

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 4 July, 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 Hughes, R.L. Owen,
Eric Roberts, Hefin W. Thomas
- IN ATTENDANCE:** Planning Development Manager (DFJ),
Planning Assistant (AH),
Planning Assistant.
- Senior Engineer (Development Control)(EJ).
- Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** Councillor Clive McGregor.
- ALSO PRESENT:** Local Members : Councillors A.M. Jones (for application 7.1);
Eric Jones (for application 12.4)
-

Members expressed concern that two vacant seats are on the Planning and Orders Committee. The Chair responded that he would discuss the matter with the Portfolio Holder for Planning.

1 APOLOGIES

Apologies as noted above.

2 DECLARATION OF INTEREST

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

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 6 June, 2012 were confirmed as a true record.

4 SITE VISITS

The minutes of the Site Visits held on 20 June, 2012 were confirmed.

5 PUBLIC SPEAKING

The Chair reported that there would be public speaking in respect of applications 7.1 and 12.4 on the agenda.

6 DEFERRED APPLICATIONS

6.1 39C291A/1 – Erection of a block of flats containing 6 no. 2 bed flats on land at Menai Quays, Water Street, Menai Bridge

It was reported that the site lies adjacent to the listed John Edwards Warehouse and the Victoria Hotel and it is inside the designated conservation area. It was considered that

Members will need to view the proposed development in this context in accord with statutory requirements in having special regard to the desirability of preserving the settings of the listed buildings and paying special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

ADDITIONAL ITEM – WITH THE CONSENT OF THE CHAIR

6.2 14C42J – Full application for the erection of a water treatment building, sludge thickeners, holding tank, construction of a site access road, erection of security fencing and associated landscaping at Cefni Water Treatment Works, Bodffordd

(The Chair agreed to this item as an urgent addition to the Agenda on account of the timescale in determining the application and the lack of a Committee meeting in August).

It was reported that the proposal includes the erection of plant and buildings required to improve water treatment in order to meet current standards. It is considered that Members will need to view the proposed development in its context.

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

7 APPLICATIONS ARISING

7.1 24C192D – Erection of a wind turbine with a maximum hub height of up to 15m, rotor diameter of up to 7.5m and maximum upright vertical tip height of up to 19m on land at Rhiwlas, Nebo, Penysarn

The application was referred to the Committee at the request of the Local Member as he has concerns regarding the effect on the environment and design of the turbine.

The Chair invited Miss Mairede Thomas to address the meeting in objection to the application. The main issues raised by Miss Thomas were :-

- The site is on elevated ground which is about 125 metres above sea level and is off a narrow, difficult to negotiate lane, that runs from Penysarn to Nebo and is just 250 metres from the AONB;
- There are a number of properties within 500 metres, including a Grade II Listed End Cottage at 300 metres and the nearest residence is 180 metres;
- The proposed wind turbine is two-thirds the size of the turbines at the windfarm in Rhosybol;
- The turbine is not a microgeneration size; if it was under 11 metres high to the tip of an upright blade, it could be installed under the Welsh Government's newly introduced permitted development order, which enables and encourages microgeneration;
- Microgeneration sized turbines do not have permitted development rights in the AONB, SSSI's and in other situations where they would harm historic settings, or be too close to neighbouring properties;
- The applicant has failed to provide information as required by this Council and there has been no community engagement;
- The site is too sensitive in the landscape for a turbine larger than a microgeneration scale turbine. It is also too close to residences for a turbine larger than would be permitted by the new statutory instrument which came into force on 18th June, 2012.
- The application is a departure from the Ynys Môn 1996 Local Plan and will have an unacceptable significant impact on landscape character and the standard of amenity enjoyed by the residents and tourist population.

The Chair invited Mr. John Lumsden to address the meeting on behalf of the applicant. The main issues raised by Mr. Lumsden were :-

- The Government are proposing a solution for lowering the CO² footprint by encouraging alternative energy. The Government has said that anybody with land and who are complying with planning polices, and who are willing to invest in green energy should be encouraged;

- The applicants have holiday cottages on the site where the turbine is proposed is to be located and are intending for the power generated to increase the efficiency of the heating of these dwellings;
- The anti wind turbines campaign on the Island at the moment seems to have migrated to no wind turbines in any location on the Island. This is not good for the Island since it has declared itself as an Energy Island;
- The applicant considers that they have complied with the statutory regulations in respect of consultation with the neighbouring properties. The applicant has moved the location of the turbine in response to neighbours concerns at the outset of this application;

Members questioned Mr. Lumsden if the applicant would consider moving the location of the proposed wind turbine to be nearer the farm which is in the ownership of the applicant. Mr. Lumsden responded that the applicant is open to suggestions by the Council to possible location of the wind turbine. However there is a balance to be considered as the maximum wind exposure is required and moving the turbine closer to the applicant farm would mean taking the turbine lower down the hill. A shorter turbine is now suggested in the location at the top of the hill.

The Local Member expressed that community engagement should have been completed before an application be submitted to the Planning and Orders Committee. The height of the proposed wind turbine is an issue in the locality together with concerns that an Area of Outstanding Beauty and listed building are near the site. He questioned if the 'shadow flicker' has been considered by the Planning Officers? The Planning Development Manager responded that the issues raised by the Local Member have been included in the Planning Officer's report to the Committee.

Councillor W.J. Chorlton expressed that he would support the application if the location of the wind turbine was moved nearer to the farm in the ownership of the applicant. He expressed that the size of the proposed wind turbine is a concern; the Isle of Anglesey is dependent on Tourism and the vast height of this turbine would be seen for miles.

Councillor K.P. Hughes expressed that he had a difference of opinion in respect of the location of the turbine. He noted that these turbines need to be located for the maximum wind source. Councillor Hughes proposed that the application be approved and Councillor W.T. Hughes seconded the proposal.

The voting was as follows :-

To approve the application, in accordance with the Officers recommendation : Councillors Jim Evans, K.P. Hughes, W.T. Hughes, J. Arwel Roberts. **Total 4**

To refuse the application, contrary to the Officers recommendation : Councillors W.J. Chorlton, E.G. Davies, R.A. Dew, R.L. Owen, Eric Roberts. **Total 5**

The reasons given for refusing the application was that Members believed the application would have a detrimental visual impact on the landscape.

It was RESOLVED to refuse the application contrary to the Officer's recommendation.

In accordance with 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.

(Councillor H.W. Thomas did not participate in the discussion or the voting in respect of the application as he had not been present on the site visit).

7.2 40C204G – Erection of a new holiday unit at Bryn Awelon, Llanallgo

The application was referred to the Committee for determination originally at its meeting on 4 April, 2012 at the request of the Local Members. Members visited the site on 16 May, 2012.

It was noted that the application was approved, contrary to the Officer's recommendation at the last meeting. The reasons for approving the application was that the proposal complies with Policy 8 CH2 of the Gwynedd Structure Plan. It was noted that after the 'cooling-off' period the Planning Officer still consider that the application be refused.

Councillor H.W. Thomas 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.

(Councillors W.J. Chorlton and Richard A. Dew did not participate in the discussion or the voting in respect of the application as they had not been present on the site visit).

7.3 41C103M – Full application for the erection of a temporary 40.5m high anemometer on land at Ty Gwyn, Penmynydd

The Planning Development Manager explained that the application was deferred at the last meeting as the Officer's report in response to the Committee refusing the application contrary to the Officer's recommendation at its meeting on 2 May deals only with the issue of visual impact and did not address concerns regarding effect on tourism. The Officer stated that the applicant has stated that he would appeal against any refusal notice issued.

Councillor Eric Jones, Local Member expressed that he hoped the Committee would reaffirm its decision to refuse the application due to strong local opposition to the application.

Councillor H.W. Thomas proposed to reaffirm the decision to refuse the application. Councillor Eric Roberts seconded the proposal of refusal.

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

(Councillors W.J. Chorlton and Richard A. Dew did not participate in the discussion or the voting in respect of the application as they had not been present on the site visit).

8 ECONOMIC APPLICATIONS

No Economic Applications submitted for determination.

9 AFFORDABLE HOUSING APPLICATIONS

No Affordable Housing Applications submitted for determination.

10 DEPARTURE APPLICATIONS

No Departure Applications submitted for determination.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

No Development Proposals submitted by Councillors and Officers submitted for determination.

12 REMAINDER OF APPLICATIONS

12.1 16C48G – Full application for the erection of an agricultural shed at Ger y Bryn, Bryngwran

The application was submitted to the Committee for consideration at the request of the Local Member.

It was noted that additional information has been submitted by the applicant and therefore the Officers will need to assess the supplementary information.

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

12.2 19LPA959/CC – Full application for the siting of a mobile classroom at Morswyn County Primary School, Cyttir Road, Holyhead

Councillor W.J. Chorlton declared an interest in this application and did not take part in the discussion or voting thereon.

The application was submitted to the Committee for consideration as it is submitted by and on behalf of the Council on Council owned land.

Councillor Hefin W. Thomas proposed that the application be approved and Councillor K.P. Hughes seconded the proposal.

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

12.3 34LPA164F/CC – Demolition of existing mobile classroom together with the erection of a new mobile classroom in its place at Ysgol Corn Hir, Llangefni

Councillor Richard A. Dew declared an interest in this application and did not take part in the discussion or voting thereon.

The application was submitted to the Committee for consideration as it is an application by the local authority.

Councillor Eric Roberts 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.

12.4 41C125C – Full application for the siting of a temporary 60m high anemometer on land at Bryn Eryr Uchaf, nr. Pentraeth

The application was submitted to the Committee for consideration at the request of the Local Member. The application is for the erection of a 60 metre high anemometer mast for a temporary period of up to 3 years.

The Chair invited Mr. John Emrys Williams to address the meeting in objection to the application. The main issues raised by Mr. Williams were :-

- People who do not live here have taken the opportunity to try to develop the area for their own gain. They are doing it with no regard for the community and in ways that breach the planning laws;
- The applicant has made no attempt to consult with the community;
- There is no identification of the environmentally sensitive area of wetlands. Any third party consultee looking at this application would not get a true picture of the site;
- The applicant does not contain all the necessary detail, and against the request of the case officer it does not contain any Landscape Visual Impact Assessment. This application would be thrown out by the courts;
- A large vertical structure of some 200ft high would have a significant adverse impact on the amenity of the area. It is sited in one of the most important tourist landscapes on the Island. As the application is for 3 years, the damage done to tourism in those years would be significant. Tourists would see this mast and would regretfully start looking for other holiday destinations;
- Other anemometers are proposed in the area. The Council should do its utmost to protect the remaining amenity on the Island from further damage;
- People know that these masts are put up as part of the planning process for wind turbines.

There were no questions for Mr. Williams from Members of the Committee.

The Chair invited Mr. Jonathan Cawley to address the meeting on behalf of the West Coast Energy Ltd representing the applicant. The main issues raised by Mr. Cawley were :-

- The anemometer is to gauge whether the location is appropriate;
- It was considered that the anemometer would entail the minimum inconvenience to the locality during construction as there is no road nor track to the site;
- It was considered that the visual impact on the landscape would be minimal and no noise nuisance would be experienced from the mast;

Members questioned why the anemometer would be located at the site for 3 years. Mr. Cawley responded that the application is for 3 years but it may only be necessary to locate the anemometer for a shorter period. Members questioned the total cost of erecting such an anemometer. Mr. Cawley responded that he did not have the exact figure to quote to the Committee.

Councillor Eric Jones, Local Member expressed that a meeting was convened in the Penmynydd area recently to oppose this application; a large amount of people attended the meeting. He noted that there is strong opposition in the locality for the erection of an anemometer in the area.

Councillor H.W. Thomas expressed that the voice and opinion of the local community should be listened to. He expressed that this anemometer is 60m high which is a vast height. Such a mast in this locality would be seen for miles, it is totally out of place in the area and would have a detrimental effect on the community.

Councillor K.P. Hughes expressed that concerns of the local community need to be heard but the planning policies must be adhered to.

Councillor H.W. Thomas proposed that the application be refused contrary to the Officer's recommendation. Councillor W.J. Chorlton seconded the proposal.

The voting was as follows :-

To refuse the application, contrary to the Officer's recommendation : Councillors W.J. Chorlton, E.G. Davies, R.A. Dew, Jim Evans, R.L. Owen, Eric Roberts, Hefin W. Thomas.

Total 7

The reasons given for refusing the application was that Members believed the application would have a visual impact on the landscape and environment and the size of the proposal.

It was RESOLVED to refuse the application contrary to the Officer's recommendation.

In accordance with 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.

12.5 41LPA916E/CC – Full application for the erection of an agricultural shed for the housing of cattle at Gwyndy, Penmynydd

The application was submitted to the Committee for consideration as it had been submitted by the Council on Council owned land.

Councillor R.L. Owen 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.

13 OTHER MATTERS

13.1 44C290A – Erection of 2 wind turbines with a maximum hub height of up to 29.6m, rotor diameter of up to 20m and a maximum upright vertical tip height of up to 39.6m on land at Bodneathior, Llandyfrydog

It was noted that the May Planning and Order Committee, resolved to delegate power to approve the above application to Officers. The report to the May meeting however stated that the intended delivery route could be dealt with via a planning condition requiring a traffic management plan. The details that were awaited and advertised as additional information were in fact a further residential amenity assessment. An objector to the planning application has noted this issue and the matter is being reported back to the Committee for clarification and to affirm that the local planning authority consider that the delivery route can in this instance be dealt with via a planning condition.

In advertising the additional information a number of the objectors were received raising issues which were referred to the Council's Legal Section for advice. The local planning authority requested an extension of time in the first instance until 4th July, 2012 to deal with these objections but the applicants have decided to submit an appeal against non-determination.

It was RESOLVED to note the report.

**COUNCILLOR J. ARWEL ROBERTS
CHAIR**