

# PLANNING AND ORDERS COMMITTEE

## Minutes of the meeting held on 1 March, 2017

- PRESENT:** Councillor Ann Griffith (Chair)  
Councillor Richard Owain Jones (Vice-Chair)
- Councillors Lewis Davies, Jeff Evans, John Griffith,  
Kenneth Hughes, Vaughan Hughes, Victor Hughes,  
Nicola Roberts
- IN ATTENDANCE:** Chief Planning Officer  
Planning Development Team Leader (MD)  
Planning Assistants  
Senior Engineer (Highways Development Control) (EDJ)  
Highways Officer (JAR)  
Committee Officer (ATH)
- Legal Officer (Mr Eric Owen, Barrister)
- APOLOGIES:** Councillors W.T.Hughes, Raymond Jones
- ALSO PRESENT:** Local Members: Councillors Richard Dew (Portfolio Member for  
Planning), Aled M. Jones (applications 7.3 and 7.4), H. Eifion Jones  
(application 7.5), R. Llewelyn Jones (application 13.1), Carwyn Jones,  
Llinos Medi Huws (applications 12.1, 12.7 and 12.8), Peter Rogers,  
Ieuan Williams (application 7.6)
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### 1. APOLOGIES

As noted above

### 2. DECLARATION OF INTEREST

Declarations of interest were made as follows:

Councillor John Griffith declared a prejudicial interest with regard to applications 7.2 and 7.6 on the agenda.

Councillor Richard Owain Jones declared a prejudicial interest with regard to application 7.3 on the agenda.

Councillor Jeff Evans declared a prejudicial interest with regard to application 12.2 on the agenda.

Mr J.Alwyn P.Rowlands, Highways Officer declared an interest with regard to application 7.7 on the agenda.

### 3. MINUTES OF THE 1<sup>ST</sup> FEBRUARY, 2017 MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 1<sup>st</sup> February, 2017 were presented and confirmed as correct.

### 4. SITE VISITS 15<sup>TH</sup> FEBRUARY, 2017

The minutes of the site visits undertaken on 15 February, 2017 were presented and confirmed as correct.

## 5. PUBLIC SPEAKER

The Chair announced that Public Speakers were registered to speak on applications 7.3, 7.4, 7.6, 7.7, 8.1, 12.1 and 12.4 on the agenda.

## 6. APPLICATIONS THAT WILL BE DEFERRED

### 6.1 25C242 – Application for the retention of pond together with drainage works at Tyn Cae, Coedana, Llanerchymedd

It was resolved to defer consideration of the application in accordance with the Officer's recommendation pending the receipt of further supporting details.

### 6.2 34C304K/1/EIA/ECON – Hybrid application applying for full planning permission for the creation of a new engineering centre, car parking, children's play area and associated works, and applying for outline planning permission with some matters reserved for a residential development of 153 dwellings, a hotel and food beverage facility along with associated car parking and works on land at Coleg Menai, College Road, Llangefni.

It was resolved that a site visit be undertaken in accordance with the Officer's recommendation due to the nature and scale of the application.

## 7. APPLICATIONS ARISING

### 7.1 15C30H/FR – Full application for change of use of agricultural land to extend the existing caravan park to site a further 14 touring caravans with the installation of a septic tank on land at Pen y Bont Farm Touring and Camping, Malltraeth

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

*Councillor Ann Griffith stood down as Chair of the Committee for the consideration of this application in order to speak as a Local Member. Councillor Richard Owain Jones, Vice-Chair took the Chair for the item.*

At its meeting held on 2 November, 2016, the Committee determined that a site visit should take place; the site was subsequently visited on 16<sup>th</sup> November, 2016. At its meeting held on 7<sup>th</sup> December, 2016, the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that it did not consider there to be a flood risk of a level such that the proposal could not be supported nor that the proposal would have a detrimental impact on the ecology of Malltraeth Marsh. At its meeting on 4<sup>th</sup> January, 2017, the Committee was advised that the Welsh Government had issued a holding direction on the application whilst Welsh Government Ministers considered whether or not they would call-in the application for determination. The Committee was informed at that meeting that it had two options, either to defer the application or to refuse it in accordance with the Officer's recommendation; the Committee resolved to defer the application until Welsh Government Ministers came to a decision on whether or not to call-in the application.

The Chief Planning Officer advised that that remains the position with it being open to the Committee at this meeting to defer the application or to refuse it in accordance with the Officer's recommendation.

Councillor Ann Griffith, speaking as a Local Member asked the Committee to again defer the application pending confirmation by Welsh Ministers as to whether or not they propose to call-in the application.

Councillor Kenneth Hughes proposed that the application be deferred and the proposal was seconded by Councillor John Griffith.

**It was resolved to defer the application for the reason given.**

### 7.2 17C226H – Full application for alterations and extensions to Gernant, Lôn Ganol, Llandegfan

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

At its meeting held on 1<sup>st</sup> February, 2017, the Committee resolved to approve the application contrary to the Officer's recommendation because it deemed the proposal would significantly improve the appearance of the existing dwelling and because it considered that Policy 55 of the Ynys Môn Local Plan supports such proposals.

*Having declared a prejudicial interest in this application, Councillor John Griffith withdrew from the meeting during the consideration and determination thereof.*

The Chief Planning Officer reported that in response to the reasons cited above for approving the application, it remains the Officer's view that the proposal does not comply with the spirit of Policy 55 of the Ynys Môn Local Plan nor Policy HP8 of the Stopped Unitary Development Plan as the amount of extensions that is proposed goes well beyond what could reasonably be described as minor external alterations as provided for by Policy 55. An extension to the original building has already been granted increasing the footprint up to 30%. The proposed extension amounts to 92.02 square metres. This would amount to a 111% increase on the original outbuilding, taking the overall extensions to 142% which far exceed the minor alterations supported by policy. As such the recommendation continues to be one of refusal.

Councillor Lewis Davies reiterated his support for the application as enhancing the appearance of the existing building, as having no adverse impact on residential amenities and as not being located in the AONB. If there was not a dwelling already in this location then he would not advocate erecting one anew but given there is an existing building on site he saw no reason not to support the proposal. He considered the application worthy of approval and he proposed that the Committee reaffirm its previous decision to approve the application. Councillor Jeff Evans was in concurrence and he seconded the proposal.

Councillor Victor Hughes agreed with the Officer's viewpoint in considering the proposal to be non-compliant with policy and although he sympathised with the applicant's situation, he felt that he could not support the proposal.

Councillor Richard Owain Jones said that he had been persuaded that the extensions as proposed under the application increase the footfall to an unacceptable degree such as to conflict with Policy 55 criteria; if this was an application for a new build then it would be refused. Consequently he thought the application could not be supported. Other similar proposals have been rejected in the past and in order to be fair, he took the Officer line on the application in believing it should not be permitted. He therefore proposed that the application be refused in line with the Officer's recommendation and the proposal was seconded by Councillor Nicola Roberts.

In the ensuing vote, Councillors Lewis Davies, Jeff Evans and Vaughan Hughes voted to reaffirm approval of the application contrary to the Officer's recommendation. Councillors Kenneth Hughes, Richard Owain Jones and Nicola Roberts voted to refuse the application in accordance with the Officer's recommendation. Councillor Victor Hughes abstained from voting. **The application was refused on the casting vote of the Chair.**

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

### **7.3 20C310B/EIA/RE – Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to Rhyd y Groes, Rhosgoch**

The application was reported to the Planning and Orders Committee as it is accompanied by an Environmental Impact Assessment.

*Having declared a prejudicial interest in this application, Councillor Richard Owain Jones withdrew from the meeting during the consideration and determination thereof.*

#### **Public Speakers**

Mr Roger Dobson (**against the proposal**) a resident of Cemaes, spoke on behalf of both the residents living adjacent to the development and also the Anglesey branch of the CPRW. He raised concerns regarding the application on the basis of archaeology, scale, loss of agricultural land, visual impact, impact on tourists, creeping industrialisation, the developer's behaviour and local opposition which he elaborated upon. The development is planned for an area rich in archaeological remains and an officer of Gwynedd Archaeological Planning Service (GAPS) has confirmed in a letter dated November, 2016 that work done to date has illustrated the existence of archaeological remains throughout the application. The development on the scale proposed will

entail the loss of good agricultural land that has been farmed successfully for generations. It would be far better to position solar panels on brownfield sites. Contrary to the applicant's claims, the proposal will have an impact on landscape and visual amenity and will affect nearby residential properties. The development will also be clearly visible from the A5025. It will also impact on important amenities such as footpaths and cycle routes. The creeping industrialisation will damage the environment for those who live in the area and jeopardise the important visitor market. Residents have been unhappy with the behaviour of the developer and consider that he has been insensitive to their needs. A well attended public meeting in Cemaes overwhelmingly opposed the application and this opposition is echoed by the six community councils of North Anglesey. Mr Dobson said that the people of North Anglesey do not want this development.

The Committee questioned Mr Dobson on issues of archaeology and on the developer's approach. The Committee noted that the proposal had received expressions of support including by organisations such as Friends of the Earth, the Farmers' Union of Wales and also by some local residents. Mr Dobson said that his impression of agency endorsement of the application is that it is more a generic support for the principle of solar power rather than particular support for this application. He pointed out that local residents are not themselves opposed to solar power in principle but do not support such a development in this situation or in this location because the effect on the community would be poor making it a negative proposal.

Mr John Dunlop, Managing Partner of Countryside Renewables (North Anglesey) Ltd (**for the proposal**) emphasised the merits of the proposal as one that is supported by the Energy Island Programme which will generate local electricity for local consumption sufficient to power 15,500 homes on the Island annually. The location was chosen because of its high levels of sunlight, nearby grid connection, inconspicuous location and low visual impact. The project will pay £6m in business rates over its lifetime with no financial burden on state funded infrastructure such as schools or health services. The developer has committed to providing voluntary community benefits of £300k to Ysgol Syr Thomas Jones, Amlwch and Ysgol Gynradd Cemaes. The construction of the project will provide local jobs in liaison with the North Wales Economic Ambitions Board. The overall proposal has been reduced in size to overcome landscape and archaeological concerns. Natural Resources Wales has concluded that the effect on the AONB and perceptions of the area's natural beauty would not be significant. In addition screening and planting will take place. The installation will be quiet during operation and any road damage will be made good. Tourism will not be affected and the land will remain in agricultural use for sheep grazing. This renewable energy development is a proposal that is entirely in keeping with national and local planning policies and has been assessed in detail over 12 months by the Council's Planning Officers who recommend approval.

The Committee sought clarification of Mr Dunlop and Mr Ben Lewis, Planning Consultant on a range of matters in connection with the proposed development including the continuation of sheep grazing on site; the developer's intentions as regards mitigating against damage to the highway and/or repairing damage where that has occurred; the extent to which employment opportunities generated by the development would be sourced locally; archaeological concerns and how these would be addressed; the visual impact on residential properties, and the impact on residents of the use of a single lane access route during the construction period which point had been raised in a letter of representation to the Planning Department; and the community benefit deriving from the proposal.

Mr John Dunlop and Mr Ben Lewis responded to the issues raised by the Committee by further clarifying both work to date and work proposed (subject to consent) with reference to the following -

- entering into a Section 59 agreement with the Highways Authority whereby the developer would agree to pay for any highways damage;
- the submission of an Outline Construction Traffic Management Plan - a detailed Plan would be presented and agreed with the Highways Authority if planning consent is given which would confirm traffic movement routes and times and how those will be controlled;
- ongoing dialogue with the Energy Island Programme with a view to working with the North Wales Economic Ambitions Board to ensure that wherever possible local employment opportunities are maximised;

- detailed archaeological evaluation work which was carried out as part of the application process including the submission of an EIA. A Written Scheme of Investigation has also been prepared and would be implemented before any development takes place on site;
- a detailed landscape and visual impact assessment along with a detailed study of potential impact on residential amenity which formed part of the application and as a result of which additional planting is proposed to provide the required screening;
- the developer will follow guidance issued by the National Farmers Union on sheep grazing at solar projects and will use his best efforts to address any issues that may arise on this point;
- the community benefit proposed is three times more than that paid by any other solar project in Wales on a pro rata basis. By giving it directly to the two schools it will give the local community more value than were it to be filtered via a community council.

Councillor Aled Morris Jones speaking as a Local Member said that he wished to ask the Committee to conduct a site visit which he said he had requested before the discussion had commenced. The Chair said that she was not aware of the request. Councillor Jones proceeded to say that while he recognised the Committee had visited the site previously in August, 2016 that visit did not include observing the development site from the property known as Buarth y Foel which is situated approximately a quarter to half a mile distance from the highway. This would afford the Committee a different perspective of the area and would allow Members to better appreciate the proximity of the proposal to the property and the height of the panels at 3m.

Councillor Kenneth Hughes proposed that the Committee re-visit the site given that it has been said at the meeting that the proposal will also use a farm road; it would therefore be appropriate for the Committee to investigate the potential impact on the occupiers of Buarth y Foel. Councillor Jeff Evans seconded the proposal.

The Chief Planning Officer advised the Committee that should it defer determining the application at today's meeting in order to re-visit the site then is it possible that an appeal on grounds of non-determination may be submitted.

The majority of the Committee's Members were in favour of conducting a site visit.

**It was resolved that a site visit be carried out in accordance with the request made by the Local Member for the reasons given.**

#### **7.4 20C313A – Full application for the erection of 14 affordable dwellings, construction of a new access and internal road together with the installation of a sewerage pumping station on land off Ffordd y Felin, Cemaes**

The application has been referred to the Planning and Orders Committee by a Local Member.

##### **Public Speakers**

Dr Thomas Conway (**Against the proposal**) expressed concerns regarding the proposed development on the grounds that it is situated the countryside; because of its social and environmental impact and its effect on local services; the potential it creates for further development of adjacent land; inaccuracies in the site layout drawings; flood risk; impact on trees, hedges and biodiversity in the area; the capacity of the Cemaes sewerage processing system to deal with the development; scale and density of the proposal in the context of the field area in which it will be sited; privacy, loss of light and amenity issues with regard to properties on Lôn Ysgubor and Lys Helyg, and the affordability of the so called affordable homes given that the purchase of the land involved an overage charge of 40% over 30 years for any residential development. Dr Conway said that the Community Council voted against the proposal and he suggested that developments of this nature would be better suited to the Island's three main employment areas in Holyhead, Llangefni and Amlwch rather than in a coastal village in the remotest part of Anglesey.

The Committee sought clarification of Dr Conway on the evidence for flooding and sought his view on the need for social housing in the area. The Committee also asked for clarification of what he meant by the overage charge and what it entailed and its implications in terms both of the affordability of the proposed dwellings and also the overall viability of the development.

Mr Rhys Davies (**for the proposal**) outlined the merits of the proposal in providing a much required supply of affordable homes the need for which is supported by a July, 2016 survey which indicated that 24 persons are waiting for rental properties in Cemaes. Although alternative sites have been looked at the proposed site is particularly suitable in planning terms in being adjacent to the settlement boundary of Cemaes and in close proximity to the school. The land has been identified as development land in the Local Plan and as such the developer could have waited until the adoption of the new Plan which might have given the land greater value making a development proposal with only 10% or 20% affordable housing possible. Instead there is firm and full application for 14 affordable units made up of a mix of bungalows and two storey dwellings to meet the requirements of those highlighted by the needs survey. Detailed work has been undertaken to address flood, drainage and surface water issues and improvements will also be made by way of an off-site footway which will provide pedestrian access to the village and school.

Councillor Aled Morris Jones spoke as a Local Member of his concerns regarding the application. While he recognised the need for affordable homes, he believed that the application site was not appropriate for the development as proposed because it lies fairly close to the bend in the road to Llanfechell opposite the school. It would generate additional traffic on what is already a busy road. The flooding risk is attested to and evidenced in the 140 page submission made by Dr Conway; the proposal gives rise to other residential amenity issues in the form of loss of privacy, loss of light and overlooking. The proposal represents overdevelopment and is unsuited to the site on which it is proposed it be located.

The Chief Planning Officer reported that since the publication of the Officer's written report, 6 additional letters of objection have been received giving a total of 15 letters of objection. The Officer's recommendation is to approve the application because the proposal can be supported in policy terms; access and drainage and highway arrangements are acceptable and it is not considered that the layout as proposed would result in undue harm to the amenities of nearby residential occupiers. The application has been accompanied by a Welsh Language Impact Assessment which concludes that there will be no resulting harm to the Welsh language. The proposal is considered acceptable as regards land use and location. Consent would be subject to the signing of a Section 1106 agreement to secure the units as affordable dwellings.

Having regard to the representations made, the Committee was persuaded that the merits of the application particularly in terms of its contribution towards the affordable housing needs of the area outweighed the points of objection raised. The Committee noted that there is policy justification for the development and that technical matters are deemed acceptable by the relevant statutory consultees. Councillor Victor Hughes said that he would like the Officers to consider a condition to provide appropriate screening to secure the privacy of the existing dwellings at the rear of those properties. The Chief Planning Officer confirmed that such a condition would be reasonable.

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

**It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein and the signing of a Section 106 Agreement securing the proposed units as an affordable type.**

#### **7.5 21C58H – Full application for the erection of 10 additional holiday units at Parc Eurach, Llandaniel Fab**

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

Councillor H.Eifion Jones, a Local Member summarised the planning history of the application site. The scheme was originally for 20 units but has been reduced to 10 under the current application. The site visit provided Members with the opportunity to see for themselves the narrow road and lack of pavement and bus route from the site to the village. There is a public footpath to the North of the site but this is muddy, narrow and unsuitable. The Community Council considered the application at a meeting last week and reiterated its objections to the proposal on the basis of inadequate infrastructure, additional traffic on the narrow road, lack of a footpath and pavement and because the site is unsustainable. The Community Council has concerns also that the proposal will have the effect of creating a village within a village to the detriment of the community

and will lead to use of the units as general housing. A traffic survey has been undertaken which shows the proposal to be within a 30mph zone, that the average speed is greater with some vehicles travelling at speeds of 50 to 60mph.

The Chief Planning Officer reported that the application was deferred at the previous meeting to allow the site to be visited and a traffic survey to be carried out. The latter has proved acceptable to the Highways Authority. A further letter of objection has been received from the Community Council which refers to the issues as conveyed by the Local Member; two additional letters of objection have been submitted by local residents taking the total to 30. There is also a solicitor's letter challenging the applicant on the use of the access; this is a private rather than a planning matter. Development Plan policies support high quality holiday accommodation provided there is no conflict with other policies or advice. It is the Officer's view that the proposed development will be located in a sustainable location not totally reliant on the use of private motor vehicles. With the improvements proposed by way of extensive planting, the development will be incorporated within the landscape. There are no technical issues outstanding and given the distances from nearby properties it is not considered the proposal will have an undue impact on the residential amenities of the occupiers of those properties. The recommendation is therefore to approve the application.

Some Members of the Committee raised concerns over the proposal which they saw as unacceptable development in the countryside especially as there seems to be general housing use of the original site. They noted the lack of a suitable footpath from the site to the village, and although there is an existing pathway the site visit showed this to be narrow and muddy and not fit for purpose for use with prams or wheelchairs. They further noted the potential effects of the proposal on the surrounding landscape and were concerned by the current sewerage arrangements and the capacity and reliability of the system to accommodate another 10 units. They considered that approving the proposal could also set a precedent for further development within an adjacent field.

Councillor Lewis Daves proposed that the application be refused contrary to the Officer's recommendation on account of the concerns above, and the proposal was seconded by Councillor Victor Hughes. Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Jeff Evans.

The Legal Officer advised the Committee that Welsh Water has indicated conditional approval and Natural Resources Wales have commented that there is adequate capacity in the sewerage infrastructure to accommodate the additional loading meaning that it is difficult to justify refusal on these grounds.

In the ensuing vote, Councillors Jeff Evans, Kenneth Hughes and Richard Owain Jones voted to approve the application and Councillors Lewis Davies, Victor Hughes, Vaughan Hughes and Nicola Roberts voted to refuse the application contrary to the Officer's recommendation. The vote to refuse the application was therefore carried.

**It was resolved to refuse the application contrary to the Officer's recommendation on the basis that it is considered the proposal constitutes overdevelopment in the countryside; due to the lack of a suitable footpath from the site to the village; concerns over potential road safety issues and concerns regarding the capacity of the sewerage infrastructure to accommodate the development.**

***(In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report in respect of the reasons given for refusing the application)***

#### **7.6 23C280F – Retrospective application for the an agricultural shed and milking parlour together with the construction of a slurry pit, two silos and associated development at Plas Llanfihangel, Capel Coch**

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

*Having declared a prejudicial interest in this application, Councillor John Griffith withdrew from the meeting during the consideration and determination thereof.*

#### **Public Speakers**

Mr Doug Sutton (**against the proposal**) spoke of concerns regarding the siting of development on high ground making it clearly visible from the highway and to the majority of properties in Capel Coch; its consequent effect on the landscape and the environment and on residents of the village. The development is even more conspicuous in the evening as a result of the strong lights coming from the shed and yard. He referred to the landscaping and planting scheme being insufficient to screen a development of this size and said that the proposal is contrary to policy which says that developments should be incorporated within the landscape and should not affect the surrounding environment. He said there were also concerns regarding the disposal of slurry and the potential for water pollution.

The Committee questioned Mr Sutton on his views with regard to this type of farming involving commercial milking which require large buildings and on the effects of the shed lights on nearby properties and the village. Mr Sutton said that he was aware that some farmers do support farming of this kind. However the point he was making was that there had been an opportunity to put the shed out of sight from the outset. Those objecting are not against farming; they live in the middle of it. Mr Sutton said that the development where it is situated does have an effect on the properties nearby and with the lights on it looks like a Stena ferry.

Mr Eurig Jones (**for the proposal**) spoke as the joint owner of Plas Llanfihangel Farm which was bought based on a business plan for establishing a milking farm. The milking system which is proposed aims to produce milk of standard in a cost-effective way, with the majority of the milk being produced from pasture. It is simple system which produces very little slurry because the cows are out to pasture for most of the year. New buildings are required because the current farm buildings are over 100 years old and unsuitable to the present needs of farming in terms of animal welfare, workers' health and safety and food hygiene standards. Mr Jones said that the location of the new buildings was restricted by conditions that were in existence prior to the purchase of the farm. A legal deed is in place which prohibits the erection of any new building within 300m of the wind turbines already on the farm. The new buildings are sited as close as possible to the present farm house and yard and as far away as practicably possible from the village of Capel Coch and the ancient church. The applicant has agreed with the Planning Department that a dense soil bund will be built and three rows of trees planted to mitigate the development's visual effects.

The application is supported by the Planning Department and complies with all planning policies; it is also supported by all the relevant statutory bodies. The proposal is in keeping with Welsh Government sustainable development policies in aiming to produce milk efficiently from natural sources with as little as possible use of concentrate; it will be powered by one of the existing wind turbines making it a low carbon development. It will create 3 full time posts. It involves significant investment in the farm which will spent locally on suppliers and contractors and will lead to annual expenditure of over £250k.

The Committee questioned Mr Eurig Jones on his reasons for choosing the present location for building a shed on this scale in the face of local opposition when there was ample room and land available within the farm to build it elsewhere, and for then proceeding irrespective of the planning application process.

Mr Jones clarified that the decision to proceed without permission was not taken lightly but was made in consideration of the animals' welfare. The November meeting of the Planning Committee was led to believe that a commercial agreement between the applicant and the owners of the wind turbines made it possible to negotiate to relocate the shed when that cannot be done because of a legal deed signed by the previous owner of the farm which is set in stone. Mr Jones said that the shed had been sited as close as possible to the yard so that when the new trees are planted they will combine with existing trees to mitigate the visual effects.

Councillor Ieuan Williams, a Local Member emphasised the importance of protecting the landscape and the environment and said that although the community understands the need for a shed for farming needs, the building needs to be in a place that does not affect the landscape. Agriculture is important to the local economy but so is protecting and preserving the landscape and the environment. He referred to the planning policies which he believed provided justification for refusing the application and he quoted in detail therefrom. A fundamental principle of planning policies is that a development should either seek to preserve the landscape and environment or else to improve them; the development in question does neither. There are more suitable and sensible sites on the farm on which the development could have been located and had the applicant discussed these with the owner of the wind turbine company, a solution might have been



reached. Councillor Williams said he thought that the fact the applicant has proceeded with the development contrary to policy and without permission could set a very dangerous precedent.

The Chief Planning Officer reported that since the publication of the report, Natural Resources Wales, CADW and GAPS have confirmed that they have no objections to the development. The Community Council opposes the development because it is visible in the landscape. Forty letters of objection have been received and the proposal has proved contentious locally. The application has to be considered on its individual merits and on the basis of land use; in light of this the Officer concludes that is acceptable. The principle of development for agricultural purposes is accepted within local and national planning policies. Although visible, it is the Officer's opinion that the development's visual effects will reduce over time and given the mitigation provided it will not create unacceptable changes to the landscape. The development is situated at sufficient distance from the nearest properties so as not to affect residential amenities and the arrangements for storing slurry meets the relevant requirements. On balance the development is considered acceptable to the Local Planning Authority.

There was difference of opinion among the Committee's Members with regard to the application. Those Members who opposed the development acknowledged agriculture as an important industry within the local economy but were concerned that the appropriate processes had been disregarded in this instance. They were of the view that the development in its current location does have a harmful effect on the landscape and on the visual appearance of the locality and surrounding environment; that the development could give rise to light pollution thereby affecting the amenities of others and that there is a potential for water pollution from the disposal of slurry.

Members who supported the application indicated that they appreciated that the needs of the animals had to be met in this instance which is why the applicant had acted as he did especially as he was aware that Planning Officers were minded to recommend approval of the application. They noted that structures such as this are a part of farming, there are larger structures in the countryside and mitigating measures are proposed to reduce the visual effects in this case.

Councillor Lewis Davies proposed that the application be refused contrary to the Officer's recommendation and the proposal was seconded by Councillor Victor Hughes. Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Jeff Evans. In the ensuing vote, Councillors Jeff Evans, Kenneth Hughes and Richard Owain Jones voted to approve the application. Councillors Lewis Davies, Vaughan Hughes, Victor Hughes and Nicola Roberts voted to refuse the application contrary to the Officer's recommendation. The vote to refuse the application was therefore carried.

**It was resolved to refuse the application contrary to the Officer's recommendation due to concerns about the proposal's effect on the landscape and surrounding environment, light pollution, effects on amenities and the risk of water pollution.**

***(In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report in respect of the reasons given for refusing the application)***

*The Legal Officer advised at this juncture that as the Committee had now been in session for three hours (Applications 7.3, 7.4, 7.6, 7.7 and 12.4, on the agenda having been considered under Item 5 – Public Speaking and application 13.1 having been brought forward in the order of business), under the provisions of paragraph 4.1.10 of the Council's Constitution, a resolution was required by the majority of those Members of the Committee present to agree to continue with the meeting. **It was resolved that the meeting should continue.***

#### **7.7 47C149 – Full application for part demolition of the existing school, change of use of school into an office (Class B1), the erection of 10 dwellings together with the creation of a new vehicular access at Ysgol Gynradd Llanddeusant, Llanddeusant**

The application is presented to the Planning and Orders Committee as it is made on land partly owned by the Council.

*Having declared an interest in the application, the Highways Officer withdrew from the meeting during the discussion and determination thereof.*

## Public Speaker

Mr Rhys Davies) (**for the proposal**) said that the scheme has been amended from 12 to 10 dwellings; since the last meeting, the applicant and Grwp Cynefin have met with the Community Council to discuss its concerns. An outline application for 8 dwellings exists on the site under which it was proposed the school building be demolished; this was a cause of concern for the Community Council as the building was considered to be a building of character within the village. Under the current scheme the school building would be retained and converted into an office for a local company while the more modern extensions to it would be demolished. It is understood that the Community Council does not object to the principle of 10 dwellings on the site. Highways Officers have looked closely at the proposed access regarding which the Community Council has raised questions and the scheme of access has been changed to overcome concerns. The applicant had given assurance to the Community Council that a green plot between the access road and the property next door will be landscaped to minimise any impact on the amenity of the occupiers of the property. Local concerns have been listened to and addressed; the proposal will bring some jobs to the area within the school building which will be preserved as well as providing affordable housing on a site where the principle of housing development is already clearly established.

The Committee questioned Mr Davies on the affordable housing commitment, and on access and landscaping issues.

Mr Davies confirmed that although Planning Policy requires that 30% of the units should be affordable housing and a Section 106 agreement will reflect this; all the 10 units proposed will be affordable properties. With regard to the access, the applicant has looked at where the public highway ends and has considered the condition proposed by Highways Officers and is confident that the necessary visibility splay can be achieved without encroaching on the garden of the next door property. As regards the properties whose gardens back onto the site at the other boundary, there is sufficient space within the gardens to safeguard privacy and the boundary with the development site will be fenced off.

The Chief Planning Officer reported that the Committee deferred determining the application at its February, 2017 meeting to obtain the further views of the Community Council on the need for housing in the village. The Community Council whose letter of representation forms part of the letters documentation to the Committee now accepts the part demolition of the school; it welcomes the proposed change of use of the school to an office; it conditionally accepts the proposal for 10 dwellings but has a query regarding the access as referred to above; it also requests that the site be landscaped prior to occupation. This can be satisfied by a condition on the planning consent. The Community Council confirms that it does not object to the development as long as these matters receive attention. The Officer's recommendation is one of approval subject to the signing of a Section 106 agreement which under current planning policy is only able to stipulate that 30% of the development be set aside for affordable housing. If the applicant is ready to offer a greater percentage or the whole of the development as affordable housing, then that is an additional benefit.

Councillor Kenneth Hughes proposed that the application be approved in accordance with the Officer's recommendation and the proposal was seconded by Councillor Lewis Davies.

**It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions therein and a Section 106 agreement on affordable housing.**

### **8. 45C84R/ECON – Full Application for the erection of a fridge building, function building and seminar building together with the construction of a vehicular access with customer parking, community parking, recreational space and demolition of outbuilding on land adjacent to The Marram Grass Café, White Lodge, Newborough**

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

*Councillor Ann Griffith stood down as Chair of the Committee for the consideration of this application in order to speak as a Local Member. Councillor Richard Owain Jones, Vice-Chair took the Chair for the item.*

Councillor Ann Griffith requested that the Committee undertake a site visit as she particularly wished Members to view the application site because it bridges the AONB and a special landscape area and because she wished them to see for themselves the potentially urbanising effect the proposal could have on the surrounding landscape as well as its possible impact on the character and appearance of the area and on residential amenities.

Councillor Lewis Davies proposed that the Committee visit the site and the proposal was seconded by Councillor John Griffith.

**It was resolved to undertake a site visit in accordance with the Local Member's request for the reasons given.**

## **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**

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

## **12. REMAINDER OF APPLICATIONS**

### **12.1 18C225B – Full application for the erection of a dwelling, the creation of an access together with the installation of a package treatment plant on land adjacent to Bron Castell, Llanfairynghornwy**

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

Councillor Llinos Medi Huws, a Local Member asked the Committee to carry out a site visit so that Members arrive at a better understanding of the application site within its context and relative to the village.

Councillor Kenneth Hughes proposed that the Committee visit the site and the proposal was seconded by Councillor John Griffith.

**It was resolved to undertake a site visit in accordance with the Local Member's request for the reason given.**

### **12.2 19C1198 – Full application for change of use of building from a pavilion into a café at Holyhead Park Pavilion, Holyhead**

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

*Councillor Jeff Evans declared a prejudicial interest in the application; he remained at the meeting.*

Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Lewis Davies.

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

### **12.3 29LPA1008F/CC/VAR – Application under Section 73 for the variation of condition (10) of planning permission reference 29LPA1008A/CC (erection of a new primary school) so as to allow some light from the site to spill over its boundary at Ysgol Rhyd y Llan, Llanfaethlu**

The application was presented to the Planning and Orders Committee because it is made by the Council.

The Chief Planning Officer reported that original condition (10) on the consent for the new school stipulated that any lighting scheme should be designed so that no light spillage occurs beyond the

boundaries of the site. However, it has not been possible to design a scheme that meets lighting safety requirements but which does not present some overspill into neighbouring land. A new lighting scheme has been designed which meets with the requirements of Environmental Health Officers but which does entail some overspill into nearby residential properties. The Environmental Health Officers have confirmed that the light levels are such that they will not create a nuisance within the area; in addition a strict management plan is proposed which will govern when the lights are in use and ensure that that is only when required. There are safety benefits to the light and the Officers are satisfied that the effects are not so great as to warrant refusal.

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

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

**12.4 38C324 – Outline application for the erection of a dwelling with all matters reserved on land at Alma Hall, Carreglefn**

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

The Chief Planning Officer drew the Committee's attention to the fact that the scheme drawing published as part of the agenda for the meeting was inaccurate. The Committee was shown a drawing of the correct scheme.

**Public Speaker**

Mr Sion Jones (**for the proposal**) spoke of his reasons for making the application as a local person born and raised in Carreglefn who had sought to gain a foothold on the property ladder but had failed because of property prices. His children had been re-located to Ysgol Rhosybol because the family now rents a property in the Amlwch area there being nothing suitable available in Carreglefn. The plot presents an opportunity to build anew which would enable the children to return to the local school and to family connections and support in Carreglefn. The proposal is a modest one being for a three bedroom cottage. Two letters of support have been sent from those residents likely to be most affected by the development with the only point raised being that of access on what is a private road.

Councillor Lewis Davies proposed that the site be visited by the Committee so that Members can view the proposal within its context and assess the development's proximity to other properties in the immediate vicinity and the possible impact that could result therefrom. The proposal was seconded by Councillor Nicola Roberts.

**It was resolved to undertake a site visit for the reasons given.**

**12.5 46C582/AD – Full application for the erection of an information sign at The Range Car Park, Penrhos Feilw, Holyhead**

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

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

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

**12.6 46C583/AD – Full application for the erection of an information board at Fishermen's Car Park, Penrhos Feilw, Holyhead**

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

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

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

**12.7 47C153 – Outline application for the erection of a dwelling with full details of the vehicular access and the installation of a package treatment plant together with the extension of the existing cemetery on land opposite Plas Newydd, Llanddeusant**

The application was presented to the Planning and Orders Committee as it has been called in for a Committee decision by a Local Member.

Councillor Llinos Medi Huws, a Local Member asked that the Committee visit the site so that Members can better assess the proposed development within its context and in relation to the cemetery and village.

Councillor Lewis Davies proposed that the site be visited and the proposal was seconded by Councillor John Griffith.

**It was resolved to resolved to undertake a site visit in accordance with the Local Member's request for the reason given.**

**12.8 47C154 – Outline application for the erection of a dwelling together with full details of the new vehicular access together with the installation of a package treatment plant on land opposite Plas Newydd, Llanddeusant.**

The application was presented to the Planning and Orders Committee as it has been called in for a Committee decision by a Local Member.

Councillor Llinos Medi Huws asked the Committee to visit the site so that Members can better assess the proposed development within its context and in relation to the cemetery and village. She said that additionally there is potential community benefit in the intention to offer land to improve the road and it would be advantageous for Members to see the road and the benefit that might derive from improving it.

Councillor Kenneth Hughes proposed that the site be visited and the proposal was seconded by Councillor John Griffith.

**It was resolved to resolved to undertake a site visit in accordance with the Local Member's request for the reasons given.**

**12.9 48C202 – Full application for the erection of a dwelling together with the construction of a vehicular access on land at Penrallt Bach, Gwalchmai**

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

Councillor Nicola Roberts proposed that the Committee visit the site to better assess the proposal and the access within context as well as its potential effects on the residential amenities of occupiers of nearby properties. The proposal was seconded by Councillor John Griffith.

**It was resolved to undertake a site visit for the reasons given.**

### **13. OTHER MATTERS**

**13.1 GTP/TVG01/2014 – Application to register land as a Town or Village Green (TVG) at Newry Beach and Greens, Holyhead**

The matter was reported to the Planning and Orders Committee as the Isle of Anglesey County Council is the Registration Authority for its area for the purposes of the Commons Act 2006. The Registration Authority is responsible for determining applications to register land as new town or village green (TVG) under the Act. Under the Council's Constitution, full Council has allocated the responsibility to determine TVG applications to the Planning and Orders Committee

The Legal Officer reported that the history of the application and how it has been dealt with is summarised in the Officer's report. As the law of TVG is specialised and complicated, Officers of the Isle of Anglesey County Council as the Registration Authority took advice from Mr Jeremy Pike, a barrister with expertise in the subject. On 31 March, 2016, Mr Pike provided written advice to the Registration Authority on the application, the objections made to it and the further

submissions received from the Applicant (the Waterfront Action Group) and principal objectors (Stena Line Ports Ltd. and Conygar Stena Line Limited). Mr Pike advised that the application did not make a prima facie case for registration. Mr Pike also advised that the Registration Authority should not determine the application until evidence and arguments had been heard on certain matters as detailed in his advice. In accepting the advice, Officers of the Registration Authority instructed Mr Pike to act as inspector at a non-statutory public inquiry into the application and then to prepare a report in light of the evidence presented with a recommendation as to how the Registration Authority should determine the application. The report by Mr Pike included as an appendix to the Head of Function's report, sets out the evidence presented at the public inquiry which was held between 3 and 7 October, 2016 at Holyhead Town Hall.

The report by Mr Pike concludes at paragraph 296 that "use of the land was "by right" and not "as of right" for the whole of the Relevant Period because the Council held it and made it available for such use, and because until 2007 the whole of the land was subject to Byelaws, which either caused any sports and pastimes on the Land to be unlawful rather than lawful, or alternatively when considered in conjunction with the lease to the Council gave rise to the grant of permission to the public use to the land." His recommendation therefore is that the land cannot be registered at this time and that the application must be rejected. The Officer recommends that Mr Pike's recommendation and conclusions should be accepted and that the Registration Authority should reject the application.

The Legal Officer informed the Committee that following the receipt of Mr Pike's report by the Council, Professor Emeritus Terence Looker on behalf of the Waterfront Action Group sent an e-mail on 23 February, 2017 to the Council's Legal Services Manager which included a statement for inclusion with the agenda papers for this meeting. On the same day, the Legal Services Manager distributed that report to Members of the Committee. The statement was also sent to the Solicitors for Conygar Stena Line Ltd; they confirmed in an e-mail dated 23 February that they had no comments to make other than to note that the statement by Professor Looker contained nothing relevant to the Council's consideration of the report resulting from the Public Inquiry. On 23 February also, the Legal Services Manager sent a copy of the statement from the Waterfront Action Group to Mr Jeremy Pike with the request that he let it be known if he considered that the statement in any way affected his report and recommendation. Mr Pike confirmed on the 28 February, 2017 that having considered the representation made along with the e-mail from the Objector's Solicitor, the applicant's further statement does not touch upon any matter within his report or its recommendation, and that there was nothing therefore that he needed to add to what is said in the report.

The Committee is invited to agree with the recommendation of the Officer's report for the reasons set out in the report to the Council by Mr Jeremy Pike, Barrister.

Councillor R. Llewelyn Jones spoke as a Local Member. He thanked the Council for holding the Public Inquiry which afforded the residents of the locality the opportunity to make known their sentiments with regard to the matter. The Inquiry demonstrated that Newry Beach and Greens are sacrosanct to the local community. Although disappointed with the outcome, the people of Holyhead look forward to working constructively with Conygar Stena Line Limited to improve the area and hope they will be have regard to local concerns.

**It was resolved that the Planning and Orders Committee acting on behalf of the Council as Registration Authority rejects application GTP/TVG/01/2014 to register land at Newry Beach and Greens, Holyhead in accordance with the Officer's recommendation for the reasons set out in the report by Mr Jeremy Pike, Barrister. (Councillor John Griffith abstained from voting)**

**Councillor Ann Griffith  
Chair**