

Planning and Orders Committee

Minutes of the virtual meeting held on 7 July 2021

- PRESENT:** Councillor Nicola Roberts (Chair)
- Councillors John Griffith, Glyn Haynes, T LI Hughes MBE, K P Hughes, Vaughan Hughes, Eric Wyn Jones, Dafydd Roberts, Ieuan Williams and Robin Williams.
- IN ATTENDANCE:** Development Management Manager (NJ),
Senior Planning Officer (JR),
Senior Engineer (Traffic and Parking) (AR),
Development Management Engineer (Highways) (IH),
Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** Councillor Richard O Jones
- ALSO PRESENT:** Councillor Richard Dew (Portfolio Holder for Planning and Public Protection).
- Local Members : Councillors Carwyn Jones & Alun Roberts (applications 7.6, 7.7 and 12.2); J Arwel Roberts (application 7.3); Aled M Jones (application 7.4).
- Councillor Bryan Owen.

In the absence of the Vice-Chair, Councillor Robin Williams was elected to serve as Vice-Chair for this meeting only.

1 APOLOGIES

As noted above.

2 DECLARATION OF INTEREST

Councillor John Griffith declared a personal and prejudicial interest with regard to application 7.5.

3 MINUTES

The minutes of the previous virtual meeting of the Planning and Orders Committee held on 2 June, 2021 were presented and were confirmed as correct.

4 SITE VISITS

The minutes of the virtual site visits held on 16 June, 2021 were presented and were confirmed as correct.

5 PUBLIC SPEAKING

There was a public speaker registered to speak in respect of application 7.2.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

7.1 HHP/2021/35 – Full application for alterations and extensions at 54 Pennant, Llangefni

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting of the Planning and Orders held on 2 June, 2021 it was resolved to conduct a virtual site visit to the application site.

The Development Management Manager reported that the application had been withdrawn prior to the virtual site visit.

Application had been withdrawn.

7.2 FPL/2021/71 – Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at Bryn Gollen Newydd, Llannerchymedd

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting of the Planning and Orders Committee held on 2 June, 2021 it was resolved to carry out a virtual site prior to determining the application. A virtual site visit was carried out on 16 June, 2021.

Public Speaker (applicant's agent)

Ms Sioned Edwardssaid that the applicant bought the property with planning permission that was already given for converting an external building into a dwelling it was first approved in August 2016 and an updated version approved later in January 2018. The applicant had presumed that the permission given was a robust decision that had been thoroughly and correctly assessed by the Local Planning Authority before a decision was made. However, it became apparent that the plans and structural review presented with the application contradicted each other and therefore that permission had been granted for an ambiguous plan that was impossible to implement with the information presented and approved. The applicant contacted and met with Planning Officers before carrying out any work on the site. The applicant has met and

tried to reason with the Local Planning Authority and these discussions were held over many months and with senior planning officers without the Authority accepting that the planning permission was ambiguous.

The failure of the Authority to give due consideration to the implications of the Structural Review recommendations on the proposed development has led to giving approval that is ambiguous and which is open to interpretation, which has led the applicant to invest a lot of time and money in the development. His attempt to regulate the breach of planning regulations through a part retrospective application for building a new dwelling and is now in a situation where he has to consider further options for developing the site in order to avoid significant financial loss which came due to a situation beyond his control. Therefore, the applicant has unwittingly bought a property with planning permission that he is unable to implement. Considering the error has been made by the Council, it is hoped that the Committee can ensure a positive outcome in order to regulate the matter. It is considered that using the site as a holiday unit would be a more suitable use of the site than the application previously refused for a residential dwelling. Concerns were expressed by the Council as regards the sustainability of the site location, however there are holiday cottages already next to the site which was visible at the virtual site visit held last month. One extra holiday let would not change the situation significantly. However, if the conversion had been implemented, the site would have been used as a residential dwelling. The Council was of the opinion that the site was suitable and sustainable enough to be able to approve the previous application. Similar situations have arisen previously such as an application in October 2018 for a holiday unit at Tai Hirion in Rhoscefnhir. Permission had been given previously for the conversion of an old pigsty and the work had begun, part of the building fell down. Ms Edwards asked that the Committee needs to consider the background that has led to the current application and that you can support the applicant's application so that suitable use can be made of the site and that Polisi TWR 2 of the JLDP can be supported.

The Committee were given an opportunity to ask any questions of the public speaker.

Councillor K P Hughes ascertained as to the similarity of the application to the holiday unit at Tai Hirion, Rhoscefnhir. Ms Edwards responded that the application at Tai Hirion, Rhoscefnhir was to convert a pigsty into a holiday unit but when they commenced the work part of the building collapsed which resulted in the applicants having to apply for a retrospective permission to build a new holiday unit which is similar to the situation at Bryn Gollen. Planning permission was given previously to convert the building but it was obvious that during the commencement of the works on site the condition of the building was not suitable which has resulted in a similar situation at Tai Hirion with the applicants of this application at Bryn Gollen having to submit a retrospective planning application. The application at Tai Hirion was located on agricultural land and not greenfield site in the open countryside as is similar to this application.

The Development Management Manager reported that previous planning approval was given to convert the outbuilding into a dwelling but the building has been demolished with a new build having been erected on site. She noted that a full application was submitted for the retention of the existing structure but as building a new dwelling in the countryside is contrary to national planning policies the application was refused. An enforcement notice has been served to demolish the new construction on the site which needs to be complied with by 9 September, 2021. The application before the committee is for the retention of the existing structure and continuation of works for the erection of a new holiday unit. One letter supporting the application has been received. The Community Council has responded that they have no objection to the application and there are no letters of objection received. The Development Management Manager said that it is within the open countryside and is contrary to planning policy TWR 2 within the Joint Local Development Plan. She referred to the comments of the public speaker with regard to the planning permission being ambiguous but it is evident from the Planning Inspector's view, which is included within the Officer's report, that it was the structural report's failing to identify that the walls of the building were not suitable to be adapted rather than the failing in the planning process. The construction of the building has continued on the site contrary to the enforcement notice being served. She noted that whilst similar holiday units exist within the area the Planning Officer consider that this application is not a sustainable development and the recommendation is of refusal of the application.

Councillor K P Hughes and a Local Member said that during the virtual site visit that the development opposite the site gives evidence that the vicinity is a sustainable area but it is the Officer's opinion that the site is not sustainable. He noted that there are no letters of objection to the application with one letter of support from the owners of the dwelling opposite the site which states that the application is similar to the holiday unit on their property. Councillor Hughes considered that the development is acceptable within its environment and conforms with other properties in the area. He questioned whether the previous development was acceptable and has been afforded planning permission to convert the building into a dwelling and a new garage; this would entail building a new building on the site, the area was considered sustainable and suitable to increase the number of holiday units as is currently opposite this site. The construction of holiday units can be permitted if they comply with planning policy TWR 2 as can be seen within the Officer's report and Councillor Hughes considered that this applicaiton does comply with the criteria within planning policy TWR 2 as it has been given planning approval previously.

Councillor Hughes further said that he considered that this site is a sustainable site and it is a duty on this Committee in terms of fairness and consistency to take the decision as was taken a few months ago to permit a much larger development of holiday units. Councillor K P Hughes proposed that the application be approved contrary to the Officers's recommendation as it complies with planning policy TWR 2 and is within a sustainable location. Councillor John Griffith seconded the proposal of approval.

Councillor Dafydd Roberts proposed that the application be refused and Councillor Robin Williams seconded the proposal of refusal.

The vote was undertaken with 5 Members voting against the recommendation of the Officer's to approve the application and 5 Members voting for the refusal of the application in accordance with the Officer's recommendation.

The Chair said that due to the equal number of votes she would exercise her casting vote for refusing the application.

It was RESOLVED to refuse the application in accordance with the Officer's recommendation and report.

7.3 FPL/2021/38 – Full application for the sitting of 2 glamping pods together with the creation of a new access and associated development on land adjacent to Gwel y Môr, Penrhosfeilw, Holyhead

The application was presented to the Planning and Orders Committee at the request of a Local Member due to there being a touring park and holiday lets nearby and two shepherd huts in close proximity to the application site. At its meeting held on 5 May, 2021 the Committee resolved to virtually visit the site. A virtual site inspection was subsequently held on 19 May, 2021. At the meeting of the Planning and Orders Committee held on 2 June 2021 it was resolved to approve the application contrary to the Officer's recommendation as it was considered that the application site is unobtrusive and beneficial for the area.

The Development Management Manager reported that whilst planning policy TWR 5 allows for touring caravan sites and camping but such developments must be of a high standard and be located in an unobtrusive area and where touring units can be integrated into the countryside. She noted that it was apparent at the virtual site visit that the units would be sited on an open area and the application site is not a sustainable site for such a development. The development plan does acknowledge the importance of tourism for the local economy but approving this development on this open site would have an effect on the amenities of the area. The units would be damaging to the open landscape, although proposal are for landscaping the site, but it is considered that landscaping would take years to grow on this open area on the coastline. The Development Management Manager also reported that it was an intention to keep the units near the dwelling when not in use during the winter months and this would also cause a visual effect on the landscape and the area. It is also considered that approving the application would have a negative impact upon the amenities of neighbouring properties and the recommendation continues to be of refusal of the application.

Councillor J Arwel Roberts a Local Member said that the application was approved contrary to the Officer's recommendation at the last meeting of the Planning and Orders Committee and he noted that there is no new evidence within the Officer's report to refuse the application. Councillor Roberts

considered that it was a matter of opinion and he was pleased that the Committee agreed at its last meeting to approve the application.

Councillor John Griffith proposed that the application be refused as he considered that the location is in open countryside and the huts would be visible. He noted that approving the application would set a precedent for similar applications across the Island. Councillor Dafydd Roberts seconded the proposal of refusal.

Councillor Robin Williams proposed that the application be approved contrary to the Officer's recommendation. Councillor Glyn Haynes seconded the proposal of approval.

The vote was undertaken with 5 Members voting against the recommendation of the Officer's to approve the application and 5 Members voting for the refusal of the application in accordance with the Officer's recommendation.

The Chair said that due to the equal number of votes she would exercise her casting vote for refusing the application.

It was RESOLVED to refuse the application in accordance with the Officer's recommendation and report.

7.4 VAR/2021/27 – Application under Section 73 for the variation of condition (02) (Approved plans) and (03) (Access and parking accommodation) of planning permission reference FPL/2019/322 (conversion of a church into a dwelling together with a construction of a new vehicular access) so as to amend the parking accommodation to omit the provision of a turntable at Christ Church, Rhosybol

The application was presented to the Planning and Orders Committee at the request of a Local Member due to highways issues and impact on the landscape surrounding the church. At the meeting held on 2 June, 2021 it was resolved to conduct a virtual site visit to the site and subsequently the site visit was undertaken on 16 June, 2021.

The Development Management Manager reported that the highways department has been considering the application and has opposed the plans which showed keeping part of the boundary wall whilst an amended plan has been accepted showing a wider access and has now been accepted in principle by the Highways Authority and therefore a public consultation is taking place; the consultation period will end on the 22nd July, 2021 and due to the local interest in the application it was considered it appropriate to defer consideration of the application until the next meeting so as to allow the public to view the details of the amended plans.

It was RESOLVED to defer consideration of the application for the reasons given.

7.5 FPL/2020/247 – Full application for the erection of 9 dwellings together with associated works on land adjacent to Y Bryn Estate, Llanfaethlu

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

Having declared a personal and prejudicial interest in the application, Councillor John Griffith withdrew from the meeting during the discussion and voting thereon.

The Development Management Manager reported that the application was approved by the Planning Committee at its April meeting subject to the completion of a legal agreement to provide affordable units on the site. The applicant has presented an amended land ownership Certificate C and as Council land is part of the application site the application needs to be presented to the Committee for consideration. She noted that there has been no change to the drainage system neither the wider details as part of the application. Further public consultation process has been undertaken as regards to the submission on the amended Certificate C and one additional letter of objection has been received due to concerns to the capacity of the public sewer which has been raised by the Local Members whilst dealing with the original application. Welsh Water has submitted no objection to the application and the surface water matters has not been amended as part of this application. The Drainage Advisor has also responded that the drainage matters are acceptable in principle but the development is to be subject to SAB consent. The recommendation is one of approval of the application subject to the completion of a legal agreement requiring the provision of two affordable housing units on the site.

Councillor K P Hughes as a Local Member said that there are local concerns as to surface water issues and he questioned whether construction traffic management plans needs to be in place that work will not take place during weekends and when children are going to and from school as construction traffic will have to travel through Y Bryn estate. The Development Management Manager responded that there are no changes to the drainage matters on site and a separate permission will be required before the commencement of the development. She noted that a construction management plan is required to ensure that conditions are taken into account when developing the site and to manage construction traffic.

Councillor K P Hughes proposed that the application be approved. Councillor T LI Hughes MBE seconded the proposal of approval.

It was RESOLVED to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions contained therein.

7.6 HHP/2020/253 – Full application for alterations and extensions at Plot H, Lleiniog, Penmon

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting of the Planning and Orders Committee on 2 June, 2021 it was resolved to conduct a virtual site visit to the site and subsequently the site visit was undertaken on 16 June, 2021.

The Development Management Manager reported that the proposal is for the conversion of an existing outbuilding to form part of the dwelling along with a small extension to the rear. She noted that amended plans have been submitted by the applicant in response to the Conservation Officer's comments as regards to the application and it is considered acceptable as regards to the effects on the Grade II listed building and the wider area as the site location is within the Area of Outstanding Natural Beauty. She further said that there have been local concerns and by the Local Members as regards that individual planning applications having been presented at this site rather than submitting one complete application. Concerns have also been raised that works had already begun on the site without planning permission but the Enforcement Section have not found any breaches; clearing and maintenance works have been conducted on site but this did not require planning permission. The scheme is considered to be appropriate within its context and the recommendation was of approval.

Councillor Alun Roberts, a Local Member said that there has been local concerns as regards to this application but the applicant has now addressed these concerns. A noted that there has also been concerns during a previous application on this site as regards to the access to the site; he questioned whether the planning officers are now satisfied with the amendments presented by the applicant to deal with the increased traffic to the site. The Development Management Manager responded that as regards to this specific application this is an application to extend a current building. She noted that discussion took place as regards to the access to the site which was considered acceptable at the previous application to convert a building into a holiday unit. This application will benefit from the entrance to the site having been adapted and improved.

Councillor Carwyn Jones, a Local Member expressed that he was now satisfied with the comments made that the changes to the access to the site is acceptable.

Councillor Eric W Jones proposed that the application be approved in accordance with the Officer's recommendation. Councillor K P Hughes seconded the proposal of approval.

It was RESOLVED to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions contained therein.

7.7 FPL/2020/165 – Full application for the conversion of outbuilding into holiday let at Outbuilding 1, Lleiniog, Penmon

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting of the Planning and Orders Committee on 2 June, 2021 it was resolved to conduct a virtual site visit to the site and subsequently the site visit was undertaken on 16 June, 2021.

The Development Management Manager reported that the application is made for the conversion of an outbuilding into a holiday unit together with alterations and extensions to Plot 1, Penmon. She noted that discussions are currently being undertaken as regards to an effect on a tree which has a Tree Preservation Order near the site. Amended plans are being awaited at present by the applicant which will need public consultation. The recommendation therefore is to defer consideration of the application.

It was RESOLVED to defer consideration of the application for the reasons given.

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

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

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 DAG/2021/12 – Application to determine whether prior approval is required for the erection of an agricultural shed on land at Tre Angharad, London Road, Bodedern

The application is presented to the Planning and Orders Committee as the applicant is a relevant officer as defined in paragraph 4.6.10.2 of the Constitution.

The Development Management Manager reported that the applicant has permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995. The design and appearance of the shed is considered in keeping with the surrounding area and would not have a negative impact on the existing site or surrounding area. The siting of the shed would be located within a suitable location next to existing agricultural sheds on the farm. She noted that the Authority has 28 days to make a determination as to whether prior approval is required for the details of the siting, design and external appearance of the building. As there are no concerns raised from consultees it is therefore required to confirm the permitted development by the Town and Country Planning Order.

Councillor K P Hughes proposed to approve the application. Councillor John Griffith seconded the proposal.

It was RESOLVED to approve the application in accordance with the Officer's recommendation and report subject to the planning conditions contained therein.

12 REMAINDER OF APPLICATIONS

12.1 FPL/2021/56 – Full application for an extension to the dwelling, the creation of an annexe, an extension to the curtilage and a diversion of a public footpath at Cae Llechwen, Llangristiolus

The application was presented to the Planning and Orders Committee at the request of a Local Member as it is considered that the proposal would not have a negative impact upon the area or on any neighbouring dwellings.

The Development Management Manager reported that the existing property is a single storey dwelling and the proposal involves the erection of a 2 storey extension to the main dwelling. The application refers that this is an extension to the existing dwelling and the creation of an annexe, however, the extension is clearly of the scale of a new dwelling and it is the intention of the applicant to move from Rhostrehwfa to Cae Llechwen to continue with the running of the farm and to care for an elderly relative. The existing dwelling has a floor area of 93.81 square metres whilst the proposed extension will have a floor area of approximately 185.23 square metres. She further said that the application site is located in an open countryside location where new development is contrary to planning policies. However, there are exceptions to these policies where there is a need for dwellings to sustain a countryside venture and evidence would be required to show conformation with such planning policies and that they meet the exemptions for rural enterprise dwellings.

Councillor Eric W Jones and a Local Member gave a background to the family history of the applicant and the needs of the family for such a dwelling at Cae Llechwen to avoid having to travel daily to and from the farm. He considered that the extension to the dwelling would fit into the area as there are no immediate neighbours close to the site and would not have a negative impact upon any residential properties. Councillor Eric W Jones proposed that the application be approved contrary to the Officer's recommendation.

Councillor K P Hughes said that he did not agree with the recommendations of the Officer's as he was not aware that there was restrictions nor guidelines as to the size of an extension. He noted that the extensions would have no detrimental effect on neighbouring dwellings and he said that such young families should be supported. Councillor Hughes seconded the proposal of approval.

Councillor John Griffith said that the application would entail a new dwelling in the countryside and he proposed that the application be refused in accordance with the Officer's recommendation.

Councillor Dafydd Roberts said that if the extension to the dwelling is considered essential there are relevant processes to attain planning permission through the relevant planning policies. The Development Management Manager responded that planning policies oppose building dwelling within the countryside, however there are exceptions where a person needs to be having to live on the site and they meet the exemptions for rural enterprise dwellings.

Councillor Roberts seconded the proposal of refusal.

It was RESOLVED to refuse the application in accordance with the Officer's recommendation.

12.2 FPL/2019/338 – Full application for the part removal of the existing concrete sea defence wall and the erection of a replacement sea defence wall in its place on the boundary of Cerrig, Penmon

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

Councillor Alun Roberts, a Local Member said that due to local concerns and environmental implications he requested the Committee to undertake a virtual site visit of the application site to gain a better understanding of the implications of approving the application.

Councillor Robin Williams proposed that a virtual site visit be carried out on this site. Councillor T LI Hughes MBE seconded the proposal of a virtual site visit.

It was RESOLVED to conduct a virtual site visit in accordance with the Local Member's request.

13 OTHER MATTERS

13.1 HHP/2020/278 – Full application for the erection of a double garage at Pen y Gaer, Llanddaniel

Submitted – a report, for information, in respect of the above application.

The Development Management Manager said that the application at Pen y Gaer, Llanddaniel was approved under delegated power in January, 2021. She noted that it has come to the attention of the Authority that the applicant is the spouse of an Authority employee and she is a daughter of an elected member and should have been submitted to the Planning and Orders Committee for determination. The Deputy Monitoring Officer has reviewed the application and has confirmed that the application has been determined in the

usual manner even though the planning officers were unaware of the relationship whilst determining the application. It is considered that the relevant wording within the Council's Constitution needs to be made clearer to Officers of the Council and be publicised to avoid any misunderstanding.

Councillor Eric W Jones said that he was not against the approval of the application nor did he blame any planning officers which came to the delegated decision to approve the application. However, he considered that the Elected Member who is the father in law of the applicant should have declared an interest in respect of this application.

It was RESOLVED to note the report for information.

**COUNCILLOR NICOLA ROBERTS
CHAIR**