

Planning and Orders Committee

Minutes of the meeting held on 7 January 2015

- PRESENT:** Councillor William Thomas Hughes (Chair)
Councillor Ann Griffith (Vice-Chair)
- Councillors Lewis Davies, Jeff M. Evans, John Griffith,
K P Hughes, Vaughan Hughes, Victor Hughes,
Richard Owain Jones, Raymond Jones, Nicola Roberts
- IN ATTENDANCE:** Development Control Manager (DFJ),
Planning Assistants.
- Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members : Councillor H.E. Jones (7.1); R. Meirion Jones (11.2); Bob Parry OBE (13.2).
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1 APOLOGIES

None.

2 DECLARATION OF INTEREST

Declarations of interest were made as follows :-

Councillor W.T. Hughes in respect of application 7.2 and 7.3 and left the meeting during consideration and voting thereon.

Councillor R.O. Jones in respect of application 7.2.

Councillors Lewis Davies, Ann Griffith, John Griffith, Vaughan Hughes and Nicola Roberts in respect of applications 7.2, 7.3 and 12.1 on account of the reference to wind turbines in the Plaid Cymru manifesto. The Members said that they would be keeping an open mind and would determine each application on its own merits.

Councillor R. Meirion Jones, whilst not a Member of the Planning and Orders Committee declared an interest in application 11.2 and left the meeting during consideration and voting thereon.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 3rd December, 2014 were presented and confirmed as correct, subject to a correction within the Welsh version of the minutes at 7.4 which should read '*pleidleisiodd y Cyngorwyr John Griffith, Ken Hughes, Vaughan Hughes, Richard Owen Jones, Nicola Roberts a W.T. Hughes i ganiatau'r cais yn groes i argymhelliad y Swyddog*'. [The English version is correct].

4 SITE VISITS

It was noted that site visits were held on 17 December, 2014 in respect of the following applications :-

- 16C48H – Full application for the retention of a concrete slab together with the erection of an agricultural shed to house livestock and for storage purposes on land at Ger y Bryn, Bryngwran.
- 38C301A/EIA/RE – Full application for the erection of two 4.6MW wind turbines with a maximum hub height of up to 59m, rotor diameter of up to 71m, and a maximum upright vertical tip height of up to 92.5m together with a substation and control building, associated hard-standings, a new access track connecting to the proposed turbines from the existing turbines, a temporary construction compound and turning area and other related infrastructure on land at Ysgellog, Rhosgoch.

5 PUBLIC SPEAKING

The Chair announced that there were public speakers with regard to applications 7.2, 7.3 and 11.2.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 33C304B/ECON – Outline application with some matters reserved for the demolition of the existing farm, erection of a science park, creation of a car park together with the creation of a new vehicular access at Junction 7 of the A55 (near Cefn Du), Gaerwen

It was RESOLVED to visit the site in accordance with the Officer's recommendation for the reason given in the written report.

6.2 34C553A – Outline application for residential development including extra care facility, highway and associated infrastructure at Ty'n Coed, Llangefni

It was RESOLVED to defer consideration of the application for the reason given in the written report.

7 APPLICATIONS ARISING

7.1 21C40A – Full application for the erection of an agricultural shed to house livestock and a slurry pit on land at Penrhyn Gwyn, Llanddaniel

The application has been called in by a Local Member for determination by the Planning and Orders Committee. At its meeting on 3rd September, 2014, the Committee resolved that a site visit be undertaken. The site was visited on 17th September, 2014. At its meeting on 1st October, the Committee resolved to defer determination of the application following the receipt of the Environmental Health consultation response and additional objections. These were forwarded to the applicant to allow them to be considered before a decision is made. At its meeting on 5th November, the Committee resolved to again to defer determination of the application to allow the applicant an opportunity to make comments. The Development Control Manager reported that an additional 2 letters of objections had been received and a letter from the Agent of the neighbouring property.

Councillor H. Eifion Jones, a Local Member stated that the proximity to the nearest dwelling was unacceptable and considered that the applicant should consider relocating the proposed shed.

Councillor Lewis Davies stated that he agreed that the proximity of the proposed shed to the neighbouring dwelling is unacceptable and proposed to reaffirm the previous decision to refuse the application. Councillor Jeff Evans seconded the proposal.

Councillor K.P. Hughes proposed that the application be approved and Councillor R.O. Jones seconded the proposal.

It was RESOLVED to reaffirm the previous decision to refuse the application, contrary to the Officer's recommendation due to the proximity to the nearest dwelling and the potential for noise and odour impact.

7.2 38C301A/EIA/RE – Full application for the erection of 2 4.6MW wind turbines with a maximum hub height of up to 59m, rotor diameter of up to 71m, and a maximum upright vertical tip height of up to 92.5m together with a substation and control building, associated hard-standings, a new access track connecting to the proposed turbines from the existing turbines, a temporary construction compound and turning area and other related infrastructure on land at Ysgellog, Rhosgoch

Having declared an interest in this application, Councillor W.T. Hughes withdrew from the meeting during consideration thereof. Councillor Ann Griffith, Vice-Chair took the Chair for this item.

Councillors R.O. Jones and John Griffith declared a personal interest in the application.

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

Mr. R.J.G. Carter addressed the Committee in objection to the application. He said that he lived with his family approximately 900 meters due south of the Ysgellog 1 turbines. The noise from these turbines is at times unbearable and annoying; as the rotor blades turn there is a constant thumping noise. The noise at times can be compared to a low rumbling of a diesel engine and occurs at any time of the day or night and can be continuous for days at a time. He stated that he felt it was a continual intrusion on his family. Mr. Carter further stated that he has complained on many occasions to the Council's Environmental Health Department due to noise levels. According to the Council's Supplementary Planning Guidelines regarding height and distance, this proposed development should be 1.8km from a property. If planning is granted on this development Mr. Carter's property will be about 800 meters south east from the 2 new turbines with the noise levels from these will double in intensity and annoyance. Due to the rural location of Rhosgoch, there is an abundance of wildlife with some protected species i.e. several species of bats, possibilities of Great Crested Newts and Buzzards.

Mr. R. Scurlock-Jones addressed the Committee in support of the proposal. He said that the location of the proposed wind turbines will be near the current wind turbines at Ysgellog. The site is located in a high winds area of the Island; the site is not near any ecological conservation site and is quite a distance from residential properties. The proposed development would not entail the creation a new access to the site nor any alterations to the public highway. The MOD and Natural Resources Wales have not objected to the application. The applicant is working with the Council's Environmental Services to put measures in place to alleviate noise nuisance from the turbines. TAN 8 stipulates that it is better to have wind turbines in a cluster rather than establishing a new cluster in a different location. Mr. Jones further stated that the Planning Officers has raised concerns in respect on the effect of the erection of the two wind turbines on Plas Bodewryd, a study has shown that the effect would not be detrimental. Airvolution are willing to accept a planning condition to commission an Ecological Study.

Whilst accepting that there have been numerous objections to the application in respect of the effect on wildlife, highways, shadow flicker, Mr. Jones stated that these issues have been resolved. He noted that 30 letters of support had been submitted by people who live near the site.

The planning gain from the current turbines in this area has amounted to over £75k to local projects within the community. These proposed 2 turbines would further give a sum of £23k yearly to the community. Airvolution has pledged to employ local suppliers. The generated electricity would be cheaper for over 3,000 homes per year. This would save 5,478 tonnes of carbon dioxide per year.

Councillor Nicola Roberts questioned if the cheaper electricity for homes was considered as a planning gain attached to the application? Mr. Scurlock-Jones responded that the cheaper electricity was not specifically for local people.

Councillor John Griffith questioned how the applicant was going to protect the bats and newts in the area? The Chair allowed Mr. John Gatley in support of the application to answer the questions raised. Mr. Gatley responded that the consultation response that has been received from a specialist confirms that the

application is not a significant risk and no outstanding ecological concerns due to site selection behind the turbines. Councillor Griffith further stated that 2 large turbines already exist in the area and several other turbines in the vicinity. These turbines are already having a harmful effect on the landscape of Anglesey and having 2 large turbines again will deteriorate the situation even further. Mr. Gatley responded that it is a statement of opinion and the company take a different view. There is a need for renewable energy and the need to build in locations with excellent wind resource such as Anglesey. It is considered that the erection of wind turbines near existing turbines is a better approach rather than to scatter them across the area.

The Development Control Manager reported that a report was submitted to the last meeting of the Planning and Orders Committee held on 3 December, 2014 recommending that the site be visited in order to gain an appreciation of the scale and context of the proposal. A site visit took place on 17 December, 2014. He noted that the report to the Committee is comprehensive and referred to the 6 reasons for refusing the application.

Councillor Lewis Davies said that following the visit to the site he considered the effect on the landscape already exists due to the current 2 large turbines on the site. He considered that there is a large cumulative effect on the area already. Councillor Davies said that even though the applicant is offering a planning gain to the Community by supporting the local community, the numerous local Town/Community Councils within the vicinity are against this application. Councillor Lewis Davies proposed that the application be refused. Councillor K.P. Hughes seconded the proposal of refusal.

It was RESOLVED to refuse the application in accordance with the Officer's recommendation for the reasons set out in the written report.

7.3 41C125B/EIA/RE – Full application for the erection of 3 800kW – 900kW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m and a maximum upright vertical tip height of up to 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at Bryn Eryr Uchaf, Menai Bridge

Having declared an interest in this application, Councillor W.T. Hughes withdrew from the meeting during consideration thereof. Councillor Ann Griffith, Vice-Chair took the Chair for this item.

The application is presented to the Planning and Orders Committee as the application is an EIA application which must be referred to the Committee for determination. In addition, it has been decided that delegated powers will not be used in any case of wind turbine developments. A report was submitted to the December 2013 meeting of the Planning and Orders Committee recommending that a site visit be made prior to the determination of the application. A site visit took place on 18th December, 2013. The application has been deferred in successive Committee meetings since January 2014 in order that the applicant could respond to an objection received from Natural Resources Wales and in

relation to an IT link to the Llanddona School. Bat mitigation proposals have now been submitted which are acceptable to Natural Resources Wales subject to condition and it has been confirmed by the Council that an IT link to the now closed Llanddona School is no longer required.

Mr. Dafydd I. Roberts addressed the meeting as an objector to the application. Mr. Roberts said that it has been around 3 years since the proposal for wind turbines has been submitted within the communities of Rhoscefnhir and Penmynydd. As a direct result the Anglesey Against Wind Turbines (AAWT) was established. The opposition to the development of such wind turbines is very strong and before the consultation on the SPG, which was less than six weeks, over 8,000 signatures were collected asking to restrict the size of turbines to 15 meters. There is strong objection to the Braint Windfarm. The 7 Community/Town Councils bordering the area have submitted their objections to the proposal and the 160 dwellings which are within 1.5 km from the turbines, 95% have stated that they do not wish to see these turbines been erected on this site. The size of the proposed wind turbines at this site is unacceptable as they are twice the size of the mast at Penmynydd.

The Ty Gwyn application was refused by the Welsh Government Inspector based on the effect on visual impact and other material issues. Mr. Roberts stated that the effect on the tourism industry would be detrimental. During a recent survey, 70% of responders had noted that they would not return to an area with wind turbines. The Planning and Orders Committee approved an application last year for a caravan site at Rhyd y Delyn. Rhyd y Delyn is the nearest dwelling to this proposed application and Mr. Roberts considered that the application would have a detrimental effect on the caravan site before it was opened. The tourism industry generates over £250 million to the local economy.

The Menai Coastline is an AONB area and TAN 8 also notes that the number of wind turbines needs to be considered within any area. Mr. Roberts considered that the saturation point has been reached already on Anglesey. If this application was to be approved it would open the floodgates to numerous other applications and the Abermenai to Penmon area would be affected for generation.

There were no questions to Mr. Roberts by the Committee's Members.

Mr. Stephen Salt addressed the meeting as a supporter of the application. Mr. Salt said that West Coast Energy has been responsible for developing renewable energy projects across the UK for nearly 20 years. West Coast Energy is committed to assist the Welsh Government in its ambition to create a sustainable low carbon economy for Wales. This will help in the drive to tackle climate change and provide secure future energy supplies, but the transition to a low carbon economy does mean that there is a need to generate renewable energy at the local level and given the Welsh Government's ambitious targets for such generation and particularly for onshore wind, local schemes like Braint Windfarm are increasingly going to be needed to deliver the Welsh Government's ambition. Having regard to this national policy background, it is disappointing that the Planning Officers are recommending that Braint Windfarm be refused at the local level for reasons relating to adverse landscape and visual effects and cultural heritage interests and adverse noise impacts which are disputed. It is appreciated that Planning Officers

have a difficult task in balancing the tension between National and Local Policy for renewables generation and in reacting to a plethora of local concerns about wind energy development across Anglesey. Mr. Salt said that he considered that Bryn Eyr Uchaf is an appropriate and suitable location for the generation of renewable electricity. Over 300 letters have been submitted in support of the development and any matters of concern raised by statutory consultees and by the Environmental Health Officer with regard to noise impacts can be dealt with by the imposition of appropriate conditions.

Braint Windfarm will deliver significant environmental, economic and social benefit including a community fund that will share 10% of the operational profits from the windfarm with the local community. A pledge has been given to contribute around £50,000 towards fuel poverty alleviation and warming cold homes during the first five years of its operation. Braint Windfarm will be the first windfarm in Wales to benefit from this initiative with National Energy Action Cymru.

Councillor John Griffith questioned how many of the 300 letters of support were local. Mr. Salt responded that he did not have the exact percentage with him but the support was gained from Llangefni and Bangor areas which would have been a mix of local people and tourists to the area. The letters of support was not noted within the Planning Officer's report to the meeting. Councillor Griffith stated that Mr. Dafydd I. Roberts said that 95% of the local residents have stated their objection to the application; this contradicts statement of support for the application. Mr. Salt responded that he appreciated that there is a number of objections to the application as noted within the Planning Officers report but the Government is trying to produce energy from low carbon resources and windfarms need to be developed and suitable sites need to be identified. The Braint Windfarm is a suitable site for development.

The Development Control Manager reported that 3 letters of objection to the application had been received following the submission of the Planning Officers' report which highlighted the damaging effect on bats. He noted that the Officers' report deals with this particular matter and Natural Resources Wales had responded that a planning condition would need to be attached to any approval of such an application. He further stated that this application has been deferred for a number of months and Natural Resources Wales have now responded that they are not objecting to the application. The Development Control Manager further reported that there are 343 letters supporting the application and he apologised that this has not been made clear within the report to the Committee. He noted that the letters of support are standard letters and he read out one such letter to the Committee. He further noted that the department has not analysed where the people are residing.

The application was deferred at the last meeting of the Planning and Orders Committee as the Welsh Government's Transport Department has issued a directive that the application should not be determined pending satisfactory details of a Traffic Management Plan are agreed. This matter has still not been resolved but the applicant has expressed that he wishes the Committee to consider the application and a condition would need to be attached if the application was approved. However, the planning approval would not be released until a

satisfactory response is received from the Welsh Government's Transport Department. The Committee agreed that the application should be considered at this meeting.

The Development Control Manager highlighted the concerns within the detailed report submitted to the Planning and Orders Committee. The size of the development would have a significant detrimental effect on the landscape and visual effect and the AONB and the Snowdonia landscape. The application would have an adverse effect on the setting of the Grade II St. Gredifael's Church and it has not been demonstrated that the proposal will not adversely affect receptors in relation to noise impacts. The recommendation is one of refusal and he requested that power to act be granted to the Planning Officer to deal with the issue of traffic management before releasing any decision on the application.

Councillor Lewis Davies said that he considered that there is sufficient evidence to refuse this application due to the effect on tourism and wildlife and proposed that the application be refused. Councillor R.O. Jones stated that it was important to listen to local residents and seconded the proposal.

It was RESOLVED to delegate to the Head of Service (Planning and Public Protection) the power to refuse the application on receipt of a response from the Welsh Government's Transport Department in accordance with the Officer's recommendation and for the reasons set out in the written report.

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

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

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 31C134H/DEL – Application under Section 73 for the removal of conditions (03), (04) and (05) (Code for Sustainable Homes) of planning permission reference 31C134E ‘ full application for the erection of 5 dwellings together with the construction of a vehicular access’ on land adjacent to Cae Cyd, Llanfairpwll

The application is presented to the Planning and Orders Committee as the applicant is a close friend of a ‘relevant officer’ as defined within paragraph 4.6.10.2 of the Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

The Development Control Manger reported that under TAN 22 – Planning for Sustainable Buildings, new housing developments were required to meet the requirements of the Code for Sustainable Homes and there was a policy requirement to impose planning conditions to meet that objective. In its clarification letter of 5th June, 2014, Welsh Government through its Minister for Housing & Regeneration announced the withdrawal of the policy on 31st July, 2014.

Councillor Lewis Davies proposed that the application be approved and Councillor R.O. Jones seconded the proposal.

It was RESOLVED to approve the application in accordance with the Officer’s recommendation subject to the conditions set out in the written report.

11.2 31C422 – Full application for alterations and extensions including the raising of the roof to form a first floor at Ceris, Llanfairpwll

Whilst not a Member of the Planning and Orders Committee, Councillor R. Meirion Jones declared an interest in respect of this application as a Local Member and left the meeting during consideration of the application.

The application is presented to the Planning and Orders Committee as the applicant is related to a relevant officer as defined within paragraph 4.6.10.2 of the Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

Mr. Sutton addressed the meeting as an objector to the application. He said that he was speaking on behalf of his own family and his neighbours. The plan at Ceris, Llanfairpwll is to increase the height of the property by 2 metres which would entail substantial overlooking; Ceris overlooks his gardens as it is. Trees at the end of Ceris’ garden, planted on the border, already cuts light and grow over to the neighbouring property. Mr. Sutton stated that at present there is practically no overlooking but the approval of this application would dramatically change the situation. At present the roofline of Ceris and adjoining properties is in proportion, this would change in a manner out of keeping with the rest of the visible area.

Mr. Owen Evans addressed the meeting as a supporter of the application. He said that Ceris, Llanfairpwll is located on Penmynydd Road, Llanfairpwll. Properties on this road have numerous architectural designs and size. Ceris, Penmynydd is a dormer bungalow with a low ridge of 7ft. The owners are finding it difficult to live at the property due to its size at present. Mr. Evans stated that only 2 properties have objected to the proposed development, 8 and 9 Lon Wennol, Llanfairpwll. Ceris’ back garden borders 9 Lon Wennol but it is separated by a boundary hedge of 9 ft. This planning application conforms to planning guidelines in respect of design and proximity issues. Mr. Evans further stated that he considered that there will be no loss of privacy to the neighbouring properties with the raising of the roof at Ceris as there is one bedroom window within the ridge at present.

The Development Control Manager stated that 2 letters of objections by the residents of 8 and 9 Lon y Wennol, Llanfairpwll had been received since the report completed by the Officers. The issues raised were the loss of light, overlooking,

design out of character and the effects of raising the roof at Ceris, Llanfairpwll. He considered that these factors had been the main issues the Planning Officers had considered whilst dealing with the application.

Councillor Lewis Davies proposed that the application be approved and Councillor Nicola Roberts seconded the proposal.

It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

12 REMAINDER OF APPLICATIONS

12.1 24C59H/RE – Full application for the erection of one 5kW wind turbine with a maximum hub height of up to 15m, rotor diameter of up to 5.6m and a maximum upright vertical tip height of up to 17.8m on land at Pen y Gogarth, Llaneilian

The application is presented to the Planning and Orders Committee as it has been decided that delegated powers will not be used in connection with wind turbine developments.

The Development Control Manager stated that whilst this is a small turbine, the nearest residential property is located only 45m away and the turbine would dominate the landscape and would be detrimental to the residents amenities. The location site is very near to an AONB area and it is considered that this would have a harmful effect on the landscape.

Councillor Lewis Davies proposed that the application be refused and Councillor R.O. Jones seconded the proposal.

It was RESOLVED to refuse the application in accordance with the Officer's recommendation for the reasons set out in the written report.

13 OTHER MATTERS

13.1 12LPA1003B/CC/MIN – Minor amendments to scheme previously approved under planning permission 12LPA1003/FR/CC at Townsend Bridge, Gallows Point, Beaumaris

The Development Control Manager reported that this application is a minor amendment to an application received for the flood alleviation works at Beaumaris which was approved by the Planning and Orders Committee on the 1st September, 2014. The proposed amendments were the taking down and removal of the top section of the existing sea wall to approximately 400mm below the existing footpath level. Stone removed from the existing wall to be re-used in reconstructing/increasing elevation of other sections, as original application. It was considered that the proposed alterations were deemed to be non-material and therefore be approved under Section 96A of the Town and Country Planning Act 1990.

It was RESOLVED to note the report for information.

13.2 16C48H – Full application for the retention of a concrete slab together with the erection of an agricultural shed to house livestock and for storage purposes on land at Ger y Bryn, Bryngwran

The Chair allowed this item as a late, urgent addition to the Agenda because it had been omitted in error from the original Agenda and that the applicant wanted a swift decision so as to make progress with his development.

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 3rd December, 2014 it was resolved to visit the site prior to making its determination. The site was visited on 17th December, 2014.

Councillor Bob Parry OBE, a Local Member stated that the applicant wishes to bring to the attention of the Committee the issues raised by his neighbour in objecting to this application. The applicant's land is more than 4 acres, he has livestock, there is no second septic tank installed at the property, there is an electric and water supply, there is no need for parking space near an agricultural shed. Councillor Parry stated that the applicant has built a concrete slab which is larger than had been permitted; the concrete slab should have been 10.2 metres but the slab is 12 metres wide. The reason for this was that the applicant wished to be able to put his tractor and trailer within the shed.

Councillor Parry further stated that the applicant wishes to note that he has already been given planning permission to erect a shed of 10.2 metres and did not agree that the development would be detrimental to the character of the area.

Councillor Lewis Davies proposed that the application be refused and Councillor R.O. Jones seconded the proposal.

It was RESOLVED to refuse the application in accordance with the Officer's recommendation for the reasons set out in the written report.

**COUNCILLOR W.T. HUGHES
CHAIR**

**COUNCILLOR ANN GRIFFITH
VICE-CHAIR IN THE CHAIR FOR ITEMS 7.2 & 7.3**