PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 7 November, 2012

PRESENT: Councillor J. Arwel Roberts – Chair

Councillor W.T. Hughes - Vice-Chair

Councillors W.J. Chorlton, E.G. Davies, Lewis Davies, Richard A. Dew, Jim Evans, Kenneth P. Hughes, Vaughan Hughes, Clive McGregor, Eric Roberts.

IN ATTENDANCE: Planning Development Manager(DFJ),

Team Leader (Enforcement, Minerals and Waste) (RW) - In respect

of Item 12.10), Planning Assistants.

Senior Engineer (Development Control) (EJ).

Legal Services Manager (RJ), Committee Officer (MEH), Administrative Assistant (SC).

APOLOGIES: Councillor R.L. Owen

ALSO PRESENT: Local Members : Councillors Bob Parry OBE - 7.1;

R. Dylan Jones - 7.3, A.M. Jones - 12.3

1 APOLOGIES

Apologies for absence were submitted as noted above.

2 DECLARATION OF INTEREST

Declarations of interest were received and recorded under the respective items.

3 MINUTES

Submitted and confirmed – the minutes of the Planning and Orders Committee held on 3 October, 2012.

4 SITE VISITS

Submitted and confirmed - the minutes of the Site Visits held on 17 October, 2012.

5 PUBLIC SPEAKING

The Chair reported that there would be public speakers in respect of applications 7.2, 7.3,12.8 and 12.11.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 20C277 – Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 72m together with the erection of a transformer station, utility housing and new access track and hard standing on land at Tai Hen, Rhosgoch

(Councillor W.T. Hughes declared an interest in relation to the application above and he withdrew from the meeting during the consideration thereof).

The Planning Development Manager reported that given that there are outstanding matters, it was not considered that a full report could be submitted to the committee for determination at this point of time. Subject to the satisfactory resolution of these issues it is hoped that the matter can be discussed at the next meeting on the 5 December, 2012.

It was RESOLVED to defer consideration of the application in accordance with the Officer's recommendation.

6.2 41C103N – Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 33m and a maximum upright vertical tip height of up to 62m, the construction of an access track together with the erection of an equipment housing cabinet on land at Ty Gwyn, Penmynydd

The Planning Development Manager reported that it was considered necessary for Members of the Committee to undertake a site visit in order to view the scale and context of the proposed turbine prior to determining the planning application.

It was RESOLVED to undertake a site visit in accordance with the Officer's recommendation.

6.344C292 – Erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical blade tip height of up to 72m together with the erection of a transformer station and utility housing, formation of a new access track and hard standing and formation of a new link road near the junction with the B5111 on land associated with Llety, O.S. field numbers 0268 and 6366, Rhosybol

(Councillor W.T. Hughes declared an interest in relation to the application above and he withdrew from the meeting during the consideration thereof).

The Planning Development Manager reported that given that there are outstanding matters, it was not considered that a full report could be submitted to the committee for determination at this point of time. Subject to the satisfactory resolution of these issues it is hoped that the matter can be discussed at the next meeting on the 5 December, 2012.

It was RESOLVED to defer consideration of the application in accordance with the Officer's recommendation.

7 APPLICATIONS ARISING

7.1 16C48G – Full application for the erection of an agricultural shed at Ger y Bryn, Bryngwran

It was reported that at the meeting of the Planning and Orders Committee held on 3 October, 2012 it was resolved to approve the application contrary to Officer's recommendation as it was considered that there was agricultural justification for the building as proposed and that the building would not visually impact on the surrounding landscape.

The Local Member, Councillor Bob Parry OBE reported that the applicant has purchased livestock and must have housing to keep them over the winter months. The smallholding has a holding number and is eligible for single farm payment. He requested the committee to reaffirm their decision to approve the application.

The Planning Development Manager reported that the opinion of the Officer's is still of refusal is it is considered that the proposed building would cause an unjustified intrusion into the landscape.

Councillor K.P. Hughes proposed to reaffirm the decision to approve the application, Councillor Eric Roberts seconded the proposal.

It was RESOLVED to reaffirm the decision to approve the application, contrary to the Officer's recommendation.

7.2 19C1058A – Full application for the erection of a two storey extension to the rear of 52 Cambria Street, Holyhead

The application was brought to Committee at the request of the Local Member.

It was reported that the application has previously been deferred at the request of the applicant in order to submit amended plans. However, to date no additional drawings have been received by the Planning Department. The application was submitted in its current form.

The Chair invited Mrs. D.P. Griffiths, an objector to the application, to address the meeting. Mrs. Griffiths made the following comments:-

- Issue with the boundary wall between her property and next door. The Land Registry are unable to clarify who is the owner of the boundary wall;
- The 'right to light' issue was raised to the property opposite the proposed application;
- A communal lane is behind the property and the approval of this application will raise trespassing issues. The blocking of the lane with any building materials would breach health and safety laws.

In response to questions by Members, Mrs. Griffiths stated that if the application was given approval, there would be trespassing issues as builders would have to enter her property to demolish the current building.

The Planning Development Manager referred to the Officer's report and specifically to the objection raised that the proposal would result in building on the boundary wall between adjoining properties. He noted that land/boundary wall ownership as private matters between the applicant and the neighbouring properties. Legal matters should be dealt with privately between the parties involved. The Officer referred to the loss of light issue to the adjoining properties. It was noted that there would be some loss of light but did not warrant refusal of the application.

The Officer further reported that an addition was required at Condition (02) which stipulated the of the plan in question.

Councillor W.J. Chorlton proposed that the application be approved and Councillor E.G. Davies seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

7.3 38C185C – Full application for the erection of one wind turbine with a maximum hub height of up to 24.6m, rotor diameter of up to 19.2m and a maximum upright vertical tip height of up to 34.2m on land at Maes Mawr, Llanfechell

(Councillor K.P. Hughes declared an interest in relation to the application above and he withdrew from the meeting during the consideration thereof).

(Councillor T.H. Jones declared a prejudicial interest in relation to the application above as the applicant. He addressed the committee under the exception provided by paragraph 14(2) of the Code of Conduct and which allows members with a prejudicial interest to make representations to the same extent as members of the public are allowed to speak provided that they then withdraw for the remainder of the item).

The application was brought to the Committee as the application was submitted by a Councillor. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

The Chair invited Mr. B. Roberts, an objector to the application, to address the meeting. Mr. Roberts made the following comments:-

- A 320 signature petition in opposition to this application has been collected in the Llanfechell area;
- The Community Council have expressed that the application should not be supported;
- 7 properties are within 400m of the proposed wind turbine, one is as close at 310m;

- The Planning Officers are working on the 1994 Planning Guidelines which clearly states that no wind turbines should be approved within 400m of a dwelling; The Welsh Government, Department of the Environment and Renewable UK Wales suggest a minimum distance of 500m from a dwelling;
- Approving the application will open the 'flood-gates' for further developments of wind turbines;
- Waen Farm Caravan Park is very close proximity to the site and was not even mentioned in the application. Tourism is a major contributor to the economy of the Island;
- The photo montage of the wind turbine is very misleading. This proposed wind turbine is a large structure which is similar to the Derwen Farm near Porthmadog;
- Health and Safety considerations must be paramount. This proposed wind turbine
 will distract drivers on the narrow lanes near the site. Families use these lanes for
 leisurely walks and bike rides;
- The children of Llanfechell Primary School would also be distracted as nearly all the windows in the classrooms face this site.
- The AONB and buffer zones must be protected.

The Chair invited the applicant, in support of his application, to address the meeting.

The Legal Services Manager stated that Councillor T.H. Jones, the applicant, has sought legal advice from himself on his rights to speak in support of his application. The Officer reported that Councillor Jones is allowed to speak in support his application under paragraph 14(2) of the Code of Conduct to the same extent as any other member of the public is permitted to participate. He noted that Councillor Jones would have to leave the meeting for the remainder of the item following his address to the meeting.

Councillor Jones made the following comments ;-

- The planning application is supported by Residential Amenity Assessment, Landscape & Visual Impact Assessment, OS Plan indicating the Zone of Theoretical Visibility (ZTV), Photomontages, Construction Management Plan, Planning support statement which details amongst other considerations community engagement undertaken by the applicants. He noted that through his Agent he has complied with all the planning requirements in respect of this application;
- The Committee should take note of the planning policies in respect of such an application i.e Gwynedd Structural Plan notes that there is a presumption in favour of such an application; the Anglesey Local Development Plan is supportive of renewable energy; Policy 8 of the Local Development Plan and the Stopped UDP states that priority will be given to clean and renewable projects. The Planning Policy Wales which is a fundamental planning policy refers to renewable energy and the applicant read out paragraph 12.8 of the document to the Committee;
- TAN 6 states that diversification on farms can include the production of renewable energy;
- He referred to the Officer's report which states that the application site is located approximately 2.3km from the boundaries of the Anglesey Area of Outstanding Natural Beauty. He noted that from the application site the windfarms of Rhyd y Groes and Llyn Alaw can be seen. A total of 29 wind turbines are visible. Another 30 electricity pylons can also been seen from the farm. Wylfa Nuclear Power Station is only 1½ miles from the site.

The Chair invited Councillor R. Dylan Jones, on behalf of the residents of Llanfechell, and who took the role of local member, to address the meeting. Councillor Jones made the following comments:-

• Whilst trying to be fair with all the residents of Llanfechell and listening to all the comments made, he noted that only 2 residents have contacted him in favour of this application, all the others are opposed to the development;

- The main opposition to the application was that the turbine was too large; proximity to
 dwellings, proximity to the local school, narrow country lanes and the close proximity
 to the caravan park; poor photo montages; low frequency noises; health effects;
 impact on property prices; Anglesey not a strategic search in TAN 8, beautiful island
 being spoilt;
- He considered that the definition by the developers is misleading that the turbine is of micro generation, farm size and small;
- The proposed turbine will be close to a narrow road and drivers may be distracted;
- The nearest property is around 300m; 400m is required;
- He questioned what compensation the near neighbours will receive for the loss of amenities? How much will Llanfechell Community Council receive as compensation? Should there be a Section 106 condition place on the development for the benefit of the community?

The Planning Development Manager reported that an extra 62 letters of objection has been received since the Officer's report has been completed. He further reported that a typographical error has occurred at Page 15, under (1) Proposal and Site of the Officer's report; this should read '......a maximum rotor diameter of 19.2 meters' and not 9.6 metres. He stressed that the evaluation of the application has been made that the diameter of the rotor blade of 19.2m. He further stated that a detailed assessment has occurred in respect of the application.

Councillor Eric Roberts stated that a report has been published recently that similar developments have an effect on the health of the local residents. He was concerned that the local school is only 500 metres away from the site.

Councillor C. McGregor proposed that the application be approved and Councillor J. Arwel Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to conditions.

The Planning Development Manger indicated that Officers would review the conditions to be imposed following a recent appeal decision to grant permission for a turbine by the Inspectorate but subject to certain conditions.

8 ECONOMIC APPLIATIONS

None to be considered at this meeting.

9 AFFORDABLE HOUSING APPLICATIONS

None to be considered at this meeting.

10 DEPARTURE APPLICATIONS

10.1 22C209 – Conversion of existing dwelling into 2 separate dwellings together with alterations and extensions thereto and installation of a new septic tank at The Meadows, Llanddona

The application was brought to Committee as it is a departure from the Development Plan which the local planning authority are minded to approve.

The Planning Development Manager reported that the proposal is to sub-divide the existing dwelling into two dwellings.

Councillor Eric Roberts proposed that the application be approved and Councillor Jim Evans seconded the proposal which will enhance the appearance of the dwelling.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

10.2 31C134C – Full application for the erection of three bungalows together with construction of a vehicular and pedestrian access on land adjacent to Cae Cyd, Llanfairpwll

The application was brought to Committee as it is a departure from Local Plan Policy but can be permitted under the Unitary Development Plan.

Councillor C. McGregor proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 19C700A – Full application for the restoration of the building together with the erection of a two-storey extension, the removal of the existing storage unit and the construction of a two-storey retail/food outlet at 1 Stanley Terrace, Holyhead

The application was brought to the Committee as the application has been submitted by a Councillor. The application has been scrutinised as defined within paragraph 4.6.10.4 of the Constitution.

Councillor W.J. Chorlton proposed that the application be approved and Councillor Jim Evans seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

11.2 19C1104 – Full application for the change of use of the store to provide ice cream storage facility together with the replacement of the existing felted flat roof of the store within the rear yard with a pitched roof at 20 Cybi Street, Holyhead

The application was brought to the Committee as the application has been submitted by a Councillor. The application has been scrutinised as defined within paragraph 4.6.10.4 of the Constitution.

Councillor W.J. Chorlton proposed that the application be approved and Councillor E.G. Davies seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

11.3 36C206D – Full application for the change of use of the outbuildings into 4 dwellings, alterations and extensions thereto, the installation of septic tanks, together with the demolition of the piggery and the erection of a new agricultural shed at Cefn Canol, Llangrisiolus

The application was brought to the Committee as the application has been submitted by a Councillor. The application has been scrutinised as defined within paragraph 4.6.10.4 of the Constitution.

The Planning Development Manager referred to the Officer's report that states that the Highway Authority have confirmed that the scheme is acceptable, subject to the satisfactory re-siting of the footpath sign and statutory pole apparatus. The Planning Development Manager stated that this should be a Condition attached to approval of the application before commencement of the development.

Councillor Eric Roberts proposed that the application be approved and Councillor E.G. Davies seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein and the additional condition mentioned by the Officer.

12 REMAINDER OF APPLICATIONS

12.1 10LPA964/CC – Outline application for the erection of two dwellings on land adjacent to Fronheulog, Aberffraw

The application was brought to Committee as the application has been submitted by and is on land owned by the local authority.

Councillor W.J. Chorlton proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

12.211C583/AD – Erection of an information panel on land at Isle of Anglesey County Council Car Park, Amlwch

The application was brought to Committee as the land is owned by the Council.

The Planning Development Manager reported that an amendment was required to Condition (06) in respect of all of items 12.1 to 12.6 inclusive to read: 'No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign.'

Councillor W.J. Chorlton proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein as amended.

12.3 11C584/AD - Erection of an information panel at Dinorben Square, Amlwch

The application was brought to Committee as the land is owned by the Council.

Councillor K.P. Hughes proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein as amended.

12.4 11C585/AD - Erection of an information panel at Lon Goch, Amlwch

The application was brought to Committee as the land is owned by the Council.

Councillor W.J. Chorlton proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein as amended.

12.5 11C586/AD - Erection of an information panel at Market Place, Bull Bay Road, Amlwch

The application was brought to Committee as the land is owned by the Council.

Councillor Eric Roberts proposed that the application be approved and Councillor R.A. Dew seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein as amended.

12.6 11C587/AD – Erection of an information panel on land near Isle of Anglesey County Council Car Park, Salem Street, Amlwch

The application was brought to Committee as the land is owned by the Council.

Councillor W.J. Chorlton proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein as amended.

12.7 11LPA533B/CC – Erection of a foyer to the main entrance at Amlwch Leisure Centre, Amlwch

The application was brought to Committee as the proposal involved Council property.

Councillor W.J. Chorlton proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

12.8 14C125F – Erection of one wind turbine with a maximum hub height of up to 10.7m, rotor diameter of up to 9m and a maximum upright vertical tip height of up to 15.2m, alterations to the vehicular access together with the installation of a control station on land at Pen yr Orsedd, Trefor

The application was brought to Committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

The Chair invited Mr. E. Gibbons, a supporter of the application, to address the meeting. Mr. Gibbons made the following comments:-

- He noted that one wind turbine is sited already at Pen yr Orsedd which generates 11kw capacity: This application is to extend the output to around 23kw;
- As an organic farmer he hoped that most of the output generated by the turbine would be used by the farm.

Councillor W.J. Chorlton proposed that the application be approved and Councillor K.P. Hughes seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

12.9 19C1103 - Full application for alterations and extension at 17 Maes Cyttir, Holyhead

The application was brought to Committee as the site is owned by the Council.

The Planning Development Manager reported that public consultation period does not come to an end until the 8th November, 2012. No representations had been received to date by the department.

Councillor Eric Roberts proposed that the application be approved and Councillor K.P. Hughes seconded the proposal.

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

12.10 23C160J – Variation of conditions (19) and (20) of planning permission ref 23C160D/EIA at Rhuddlan Bach Quarry, Brynteg

The application was brought to Committee at the request of the Local Member.

The Team Leader (Enforcement, Minerals and Waste) reported that this is an application to amend Conditions 19 and 20 of the planning permission 23C160/EIA/ECON to extend the present limestone quarry and restore the site by land filling with inert waste.

Councillor E.G. Davies proposed that the application be approved and Councillor Eric Roberts seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

Councillor C. McGregor wished it to be recorded that he did not take part in discussion in respect of this application as it is within his electoral area.

12.11 30C726C – Erection of 1 wind turbine with a maximum hub height of up to 15m, rotor diameter of up to maximum of 11.1m and a maximum upright vertical tip height of up to 20.9m on land at Ynys Uchaf, Brynteg

(Councillor Lewis Davies declared an interest in relation to the application above and he withdrew from the meeting during the consideration thereof).

The application was brought to Committee as it has been decided that delegated powers will not be used in connection with wind turbine developments. It was noted that the application had been brought to Committee at the request of the Local Member.

The Chair invited Mr. J. Lambe, an objector to the application, to address the meeting. Mr. Lambe made the following comments:-

- He noted that he was representing the Haulfryn Holiday Group who own the Glan Gors Holiday Park which lies adjacent to Ynys Uchaf;
- The objection is that the application site is adjacent to the protected Gors Goch National Nature Reserve, SSII and a Special Area of Conservation;
- The turbine would be highly visible from the footpath leading to the Gors Goch Nature Reserve;
- The local Community Council and the North Wales Wildlife Trust have expressed their opposition to the application:
- 36 letters of objection have been received by the authority in relation to this application;
- The proposed wind turbine would be 340m from the Holiday Park and would have an adverse effect on tourism in the area.

The Chair invited Mr. P. Huws, a supporter of the application, to address the meeting. Mr. Huws made the following comments:-

- He noted that he has lived at Ynys Uchaf all his life and his family before him;
- As the holding is small, the family have tried to use the whole of the land available to them;
- He considered that the noise levels from the adjoining holiday park generates more noise nuisance than a wind turbine.

Members questioned Mr. Huws if the generated electricity would be used for his own use. Mr. Huws confirmed that the energy from the wind turbine would be used to heat and light his home and would also be used for the business he runs from the holding.

The Planning Development Manager reported that the Officer's report deals with the issue of close proximity to the Gors Goch Park and notes that the Countryside Council for Wales does not object to the proposal. He further noted that the Biodiversity Officer within the Council has not raised an objection either to the application.

Councillor C. McGregor proposed that the application be approved and Councillor V. Hughes seconded the proposal.

It was RESOVLED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

12.12 31LPA963/CC – Full application for the change of use of land to form a park and ride site, bus and bicycle shelters and new access together with associated landscaping on land adjacent to Refail Goch, Llanfairpwll

The application was brought to Committee as the application is made by the Council on Council owned land.

The Senior Engineer (Development Control) reported that the application is to formalise ad-hoc parking on the verges which takes place at present and to encourage sustainable transport options including public transport and car sharing.

The Planning Development Manager stated that drainage details in respect of the application have been agreed but are still awaited by the planning authority.

Councillor Eric Roberts proposed that the application be approved and Councillor K.P. Hughes seconded the proposal.

It was RESOVLED to approve the application and to grant the Officers power to act following receipt of the drainage details in respect of the application.

12.13 44C293 – Erection of one wind turbine with a maximum hub height of up to 15.4m, rotor diameter of up to 8m and a maximum upright vertical tip height of up to 19.4m on land at Bryntirion, Rhosybol

The application was brought to Committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

The Local Member, Councillor A.M. Jones requested that the site be visited by the committee. The Chair of the Committee stated that sound planning issues needs to be stated before allowing site visits. Members of the Committee resolved that the application site be not visited by the Committee.

Councillor A.M. Jones stated that decisions on wind turbines are made on 'out of date' planning policies. The Draft SPG – Onshore Wind Turbines is still awaited. The Chair responded that the Committee must deal with the application before the meeting and was unaware when the draft SPG on Wind Turbines will be finalized.

Councillor W.T. Hughes proposed that the application be approved and Councillor C. McGregor seconded the proposal.

It was RESOLVED to accept the Officer's report and recommendation of approval, subject to the conditions contained therein.

Councillor A.M. Jones wished it to be noted that he had legal advice allowing him to speak in respect of this application.

13 OTHER MATTERS

13.1 31LPA963A/CC/SCR – Screening opinion for the change of use of land to form a park and ride site, bus and ride site, bus and bicycle shelter and new access together with associated landscaping on land adjacent to Refail Goch, Llanfairpwll

The Planning Development Manager reported that a request for screening option had been made and that an opinion that environmental assessment is not required has been recorded.

It was RESOLVED to note the report.

13.2 45LPA967/LB/CC – Application for Listed Building Consent for internal alterations, external alterations including re-plastering works, re-building of chimney stacks, boundary treatment works, together with the installation of solar panels at Pilot Cottages, Llanddwyn

The Planning Development Manager reported that the application will be forwarded to the Welsh Government for determination in accordance with Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It was RESOVLED to note the report.

COUNCILLOR J. ARWEL ROBERTS
CHAIR