

Planning and Orders Committee

Minutes of the virtual meeting held on 1 December 2021

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard O. Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Eric Wyn Jones, Dafydd Roberts, Ieuan Williams.
- Local Members: Councillors Aled M. Jones (application 7.1), Alun Roberts (application 12.1)
- IN ATTENDANCE:** Chief Planning Officer (DFJ)
Development Management Manager (RLIJ)
Planning Built and Natural Environment Manager (JIW)
Senior Planning Officer (CR)
Senior Planning Officer (JBR)
Development Management Engineer (Highways) (WIH)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillors Vaughan Hughes and Robin Williams
- ALSO PRESENT:** Councillor Richard Dew (Portfolio Member for Planning and Public Protection), Councillor Llinos Medi (Leader of the Council) Business Systems Manager (EW), Mr Gareth Williams (Local Democracy Reporter)
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1 APOLOGIES

The apologies for absence were presented and noted as listed above.

2 DECLARATION OF INTEREST

Councillor Dafydd Roberts declared a personal and prejudicial interest with regard to application 11.1 on the agenda.

Mr Dewi F. Jones, Chief Planning Officer declared a personal and prejudicial interest with regard to application 11.2 on the agenda.

3 MINUTES

The minutes of the previous virtual meeting of the Planning and Orders Committee held on 3 November, 2021 were presented and were confirmed as correct.

4 SITE VISITS

No site visits were convened following the 3 November, 2021 meeting of the Planning and Orders Committee.

5 PUBLIC SPEAKING

There were no Public Speakers at this meeting of the Planning and Orders Committee.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

7.1 FPL/2021/106 – Full application for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd, Cemaes

The application had been reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 6 October, 2021, the Committee resolved to visit the application site; a virtual site visit subsequently took place on 20 October, 2021. At its meeting held on 3 November, 2021 the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that as a rural enterprise it contributes to the economic prosperity and viability of the community; because it was not considered it would result in any overly harmful effects on the AONB and on condition that any permission granted limits the use of the hut to the applicant only.

The Chief Planning Officer reported that in accordance with the requirements of the Constitution the report addresses the reasons put forward by the Committee at its previous meeting for approving the application contrary to the Officer's recommendation and confirms the Officer's recommendation of refusal because the proposal is considered contrary to policy in not being a subservient element of an existing business on the site; in resulting in an unacceptable and unjustified development of an isolated retail outlet in the open countryside and as such neither conserving or enhancing the special qualities and features of the designated AONB.

Councillor Aled Morris Jones, a Local Member reiterated his support for the proposal as a modest development providing a valued local service which by virtue of its limited scale would not in his view result in any harmful effects on the surrounding area nor on amenities. He asked the Committee to keep to its previous decision to approve the application.

Councillor Eric Jones highlighted that the pandemic had seen a number of wooden huts being built across the Island as garden rooms, Wendy houses and man caves and that he thought the proposal was no different to those structures. He pointed out that the petition and letters of support from the locality attest to the strength of feeling in favour of the proposal within the community.

Councillor Kenneth Hughes proposed that the Committee reaffirm its approval of the application contrary to the Officer's recommendation and the proposal was seconded by Councillor Eric Jones.

The Chief Planning Officer advised that should the Committee be minded to reaffirm its approval of the application, then consideration needs to be given to the conditions to be attached to consent. In further clarification, the Officer said that the conditions would serve to manage the development in the usual way as well as being tailored to reflect the Committee's reasoning for approval, namely to limit the use of the hut to the applicant only;

the range of goods to be sold on site in order to ensure the link with the diversification project and Nant y Fran Farm, as well as conditions to mitigate the development's visual impact by way of landscaping, external lighting, and the structure's finish. The Officer said that if Members are amenable to imposing conditions such as these, then he would ask the Committee to delegate authority to the Officers to apply those conditions to the consent in consultation with the Chair and Vice-Chair.

Following consideration and further confirmation of the purpose of the conditions, Councillor Kenneth Hughes as the proposer said that he was happy to be guided by the Officer in the matter of the planning conditions; Councillor Eric Jones in confirming the same said however that it was important to ensure that conditions are fair and that they do no nothing to impede the success of the venture.

It was resolved to reaffirm the Committee's previous approval of the application contrary to the Officer's recommendation and to delegate to the Officers the authority in consultation with the Chair and Vice-Chair, to apply conditions to the consent as advised.

8 ECONOMIC APPLICATIONS

None 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

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

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 LUE/2021/19 – Application for a Lawful Development Certificate for the existing use of the dwelling approved under 37C53A/DA in breach of its planning permission and its pre-commencement and other conditions at Bodlawen, Llanidan, Brynsiencyn

The application was reported to the Planning and Orders Committee as the applicants are related to a Local Member.

Having declared a personal and prejudicial interest with regard to the application, Councillor Dafydd Roberts withdrew from the meeting during the discussion and determination thereof.

The Development Management Manager reported that the application is submitted under section 191(1) of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness of Existing Use and Development (CLEUD). The application seeks to establish the lawfulness of a dwelling in breach of its planning permission and several of its conditions on the reserved matters approval. The key issue is whether or not on the balance of probability the evidence submitted as part of the application is sufficient and that the burden of proof has been discharged. With applications such as this, planning policies are not material to the outcome of the application and so the application should be determined upon the evidence presented. Outline planning permission for the erection of a dwelling was granted in 1989 and reserved matters approval was subsequently granted in 1990 subject to conditions. From assessing the planning history, it does not appear that

information was submitted to the Local Planning Authority in an effort to discharge the conditions. It is also considered that the development has not been constructed in accordance with the requirements of the conditions. It is claimed that the development was not constructed in accordance with the approved permission and that conditions 1, 2, 3, 7 and 8 have been breached for in excess of 10 years continuously such that the applicants are entitled to a certificate that the conditions are no longer enforceable. The evidence submitted alleges that work commenced in November, 1990 and that the property was first occupied in October, 2000. The Authority's Legal Section having been consulted on the application, has come to the conclusion that on the balance of probability, the conditions have been breached for over 20 years. The Town and Country Planning Act 1990 sets time limits within which enforcement action can be taken to the effect that a development is not liable to enforcement action at the end of 4 years from the date the operations were substantially completed and for any other breach of planning control (other than operational development or a change of use of a building or use to a single dwelling house), the time limit is at the end of a period of 10 years from the date of the breach. In conclusion therefore, it appears that on the balance of probabilities, the development was not carried out in compliance with the permission and certain conditions. As the development was substantially completed some 20 years ago, it means that no enforcement action in respect of the conditions could now be taken and that the applicants are entitled to a certificate confirming the lawfulness of the development. The recommendation is therefore to approve the application.

Councillor Eric Jones proposed, seconded by Councillor Nicola Roberts, that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application for a Certificate of Lawfulness of Existing Use and Development in accordance with the Officer's recommendation and report.

11.2 FPL/2021/136 – Full application for the conversion of the outbuilding into a holiday letting unit together with alterations and extensions thereto at Wylfa, Bangor Road, Benllech

The application was presented to the Planning and Orders Committee as the applicant is related to a "relevant officer" as defined within paragraph 4.6.10 of the Council's Constitution. The application has been scrutinised by the Council's Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

Having declared a personal and prejudicial interest with regard to the application, Mr Dewi F. Jones, Chief Planning Officer withdrew from the meeting during the discussion and determination thereof.

The Chair informed the Committee that Councillor Margaret M. Roberts, a Local Member had contacted her to request that the Committee in light of local support for the proposal, conduct a site visit to allow members to see the application site within its context for themselves.

Councillor Richard Owain Jones proposed, seconded by Councillor John Griffith, that a virtual site visit be undertaken.

It was resolved that a virtual site visit be undertaken in accordance with the Local Member's request for the reason given.

11.3 FPL/2021/248 – Full application for the installation of a septic tank with soakaway on land adjacent to Parciau, Llanddaniel

The application was presented to the Planning and Orders Committee because two of the three applicants were previously employed by the Authority, but at the time of the application's submission, one of the applicants was in post and another had recently left the Authority's employ. Given these circumstances it was considered prudent to report the application to the Committee for determination. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Council's Constitution. The Planning Built and Natural Environment Manager reported that the proposal involves the installation of a septic tank with soakaway and associated pipework on land to the north west of Parciau. The key consideration is whether the works can be adequately accommodated within the application site without adversely impacting on local amenity and the wider environment. With regard to visual impact, although the installation work has the potential for minor visual impacts, given the location and existing natural screening it is unlikely that these would affect neighbouring residents and in any event they would only be short term. No lasting visual impacts will arise as a result of the proposed development. No objections to the proposal have been raised locally or by the statutory consultees and no impacts on local amenity are envisaged. The proposal is considered acceptable in policy terms and the recommendation is therefore to approve the application.

Councillor Kenneth Hughes proposed, seconded by Councillor Richard Owain Jones that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein.

11.4 MAH/2021/9 – Minor amendments to scheme previously approved under planning permission FPL/2020/73 so as to amend the annex windows and to install solar panels at Parciau, Llanddaniel

The application was presented to the Planning and Orders Committee because two of the three applicants were previously employed by the Authority, but at the time of the application's submission, one of the applicants was in post and another had recently left the Authority's employ. Given these circumstances it was considered prudent to report the application to the Committee for determination. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Council's Constitution. The Planning Built and Natural Environment Manager reported that the proposal involves amendments to the extension's fenestration from that previously approved as well as the installation of solar panels to the extension's roof. The key consideration is whether the works can be adequately accommodated within the application site without adversely impacting upon local amenity and the wider environment. The proposed amendments to the fenestration include the replacement of one of the first floor windows to the north-eastern part of the front elevation of the extension with an enlarged window opening and balconet together with the removal of a first floor window to the south-westerly facing elevation of the extension. The solar panels will be affixed to the roof planes of the extension facing and projecting towards the public highway and will project 35 mm therefrom. The impacts generated by the amendments to the previously approved scheme are considered negligible in terms of design and visual impact and also as regards their potential impact upon the amenities of neighbouring residents with the nearest dwelling located in excess of 150m from the application site and screened by mature trees and hedgerows. It therefore recommended that the application be approved.

Councillor Eric Jones proposed, seconded by Councillor Dafydd Roberts that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein.

12 REMAINDER OF APPLICATIONS

12.1 LBC/2021/29 – Listed Building Consent for the refurbishment of the male and female toilets at Haulfre Gardens Unit, Haulfre, Llangoed

The application was reported to the Planning and Orders Committee as it relates to land in the Council's ownership.

The Planning Built and Natural Environment Manager reported that the proposal is for listed building consent for internal alterations for the refurbishment of the male and female toilets at the Haulfre Gardens Unit. The proposals as described in the report have been carefully considered and would not harm the character of the listed building and would be easily reversible without causing harm to the historic fabric, should circumstances change in future. The recommendation is therefore to approve the application subject to conditions and subject also to amending the wording of condition (02) to reflect the fact that the application is for listed building consent, rather than planning consent.

Councillor Alun Roberts speaking as a Local Member said that he welcomed the proposal and that he and the local community hoped that the proposed alterations would lead to increased and better use of Haulfre Gardens as a significant and historically valuable resource.

Councillor John Griffith proposed, seconded by Councillor Trefor Lloyd Hughes, MBE that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein and to amending the wording of condition (02) as outlined.

12.2 FPL/2021/196 – Full application for the erection of new structure to provide a roof over the existing farmyard manure store at Fron Heulog, Cemaes

The application was reported to the Planning and Orders Committee as the application site is Council owned land.

The Development Management Manager reported that the proposal is to improve the existing slurry management system on the farm to conform with the requirements of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The structure is not to accommodate an increase in stock numbers. He confirmed that having considered the proposal against the relevant policies of the Joint Local Development Plan as outlined within the report, it is the Officer's view that it is acceptable in terms of siting and design and is not considered to be of a scale that would have a significant detrimental impact upon the character and appearance of the area or upon the amenities of nearby residential occupiers. The recommendation is therefore one of approval.

Councillor Kenneth Hughes proposed, seconded by Councillor Eric Jones, that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein.

12.3 FPL/2021/178 – Full application for the erection of 7 business units together with landscaping and associated development at Former Heliport Site, Penrhos Industrial Estate, Penrhos, Holyhead

The application was reported to the Planning and Orders Committee as it submitted on behalf of the Authority.

The Development Management Manager outlined the main planning considerations in connection with the application based on the principle of development; the impact of the proposed development on the character and appearance of the area and Area of Outstanding Natural Beauty; its effect upon the amenities of neighbouring properties and highway safety. Having thus assessed the proposal, it is the Officer's view that the principle of the development aligns with both national planning policy and the Joint Local Development Plan. The proposal is considered acceptable in technical terms and there will be no resulting harm to the amenities of the locality nor the nearby Area of Outstanding Natural Beauty. The recommendation is therefore to approve the application.

Councillor Glyn Haynes, speaking as a Local Member welcomed the proposal as one that could bring additional jobs to the area and as being in keeping with the surrounding units which are all of high quality. He proposed, seconded by Councillor Trefor Lloyd Hughes, MBE that the application be approved in accordance with the Officer's recommendation.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein.

13 OTHER MATTERS

13.1 DEM/2021/13 – Application to determine whether prior approval is required for the demolition of garages at Thomas Close, Beaumaris

The application was reported to the Planning and Orders Committee as it relates to Council owned land.

The Development Management Manager reported that the application is to demolish a row of 23 domestic type semi-dilapidated vehicular garages at the Thomas Close residential estate in Beaumaris. The garages have become surplus to requirements and due to their construction do not lend themselves to re-development. It is proposed that the site be left as an open area following demolition. Under the Town and Country Planning (General Permitted Development) Order 1995 the demolition of buildings does not require planning permission providing the developer first applies to the Local Planning Authority for a determination as to whether prior approval is required in respect of the method of demolition and any proposed restoration of the site. Under this process, the Local Planning Authority was afforded a 28 day period to come to a determination and has confirmed within that period that its prior approval will not be required. The proposed method of demolition has been noted in the application form and is outlined within the report; this and the subsequent restoration of the site are expected to be considered acceptable. In conclusion, the application has been considered by the Council and it has been determined that the prior approval of the Local Planning Authority is not required as it is classed as permitted development within Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Councillor Trefor Lloyd Hughes, MBE proposed, seconded by Councillor Dafydd Roberts that the application be approved.

It was resolved to approve the application as permitted development in accordance with the Officer's report and the details presented therein.

13.2 DEM/2021/4 – Prior approval for the proposed demolition of two garages at Hampton Way, Llanfaes

The application was reported to the Planning and Orders Committee as it relates to Council owned land.

The Development Management Manager reported that the application is to demolish a row of 2 domestic type semi-dilapidated vehicular garages at the Hampton Way residential estate in Llanfaes. The garages have become surplus to requirements and due to their construction do not lend themselves to re-development. It is proposed that the site be left as an open area following demolition. As with the previous application, under the Town and Country Planning (General Permitted Development) Order 1995 the demolition of buildings does not require planning permission providing the developer first applies to the Local Planning Authority for a determination as to whether prior approval is required in respect of the method of demolition and any proposed restoration of the site. Under this process, the Local Planning Authority was afforded a 28 day period to come to a determination and has confirmed within that period that its prior approval will not be required. The proposed method of demolition has been noted in the application form and is outlined within the report; this and the subsequent restoration of the site are expected to be considered acceptable. In conclusion, the application has been considered by the Council and it has been determined that the prior approval of the Local Planning Authority is not required as it is classed as permitted development within Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Councillor Eric Jones proposed, seconded by Councillor Kenneth Hughes that the application be approved.

It was resolved to approve the application as permitted development in accordance with the Officer's report and the details presented therein.

**Councillor Nicola Roberts
Chair**