn/Full application for the erection of a detached garage

Site Address: Ty Arfon, Lon Refail, Llanfairpwll



Report of Head of Regulation and Economic Development Service (Gwenda Baynam)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

The application is called in by local member Alun Wyn Mummy because of concerns regarding the following:

- Location of the garage
- Effect upon the building line of the street
- Drainage of the scheme
- Height of the scheme
- Affect upon electricity supply
- Access

Proposal and Site

The site is located in the village of Llanfairpwll. The dwelling is a detached property which includes a garden area to the rear and front.

The proposal is for the erection of a garage which will be sited to the front elevation of the dwelling.

Key Issues

The main issues of the application relate to the appropriateness of the design and scale of the garage in the general context of the village together with any effects upon residential amenity.

Policies

Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Ed Henderson	No Objection
Cynghorydd Alun Wyn Mummery	Requested that the application be called-in to the Committee for determination because of the following: -Location of the garage -Effect upon the building line of the street -Drainage of the scheme -Height of the scheme -Affect upon electricity supply -Access
Cynghorydd Meirion Jones	Declaration of Interest due occupying the neighbouring property.
Cynghorydd Robin Wyn Williams	No response at the time of writing this report
Cyngor Cymuned Llanfairpwll Community council	No response at the time of writing this report
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Condition
Dwr Cymru / Welsh Water	Condition
Drainage	No Objection

The application was afforded publicity by the delivery of personal letters to the occupiers of the surrounding properties together with the placing of a site notice immediately adjacent the location of the proposal. The latest date for representations to be received is the 08/06/2019, at the time of writing this report two letters have been received at this department. The letter received raised the following issues:

- height of garage
- Proposal will impact upon electricity lines
- the location of the garage will impair visibility when leaving the applicant's property and that of the writer
- impact on an existing hedge through digging for foundations

- impact of surface water drainage on adjoining property

In response to the issues raised:

-The garage is typical in height and construction being 3.7m at the entrance elevation and 4.2m at its highest. The garage will not overbear any neighbouring properties.

-The Authority Highways department had no concern with the positioning of the garage in regards to visibility

The hedge is a standard garden hedge and should there be any detrimental impact from construction, its loss would not be unacceptable given the site's location in a densely developed residential area;

The relocation of electricity poles if necessary to facilitate the development would be dealt with under separate consent through the statutory undertaker;

The Drainage Authority has no concerns regarding site drainage or local flood risk.

Following receipt of additional information the publicity process was carried out again. The latest date for the receipt of representations was 7th August, 2019 and no further representations was received.

Relevant Planning History

31C386 - Cais llawn ar gyfer codi annedd dau lawr ynghud a creu mynedfa i gerbydau ar dir ger / Full application for the erection of a two- storey dwelling together with the construction of a vehicular access on land adj Min y Cae, Llanfairpwll - Approved 09/09/11

Main Planning Considerations

Effect upon character of the area - The scale of the garage is considered acceptable as it will not overdevelop the site or overbear upon any of the neighbouring properties. The height of the garage will not exceed that of the main body of the dwelling, thus ensuring the garage appears subservient in nature to the existing buildings on site.

Effect upon residential amenity - The height of the garage is significantly less than that of the main dwelling therefore it is deemed that the proposal would not overbear the neighbouring property to an extent that would be unacceptable. The Highway-Authority raises no concerns regarding the proposal impacting visibility or highway safety and the Drainage Authority raises no concerns regarding site drainage or local flooding.

A detailed site plan and cross sections were received at the department following receipt of letters of representations. The additional information submitted clearly shows that the development will not have a detrimental impact on the amenities of the surrounding properties and there is adequate space within the site to accommodate the development.

Conclusion

Upon assessing the application against relevant policies of the Anglesey and Gwynedd Joint Local Development Plan alongside Supplementary Planning Guidance, the scheme is considered acceptable and therefore recommended for approval.

Recommendation

Permit

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents

accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan - 09/05/2019
- Proposed Plan - 09/05/2019
- Site Plan - 09/05/2019

Reason: To ensure that the development is implemented in accord with the approved details.

(03) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
 - (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
 - (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
 - (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
 - (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
 - (vii) The arrangements for loading and unloading and the storage of plant and materials;**
 - (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**
- The construction of the development shall be completed in accordance with the approved plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(04) The garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the adjoining dwelling known as Ty Arfon, Llanfairpwll and for no commercial or business use whatsoever.

Reason: In the interest of amenities and highway safety

(05) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF3

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

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Planning Committee: 04/09/2019

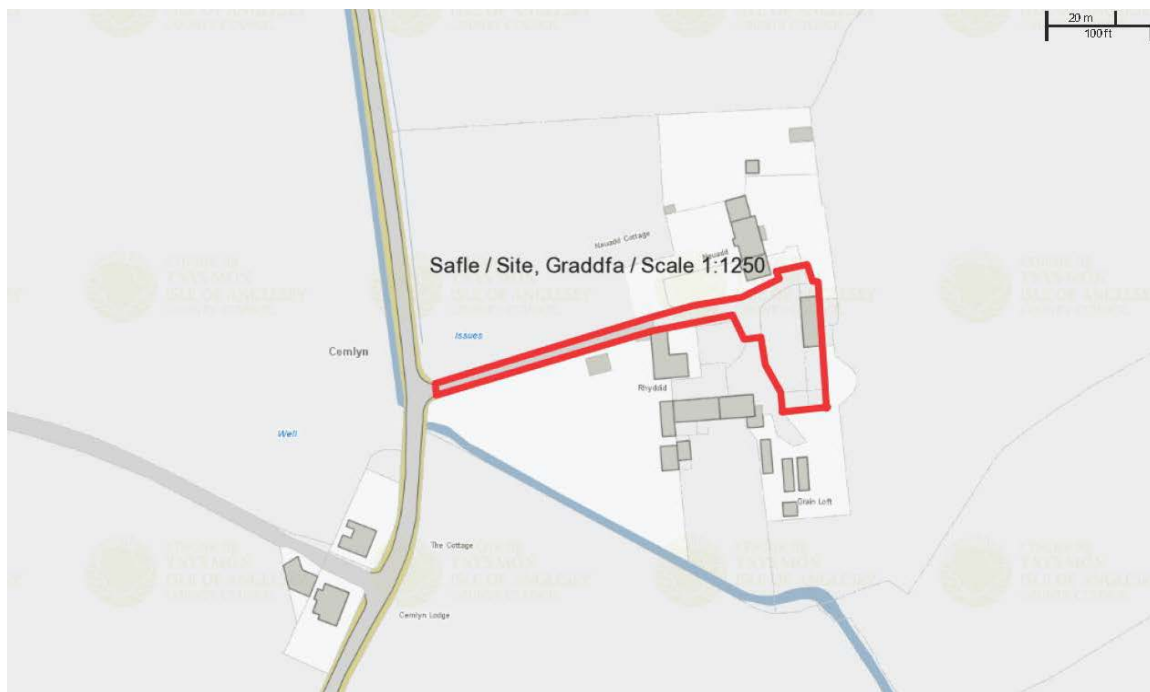
10.1

Application Reference: VAR/2019/9

Applicant: Mrs Wendy Vidler

Description: Cais dan Adran 73 i amrywio amod (01) (Cynlluniau a Gymeradwywyd) o ganiatâd cynllunio rhif 18C71E (Newid yr adeilad allanol i annedd ynghyd a gosod system trin carthffosiaeth) fel y'i diwygiwyd dan gais cyfeirnod MAO/2018/2 fel y gellir gwneud newidiadau i ddyluniad yr addasiad o'r adeilad allanol ynghyd a rhyddhau amod (03) (Manylion Ffiniau) yn / 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

Site Address: Neuadd, Cemaes



Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

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

Proposal and Site

The application is made under Section 73 for the variation of condition (01) (Approved Plans) of 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.

Condition 01 of minor amendment MAO/2018/2 relates to the list of approved drawings to which the development is required to conform. Condition 03 of planning permission 18C71E requires that details of boundary treatments are submitted and approved in writing by the Local Planning Authority.

Key Issues

The application's key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy TAI 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character

Policy AMG 5: Local Biodiversity Conservation

Response to Consultation and Publicity

Consultee	Response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No Objection
Dwr Cymru Welsh Water	No Response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditional Approval
Priffyrdd a Trafnidiaeth / Highways and Transportation	No Response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No Response
Draenio Gwynedd / Gwynedd Drainage	No Observations
Ymgynghorydd Tirwedd / Landscape Advisor	Further details of the roof material was requested. No objection were raised following full details being received.
Ymgynghorydd Treftadaeth / Heritage Advisor	No objection raised. Given the building's remote location, existing modest scale and design, the proposed details is considered acceptable.
Cynghorydd John Griffith	No Response
Cynghorydd Kenneth P. Hughes	No Response
Cynghorydd Llinos Medi Huws	No Response

Cyngor Cymuned Cylch-y-Garn Community Council	No Response
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The proposal was advertised with the posting of notifications to adjacent properties. A site notices has also been displayed near the application site together with an advert in the local press. The expiration of the publicly period was the 31/07/2019. At the time of writing this report no correspondence were received as a result of the publicity process.

Relevant Planning History

18C71E - Full application for the conversion of outbuilding into a dwelling together with the installation of a package treatment plant on land at Neuadd, Cemlyn – Approved 23/10/2014

MAO/2018/2 - Minor amendments to decision notice previously issued under planning permission 18C71E so as to include a condition relating to the approved plans for the proposed development at Neuadd, Cemlyn – Approved 21/01/2019

Main Planning Considerations

Full planning permission has been granted for the conversion of the outbuilding into a dwelling together with alterations and extensions under reference 18C71E which was approved on the 23/10/2014. The minor amendment was approved on the 21/01/2019.

Condition (01) of MAO/2018/2 (As approved plans)

The variations being proposed to the previously approved development include variations to windows and doors, the inclusion of a small log store and changes to the design and appearance of the roof.

The proposed development entails a slight increase in the number of windows being proposed together with an introduction of minimal timber cladding. The application also entails the installation of trapezoidal roof panels in favour of natural slate.

Neighbouring properties have been notified of the proposed development. The expiry date to receive representations was the 03/07/2019. At the time of writing the report no objections were received.

It is not considered that the amended external material finishes will have an impact on neighbouring properties. The log store is measured at 2 x 1 meters which is considered acceptable in terms of its design and scale. The log store will be open fronted which is a mitigation requirement to allow swallows access for nesting.

With respect to the roof design, it is considered that the material being proposed gives the development a more industrial appearance in comparison to the previously approved traditional material. Notwithstanding this fact, the outbuilding is located in a rural location and within close proximity to various agricultural buildings. The advice of the Built Environment Section (Heritage Section) has been sought and it has been confirmed that in this particular instance given the building's remote location, existing modest scale and design, the development is considered acceptable. Details of the colour have been provided which are considered appropriate to development.

Condition (03) of 18C71E (Enclosure Details)

Details of the boundary treatment which includes a screen fence to the front boundary have been submitted as part of the application. The boundary treatment includes a close boarded fence and hedgerow which are considered acceptable by the Local Planning Authority.

Policy Context – The principle of the conversion of the outbuilding into a dwelling has been established under planning application 18C71E, approved on the 23/10/2014. Since the enclosure details submitted in an effort to discharge condition 03 are considered acceptable, no conditions will remain which require discharging prior to commencing development.

Joint Local Development Plan – The Joint Local Development Plan states that conversion of traditional buildings for residential use will only be permitted for employment use, if this is not an option, the development could provide an affordable unit. However, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission better than that previously approved.

Application reference 18C71E was approved on the 23/10/2014 which therefore expires on the 23/10/2019. As previously noted, in the event that the current application was approved no pre commencement conditions would remain which would allow the applicant to commence works immediately.

The proposed amendments are not considered to be a deterioration of that approved under the previous permission.

Conclusion

The application is contrary to Policy TAI 7 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for the conversion of the outbuilding into a dwelling.

It is not considered that the proposed changes deteriorate that previously approved under 18C71E and MAO/2018/2. Details submitted to discharge the requirements of condition 03 are considered acceptable.

Recommendation

(01) The development shall begin not later than two years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan 2187:14:1**
- **Proposed Site Plan 2187:14:3a**
- **Proposed Plans and Elevations 2187:14:5a**

Reason: To ensure that the development is implemented in accord with the approved details.

(03) The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway user.

(04) The development work shall take place in accordance with the Reasonable Avoidance Measures outlined within the Protected Species Survey prepared by Clwydian Ecology dated 11th May 2019 and submitted under application reference VAR/2019/9.

Reason – to safeguard any protected species which may be present on the site

(05) No development in the conversion of the building shall take place in the bird breeding season from 1st March to 30th September inclusive unless the site has been checked for the presence of nesting birds and the results of the survey are submitted to and approved in writing by the local planning authority prior to works commencing

Reason: to safeguard any protected species which may be present on the site

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

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Planning Committee: 04/09/2019

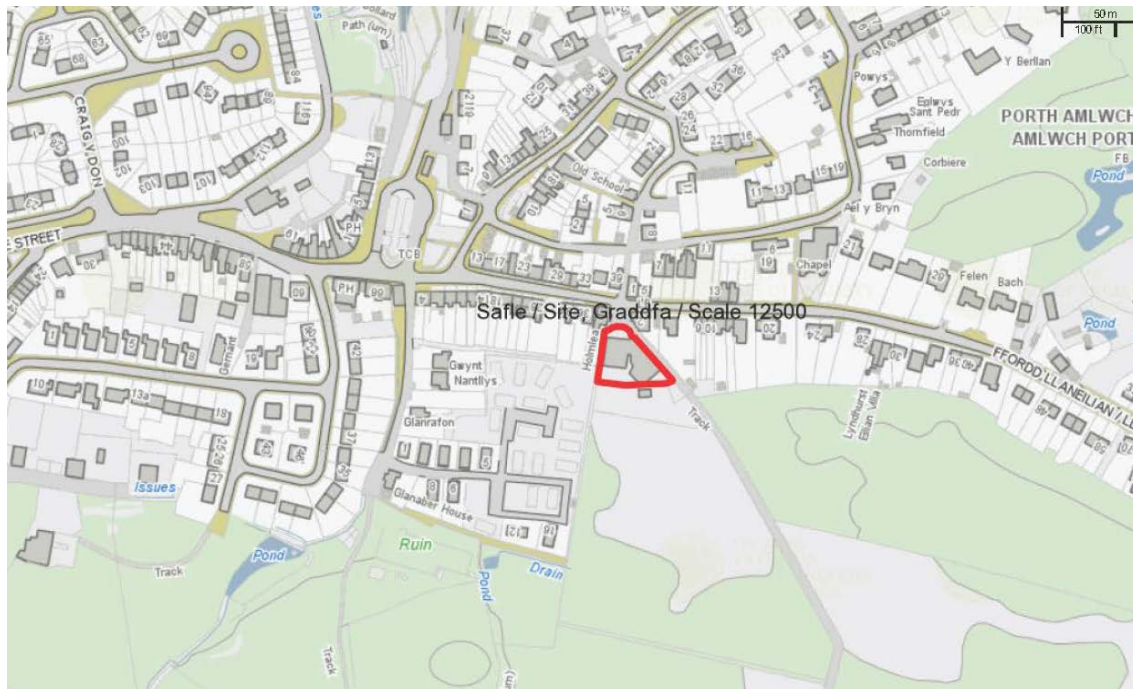
12.1

Application Reference: FPL/2019/1

Applicant: Mr Neil Jamieson

Description: Cais llawn ar gyfer newid adeilad allanol i saith fflat ynghyd a chreu mynedfa newydd i gerbydau yn / Full application for the conversion of building into seven flats together with the creation of a new vehicular access at

Site Address: Capel Carmel, Lon Capel / Chapel Street, Amlwch



Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation:

Reason for Reporting to Committee

Local Member Richard Griffiths has referred the application the Planning and Orders Committee for determination. The Local Members has raised concerns with respect to the demolition of a boundary wall.

Proposal and Site

The application is made for the conversion of a building into seven flats together with the creation of a new vehicular access at Capel Carmel. Amlwch.

The application site is a parcel of land situated within the development boundary of Amlwch as defined within the Joint Local Development Plan (JLDP). The Chapel is a Grade II Listed Building. The site is accessible to the north from Chapel Street. A vehicular track runs along the site from the main highway to the east. Residential dwellinghouses are located to east and west of the site whilst agricultural land lies to the south.

Key Issues

Whether or not the proposal complies with local and national policies, whether the proposal will have an impact upon the neighbouring properties, Listed Building, nearby Conservation Area and highway safety.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Policy PCYFF 6: Water Conservation
Strategic Policy PS 1: Welsh Language and Culture
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
Policy TRA 2: Parking Standards
Policy TRA 4: Managing Transport Impacts
Policy TAI 15: Affordable Housing Threshold & Distribution
Policy ISA 1: Infrastructure Provision
Policy TAI 1: Housing in Sub-Regional Centre & Urban Service Centres
Policy TAI 9: Subdivision of Existing Properties to Self-contained Flats & Houses in Multiple Occupation (HMOs)
Policy ISA 2: Community Facilities
Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Treftadaeth / Heritage Advisor	Proposed Development will not have a significant adverse impact upon the Listed Building or Conservation Area.
Ymgynghorydd Tirwedd / Landscape Advisor	No Objection
Swyddog Llwybrau / Footpaths Officer	No Comments
Cynghorydd Richard Griffiths	Referred the above planning application to the Planning and Orders Committee. The Local Members has raised concerns with respect to the demolition of a boundary wall
Cynghorydd Aled Morris Jones	No Response
Cynghorydd Richard Owain Jones	No Response
Cyngor Tref Amlwch Town Council	Concerns regarding parking.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Policy Comments are provided within the report
CNC	No Objection

Priffyrdd a Trafnidiaeth / Highways and Transportation	Conditional Approval
Dwr Cymru Welsh Water	Conditional Approval
Iechyd yr Amgylchedd / Environmental Health	Conditional Approval / Informative Advice
Head of Service (Housing)	Although the demand for flats within Amlwch is relatively low, this is not a true reflection of the demand. The housing service considers there is a greater need than what the current waiting list figures suggests.
Gwasanaeth Addysg / Education Service	The Lifelong Learning Section of the Authority have assessed the application and concluded that in this instance and confirmed that no contribution is required.

The proposal was advertised with the posting of notifications to adjacent properties. A site notices has also been displayed near the application site together with an advert in the local press. Following receiving amended plans the publicly process has been undertaken on two separate occasions. The expiration of the publicly period was the 28/08/2019.

At the time of writing this report, 10 letters of representations were received as a result of the publicity afforded to the application. The main points raised are summarised below:

- Concerns whether the applicant has a right of way to access to property and party wall.
- Concerns that the proposed development would worsen off road parking within the area and add to congestion.
- Concerns with respect to the access and visibility.
- Limited area for manoeuvrability of vehicles within the application site.
- Proposed development would have an impact upon the amenity of nearby residential properties.
- Proposed development is not in keeping with the area.
- Concerns regarding the availability of refuse and recycling areas.
- Concerns with respect to the Grade II Listed Building.

In response to the points raised, the Local Planning Authority comments as follows:

- The applicant has served certificate B's as part of the application. Issues relating to rights of way and party wall are civil matters.
- The Local Highways Authority have assessed the application and are satisfied with the proposal subject to conditions.
- Although the application is limited in term of site area, an area for the manoeuvrability of vehicles has been included within the proposal.
- The impact upon residential amenity of neighbouring properties has been assessed within the report.
- The proposed development entails the conversion of an existing structure and will not have a detrimental impact upon the character of the area.
- Provision for refuse and recycling areas have been included as part of the proposal.
- The Built Environment Section of the Authority have assessed the application and are satisfied with the proposed development. Listed Building Consent has been approved for the proposed works.

Relevant Planning History

LBC/2019/1 - Listed Building Consent for the conversion of building into seven flats together with the creation of a new vehicular access at Capel Carmel, Amlwch – Approved 29/07/2019

Main Planning Considerations

The building is currently in a state of disrepair following being disused since 2005. The main chapel can be viewed from the main highway whilst the two storey schoolroom extends to the rear of the site.

Two parking areas are proposed at the front of the chapel, whilst a further nine parking areas are located at the rear. These nine parking areas are accessible from an existing lane to the east together with a new access track which will run along the western elevation of site.

The proposed apartments will be located over two storeys which will house 6 number of two bedroom apartments and 1 three bed apartment. Since the initial submission, amendments have been made to the proposal which included mitigation measures in terms of a proposed wooden fence along the boundary, provision for a recycling area and an amended Certificate B.

Policy Considerations:

The main most relevant policies to consider the principle of the development against Policy PCYFF 1 ('Development Boundaries'), Policy TAI 1 ('Housing in the Sub-regional Centre and the Urban Service Centres'), Policy TAI 9 ('Subdivision of Existing Properties to Self-contained Flats and Houses in Multiple Occupation'), and Policy TAI 15 ('Affordable Housing Threshold and Distribution').

Housing considerations:

The application site is located within the Amlwch development boundary as noted in the Anglesey and Gwynedd Joint Local Development Plan. In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations.

Policy TAI 9 permits the sub-division of existing properties to self-contained flats provided they conform to the criteria within the policy.

Criteria A i) requires that the property is suitable for conversion without the need for significant extensions and external adaptations. As part of the application a Structural Report is received which confirms that the building is suitable for conversion.

Criteria A ii) relates to licence houses in multiple occupation and is therefore not relevant to the application.

Criteria A iii) requires that the number and type of units proposed and that it will not have detrimental impact on residential amenity and that each unit will have adequacy of car parking and refuse storage space. In addition criterion iv of the policy should be considered in that the proposal must not exacerbate existing parking problems in the local area.

The impact upon residential amenity is assessed later within the report.

In total, 11 parking spaces have been provided as part of the proposed development which have been deemed acceptable by the Local Highways Authority. The proposal has also included a recycling area for future occupiers.

The application site is located in a sustainable location within the development boundary of Amlwch and in close proximity to nearby public amenity areas. Policies TAI 9 and PCYFF 2 of JLDP requires that appropriate amenity spaces should be provided. Whilst the site area is measured at 700 square meters, approximately 60 square meters of amenity space is available for future occupants. Due to tight constraints of the site and the inclusion of parking spaces, turning areas and recycling area, the available amenity space for future occupiers is limited. Notwithstanding this fact, the application site is located within the development boundary and located close to existing amenity areas which is a material

consideration and assessed as part of the application. In this instance the available amenity space is considered acceptable.

Housing Considerations:

The indicative supply level for Amlwch over the Plan period is 533 units (including a 10% 'slippage allowance', which means that the method of calculating the figure has taken into account potential unforeseen circumstances which could influence the provision of housing, e.e. land ownership matters, infrastructure restrictions, etc.). The Plan anticipates that 160 of these units will be provided on windfall sites. During the period of 2011 to 2018, a total of 28 units have been completed in Amlwch - and each of these on windfall sites. The windfall land bank, i.e. sites with extant planning permission, in April 2018, was 80 units (with 76 of these likely to be developed).

It is considered that approving the development on this site will be supported against the indicative supply level for Amlwch.

Policy TAI 15 of the LDP states that Councils will attempt to ensure an appropriate level of affordable houses in the plan's area. The threshold is two or more housing units in Amlwch. Since the proposed development proposes an increase of 7 units, this meets with the threshold noted in Policy TAI 15 for making an affordable housing contribution.

It is noted that the priority should be to provide an affordable unit as part of the development. Policy TAI 15 states that "Where the affordable housing requirement of a particular scheme falls below a single dwelling on the site, providing an affordable unit within that development will remain the priority. However, if it is deemed that this is not possible, a pro-rata payment will be expected rather than no affordable provision on the site".

As Amlwch is situated within the 'Amlwch and Hinterland' housing price area in the Plan, it is noted that providing 10% of affordable housing is viable. Bearing in mind that 7 units are proposed here this is equivalent to 0.7 unit i.e. less than 1 unit. Depending on the affordability of the flats then it may be relevant to consider if a relevant pro rata affordable contribution is required in relation to this proposal.

A viability assessment has been submitted with the application which considered the level of commuted sum that could be expected from the cost of developing the site. The Local Authority has assessed the assessment which concludes that the costs gives a surplus of £40,812 which is required towards affordable housing.

Policy TAI 8 of the JLDP ensures that the Council will work with partners to promote sustainable mixed communities by ensuring that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community. The proposed development is for 6 two bedroom flats and 1 three bedroom flat. The Policy section has confirmed the number of flats in Amlwch is 6.9% of the total stock and this compares with 7.5% Island wide. The % of detached accommodation in Amlwch is 29.9% which is significantly lower than the Island wide figure of 47.9% this is countered through a far higher percentage of semi-detached and terraced properties within Amlwch compared with the Island wide figures.

Having reviewed the House monitoring System, the policy section are not aware of any significant development for flats in Amlwch since the 2011 Census. It is therefore considered the provision of larger 2 and 3 bed flats within the housing stock of Amlwch could provide greater choice within the settlement for those seeking this type of accommodation.

Education Contribution:

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration would have to be given over the capacity within local schools to accommodate the number

of children anticipated on the site. The Lifelong Learning Section of the Authority have assessed the application and concluded that in this instance no contribution is required.

Community Facility:

From the information provided with the application, it is noted that there is no existing use made of the building as a chapel. Criterion 2 in Policy ISA2 ('Community Facilities') states that the Plan aims to resist the loss or change of use of existing community facilities. It is noted, however, that there are exceptions to this rule if the developer can provide a suitable facility in its place either on or off the site and within easy and convenient access by means other than the car or alternatively it can be demonstrated that the facility is inappropriate or surplus to requirement.

In this instance, the Chapel has been vacant for fourteen years and is now in a state of disrepair. It is therefore considered that the proposal could be supported under criteria 2 ii) of policy ISA2 which allows the change of use of an existing community facility since it has become surplus to requirements

Listed Building and Conservation Area:

The building is a Grade II Listed Building and is also within the Conservation Area. Therefore, the proposal should be considered against Policy AT1 ('Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens') of the JLDP.

The boundary wall to the front, proposed to be demolished is not attached to the principle building and is not considered to be of significant architectural interest or importance.

Whilst the number of proposed Conservation style rooflights is extensive, they are located to the rear and therefore their visual impact from the front elevation and public realm is minimised.

The proposed replacement timber windows are to replicate existing dimensions but have slim profile double glazed panes. Internally the chapel and schoolroom have suffered from vandalism and isolated fires with the original architectural features now lost. Historically the internal features were not of the highest quality. However, what remains of the internal features are to be retained including the original staircase.

The Built Environment section considers the proposed development would not have a significant detrimental effect on the setting of the Listed Building or Conservation Area. They conclude that the proposed works are justified in terms of attaining a sustainable use that will safeguard the building's future without adversely impacting upon the special character of the listed building. Listed Building Consent has been granted on the 19/07/2019 for the proposed development.

Impact upon amenity of nearby properties:

The density of development within this area of Amlwch is comparatively high. The properties to which the site most closely relates are a mixed of detached and terrace houses.

A two storey dwellinghouse, known as Homlea is located to the west of the site. Its garden and curtilage area extends to the south together with the eastern boundary of the application site.

Windows are located on the western elevation of the main chapel which will overlooking the neighbouring property. A distance of approximately 2.3 meters is between these windows and the boundary of Homlea. The Supplementary Planning Guidance (SPG) Design Guide for the Urban and Rural Environment recommends a distance of 10.5 meters. However, since a 1.8 meter fence is proposed along the boundary and high level windows are proposed on the first floor, it is considered that the proposed development will not significantly harm the amenity of Homelea to warrant refusal of the application.

Residential properties are also located to east of the application site. The garden area of these residential properties also extends to the rear.

Ground and first floor windows are located on the eastern elevation of the dwelling known as Ylas Ynys. Similarly ground and first floor windows are also located along the western elevation of Homlea and Carmel Cottage. These windows predominantly overlook the front elevation of the Chapel. Ground and first floor windows are proposed on the front of the Chapel.

A distance of approximately 5 meters located between the nearby properties and the front elevation of the Chapel. The SPG Design Guide for the Urban and Rural Environment recommends a distance of 15 meters between these windows. However, since these windows are angled away from each other it is considered that there will not be an unacceptable degree of overlooking due to the oblique nature of these windows.

A dense hedgerow is located along the western edge of the rear curtilage of Ylas Ynys. A distance of approximately 4.3 meters is between these windows and the boundary of Homlea. The SPG Design Guide for the Urban and Rural Environment recommends a distance of 10.5 meters. However, it is considered that this existing hedgerow provides adequate screening to mitigate against overlooking from the proposed development.

The land directly to the south of the application site is agricultural land. A residential caravan park is located to the south west. First floor windows at the rear (southern elevation) of the Chapel have been previously blocked, however are proposed to be re-opened as high level windows.

Although the proposed development may generate an increase in nuisance such as noise and light in comparison to the existing vacant site, due to the fact that the site is located in a dense residential area and that mitigation measures are proposed, it is not considered that this would result in an unacceptable harm to its residential amenity of nearby properties.

Local Highway Authority:

The application site is accessible to the north from Chapel Street. The vehicle access and parking arrangements shown are considered satisfactory by the Local Highways Authority. The vision splay achieved at the access meets the maximum requirement set out in national guidance and the 11 parking spaces available being proposed also meets the maximum requirements as required within the SPG (Parking Standards).

The Local Highways Authority have been consulted regarding the application and raised concerns with respect to whether or not the applicant has a right of way to allow vehicles to travel to the proposed parking areas. In addition concerns have been raised as to whether the boundary wall may be demolished and replaced by a timber fence to allow sufficient space for vehicles to travel to and from the access to the west of the site.

As part of the submission, the applicant has completed 'Certificate B's' relating to ownership. This certifies that the applicant is not the sole owner of the land or building to which the application relates. In addition, the applicant has provided a detailed site plan which suggests it may be possible for vehicles to travel the single track at the western part of the site.

Other Matters:

Gwynedd Archaeological Planning Service has been consulted regarding the application and have requested that a condition be attached to the permission requesting that a photographic survey be undertaken in accordance with a method statement prior any works being commenced.

A Bat Survey has been submitted as part of the application. The Local Planning Authority's Ecologist has assessed the application and is satisfied with the proposed development following the inclusion of bat boxes. Natural Resources for Wales have raised no objection to the application.

Conclusion

The application is acceptable in policy terms and will provide a commuted sum towards affordable housing. The details with respect to highway matters has been assessed and considered acceptable.

Given due consideration to design, existing and proposed screening together with distances between existing properties the proposal is considered acceptable subject to conditions.

Although the application site offers limited amenity space for future occupiers, the application site is located within the development boundary of Amlwch and in close proximity to nearby public amenity areas. The proposed development will restore a Grade II Listed Building which is in a poor condition following being vacant for almost 15 years. A section 106 agreement will be attached to any permission to ensure that a commuted sums is made towards affordable housing.

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan OBS-2018-078GA001 Rev C
- Detailed Block Plan - OBS-2018-078GA018 Rev A
- Proposed Ground Floor Plan - OBS-2018-078GA009
- Proposed First Floor Plan - OBS-2018-078 GA010
- Proposed Elevations - OBS-2018-078GA011
- Proposed Section B-B and C-C Rev B
- Proposed Rear Elevations of Flat 5 & Section A-A - OBS-2018-078GA012 Rev B
- Proposed Section B-B & C-C - OBS-2018-078GA013 Rev B
- Proposed Section D-D - OBS-2018-078GA014 Rev B
- Proposed Section E-E
- Proposed Roof Plan - OBS-2018-078GA016
- Proposed Section F-F - OBS-2018-078GA017
- Proposed Window Drawing - OBS-2018-078WD002
- Proposed Elevations - OBS-2018-078GA011 Rev B

Reason: To ensure that the development is implemented in accord with the approved details.

(03) Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To protect the amenities of nearby residential occupiers.

(04) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

(i) The routing to and from the site of construction vehicles, plant and deliveries.

(ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;

(iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;

(v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;

(vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;

(vii) The arrangements for loading and unloading and the storage of plant and materials;

(viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(05) The car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(06) The development hereby approved shall not commence until a photographic survey of the interior and exterior of the building has been undertaken in accordance with a method statement that has first been submitted to and approved in writing by the Local Planning Authority. The method statement shall identify the location and timing of the photographic survey (including prior to and during the development). Thereafter the photographic survey shall be carried out in accordance with the approved method statement and the advice contained within the Gwynedd Archaeological Planning Service Requirements for General Photographic Surveys of Buildings. The photographic survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months of completion of the development.

Reason: To ensure that an adequate record is made of all structures affected by the proposal, to inform future conservation of the building and to ensure that the record is held within the public domain for future reference and research.

(07) No surface water from any increase in the roof area of the building/ or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

(08) The proposed 1.8 meter-high fence at the western boundary as and as delineated on the detailed block plan (dawning reference number OBS-2018-078GA018 Rev A) shall be erected before the units hereby approved are occupied. The fencing shall not be removed at any time. If the fencing needs to be replaced/changed for whatever reason the replacement shall be of the same height and type and in the same position.

Reason: In the interest of amenity

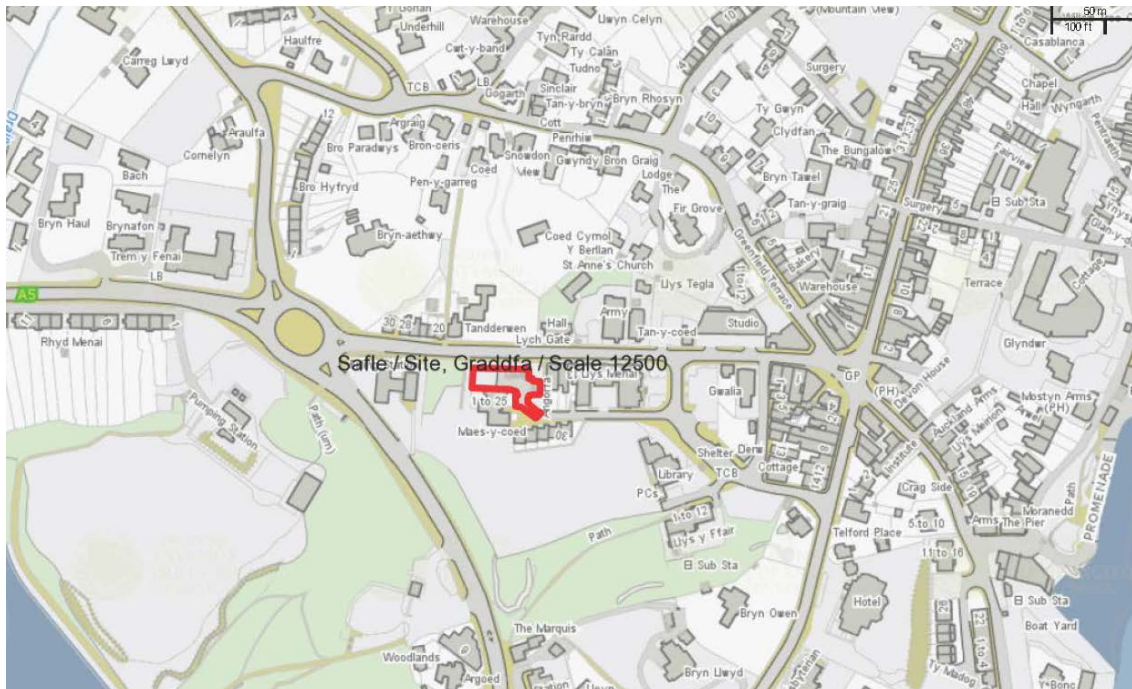
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: DIS/2019/84

Applicant: Mr Alun Lewis

Description: Cais i ryddhau amod (11) (Cynllun rheoli traffig adeiladwaith) o ganiatâd cynllunio FPL/2019/9 yn / Application to discharge condition (11) (Construction traffic management plan) of planning permission FPL/2019/9 at

Site Address: Maes y Coed, Porthaethwy / Menai Bridge



Report of Head of Regulation and Economic Development Service (Sion Hughes)

Recommendation: Amod wedi ei Ryddhau / Condition Discharged

Reason for Reporting to Committee

Application made by County Council on County Council owned land.

Proposal and Site

The site is located within the town of Menai Bridge at the end of Maes Y Coed road, adjacent the block of flats. It is also within the area designated as the Menai Bridge Conservation Area. The site is currently a tarmacked area which includes a number of prefab style garages.

The application is for the discharge of condition 11 from planning application FPL/2019/9 which requested details of a construction traffic management plan

Key Issues

The application's key issues are whether the construction traffic management plan is considered acceptable by the Authority Highways Department.

Policies

Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets

AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens.

Response to Consultation and Publicity

Consultee	Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	CTMP is acceptable

Relevant Planning History

FPL/2019/9 - Cais llawn ar gyfer dymchwel y garejys cyfredol ynghyd ag adeiladu maes parcio, ffordd fynediad a lle troi newydd yn / Full application for the demolition of the existing garages together with the construction of a new car park, access road and turning area at Maes y Coed, Ffordd y Ffair Porthaethwy / Menai Bridge. Approved 7/5/2019.

Main Planning Considerations

Highway Safety – The construction traffic management plan was reviewed by the Authority Highways department and the details provided were considered acceptable and satisfied the requirements of the condition.

Conclusion

The construction traffic management plan fulfils the requirements of the condition and is considered acceptable by the Authority Highways Department therefore it is recommended that the condition is discharged.

Recommendation

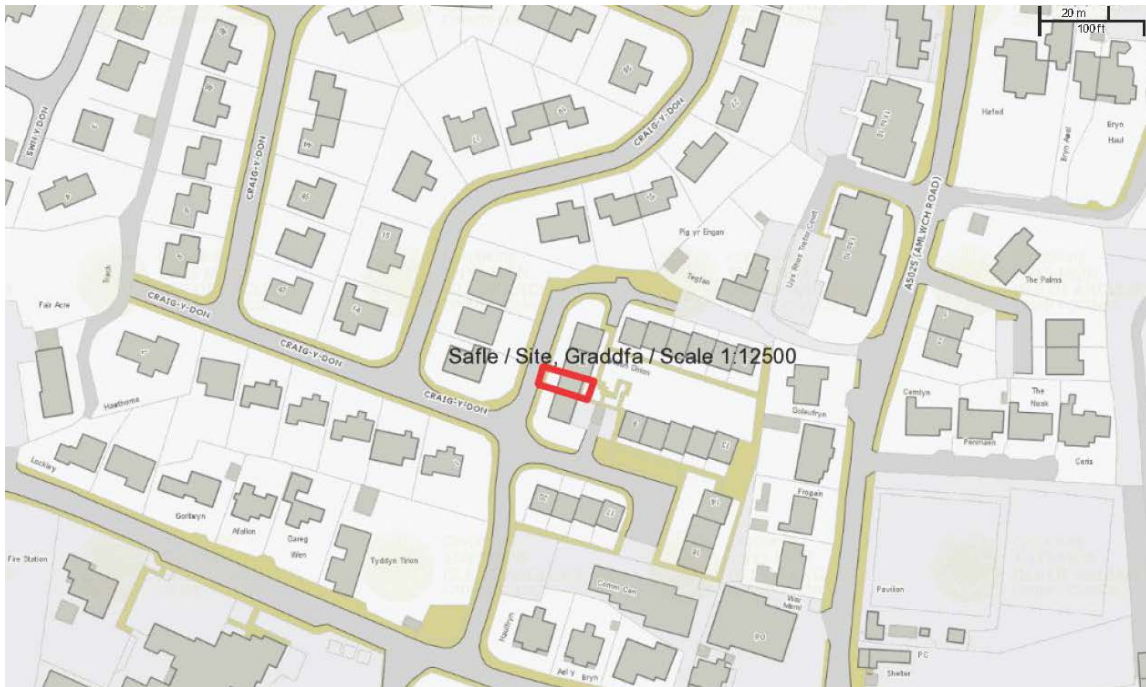
Condition discharged

Application Reference: FPL/2019/79

Applicant: Cyngor Sir Ynys Môn - Adran Tai

Description: Cais llawn i newid defnydd ystafell gymunedol presennol i annedd 1 gwely yn / Full application for change of use of existing community room into a 1 bedroom dwelling at

Site Address: Waun Dirion, Benllech



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

The application is submitted by the Head of Service (Housing).

Proposal and Site

The application site is located within the development boundary of the Local Service Centre of Benllech.

The subject property is currently a communal room located on the Waun Dirion estate which is a complex of Local Authority bungalows for the elderly.

Key Issues

The key issue is whether the proposal complies with relevant local development plan policies.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries
Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy TAI 2: Housing in Local Service Centres
Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 1: Welsh Language and Culture

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Vaughan Hughes	No response at the time of writing the report
Cynghorydd Ieuan Williams	No response at the time of writing the report.
Cynghorydd Margaret Murley Roberts	No response at the time of writing the report.
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Approve.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No observations.
Dwr Cymru Welsh Water	Recommend conditions.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observations.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Iechyd yr Amgylchedd / Environmental Health	Comments relating to environmental protection.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice copy of Protected Wildlife and Building is sent to the applicant.
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No comments.

Site notices was placed near the site and neighbouring properties were notified by letter. The expiry date for receiving representations was the 7th May, 2019. At the time of writing the report no letters were received.

Relevant Planning History

None.

Main Planning Considerations

The application is submitted by the Head of Service (Housing) for the change of use of the existing community room into a 1 bedroom dwelling.

Information has been received from the applicant which confirms that the community room is underutilised and that consequently it is deemed more beneficial to convert the property into much needed and sought after fully adapted ground floor accommodation.

The application site is located within the development boundary of the local service centre of Benllech and therefore accords with policy PCYFF 1 of the JLDP.

It is also considered to accord with the provisions of policy PCYFF 2 of the JLDP which relates to development criteria and it is not considered that the development will have unacceptable impacts upon the amenities of the area or existing local residences

Policy PCYFF 3 of the JLDP relates to Design and Place Shaping. The proposal involves primarily internal alterations to provide living accommodation with minor alterations to the exterior comprising alterations to the doors and windows and removal of the existing small dormer window from the front elevation.

The proposal is considered acceptable in design terms and therefore accords with the provisions of policy PCYFF 3.

Policy TAI 2 of the JLDP relates to Housing in Local Service Centres and supports proposals for housing on allocated sites and suitable windfall sites within the development boundary, based upon the indicative provision noted in the policy.

The indicative provision for Benllech over the Plan period is 90 units (which includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints etc). In the period 2011 to 2018 a total of 108 units have been completed in Benllech. The land bank, i.e. sites with existing planning consent, at April 2018 stood at 7 units.

This means that Benllech has achieved its windfall provision. The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is achieving the housing requirement. Annual monitoring will also allow the Council to determine what type of sites will supply housing i.e. designation or windfall sites. The focus will be on the units completed rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth (including 10% slippage) for Local Service Centres is 1745 units. 576 units were completed between 2011 and 2018 in all Local Service Centres and that 599 were in the land bank. This means that there is a current shortfall of 579 units. Currently, therefore, the approval of this site can be supported by the expected provision within the Local Service Centre category.

However, in accordance with criterion 1(b) of Policy PS 1 'The Welsh Language and Culture', as this development, collectively, provides more than the total indicative housing provision for Benllech, a Welsh Language Statement should be submitted with the application setting out how the development will protect, promote and enhance the Welsh language.

A Welsh Language Statement has been received in relation to the application, having reviewed and assessed the statement it is not considered that the proposal will have an adverse impact upon the Welsh language, in terms of visual impact or impacts upon schools and local facilities.

Due to the size and tenure of the property it will promote retention of the population in the community and is unlikely to result from in-migration of non-Welsh speakers.

It is believed that the scale of the development is likely to provide an opportunity to retain the local population in the community which can have a positive impact on the Welsh language.

The proposal for the development of a one bedroom property should meet current / future local housing needs in the area, in addition the price of the property would be below average and within the reach of local residents.

Ensuring the right type of housing in the right location is important for community cohesion and texture, which in turn will benefit the Welsh language. Given this and the fact that the dwelling will likely be occupied by a local person, it is unlikely that the development will have a negative impact on the Welsh language in the local area and it is considered that the risk that the development would have a substantial effect on the character and language balance of the community is low.

Conclusion

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 occupiers or upon the Welsh language.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) No surface water from any increase in the roof area of the building / or impermeable surface within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(03) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

Location Plan: No. AL.00.01

Site Plan: No. AL.00.02

Proposed Floor Plan: No. AL.01.02

Proposed Elevations: No. AL.02.02

Reason: To ensure that the development is implemented in accord with the approved details.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF1, PCYFF2, PCYFF3, TAI2, PS1, PS5.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2018/55

Applicant: Mr R. Lacey

Description: Cais llawn ar gyfer newid adeilad allanol i llety gwyliau ynghyd a gosod paced trin carthffosiaeth yn / Full application for the conversion of outbuilding into a holiday accommodation together with the installation of a package treatment plant at

Site Address: Penrhyn Owen, Caergybi / Holyhead



Report of Head of Regulation and Economic Development Service (Owain Hughes)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

Councillor Trefor Lloyd Hughes called the planning application into planning committee as the access road serving the site is in poor condition.

Proposal and Site

The site lies along Mill Road in Holyhead. The proposed development is for the conversion of the existing outbuilding into a holiday unit. The site lies within the Area of Outstanding Natural Beauty.

Key Issues

The key issue is whether the proposed scheme is acceptable in terms of planning policies and whether the proposed development may impact the surrounding amenities and neighbouring properties, and whether the proposed development will impact the Area of Outstanding Natural Beauty.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Policy TWR 2: Holiday Accommodation

Policy CYF 6: Reuse and Conversion of Rural Buildings, Use of Residential Properties or New Build Units for Business/Industrial Use

Planning Policy Wales (Edition 10, December 2018)

Technical Advice Note 12: Design (2016)

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	Landscape Condition
Ymgynghorydd Treftadaeth / Heritage Advisor	No objection
Cynghorydd Dafydd Rhys Thomas	No response
Cynghorydd John Arwel Roberts	No response
Cynghorydd Trefor Lloyd Hughes	Call in
Cyngor Cymuned Trearddur Community Council	No response
CNC	No objection - comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	CTMP condition
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Application to SAB will be required prior to the commencement of work
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Dwr Cymru Welsh Water	Standard response

The application was publicised by the advertisement of a notice in the local newspaper due to the adjoining footpath, the placing of a notice near the site and the serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 05/09/2019. At the time of writing this report, the department have not received any representations.

Relevant Planning History

46C206E - Newid defnydd yr adeiladau allanol i annedd ynghyd a gosod tanc septic yn / Conversion of outbuildings into a dwelling together with installation of a new septic tank at Penrhyn Owen, Caergybi / Holyhead Approved 03/01/2008

Main Planning Considerations

Full application for the conversion of outbuildings into one holiday unit at Penrhyn Owen, Holyhead

Policy Considerations

Policy PCYFF 1 'Development Boundaries' (formerly New Policy 'Development Boundaries' in the Composite Plan January 2017) states that development outside development boundaries will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

Policy TWR2 'Holiday Accommodation' states that proposals for:

1. The development of new permanent serviced or self-serviced holiday accommodation, or
2. The conversion of existing buildings into such accommodation, or
3. Extending existing holiday accommodation establishments, will be permitted, provided they are of a high quality in terms of design, layout and appearance and that all the following criteria can be met:

i. In the case of new build accommodation, that the development is located within a development boundary, or makes use of a suitable previously developed site;

ii. That the proposed development is appropriate in scale considering the site, location and/or settlement in question;

iii. That the proposal will not result in a loss of permanent housing stock; iv. That the development is not sited within a primarily residential area or does not significantly harm the residential character of an area; v. That the development does not lead to an over-concentration of such accommodation within the area.

The explanation for the above policy states that:

6.4.38 The priority for traditional buildings in the open countryside is for employment use in line with Policy CYF 6. In circumstances where justification is provided that the marketing undertaken for employment has been for a sufficient period of time then its conversion for an affordable dwelling to meet the local community's need could be supported.

6.4.39 Support is given for residential use when it is part of a scheme for the re-use of a building or complex of buildings for employment purposes. For such proposals the employment element should be completed prior to any residential element. The authority may also impose a condition to tie occupation of the dwelling to the operation of the enterprise, in order to prevent it being sold separately without further application to the authority.

6.4.40 The building needs to be structurally sound and evidence would be required to confirm this with a planning application and that the building is of sufficient size to accommodate the scheme without the need for extensive extensions. Supplementary Planning Guidance will be published to provide advice on the matter.

6.4.41 Any proposals should ensure that any architectural characteristics of merit are retained and ensure that the development does not change its character e.g. through introducing a number of new door and window openings.

Business Plan

A business plan has been submitted with the application and the information submitted states that the scale of the holiday unit reflect the scale of the continuing development and is expected to bring the unit within affordable reach for the local market. The holiday units will bring significant benefit to the project, but also bring economic benefits to the local and wider community as research shows that visitors staying

in a holiday rental accommodation spend more in the local community than those staying in hotels. The holiday accommodation is accessible to local tourist spots such as Trearddur Bay, Rhoscolyn, South Stack and beyond. It is near the A55 trunk road giving easy access across the Island. The location allows a convenience to visit nearby villages, with Holyhead only 1.8 mile walk away and Trearddur Bay is 2.1 mile walk away. It is also close to the port town of Holyhead which offers a gateway to Ireland.

The holiday accommodation will be as follows:-

Holiday Accommodation - 2 bedrooms

Highways – The highways section has confirmed that they are satisfied with the planning application and wish to impose a Traffic Management Plan condition.

Impact upon the amenities of residential properties – it is not considered that the development will have a negative impact upon any neighbours. There are sufficient distance from the windows to the nearest property to the East - over 30 metres, therefore it is not considered that the proposed development will form an adverse impact of overlooking.

Impact upon the area –The development is sympathetic with the original outbuilding. Amended plans has been received since the original submission in by reducing the scale of the proposed extension. This was due to the fact that the scale of the proposed extension was not subservient to the existing footprint of the building and as such, did not comply with paragraph 6.3 of the Supplementary Planning Guidance 'Design guide for the Urban & Rural Environment - Guidance Note : 14 Conversions in Rural Areas' Therefore not considered that the proposal will have a negative impact upon the character of the building or the surrounding area.

Area of Outstanding Natural Beauty - The site lies within the Area of Outstanding Natural Beauty. Landscape Advisor has been consulted to which a Landscape condition will be required with respect to parking and curtilage details.

Ecology Survey - As part of the development, the applicant submitted an Ecology Survey. Natural Resource Wales raises no objection to the proposed development. The Ecology Advisor wishes to impose a condition as bats were found within the building.

Conclusion

Consideration has been given to the requirements of the Well Being of Future Generations (Wales) Act 2015. It is considered that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

It is considered that the proposal will be high quality in terms of design, layout and appearance. The proposal retains the architectural characteristics of the main outbuilding. It is considered that the proposal complies with the policies as listed above

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

(i) The routing to and from the site of construction vehicles, plant and deliveries.

(ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;

(iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;

(v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;

(vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;

(vii) The arrangements for loading and unloading and the storage of plant and materials;

(viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

(04) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To define the scope of this permission.

(05) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- CH868 09/18 - PL01 - Location Plan
- CH868 09/18 - PL02B - Proposed Site Plan
- CH868 09/18 - PL03C - Proposed Floor Plan
- CH868 09/18 - PL05B - Proposed Elevation Plan
- CH868 09/18 - PL04C - Proposed Sections Plan
- 18243/502 - Drainage Details
- 18243/501 - Drainage Layout
- Protected Species Survey Report
- Planning Support Statement
- Structural Survey

Reason: To ensure that the development is implemented in accord with the approved details.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, PCYFF 2, PCYFF 3, AMG 1, TWr 2, CYF 6

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

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Report to: Planning and Orders Committee

13.1

Date: 4th September 2019

Subject: Public Speaking Protocol

Portfolio Holder: Councillor Richard Dew

Lead Officer: Dewi Francis Jones

Contact Officer: Nia Jones

Purpose of Report: To seek the Committee's approval to adopt an updated Public Speaking Procedure in relation to the functions of the Planning and Orders Committee.

Introduction

Public speaking at the Planning and Orders Committee is not a statutory right or requirement. In order to provide an open and inclusive environment for decision-making, public speaking was introduced in 2010. A protocol for public speaking was produced at that time in order to govern the process.

The protocol has not been reviewed since it was introduced in 2010. However, in the interim, various changes have taken place, not least the requirement for the Council to adhere to data protection legislation, for example, the current protocol relies on the sharing of registered parties' contact details with others which is no longer an acceptable practice.

Implication and Impacts

The revised protocol is updated mainly to reflect the General Data Protection Regulations. It also incorporates and encourages electronic ways of working including use of the Planning Function's new back-office systems. General governance remains unchanged as does the allowance of 3 minutes for speaking. The revision makes clear that anyone can register to speak, including for example, representatives of Town and Community Councils.

Recommendation

That the Committee approves the revised document and that it replaces the current protocol for the administration of public speaking at the Planning and Orders Committee.

Appendix

Revised Public Speaking Procedure August 2019



Procedure on Public Speaking at the Planning and Orders Committee

www.anglesey.gov.uk

I. INTRODUCTION

- 1.1 As part of our commitment to openness and transparency, this Authority has adopted a policy of allowing members of the public to address the Planning and Orders Committee when planning applications are being determined.
- 1.2 This document explains the procedure by which the public can address the Planning and Orders Committee. The public cannot address the Committee as of right, but may ask for permission to do so at the discretion of the Chair of the Committee and in accordance with the Council's Planning Matters Procedure Rules and the procedures set out below.
- 1.3 Planning and Orders Committee meetings are held in public and any member of the public or the press may attend and listen to the debate. There is no need to make an appointment or other arrangements for this. The Meeting is usually held in the Council Chamber which is fully accessible but should you have any specific queries or concerns about accessibility, please contact Democratic Services before your visit – <https://ynysmon.public-i.tv/core/portal/home> or Huw Jones, Head of Democratic Services Tel: 01248 752108.
- 1.4 Public speaking will not be permitted on agenda items such as apologies for absence, declarations of interest and minutes.
- 1.5 The right to speak does not include the right to ask any questions of any County Council member, officer of the Council, invited attendees or any other speaker.

2. WEBCASTING

- 2.1 Please note that meetings of the Committee are recorded and filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy - <https://www.anglesey.gov.uk/en/Council/Data-protection-and-FOI/Data-Protection-Policy-and-privacy-notice.aspx>
- 2.2 Any speaker who **does not wish to be filmed** must advise the Democratic Services Section (<https://ynysmon.public-i.tv/core/portal/home> or Huw Jones, Head of Democratic Services Tel: 01248 752108) or the attending Democratic Services officer prior to the start of the Committee. Audio recordings **will be taken** and made available for live and subsequent broadcasting.

3. THE PROCEDURE

Notification of the Public

- 3.1 The Council undertakes publicity in relation to relevant applications in accordance with statutory requirements and which may include the placing of a notice on or near the application site, individual notification, press advert or any combination of these methods of notification. The Council's website details how written representations can be made in relation to applications - <https://www.anglesey.gov.uk/en/Residents/Planning-building-control-and-conservation/Planning/Comment-and-object-on-a-current-planning-application.aspx>

Registering to Speak

- 3.2 Anyone who wishes to address their representations directly to the Planning Committee about a particular application can register to speak. To do so, they must e-mail the Planning Service via planning@anglesey.gov.uk to register a request to speak. The e-mail should be marked for the attention of Public Speaking and contain the reference number of the application; full contact details for the person named as requesting to speak and confirmation of whether they are speaking in support of or in objection to the application. An acknowledgement of receipt will be sent which will contain a link to the application on the Council's web-based system.
- 3.3 Requests to speak must be made in accordance with paragraph 3.2 above by no later than **12.00p.m. on the Friday before the Committee meeting**. The meeting calendar is published on the Council's website - <http://democracy.anglesey.gov.uk/mgCalendarMonthView.aspx?GL=I&bc=I&LLL=0>
Committee agendas are usually published three working days before the Committee meeting and will include details of all applications to be discussed at that particular meeting. Late items may exceptionally be accepted as an addendum to the published agenda, at the discretion of the Chair.
- 3.4 Whilst e-mail requests are preferred, a request made by letter and containing relevant details should be addressed to the Planning Service (Public Speaking), Council Offices, Llangefni, Ynys Mon, LL77 7TW. Letters will not be acknowledged and a link to the application cannot therefore be provided. Application details can however be viewed during office hours at the Council Offices in Llangefni.

- 3.5 Requests to speak at Committee will only be registered in accordance with the guidance in paragraph 3.2, 3.3 and 3.4 above. Any request submitted in any other way, for example, within an e-mail or letter sent making representations on, or in support of or objecting to an application, will not be regarded as a formal request to speak under this procedure. Similarly, correspondence addressed to individual officers or Elected Members or other requests made to these individuals will not be regarded as a request to speak under this procedure. Verbal requests to speak will not be registered.

Application of the Procedure

- 3.6 Not all matters determined by the Planning Authority are 'applications' for the purposes of this procedure – reference should be made to the Council's Constitution and Delegated Functions Scheme for a definition of what matters require to be, or can be, determined by the Planning and Orders Committee <https://www.anglesey.gov.uk/en/Council/The-Constitution/Isle-of-Anglesey-County-Council-Constitution.aspx>
- 3.7 Not all applications will be determined by the Planning and Orders Committee and registering to speak in support of or in objection to a particular application does not ensure that the application will be determined by the Committee.
- 3.8 If the application is determined by the Head of Service under delegated powers, the decision details will be published on the Council's website but no acknowledgement of that decision will be sent to those registered to speak. It is important, therefore, that interested parties follow the progress of applications on the Council's web-based system through the application link provided (paragraph 3.2 above) or in person at the Council offices.
- 3.9 Requests to speak are not limited to individuals, for example, a representative of a group or organisation can register to speak on their behalf, as can a representative of a Town or Community Council.
- 3.10 Speakers will only be allowed to address the Planning Committee once when the application of interest first appears on the Agenda (unless the application is deferred prior to any discussion of its merits and public speaking, or is to be the subject of a site visit before any discussion of the merits of the application and public speaking takes place). If this is the case, the speaker(s) will be invited by the Chair to attend the subsequent meeting in order to speak.
- 3.11 The consideration of an application will not be deferred if a party registered to speak in relation to it is unable to attend on the specified date. The speaker may however nominate a representative to speak on their behalf in accordance with paragraph 3.16 below.

Late Requests to Speak

- 3.12 If a late request to speak at Committee is received (i.e. the request is received in accordance with this procedure but after the deadline set out in paragraph 3.3 above), or if a speaker requests to be allowed to speak when the application has already been discussed at a previous Committee meeting (whether or not any speakers took part) then:
- The request must be submitted in writing (by e-mail or letter) and be accompanied by reasons why the party making that request has not previously registered to speak in accordance with this procedure;
 - That request will be presented to the Chair of the Committee (or Vice-Chair in the absence of the Chair) for consideration and decision at the Pre-Committee Agenda meeting which normally takes place on the morning of the scheduled Committee meeting;
 - The Chair's decision will be communicated to the party making the request as soon as practicable after a decision is taken.
- 3.13 A late request received on the day of the Committee meeting will not be considered under any circumstances.
- 3.14 Where the opportunity to speak has not been taken up in a timely manner or before the application was first discussed, then in the absence of a compelling reason, the Chair is unlikely to allow a late request, especially due to the difficulty of making a similar offer to the other party who could speak (supporter or objector as the case may be). They will usually exercise their discretion to allow a late request only where there is already a confirmed speaker for 'the other side' but is unlikely to allow an opportunity to speak once an application has been discussed.
- 3.15 Those wishing to speak at Committee should therefore **register that interest as soon as possible** (they should avoid waiting for publication of the agenda for example as they may risk missing the deadline to register or others may have already registered to speak beforehand).

Multiple Requests to Speak

- 3.16 Where multiple requests to speak are received in relation to a particular application, all requests will be recorded.
- 3.17 When the agenda is published, the Planning Service will as soon as reasonably practicable contact the first person registered to speak (in support of an application, in objection to an application, or both, as the case may be) to confirm whether they still wish to speak. If the first person on the list is unable to attend on the specified date, they can nominate a person to speak on their behalf but must provide full contact details for the nominee on confirmation in order that timely arrangements are made.
- 3.18 If the first registered person no longer wishes to speak, the offer will be made to the second person registered (where applicable) and the first registered person's place will be forfeited. Similarly, the second person can nominate a person to speak on their behalf if they are unable to attend or, if they confirm they no longer wish to speak, the offer will be made to the third person (and so on).
- 3.19 In the case of a registered speaker who wishes to object to an application, an offer will be made to the agent (where appointed) or otherwise to the applicant whether they wish to speak in favour of the application, whether they have previously registered to speak or not.
- 3.20 Once an offer to speak is made to the next registered person on the list and that person confirms they will attend to speak (in person, or through a nominee), the previously registered person cannot reassert their request to speak (e.g. because they have since made arrangements to attend in person, or have secured a nominee after confirming that they had no-one available or after previously confirming that they no longer wish to speak). The offer will only revert to the first registered speaker if everyone else subsequently registered to speak no longer wishes to do so.

Procedure at Committee

- 3.21 The Committee agenda will be re-ordered so that items subject to public speaking are considered first.
- 3.22 Speakers are expected to arrive at Cyswllt Mon (Council's main reception in Llangefni) no later than 12.30pm on the day of the Committee where an Officer from the Planning Service will greet the speakers and guide them to the Committee Chamber.
- 3.23 Individuals may communicate with the Committee in either Welsh or English (translation facilities are available at each meeting).
- 3.24 It is important that any speaker at a Committee meeting should talk in a responsible and respectful way in order to maximise the benefit of their contribution.
- 3.25 The Chair will introduce the individual to the Committee when it is their turn to speak.
- 3.26 The individual will be asked to move to a particular place within the meeting room where they can be best seen and heard by all members of the Committee. The individual will be allowed **three minutes** to make their contribution.
- 3.27 Speakers are encouraged to consider the following:
- * Ensure comments are clear and concise, and directly related to the application on which they have asked to speak;
 - * Avoid repeating points;
 - * Limit their views to the material planning issues only.
- 3.28 Individuals are not allowed to hand out supporting documents at the Committee meeting or use visual / oral aids (such as photographs or diagrams or sound recordings). Any material received from the speaker as part of general representations on the planning application will already have been considered in the written report and representations received after the publication of the agenda are circulated to the Committee on the day of the meeting.
- 3.29 If an individual is still talking after three minutes the Chair will usually wait for them to finish their sentence and then will let them know that they have reached their time limit. Individuals are not allowed to go over time so as to ensure fairness to any other speakers. In exceptional circumstances, the Chair may allow speakers a little more time: if so, other speakers in relation to the same item will be allowed to have the same amount of extra time.

- 3.30 Once the individual has concluded their contribution, the Chair may allow Committee members to ask the speaker questions to clarify any points arising from the individual's comments. The speaker must not enter into a debate with the members of the Committee.
- 3.31 The individual will then be asked to return to their seat in the public gallery.
- 3.32 The Committee will discuss the issue before making a decision, and will take into account any information provided by the public speakers.
- 3.33 The Chair will ensure that all speakers are treated with courtesy and respect. The Chair will have the discretion to stop a public speaker at any time in proceedings if, in the Chair's view, the speaker behaves improperly, offensively or tries to prevent the Committee from doing its work or makes comments which are defamatory, vexatious, discriminatory or offensive. This will be at the Chair's discretion.
- 3.34 The speaker may leave the meeting at any time after they have spoken.

Data Protection

- 3.35 Contact details including email address and telephone numbers are essential in order to allow the proper functioning of this protocol and to allow public participation at Planning Committee. Personal details are only collected for the purpose of administering public speaking. Once an application has been determined at Committee, contact details will be deleted in accordance with the Council's published retention policy - <https://www.anglesey.gov.uk/en/Council/Data-protection-and-FOI/Data-Protection-Policy-and-privacy-notice.aspx>

CONTACT DETAILS:

Email: Planning@anglesey.gov.uk
Telephone: 01248 752428

www.anglesey.gov.uk

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